



## Interoffice Memorandum

**AGENDA ITEM**

July 8, 2022

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development  
Services Department

CONTACT PERSON: David D. Jones, P.E., CEP, Manager  
Environmental Protection Division  
(407) 836-1406

SUBJECT: August 9, 2022 — Consent Item  
Environmental Protection Commission Recommendation for  
Request for Variance for David and Erica Cerione After-the-  
Fact Dock Construction Permit Modification BD-21-05-077-  
MOD

The applicants, David and Erica Cerione, are requesting an after-the-fact dock construction permit modification with approval of a variance to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(a) (side setback). The project site is located at 14952 Porter Road, Winter Garden, FL 34787 (Parcel ID Number 28-23-27-8316-22-220) on Lake Hancock in District 1.

On July 28, 2021, the Environmental Protection Division (EPD) issued boat dock construction permit BD-21-05-077 to the applicants. In the permitted site plans, the side setbacks for the dock met the required minimum of 10 feet on either side. On March 16, 2022, EPD was notified by the Zoning Division that the applicants had applied for a zoning variance for side setback distance under application number VA-22-04-025. Included with that notification was the as-built survey for the dock which depicts the dock constructed at 1.8 feet from the eastern projected property line.

On March 22, 2022, EPD opened an enforcement case (#22-605616), and sent a Notice of Violation (NOV), which required that the applicants modify the dock to meet the original permitted setbacks or apply for an after-the-fact permit modification with a variance to side setback and pay a penalty of \$2,118.90 for the deviation from the permitted drawings and Code. EPD informed the applicants that if their permit modification and variance request were not approved, the boat dock would need to be removed and relocated to the permitted location.

On March 22, 2022, EPD received an after-the-fact request to modify the previously issued dock construction permit. The request was assigned permit modification number BD-21-05-077-MOD. Included with the request was an Application for Variance to Section 15-343(a) to keep the reduced side setback distance as constructed on the eastern side of the dock at 1.8 feet in lieu of the required 10-foot setback.

**After-the-Fact Variance Request – Side Setback**

Chapter 15, Article IX, Section 15-343(a) of the Code states, “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 applicants have a shoreline that measures approximately 62.39 linear feet at the Normal High Water Elevation, allowing for a minimum side setback distance of 10 feet. The applicants are requesting a side setback distance on the eastern side of the dock of 1.8 feet (8.2 feet closer than allowed by Code). On March 24, 2022, EPD received a Letter of No Objection (LONO) from the affected property owners to the east, Luke and Amy Pridgeon (14948 Porter Road), indicating they have no objection to the request.

Section 15-350(a)(1) *Variances* states, “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.”

Pursuant to Section 15-350(a)(1), “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 Section 15-350(a)(1)(1), the applicants' agent, Mr. Kyle Goonen, states, *“Property has several easements which are irregular in shape, including conservation and environmental swale easements. Property is pie shaped, narrowing from 66.5' at the witness line to 33.29' at the end of the property mark within Lake Hancock. A professional survey crew was hired to provide markers for the construction of the permitted dock. Based on the markers, the dock was built to the approved and permitted parameters of 10' side setback with neighbor consent. Post-construction, the as-built survey identified that the pre-construction team's markers were not in the appropriate place and the constructed dock, while still within the property boundaries, is actually between 1.8'-7.8' from the adjacent eastern property line. Enforcement of current zoning side setback requirements of 10' would deprive the property owner of their riparian rights of boating and enjoyment of the waterfront for an extended period of time since the current as-built dock would need to be removed entirely and rebuilt at great financial and time cost. Location of the current as-built dock is closer to property line than planned and permitted due to the fault of the professional survey team, not the property owner or dock contractor.”*

To address Section 15-350(a)(1)(2), the applicants' agent states, *“Dock does not encroach on surrounding property owners land or enjoyment rights and does not impede navigation of others on Lake Hancock. The eastern adjoining property owner has agreed in writing that this does not impact their property rights, their view of the water, nor navigation access. Due to lake bottom conditions in the area, the current as-built location is positioned to provide appropriate mooring depth. Additionally, with all the lots in the area also being pie shaped, the requested variance provides appropriate space for the western neighbor to build a future dock that would not impinge on boat slip access for either party.”*

### **Public Notification**

On April 21, 2022, Orange County sent Notices of Application for Variance to all shoreline property owners within a 300-foot radius of the property. Delivery could not be confirmed for two of the certified letters that were mailed. On May 6, 2022, EPD requested the applicants' agent, Mr. Goonen, to print the notice and either hand deliver or post the notice on the front doors of those two shoreline owners, and provide verification of posting to EPD. Copies of the notices signed by the two shoreline owners were provided by the applicants' agent on May 18, 2022, confirming hand delivery. The applicants and agent were sent notices on June 9, 2022 to inform them of the June 29, 2022 Environmental Protection Commission (EPC) meeting.

### **Objections**

No objections to the request have been received.

### **Enforcement Action**

Due to the failure to construct the dock according to the permitted plans, EPD initiated Enforcement Case No. 22-605616 and assessed a \$2,118.90 administrative penalty. The penalty amount was later reduced to \$919.90 due to the applicants' quick response to the NOV and their amicable cooperation in attempting to bring the property into compliance. The penalty was paid on June 7, 2022. Approval of the after-the-fact variance, or reconstruction of the dock to meet Code will bring the property into compliance.

### **EPD Staff Evaluation**

Staff has evaluated the after-the-fact variance request for compliance with the criteria for approval. The applicants have demonstrated that there will be no adverse effects from the proposed variance on abutting shoreline owners pursuant to Section 15-350(a)(1)(2), as no objections have been received and a LONO was provided from the affected adjacent property owner. The plans submitted with the original permit application indicated with a note that, "the platform will extend an additional 16' into the water from the NHWE Line", and that the platform would have a minimum side setback of 10 feet on both sides. The platform was placed somewhat northeast of the location indicated in the plans. As can be seen in the aerial photo and photos of the dock, there is dense littoral zone vegetation just south (landward) of where the dock was constructed. This vegetation, along with the pie-shaped lot which leads to the projected property lines converging into the water, limited the ability to locate the dock in a manner that would achieve the required side setbacks and provide adequate water depth for mooring. Therefore, it appears reasonable to conclude that the hardship is not self-imposed pursuant to Section 15-350(a)(1)(1). Accordingly, the recommendation of the Environmental Protection Officer is to approve the request for the after-the-fact variance to Chapter 15, Section 15-343(a) (side setback).

### **Environmental Protection Commission Public Hearing**

EPD presented the after-the-fact variance request in a public hearing before the EPC at their June 29, 2022 meeting. Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO, and recommended approval of the request for variance to Section 15-343(a) (side setback).

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August 9, 2022 – Consent Item

Environmental Protection Commission Recommendation for Request for Variance for David and Erica Cerione After-the-Fact Dock Construction Permit Modification BD-21-05-077-MOD

**ACTION REQUESTED:** Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the after-the-fact request for variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) to allow the dock to remain as constructed with a side setback distance of 1.8 feet in lieu of 10 feet from the eastern projected property line for the David and Erica Cerione Dock Construction Permit BD-21-05-077-MOD. District 1

JVW/DDJ: jk

Attachments

# After-the-Fact Request for Boat Dock Variance to Side Setback



## Dock Construction Application for After-the-Fact Variance (Side Setback) Permit No. BD-21-05-077-MOD District 1

**Applicants:** David and Erica Cerione

**Address:** 14952 Porter Rd.,  
Winter Garden, FL 34787

**Parcel ID No.** 28-23-27-8316-22-220

**Project Site**



**Property Location**



**Legal Description:**

LOT 22A, BLOCK V, SUMMERLAKE PD PHASE 2A AND 2B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 78, PAGES 72 THROUGH 77, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**FLOOD DISCLAIMER**

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, AE. THIS PROPERTY WAS FOUND IN ORANGE COUNTY, COMMUNITY NUMBER 120179, DATED 9/25/2005.

**CERTIFIED TO:**

### PRESTIGE DECK & DOCK

> The Purpose of this As-Built Survey is to show the As-Built Condition of the Dock Shown Hereon.  
> Additional Interior Improvements Not Shown Hereon. As they Fall outside the Scope of Work.

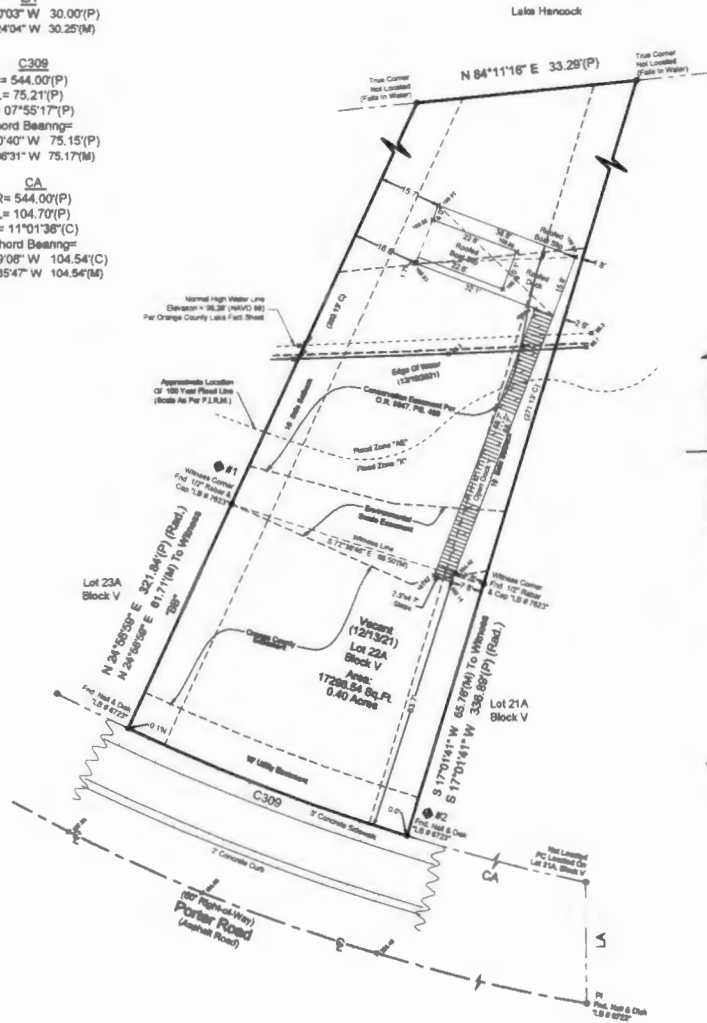
LA  
S 05°00'03" W 30.00'(P)  
S 00°24'04" W 30.25'(M)

C309

R= 544.00'(P)  
L= 75.21'(P)  
 $\Delta= 07^{\circ}55'17''$ (P)  
Chord Bearing=  
N 69°00'40" W 75.15'(P)  
N 69°06'31" W 75.17'(M)

CA

R = 544.00'(P)  
L = 104.70'(P)  
 $\Delta = 11^{\circ}01'38''$ (C)  
Chord Bearing =  
N 78°29'08" W 104.54'(C)  
N 78°35'47" W 104.54'(M)

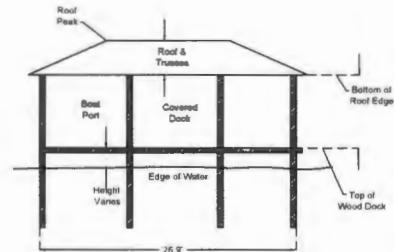


### Graphic Scale

0' 15' 30' 60'

Scale 1"=30'

Roofed Dock Detail  
Side View



Elevation Information for Dock:

Water Elevation: 98.6'  
Electrical Outlet: N/A  
Finished Floor Elevation of Roofed Dock: 100.02'  
Highest Point of Dock: 100.06'  
Lowest Elevation of Dock: 100.00'  
Highest Elevation of Roof Peak: 109.53'

**-Benchmark Information-**

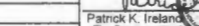
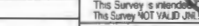
## Florida Department of Transportation Datum

(Elevations are based upon North American Vertical Datum 1988.)

## - Site Benchmark Information-

Find. 1/2" Iron Rod (40 Identification)  
Location: 118.14'

Frnd. Nail & Deck (LBR 6723)  
Elevation 109.00'

Field Date 12/10/21	Date Completed 12/11/21	<p align="center">-Notes-</p> <p>&gt;Survey is Based upon the Legal Description Supplied by Client.</p> <p>&gt;Abutting Properties Deeds have <b>NOT</b> been Researched for Gaps, Overlaps, and/or Mistake.</p> <p>&gt;Subject to any Easements and/or Restrictions of Record.</p> <p>&gt;Bearing Began shown hereon, is Assumed and Based upon the Line Denoted with a "B".</p> <p>&gt;Building Lines are <b>NOT</b> to be used to reconstruct Property Lines.</p> <p>&gt;Fence Ownership is <b>NOT</b> determined.</p> <p>&gt;Roof Overhangs, Underground Utilities and/or Posters have <b>NOT</b> been located <b>UNLESS</b> otherwise noted.</p> <p>&gt;Septic Tanks and/or Drainfield locations are approximate and <b>MUST</b> be verified by appropriate Utility Location Companies.</p> <p>&gt;Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Constructed to give Any Rights or Benefits to Anyone Other than those Carried Herein.</p> <p>&gt;Flood Zone Determination shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. The Determination may be affected by Flood Factors and/or other information <b>NEITHER</b> known by NOR given to this Surveying Company at the time of this Endeavor.</p> <p>&gt;Ireland &amp; Associates Surveying, Inc. and the signing surveyor assume <b>NO</b> Liability for the Accuracy of this Determination.</p>		<p align="center"><b>Revisions</b></p> <p>I hereby Certify that this Secondary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown. Based on Information furnished to Me as Noted and Conforms to the Standard of Practice for Land Surveying in the State of Florida in accordance with Chapter 12-1, 365 Florida Administrative Codes, Pursuant to Board Resolution 477-2021 Florida Statutes.</p> <p align="right"> Patrick K. Ireland, P.S. 68537      LB 75233 This Survey is Intended to be used as Said Certified Particulars. This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.</p> <p align="center"> <b>Ireland &amp; Associates Surveying, Inc.</b> 800 Century Circle, Suite 1020 Lake Mary, Florida 32748 <a href="http://www.irelandsurveying.com">www.irelandsurveying.com</a> Office-407.678.3366      Fax-407.320.8165</p>																																																																															
Drawn By: KKK	File Number IS-98606	<p align="center"><b>Legend-</b></p> <table><tr><td>C</td><td>- Contour</td><td>PC</td><td>- Point of Curvature</td></tr><tr><td>CB</td><td>- Concrete Block</td><td>Pg.</td><td>- Page</td></tr><tr><td>CM</td><td>- Concrete Monument</td><td>P.I.</td><td>- Point of Intersection</td></tr><tr><td>Conc.</td><td>- Concrete</td><td>P.O.B.</td><td>- Point of Beginning</td></tr><tr><td>D</td><td>- Drainage</td><td>P.O.L.</td><td>- Point on Line</td></tr><tr><td>DE</td><td>- Driveway Easement</td><td>PP</td><td>- Power Pole</td></tr><tr><td>F.E.M.A.</td><td>- Federal Emergency Management Agency</td><td>PR</td><td>- Permanent Reference Monument</td></tr><tr><td>FFE</td><td>- Fenced Property Elevation</td><td>PT</td><td>- Point of Tangency</td></tr><tr><td>Fwd</td><td>- Forward</td><td>R</td><td>- Radius</td></tr><tr><td>L</td><td>- Length (Arc)</td><td>R</td><td>- Right of Way</td></tr><tr><td>M</td><td>- Measured</td><td>RC</td><td>- Refer to Cap</td></tr><tr><td>M/L</td><td>- Match &amp; Check</td><td>R</td><td>- Recovered</td></tr><tr><td>NC</td><td>- Non-Record</td><td>R</td><td>- Roofed</td></tr><tr><td>NC</td><td>- Non-Record Book</td><td>S</td><td>- Set "X" Refer to Row</td></tr><tr><td>P</td><td>- Plat</td><td>S</td><td>- Set "X" Refer to Row</td></tr><tr><td>P</td><td>- Plat Book</td><td>T</td><td>- Typical</td></tr><tr><td>C</td><td>- Wood Fence</td><td>U</td><td>- Utility Easement</td></tr><tr><td></td><td></td><td>WM</td><td>- Water Meter</td></tr><tr><td></td><td></td><td>C</td><td>- Center (Central Angle)</td></tr><tr><td></td><td></td><td>C</td><td>- Chain Link Fence</td></tr></table>		C	- Contour	PC	- Point of Curvature	CB	- Concrete Block	Pg.	- Page	CM	- Concrete Monument	P.I.	- Point of Intersection	Conc.	- Concrete	P.O.B.	- Point of Beginning	D	- Drainage	P.O.L.	- Point on Line	DE	- Driveway Easement	PP	- Power Pole	F.E.M.A.	- Federal Emergency Management Agency	PR	- Permanent Reference Monument	FFE	- Fenced Property Elevation	PT	- Point of Tangency	Fwd	- Forward	R	- Radius	L	- Length (Arc)	R	- Right of Way	M	- Measured	RC	- Refer to Cap	M/L	- Match & Check	R	- Recovered	NC	- Non-Record	R	- Roofed	NC	- Non-Record Book	S	- Set "X" Refer to Row	P	- Plat	S	- Set "X" Refer to Row	P	- Plat Book	T	- Typical	C	- Wood Fence	U	- Utility Easement			WM	- Water Meter			C	- Center (Central Angle)			C	- Chain Link Fence
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## APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1))

Mail or Orange County Environmental Protection Division  
Deliver To: 3165 McCrory Place, Suite 200  
Orlando, Florida 32803  
(407) 836-1400, Fax (407) 836-1499

**\*\*Enclose a check for \$409.00 payable to The Board of County Commissioners\*\***

I Kyle Goonen on behalf of David Cerione (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-343 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):

Property has several easements which are irregular in shape, including conservation and environmental swale easements. Property is pie shaped, narrowing from 66.5' at the witness line to 33.29' at the end of the property mark within Lake Hancock. A professional survey crew was hired to provide markers for the construction of the permitted dock. Based on the markers, the dock was built to the approved and permitted parameters of 10' side setback with neighbor consent. Post-construction, the as-built survey identified that the pre-construction team's markers were not in the appropriate place and the constructed dock, while still within the property boundaries, is actually between 1.8'-7.8' from the adjacent eastern property line. Enforcement of current zoning side setback requirements of 10' would deprive the property owner of their riparian rights of boating and enjoyment of the waterfront for an extended period of time since the current as-built dock would need to be removed entirely and rebuilt at great financial and time cost. Location of the current as-built dock is closer to property line than planned and permitted due to the fault of the professional survey team, not the property owner or dock contractor.

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

Dock does not encroach on surrounding property owners land or enjoyment rights and does not impede navigation of others on Lake Hancock. The eastern adjoining property owner has agreed in writing that this does not impact their property rights, their view of the water, nor navigation access. Due to lake bottom conditions in the area, the current as-built location is positioned to provide appropriate mooring depth. Additionally, with all the lots in the area also being pie shaped, the requested variance provides appropriate space for the western neighbor to build a future dock that would not impinge on boat slip access for either party

### 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: Kyle Goonen

Signature of Applicant/Agent Kyle Goonen Date: 03/17/22

Corporate Title (if applicable): Owner - Prestige Deck & Dock





**AFFECTED ADJACENT PROPERTY OWNER  
NOTARIZED STATEMENT OF NO OBJECTION  
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST**

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code Section 15-343(b) states: "On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver which shall be reviewed by the environmental protection division. Waivers from side-setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver."

I, Amy Pridgeon, a legal property owner of property located at 14948 Porter Rd.  
(Adjacent Property Owner Name) (Address)

have reviewed the dock construction plans dated 01/05/2022, for the property located at  
14952 Porter Rd. Winter Garden 34787, and have no objections.

The dock construction plans include a side setback waiver request of 1.8' feet, in lieu of the minimum 25 feet required by Code.

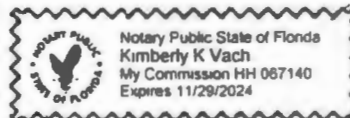
[Signature]  
(Signature - Adjacent Affected Property Owner)  
Amy C. Pridgeon  
(Print Name - Adjacent Affected Property Owner)

2/9/22  
(Date)

**ACKNOWLEDGEMENT:**

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 9<sup>TH</sup> day of 2022 by Kimberly K. Vach



(Signature of Notary Public - State of Florida)

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced \_\_\_\_\_









## ENVIRONMENTAL PROTECTION DIVISION

David D. Jones, P.E., CEP, Manager

3165 McCrory Place, Suite 200

Orlando, FL 32803

407 836 1400 • Fax 407 836 1499

www.ocfl.net

### ENVIRONMENTAL PROTECTION COMMISSION

Mark Ausley  
Chairman

Oscar Anderson  
Vice Chairman

Norman Blackburn

Billy Butterfield

Peter Fleck

R Alan Horn

Glenn Imbruglia

### ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION June 29, 2022

Applicants: David and Erica Cerione

Permit Application Number: BD-21-05-077-MOD

Location Address: 14952 Porter Road, Winter Garden, FL 34787

**RECOMMENDATION:** Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for after-the-fact variance is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1) and recommend approval of the request for the after-the-fact variance to 15-343(a) to allow the dock to remain as constructed with a side setback distance of 1.8 feet in lieu of 10 feet from the eastern projected property line for the David and Erica Cerione Dock Construction Permit BD-21-05-077-MOD, District I

✓ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS  
MADE THE FOLLOWING RECOMMENDATION:

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

*Mark Ausley*

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

*6-29-22*



## Environmental Protection Division

# DOCK CONSTRUCTION PERMIT

**Permit No.:** BD-21-05-077

**Date Issued:** July 28, 2021

**Date Expires:** July 28, 2022

### **A Permit Authorizing:**

The construction of a private residential boat dock not to exceed the measurements identified on the Environmental Protection Division (EPD) stamp on the plans dated as received by EPD on July 13, 2021.

EPD has evaluated the proposed activity and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article IX, Construction of Dock Construction Ordinance of Orange County, and is subject to the permit conditions provided on the following pages:

### **Activity Location:**

14952 Porter Road, Winter Garden, FL 34787

Parcel ID No.: 28-23-27-8316-22-220

Lake Hancock

Orange County Commission District: 1

### **Permittee(s) / Authorized Entity:**

David & Erica Cerione

c/o Kyle Goonen

Prestige Deck and Dock

Email: [kyle@prestigedekanddock.com](mailto:kyle@prestigedekanddock.com)

Orange County Environmental Protection Division  
3165 McCrory Place, Suite 200  
Orlando, Florida 32803  
407-836-1400 Fax: 407-836-1499  
[www.OCEPD.org](http://www.OCEPD.org)

**As the permit holder, you are responsible to ensure that all the conditions are met. If you are using a contractor to perform the activities authorized within the permit you are both responsible for meeting the conditions of your permit. If you fail to meet any of the conditions, you and/or your contractor may be subject to formal enforcement which may include administrative penalties.**

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 15-calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. The operational phase of this permit is effective upon the completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the construction plans ('Plan View' and 'Elevation View') submitted by Prestige Deck and Dock, received by EPD on July 13, 2021. Construction shall not exceed the measurements identified on the stamp on the plans. The permitted work must be completed within one year from the date of issuance of the permit. Requests for permit extension must be submitted to the EPD prior to the expiration date.
4. The minimum height of the deck must be one foot above the Normal High-Water Elevation (NHWE) of 96.28 feet above mean sea level (NAVD 1988) for Lake Hancock. The maximum height of the roof shall be no higher than 12 feet above the floor elevation.
5. The access walkway shall be elevated a minimum of three feet above ground over any wetland. Please be advised that the South Florida Water Management District (SFWMD) may have additional height requirements. Please contact SFWMD for information regarding additional walkway height requirements.
6. The dock must be constructed within the access corridor according to Chapter 15, Article VII. No access corridor is allowed through any conservation area and/or easement.
7. The structure and its use shall not significantly impede navigability in the waterbody.
8. There shall be no dredging or filling associated with construction of the structure(s) authorized herein, other than that required for installation of structural pilings.
9. Dock structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
10. The dock must be constructed to meander around native trees to minimize the impact. If any trees are removed (dead or alive), EPD must be notified immediately and a restoration plan must be submitted to EPD for approval. At a minimum, the plan must consist of native wetland plants on 2-foot centers and native wetland trees on 10-foot centers. The ratio will be at least 4:1 ratio for any trees that are removed.
11. If any fallen trees are located within the proposed dock location they may be cut in place and left within the wetland/conservation area. If trees must be removed only hand removal is permitted; no heavy equipment or machinery is permitted. Debris must be removed without displacing soils.

12. Unless expressly authorized by this permit and approved site plans, no floating platform structure (including, but not limited to, jet ski platforms) has been approved with the issuance of this permit. If, at any time, any addition to the terminal platform (including, but not limited to, a floating platform) is proposed, the permittee(s) or future owners of the property may be required to apply for, and obtain, a new Dock Construction Permit.
13. All excess lumber, scrap wood, trash, garbage, and similar construction materials shall be removed from the project area immediately.
14. The permit holder and/or designated agent must submit a notice of completion to EPD within 30 days of completion of the construction or repair of the permitted structure so that a compliance check may be performed by EPD staff. The permit holder and/or designated agent must provide as-built drawings on a final survey, signed and sealed by an appropriate professional licensed by the State of Florida, with the notice of completion. The signed and sealed as-built survey shall consist of an aerial view and a side view of the dock as well as any other information required to demonstrate compliance with the permit. The following items must be included on the survey:
  - a. North arrow;
  - b. Name of water body;
  - c. Reference point;
  - d. Setback distance from all portions of the boat dock;
  - e. NHWE;
  - f. Floor elevation (measured from the NHWE);
  - g. Roof elevation (measured from the top of the floor to the top of the roof);
  - h. Length of dock below the NHWE;
  - i. Access walkway width;
  - j. Conservation easements, wetlands, buffers, berm and swale/drainage easements;
  - k. Floor elevation of the dock through easements, wetlands or buffers;
  - l. Complete dimensions of the terminal platform.
15. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County Zoning Division (OCZD) at 201 South Rosalind Avenue for approval in order to obtain a building permit. For further information, please contact the OCZD at (407) 836-5525.
16. After approval by OCZD, the certified site plans will need to be reviewed by the Orange County Building Safety Division (OCBSD) in order to obtain a building permit. For further information, please contact the OCBSD at (407) 836-5550.
17. At least 48-hours prior to commencement of activity authorized by this permit, the permittee(s) shall submit to EPD, a Construction Notice indicating the actual start date and expected completion date.
18. The permittee(s) shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee(s) shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.

General Conditions:

19. Subject to the terms and conditions herein, the permittee(s) are hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee(s) binds themselves and/or their successor(s) to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
20. Prior to construction, the permittee(s) shall clearly designate the limits of construction on-site. The permittee(s) shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
21. The projected property lines, as identified on the stamped permit drawings, should be field staked by a professional land surveyor prior to the start of construction in order to be sure that the dock is constructed in the permitted location. Utilizing an adjacent boat dock or fence line is not sufficient for accurate placement of the dock, and may result in the placement of the dock in the wrong location. It is extremely important to build the dock in the approved location. Upon completion of construction, if an unauthorized encroachment into the required minimum setback occurs, you may be required to relocate the dock.
22. The permittee(s) shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee(s) shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
23. Issuance of this permit does not warrant in any way that the permittee(s) has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee(s). In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee(s) agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
24. This permit does not release the permittee(s) from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee(s) or create in the permittee(s) any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee(s), or convey any rights or privileges other than those specified in the permit and Chapter 15, Article IX of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee(s) shall comply with the most stringent conditions. The permittee(s) shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
25. The permittee(s) is hereby advised that Section 253.77 Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the



proposed use. Therefore, the permittee(s) is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

26. Should any other regulatory agency require changes to the permitted activities, the permittee(s) shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
27. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
28. The permittee(s) shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
29. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time ensure conformity with the plans and specifications approved by the permit.
30. The permittee(s) shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
31. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee(s).
32. The permittee(s) agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
33. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (F.A.C.). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters may occur due to the permitted activity. If site-specific conditions require additional measures, then the permittee(s) shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
34. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
35. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

If you should have any questions concerning this permit, please contact Katie Grablow at 407-836-1546 or [Katherine.Grablow@ocfl.net](mailto:Katherine.Grablow@ocfl.net).

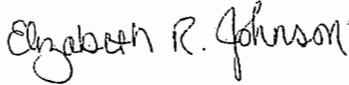
Project Manager:



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Katie Grablow, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



for

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David D. Jones, P.E., CEP, Environmental Protection Officer

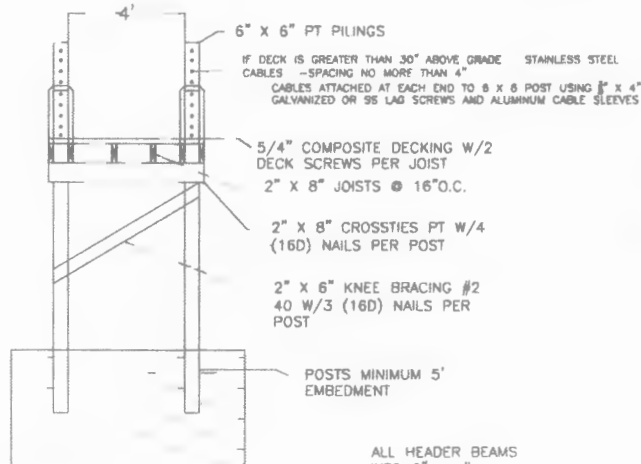
KGNT/TMH/ERJ/DJ/gfdjr

Attachments: Construction Notice  
Approved Construction Plans

c: David Cerione – [davidcerione@gmail.com](mailto:davidcerione@gmail.com)  
Lisa Prather – South Florida Water Management District – [lprather@sfwmd.gov](mailto:lprather@sfwmd.gov)

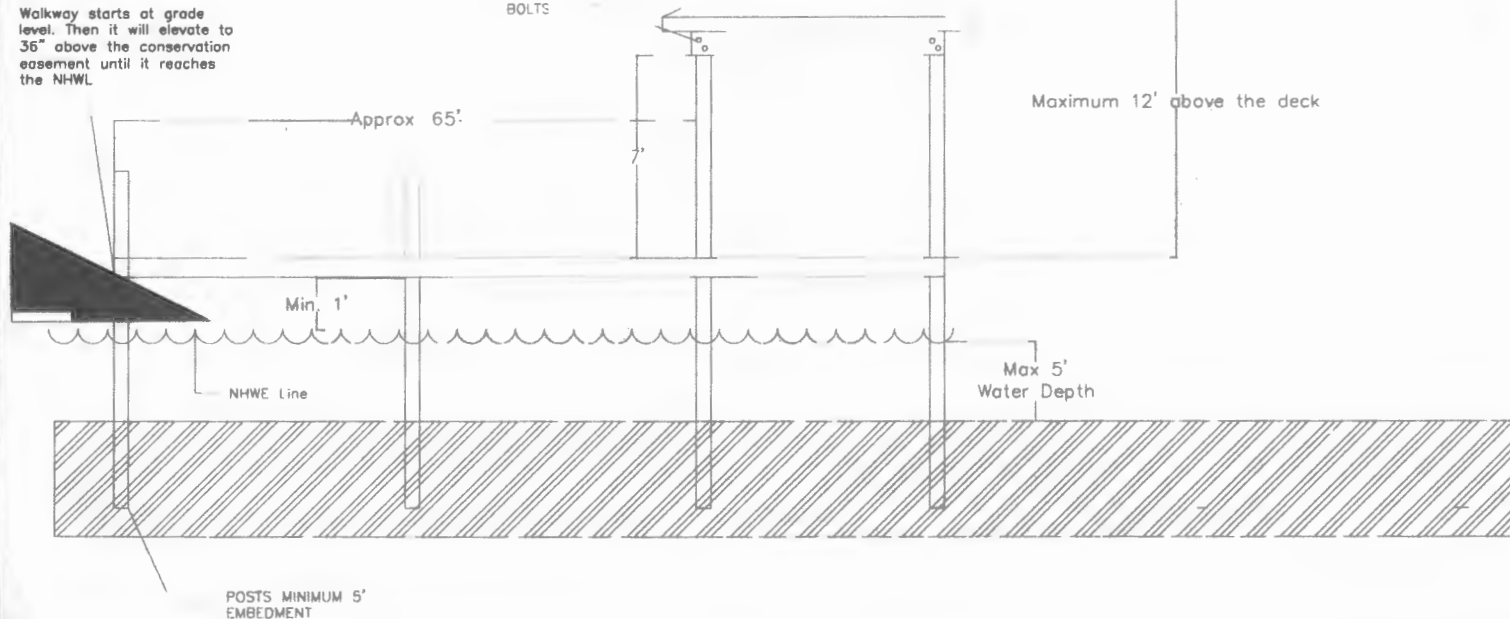
Drawn By: CM  
 Checked By: DW  
 Job Number: 15-005-01  
 Prepared for: K. Hovvitz  
 Scale: 1" = 30'  
 Plot Date: 10-05-15  
 Rev. Drawings: 11-18-15  
 Formboard Survey: 11-30-15  
 Final Survey: 03-29-16  
 Revision:

# WALKWAY RIP ION



ALL HEADER BEAMS INTO 6" POSTS W/2 - 3" 14" CARRIAGE BOLTS

Walkway starts at grade level. Then it will elevate to 36" above the conservation easement until it reaches the NHWL.



**received**  
7/13/2021

Approved By The  
Orange County  
Environmental Protection Division  
Date: 7/13/2021  
Reviewer: K. Grablow  
BD-21-05-077

Minimum Side Setbacks (1) 10 ft. & (2) 10 ft.  
Minimum Terminal Platform Size 1000 sq. ft.  
Maximum Water Depth at Terminal Platform 5 feet  
Maximum Roof Height Above Floor 12 feet  
Minimum Floor Height Above the NHWE 1 foot  
Minimum Floor Height Above Wetlands 3 feet  
Maximum Width of Walkway 5 feet

"In addition to public regulations which Orange County enforces, be advised that there may be other private restrictions or approval requirements that will affect your ability to complete this project. Please review your deed restrictions and/or consult with your Homeowners Association or Architectural Review Board."

PRESTIGE DECK AND DOCK  
14952 Porter Rd.  
Winter Garden, FL 34787  
**ELEVATION VIEW**

For Name and Address:  
Engineer: Michele Lynn Pso  
MSc. - F. #47519  
4441 Virginia Road, Suite A8  
Orlando, Florida 32811  
Ph 407-354-1450  
Fax 407-354-1190  
Permittee: J. Lutha-Zelin No 3036  
www.m-l-pso.com

Project: 5/10/21  
Sheet: 5  
As Noted