

Meeting Date
<b>August 18, 2015</b>



AGENDA	
Section	New Business
Item No.	VI.A.1.

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

SUBJECT:	Approval RE: Affidavit of No Objection for FLDEP Permitting for Dock Construction— District 5 (Fiscal Impact: None)
DEPT/OFFICE:	Public Works Department

Requested Action:

It is requested that the Board of County Commissioners approve the Resolution and authorize the Chairman to execute the Resolution and Affidavit of No Objection pertaining to Florida Department of Environmental Protection permitting and construction of a residential dock.

Summary Explanation & Background:

The property owner of 3000 Riverside Drive Indialantic (Dr. Steve Johnson) has requested a permit from Florida Department of Environmental Protection to replace the existing dock restoring it to new condition.

The previous and proposed location of the dock encroaches on a 25' setback from the riparian rights boundary of the permittee (Dr. Johnson) which is over water. In such cases, FLDEP requires the adjoining property owners to execute an Affidavit of No Objection. Brevard County is the adjoining property owner.

The dock is being constructed in the same location as the previous dock. The reconstructed dock and existing dock have the same footprint. Historically, the County has not had any complaints or concerns with the dock at the existing and proposed location. Thus, it is proposed that the BOCC approve the attached Resolution and Affidavit and authorize the Chair to execute both documents.

Fiscal Impact: FY 14/15/16 - None

Clerk to the Board Instructions: Return Board Memorandum with Executed Resolution and Affidavit of No Objection

Exhibits Attached: Resolution, Affidavit of No Objection

Contract /Agreement (If attached): Reviewed by County Attorney Yes  No  PR

County Manager

Assistant County Manager

Department Director / Extension

Stockton Whitten

Assistant County Manager

*John P. Denninghoff*  
 John P. Denninghoff / 57202



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972

August 19, 2015

**M E M O R A N D U M**

TO: John Denninghoff, Public Works Director

RE: Item VI.A.1., Resolution and Affidavit of No Objection for Florida Department of Environmental Protection (FDEP) of Permitting for Dock Construction

The Board of County Commissioners, in regular session on August 18, 2015, adopted Resolution No. 15-137 and Affidavit of No Objection pertaining to Florida Department of Environmental Protection permitting and construction of a residential dock. Enclosed are the Resolution and Affidavit of No Objection.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/kg

Encls. (2)

**RESOLUTION NO. 15- 137**

**A RESOLUTION AUTHORIZING THE EXECUTION OF  
AN AFFIDAVIT OF NO OBJECTION**

WHEREAS, Brevard County, Florida, a political subdivision of the State of Florida, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940, hereafter known as County, owns certain riparian rights as depicted in the attached Exhibit "A"; and

WHEREAS, the Property Owner of 3000 Riverside Drive Indialantic Florida wishes to have a replacement dock permitted and constructed; and

WHEREAS, Florida Department of Environmental Protection requires adjoining property owners to execute an Affidavit of No Objection (Exhibit "B") if the proposed activity is within 25 feet of the riparian rights boundary; and

WHEREAS, permitting and construction of the dock will not conflict with the County's use of the County's riparian rights.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the County hereby agrees to execute the Affidavit of No Objection pertaining to the permitting and reconstruction of the dock as depicted in Exhibit "A".

DONE ORDERED AND ADOPTED this 18 day of August 2015.

ATTEST:

By: 

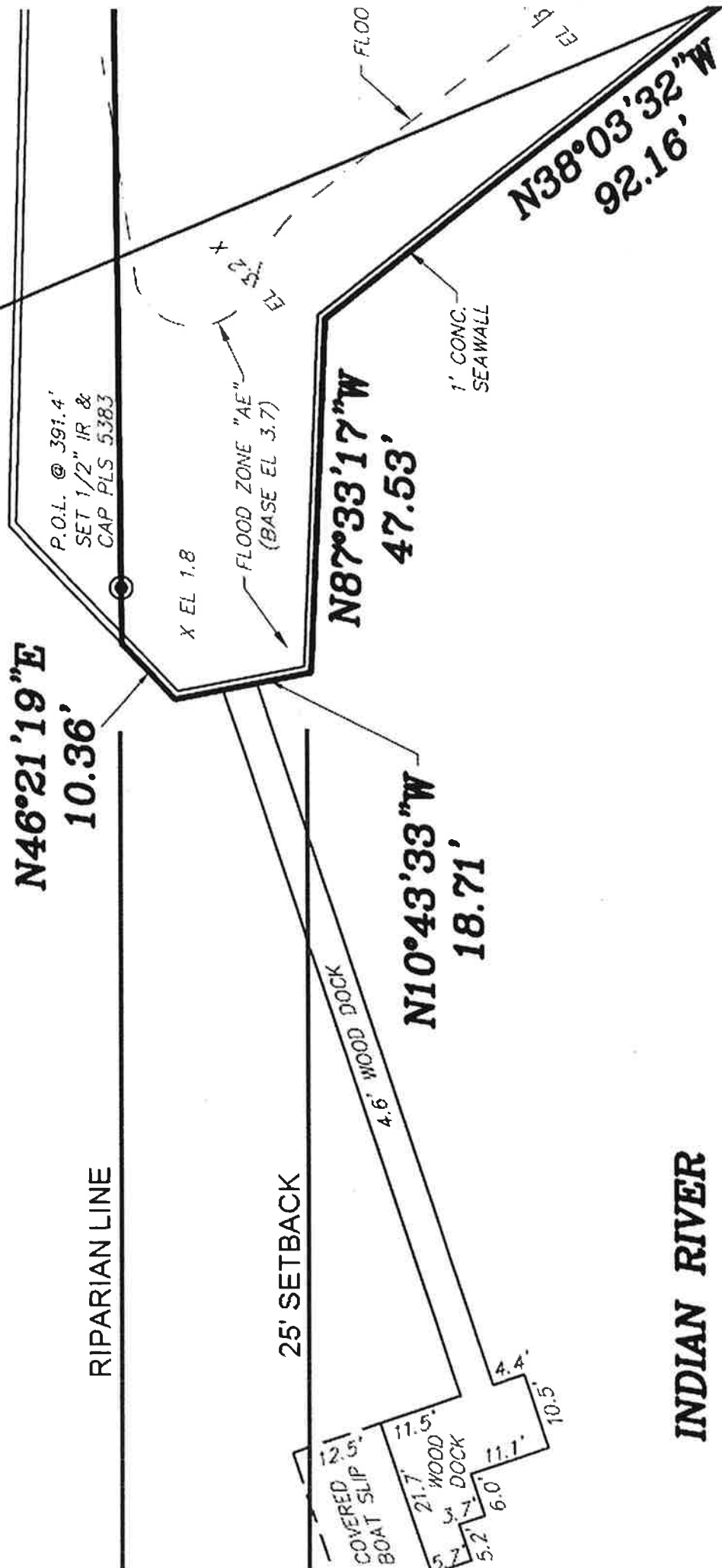
Scott Ellis, Clerk

BREVARD COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

By: 

Robin L. Fisher, Chairman

As approved by the Board on 8/18/15.  
Agenda Item VI.A.1



SET  
PLS

TO: Submerged Lands & Environmental Resources Program  
Department of Environmental Protection  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803

From: Brevard County  
Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

AFFIDAVIT OF NO OBJECTION

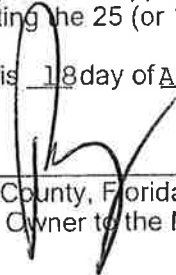
STATE OF FLORIDA  
COUNTY OF BREVARD

I have been advised that Section 18-21.004(3)(d), Florida Administrative Code, states:

"All structures and other activities must be set back a minimum of 25 feet from the applicant's riparian rights line. Marginal docks may be set back only 10 feet. There shall be no exceptions to the setbacks unless the applicant's shoreline frontage is less than 65 feet or a sworn affidavit of no objection is obtained from the affected adjacent upland riparian owner, or the proposed structure is a subaqueous utility line."

and, as adjacent upland riparian owner to the north of the facility covered under subject sovereign submerged lands application, has no objection to the structures/activities associated with the subject area not meeting the 25 (or 10) foot setback requirement.

Dated this 18 day of August, 2015

  
\_\_\_\_\_  
Brevard County, Florida  
Riparian Owner to the NORTH 3000 N. Riverside Dr., Indialantic, FL 32903