

Summary of Waiver and Variance Requests, Environmental Protection Officer (EPO) Recommendation, and Environmental Protection Commission (EPC) Recommendations.

| Dock Feature | Code Allows | Waiver/Variance Request | Objection Received? | EPO Recommendation | EPC Recommendation |
|------------------------|--------------------|--------------------------------|----------------------------|---------------------------|---|
| Side Setback | 25 ft | 1.13 ft | Yes | Deny | Deny |
| Water Depth | 5 ft | 5.7 ft | Yes | Deny | Approve |
| Terminal Platform Size | 1,000 sq ft | 1,342 sq ft | Yes | Deny | Deny |
| Access Walkway Width | 5 ft | 5.79 ft | Yes | Deny | Approve |
| Board Spacing | 1/4" | 1/8" | Yes | Deny | Approve |
| More than One Dock | 1 Dock | 2 Docks | Yes | Deny | Approve with condition that second dock meets side setback. |
| Storage Lockers | Does not allow | 85 sq ft storage locker | Yes | Deny | Deny |

After-the-Fact Application for Dock Construction with Variances and Waiver



After-the-Fact Application for Dock Construction Permit with Request for Variances and Waiver BD-25-01-009 District #1

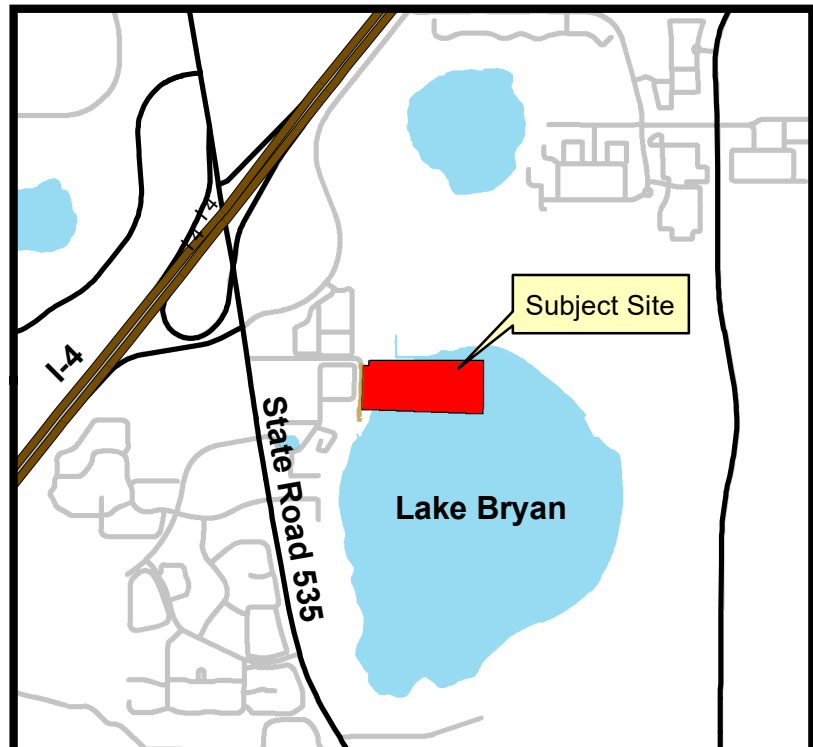
Applicant: Castleman Holdings, Inc.

Address: 13245 Lake Bryan Drive

Parcel ID: 27-24-28-4340-00-010

Project Site 

Property Location 

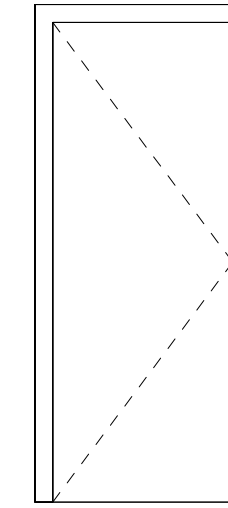


DOOR SCHEDULE

| DR # | ROOM NAME | DOOR LEAF | | | | | | FRAME | | | | | HARDWARE | | | | GLZ TYPE | FIRE RATING | REMARKS |
|------|--------------|-----------|-------|--------|--------|------|---------|---------|------|----------|----------|----------|----------|---------|---------|--|----------|-------------|---------|
| | | TYPE | WIDTH | HEIGHT | THK | MATL | FIN INT | FIN EXT | TYPE | HEAD DET | JAMB DET | SILL DET | SET | FIN INT | FIN EXT | | | | |
| 151 | COVERED DOCK | A | 30" | 80" | 1 3/4" | WD | PT | PT | WD | | | | | A | | | | | |

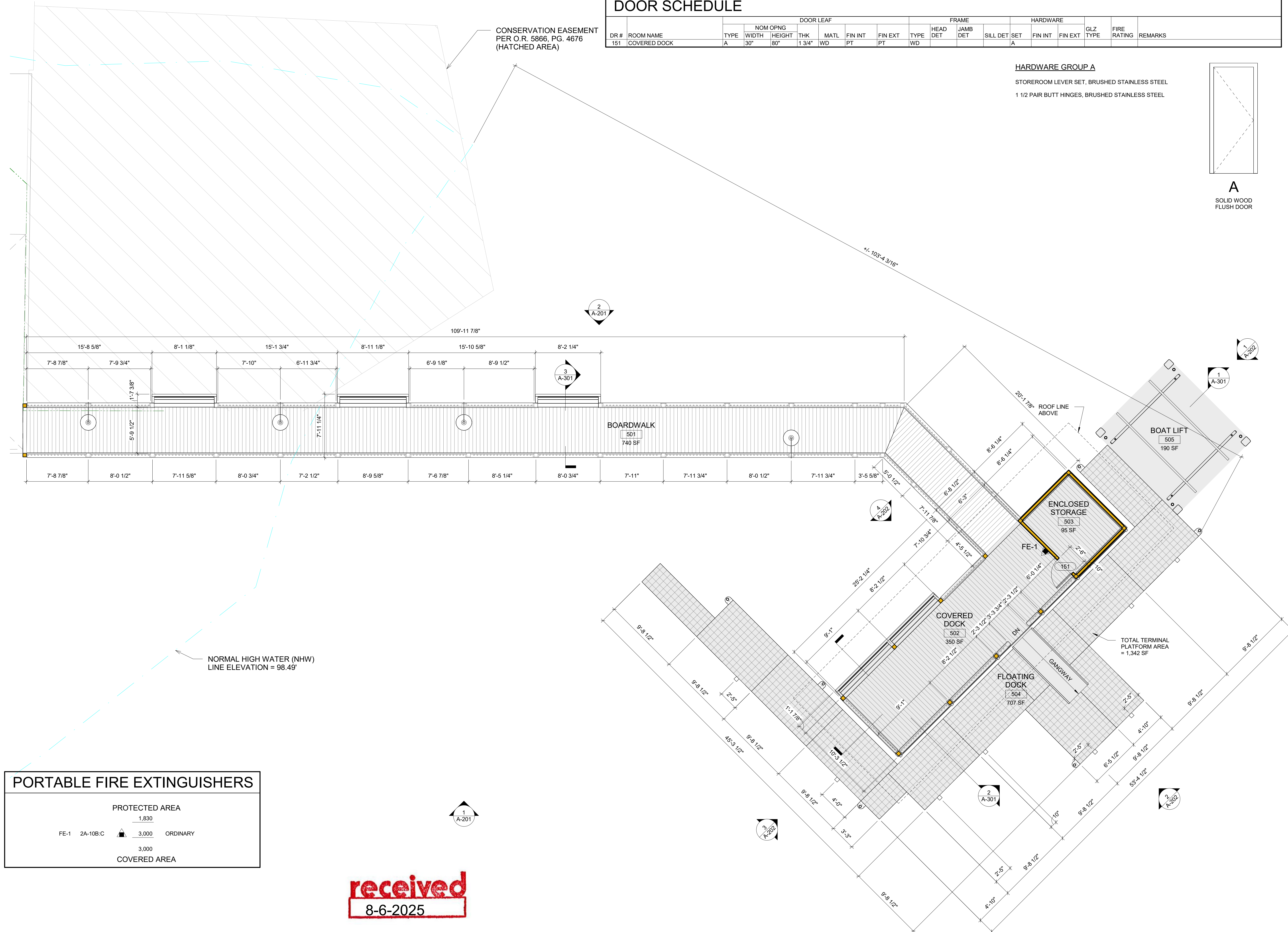
HARDWARE GROUP A

STOREROOM LEVER SET, BRUSHED STAINLESS STEEL
1 1/2 PAIR BUTT HINGES, BRUSHED STAINLESS STEEL



A
SOLID WOOD
FLUSH DOOR

CONSERVATION EASEMENT
PER O.R. 5866, PG. 4676
(HATCHED AREA)



PORTABLE FIRE EXTINGUISHERS

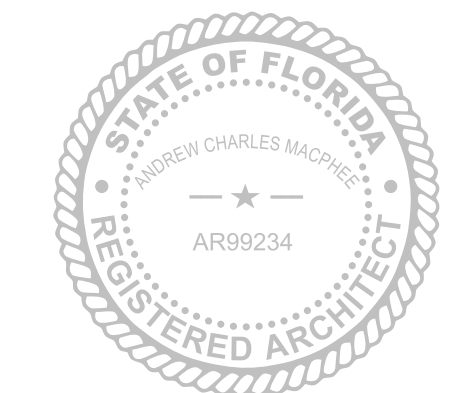
| PROTECTED AREA | | | |
|----------------|----------|-------|----------|
| 1,830 | | | |
| FE-1 | 2A-10B:C | 3,000 | ORDINARY |
| 3,000 | | | |
| COVERED AREA | | | |

received
8-6-2025

make

BOARDWALK & DOCK
13365 LAKE BRYAN DR
ORLANDO, FL 32821

Project No. MP001



Revisions

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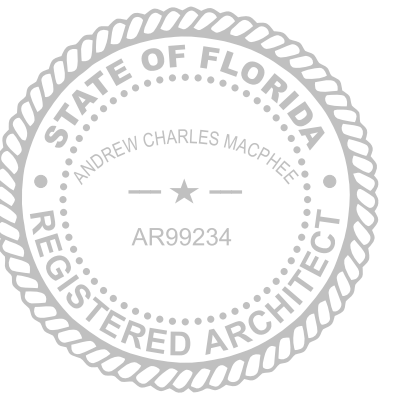
Scale As Indicated
BOARDWALK & DOCK
PLAN

Sheet No.

A-111



Project No. MP031



Revisions

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8-6-2025

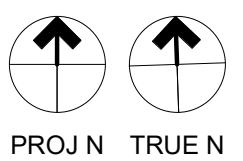
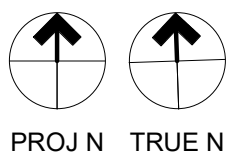
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| | |
|-------|---------------|
| scale | 3/16" = 1'-0" |
|-------|---------------|

FLOATING DOCK & BOAT SLIP PLAN & ROOF PLAN

Host No. _____

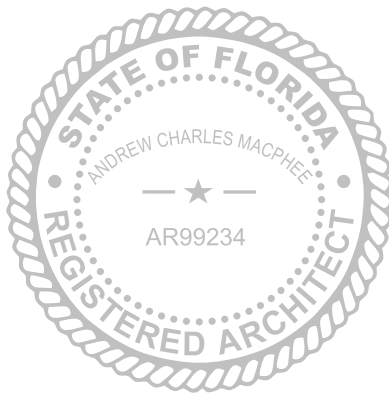
A-171



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8-6-2025

Project No.

MP001



Revisions

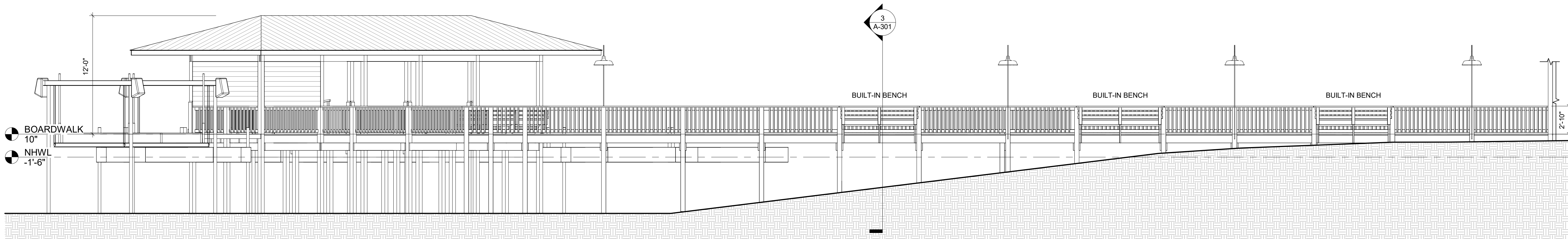
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Scale 3/16" = 1'-0"

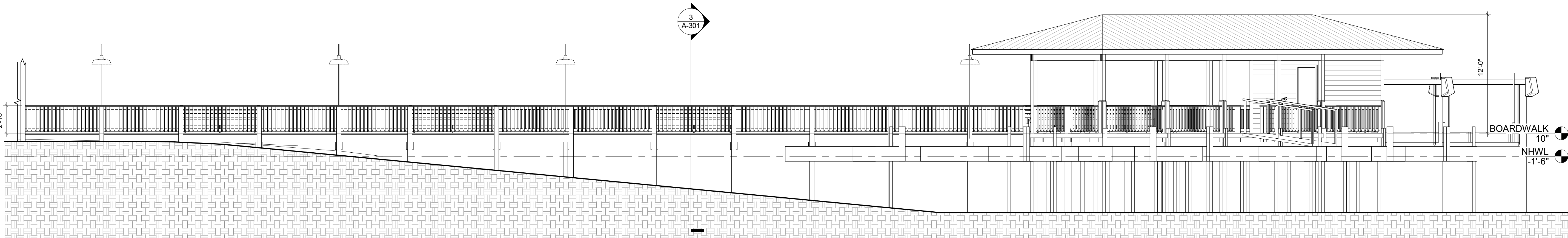
BOARDWALK & DOCK
ELEVATIONS

Sheet No.

A-201



2 BOARDWALK & DOCK - NORTH ELEVATION
3/16" = 1'-0"

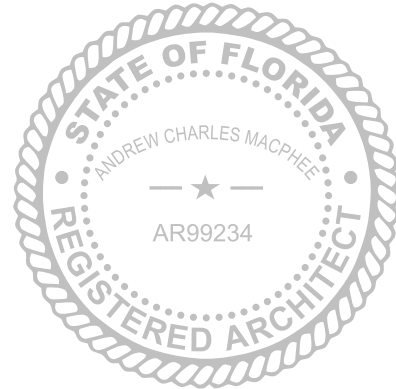


1 BOARDWALK & DOCK - SOUTH ELEVATION
3/16" = 1'-0"

received
8-6-2025

Project No.

MP001



Revisions

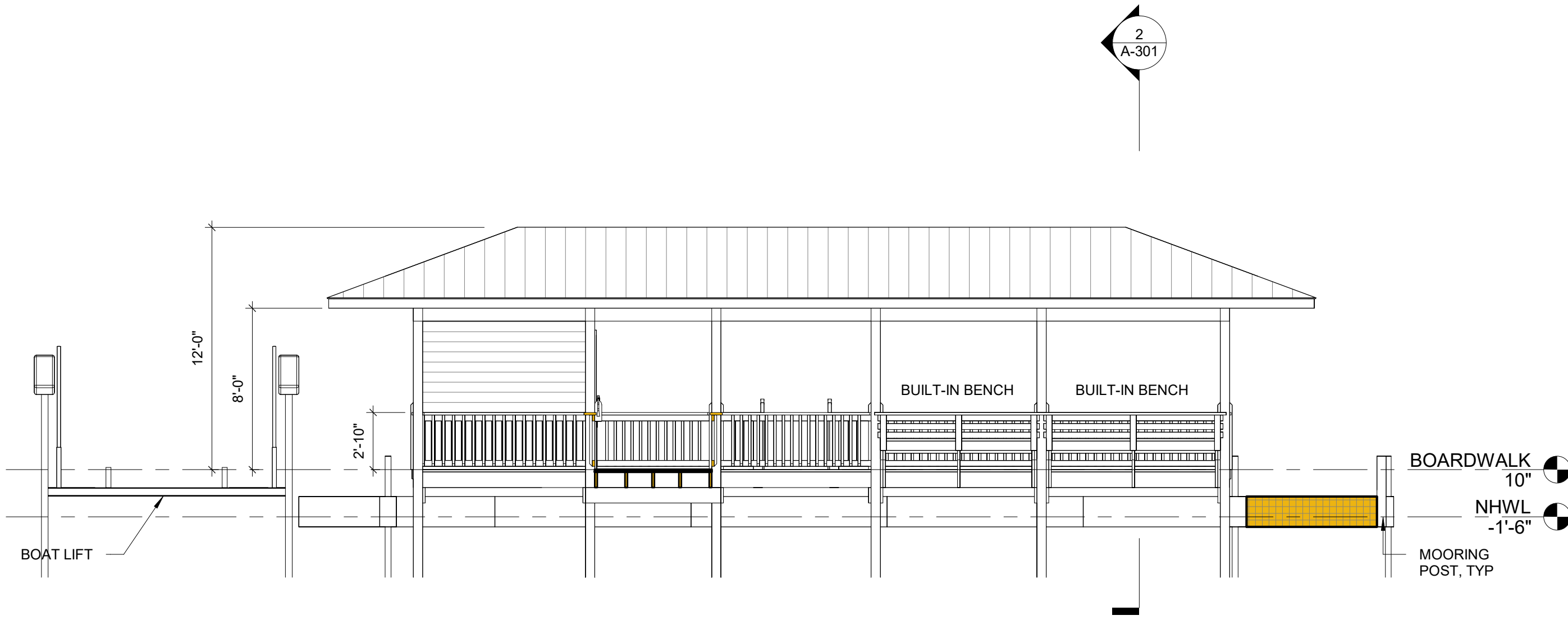
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Scale 3/16" = 1'-0"

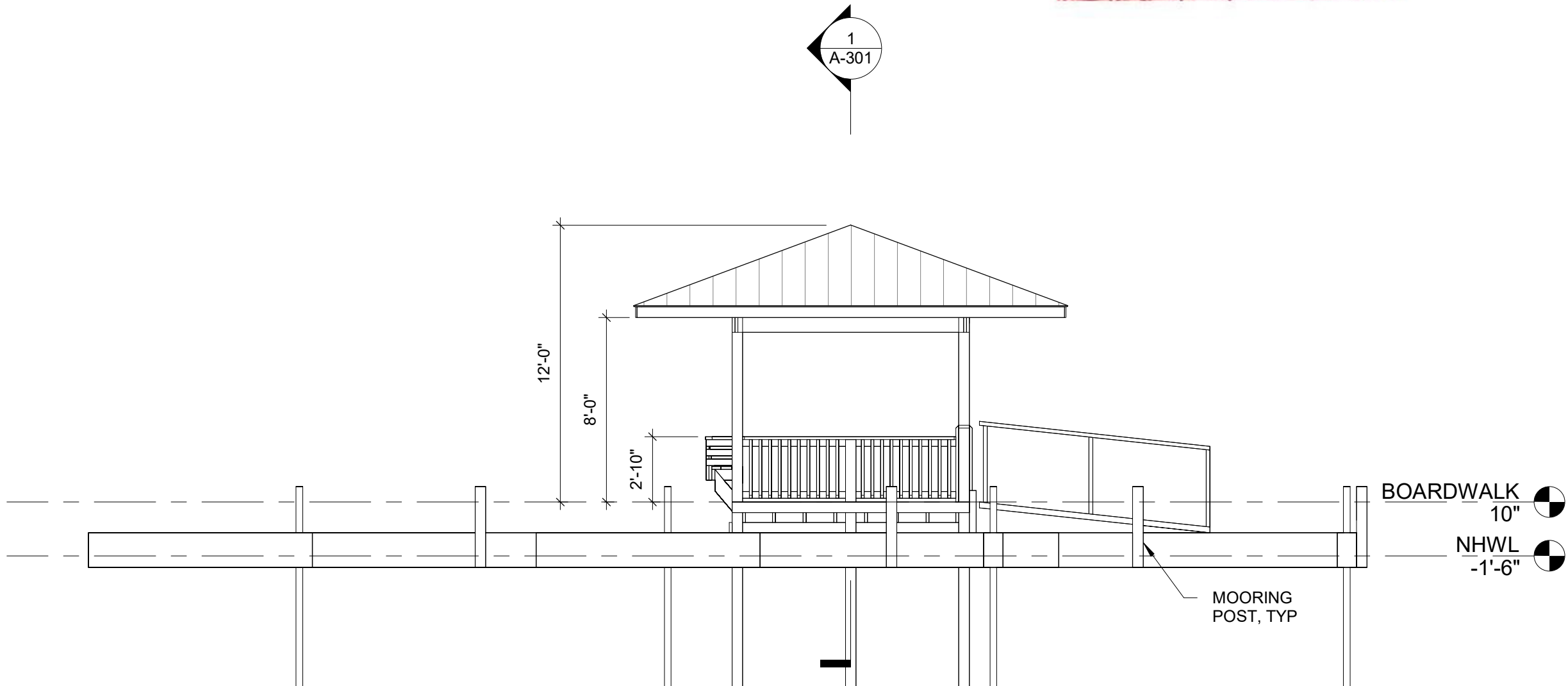
BOARDWALK & DOCK
ELEVATIONS

Sheet No.

A-202



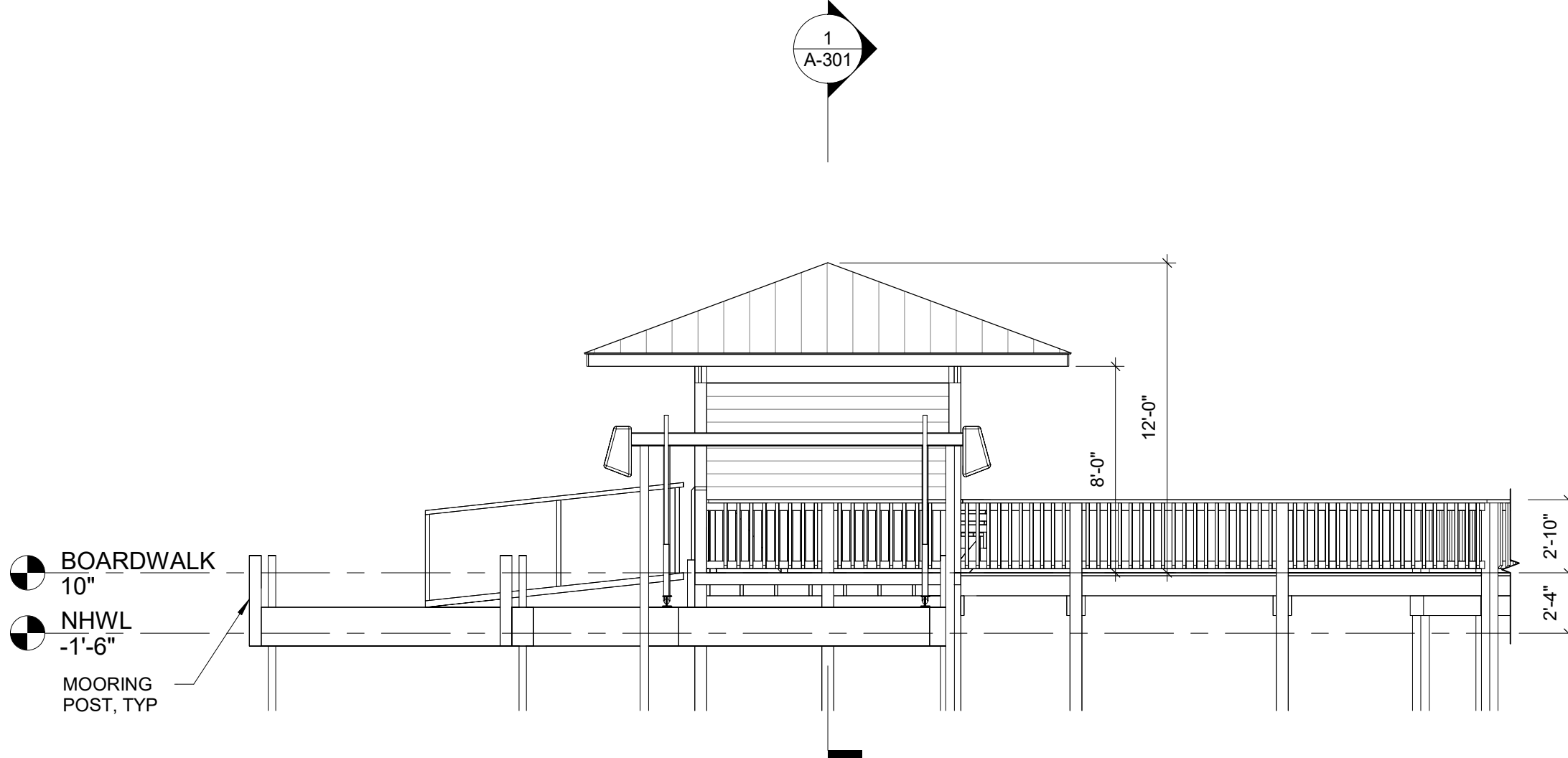
4 DOCK - NORTHWEST ELEVATION
3/16" = 1'-0"



3 DOCK - SOUTHWEST ELEVATION
3/16" = 1'-0"



2 DOCK - SOUTHEAST ELEVATION
3/16" = 1'-0"



1 DOCK - NORTHEAST ELEVATION
3/16" = 1'-0"







APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR WAIVER

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

Mail or Orange County Environmental Protection Division
Deliver To: WetlandPermitting@ocfl.net
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1402

I Andrew MacPhee on behalf of Castleman Holdings, Inc (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(e) am requesting a waiver to Section (choose and circle from the following: 15-343(a), 15-343(b), or 15-344(a)) of the Orange County Dock Construction Ordinance for the property located at 13249 Lake Bryan Drive, Orlando, FL 32821.

1. Describe how this waiver would not negatively impact the environment:

This waiver would allow for the construction of a dock, which, as a man-made structure, would have some impact on the environment. With that said, the canal dock has been designed to minimize disruption to natural habitats by avoiding sensitive areas. It is constructed with environmentally friendly materials to prevent water contamination and allows for the free movement of aquatic life beneath it.

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

The proposed waiver does not adversely affect the rights of other persons or other property owner's use of, and access to, the surface water or constitute a navigation hazard.

The Environmental Protection Officer, Environmental Protection Commission or the Board may require of the applicant information necessary to carry out the purposes of this article, pursuant to Section 15-350(e).

By signing and submitting this application form, I am applying for a waiver to the section indicated of 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 may be a violation of Article IX, Dock Construction Ordinance.

Name of Applicant: Andrew MacPhee

Signature of Applicant/Agent 

Date: 8/6/25

Corporate Title (if applicable): Director of Operations, Make Design Studios LLC



APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR VARIANCE

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

****Process fee: \$409.00 (administrative) or \$3,924 (if public hearing required)****

Mail or Orange County Environmental Protection Division
Deliver To: WetlandPermitting@ocfl.net
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1402

I Andrew MacPhee on behalf of Castleman Holdings, Inc (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a-d) am requesting a variance to the Orange County Dock Construction Ordinance for the property located at 13249 Lake Bryan Drive, Orlando, FL 32821.

1. Identify the section(s) of this article that the applicant seeks a variance for and the extent of the requested variance:
15-342(a)2, 15-342(a)(5), 15-342(a)(6), 15-342(a)(7), 15-342(a)(11), and 15-344(b) Please see attached for the extent of the requested variance.
2. Describe the impact of the requested variance on the surface water and the environment:
Please see attached for description of the impact of the requested variance on the surface water and the environment.
3. Explain the effect of the requested variance on any abutting or affected shoreline property owner(s):
Please see attached for explanation of the effect of the requested variance on any abutting or affected shoreline property owners.
4. Describe how strict compliance with the section(s) of this article would impose a unique, unreasonable, and unintended hardship on the applicant:
Please see attached for description of how strict compliance with the sections of this article would impose a unique, unreasonable, and unintended hardship on the applicant.
5. Explain why the hardship is not self-imposed:
Please see attached for explanation of why the hardship is not self-imposed.

Notice to the Applicant:

The Environmental Protection Officer, the Environmental Protection Commission, or the Board may require the applicant to provide additional information necessary to carry out the purposes of this section pursuant to 15-350(c):

A variance application may receive an approval or an approval with conditions if granting the variance: (1) would not negatively impact the surface water or the environment or if there is a negative impact, sufficient mitigation is proposed pursuant to paragraph 15-350(d), if appropriate; (2) would not be contrary to the public interest; (3) where, owing to special conditions, compliance with the provisions herein would impose a unique and substantial hardship on the applicant; (4) where the environmental protection officer has determined that the hardship is not self-imposed on the applicant; and (5) 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 representations in this application may be a violation of Article IX, Dock Construction Ordinance.

Name of Applicant: Andrew MacPhee

Signature of Applicant/Agent  Date: 8/6/25

Corporate Title (if applicable): Director of Operations, Make Design Studios LLC



Orange County Environmental Protection Division

3165 McCrory Place

Suite 200

Orlando, FL 32803

Date: 08.06.2025

RE: APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR VARIANCE RESPONSES

1. Identify the section(s) of this article that the applicant seeks a variance for and the extent of the requested variance:

- 15-342(a)(2): Variance to allow a water depth of five point 7 (5.7) feet for the main dock in lieu of five (5) feet of water depth.
- 15-342(a)(5): Variance to allow a terminal platform of one thousand three hundred forty-two (1,342) square feet for the main dock and six hundred seventy two (672) square feet for the canal dock in lieu of one thousand (1,000) square feet of terminal platform.
- 15-342(a)(6): Variance to allow an access walkway of eight (8) feet in width in lieu of five (5) feet in width.
- 15-342(a)(7): Variance to allow board spacing on the structure that does not ensure light penetration underneath in lieu of board spacing that ensures light penetration underneath.
- 15-342(a)(11): Variance to allow a second dock in the canal along the north property line in lieu of, generally, more than one (1) dock allowed per lot.
- 15-344(b): Variance to allow a storage locker on a public dock in lieu of storage lockers being prohibited on public docks.

2. Describe the impact of the requested variance on the surface water and the environment:

The impact of the requested variances on the surface water and the environment would be none or negligible.

3. Explain the effect of the requested variance on any abutting or affected shoreline property owner(s):

There will be no effect of the requested variances on any abutting or affected shoreline property owners. The owner of this property has a Sovereignty Submerged Lands Lease agreement with the State that includes a lake parcel allowing for the existing main boardwalk, covered dock, and floating dock configuration included in this application.

Per the PZC conditions for approval of the Paradise Cove Planned Development / Land Use Plan approved by the Board of County Commissioners on November 12, 2019, the owner is authorized to operate four (4) boats and twelve (12) jet skis at one time. Castleman Holdings, Inc f/k/a Water Sports Management Inc is registered with the Orange County Tax Collector as a Local Business and continues to operate within these approved conditions.

The configuration of the existing main boardwalk, covered dock, and floating dock are similar to other existing docks on Lake Bryan.

The configuration of the existing canal floating dock and covered boat slip is within the subject property and does not adversely affect the rights of other persons or other property owner's use of, and access to, the surface water or constitute a navigation hazard.

4. Describe how strict compliance with the section(s) of this article would impose a unique, unreasonable, and unintended hardship on the applicant:

15-342(a)(2): The existing main dock was constructed without a permit approximately twenty-five (25) years ago. However, it was built within the confines agreed to in the Owner's Sovereignty Submerged Lands Lease agreement with the State of Florida. The water depth at the time of construction cannot be confirmed. In order to strictly comply with this section, the existing covered dock and floating dock would need to be removed and rebuilt closure to the shoreline. This would impose an undue financial hardship, cause undue disturbance to the existing water and lake bed, and deprive the Owner of their full rights under the Sovereignty Submerged Lands Lease agreement.

15-342(a)(5): The existing main dock was constructed within the confines agreed to in the Owner's Sovereignty Submerged Lands Lease agreement with the State of Florida. In fact, the current configuration of the floating dock portion of the terminal platform is smaller than what is included in the lease agreement. The configuration of the main dock terminal platform accommodates the successful operation of the ski school, watersports rentals, and special guest experiences. The canal floating dock and covered boat slip provide "back-of-house" support for those activities. The Board of County Commissioners has authorized the Owner to operate four (4) boats and twelve (12) jet skis at one time. Strict compliance with this section would not allow for the proper mooring of the boats and jet skis the Owner is authorized to operate.

15-342(a)(6): The existing main dock access walkway is approximately one hundred thirty (130) feet long. Altering the width of the dock access walkway to comply with the prescribed width would necessitate removal and replacement of the entire boardwalk structure. This would greatly impact the nearby wetlands and waters owing to the dredging and/or filling required for the removal and installation of the thirty-three (33) pilings that are part of the structure.

15-342(a)(7): The owner operates a wedding business (d/b/a Paradise Cove) on this property. The dock serves as a critical venue amenity for the business, providing a unique launch point for bridal parties arriving to the ceremony location by boat or a picturesque setting for photographs. The board spacing has been kept tight to mitigate the liability of high-heeled shoes getting stuck in the gaps, but loose enough to allow for water drainage from the deck surface.

Reconfiguring the approximately one thousand one hundred and twenty-five (1,125) square feet of decking on the boardwalk and covered dock would be costly and create an undue hazard for guests.

The owner has contracted with an aquatic management consultant to monitor and address any environmental concerns related to the lake, including the dock. Please refer to the attached.

15-342(a)(11): This section notes that "generally" no more than one (1) dock is allowed per lot. The subject property currently comprises lots 1 through 10. As part of a current proposed land use plan for future development on this site, lots 1 through 11 have been aggregated into a single plat. Were these lots to remain separated, the

Owner could, conceivably, have 11 docks. It would be unreasonable to limit the Owner to one (1) dock given the number of lots included within the property, the size (15.95 acres) of the parcel, and the special conditions granted to the Owner by the Board of County Commissioners.

15-344(b): The owner operates a ski school on the property. The enclosed storage area on the covered dock is utilized as part of the ski school operations. This space is fully enclosed and locked at all times. Strict compliance with the section of this article would impose a hardship for the successful operation of the ski school.

5. Explain why the hardship is not self-imposed:

The hardships noted above are, in fact, self-imposed. With that said, the Owner is attempting to address all code compliance issues on the property by all means available. When these existing structures were built in the late 1990's, it was done so per the terms and conditions included in the Owner's lease agreement with the State of Florida. For over thirty (30) years, the Owner has been able to operate successful businesses utilizing these structures to serve the public and generate valuable tax revenue for the County.

Should you have any questions or concerns, please do not hesitate to contact me.



Andrew MacPhee, AIA
m 407.491.4134
e andy@makedesignstudios.com



JOSEPH A. KOVECSES, JR.

Of Counsel

joseph.kovecses@lowndes-law.com

215 North Eola Drive, Orlando, Florida 32801-2028

T: 407-418-6704 | F: 407-843-4444

MAIN NUMBER: 407-843-4600



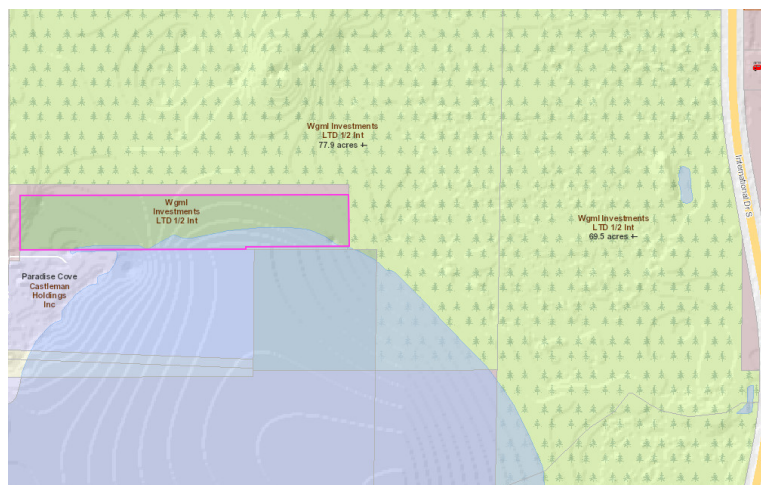
July 2, 2025

Orange County Environmental Protection Division
c/o Jason Root, Project Manager
3165 McCrory Place
Suite 200
Orlando, FL 32803
jason.root@ocfl.net

**Re: Objection to Project BD-25-01-009 Permit, Variance, and Waiver Requests
13245 Lake Bryan Drive, Orlando, FL 32821, Parcel ID 27-24-28-4340-00-010**

Dear Mr. Root:

My firm and I have the privilege of representing WGML Investments, Ltd. and PRN Real Estate & Investments, Ltd., the owners of approximately 172 acres of land along the north and east sides of Lake Bryan. I am writing this letter to convey my clients' objections to the after-the-fact dock permit application with its associated variance and waiver requests for the Paradise Cove property owned by Castleman Holdings, Inc. ("Applicant"), identified as Project BD-25-01-009. As shown below, Applicant's property is directly south of my clients' property.



Applicant's after-the-fact permit application includes seven variance requests associated with a primary dock on Lake Bryan and a set-back waiver request for a second dock in the canal between the properties. As measured by the Orange County Property Appraiser's mapping tool, as shown below, the primary dock is about 55 feet from my clients' property and the canal dock encroaches over the property line onto my clients' portion of the canal.



My clients find the unauthorized encroachment and the substantial number of variance requests unacceptable and believe approval of the variance or waiver requests would cause substantial harm to their interests by decreasing the value of their property and hindering future development.

Applicant does not satisfy the criteria to obtain a variance. To grant a variance, Code Sec. 15-350(c) requires, among other things, a finding that (1) granting the variance would not be contrary to the public interest, (2) not granting the variance would impose a unique and substantial hardship, and (3) that the hardship is not self-imposed by the Applicant. The common law of Florida also requires that a "prerequisite to the granting of a hardship zoning variance is the presence of an exceptional and unique hardship to the individual landowner, unique to that parcel and not shared by other property owners in the area." *Nance v. Town of Indialantic*, 419 So. 2d 1041, 1041 (Fla. 1982) (internal quotes omitted). Importantly, the "hardship cannot be self created." *Town of Ponce Inlet v. Rancourt*, 627 So. 2d 586, 588 (Fla. 5th DCA 1993). Also, the "hardship cannot be one of mere economic disadvantage." *Id.*

Applicant admits on page 3 of its variance application that the alleged hardships "are, in fact, self-imposed." Applicant's justification for continuing to operate the unpermitted and non-conforming dock is merely that it has done so for 30 years to its economic advantage. Thus, based on the County's Code

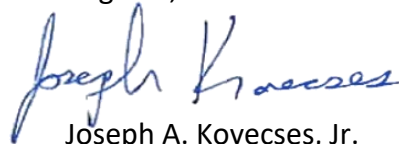
and Florida law, the County/EPD cannot grant the variances requested here as they are based on an admittedly self-imposed hardship where the claimed hardship is merely the economic disadvantage of Applicant having to comply with the Code.¹

Applicant's request for a waiver is similarly inappropriate. Importantly, Code Sec. 15-350(e) requires that Applicant submit a notarized letter of no objection to the waiver request from the shoreline property owner abutting the Applicant's property line affected by the reduced side setback request. My clients have not provided such a letter and, instead, object to the waiver and variance requests. In its application, Applicant merely states that "[t]he proposed waiver does not adversely affect the rights of other persons or other property owner's use of, and access to, the surface water or constitute a navigation hazard" without providing any substantive support for its position. Instead, the encroachment of Applicant's canal dock over the property line and onto my clients' property represents real and immediate harm to my clients' interests.

Applicant chose to place its non-conforming canal dock on the property line with floating portions of the dock extending over the property line and to place its non-conforming primary dock very close to my clients' property without approval from the County or my clients. Applicant has plenty of other shoreline available to it upon which it can construct docks that do not require waivers of the side setbacks or otherwise interfere with my clients' property or shoreline.

Therefore, my clients object to the variance and waiver requests. My clients tried to resolve this issue with Applicant prior to submitting this formal objection letter, but the parties were unable to reach an agreement. Of course, please let me know if you have any questions.

Regards,

A handwritten signature in blue ink, appearing to read "Joseph Kovecses".

Joseph A. Kovecses, Jr.
Of Counsel

JAK/JAK

¹ See also *Clarke v. Morgan*, 327 So. 2d 769, 773 (Fla. 1975) (finding that when considering a variance request, "of course, the hardship cannot be 'self-created'"); *Josephson v. Autrey*, 96 So. 2d 784, 789 (Fla. 1957) ("The authorities are generally in accord on the proposition that in seeking a variance on the ground of a unique or unnecessary hardship, a property owner cannot assert the benefit of a 'self-created' hardship."); *Maturo v. City of Coral Gables*, 619 So. 2d 455, 456 (Fla. 3d DCA 1993) (finding that "the existence of the unity of title agreement restricting development on the two county lots is insufficient to support a finding of hardship, because it was a voluntary agreement entered into by Minorca. We have consistently held such self-imposed acts to be insufficient to constitute a legal hardship sufficient to warrant the granting of a variance.").



ENVIRONMENTAL PROTECTION DIVISION

Renée H. Parker, LEP Manager

3165 McCrory Place, Suite 200
Orlando, FL 32803
407-836-1400 • Fax 407-836-1499
www.ocfl.net

**ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
September 24, 2025**

**ENVIRONMENTAL
PROTECTION
COMMISSION**

Peter Fleck - *Chairman*

Kelly Eger-Smith - *Vice
Chairman*

Sergio Alvarez

Dawson Amico

Shan Atkins

Karin Leissing

J. Gordon Spears

Applicant: Castleman Holdings, Inc.

Permit Application Number: BD-25-01-009

Location/Address: 13245 Lake Bryan Drive, Orlando, FL 32821

RECOMMENDATION:

Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for waiver is inconsistent with Chapter 15, Article IX, Section 15-350(e) and recommend denial of the request for waiver to Section 15-344(a) (side setback) and recommend denial of the requests for variances to Section 15-342(a)(2) (water depth), Section 15-342(a)(5) (terminal platform size), Section 15-342(a)(6) (access walkway width), Section 15-342(a)(7) (board spacing), Section 15-342(a)(11) (more than one dock), and Section 15-344(b) (storage lockers) for the Castleman Holdings, Inc. After-the-Fact Dock Construction Permit BD-25-01-009. District 1

☐ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

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

Accept the findings and recommendation of the Environmental Protection Officer and make a finding that the request for waiver is inconsistent with Chapter 15, Article IX, Section 15-350(e) and recommend denial of the request for waiver to Section 15-344(a) (side setback), and that the following requests for variance are inconsistent with Section 15-350(c) and recommend denial of the request for variance to Section 15-342(a)(5) (terminal platform size) and recommend denial of the request for variance to Section 15-344(b) (storage lockers); and,

Overturn the findings and recommendation of the Environmental Protection Officer and make a finding that the following requests for variance are consistent with Chapter 15, Article IX, Section 15-350(c) and recommend approval of the request for variance to Section 15-342(a)(2) (water depth), recommend approval of the request for variance to Section 15-342(a)(6) (access walkway width), recommend approval of the request for variance to Section 15-342(a)(7) (board spacing), and recommend approval of the request for variance to Section 15-342(a)(11) (more than one dock) to allow a future second dock in another County-approved location that meets the required side setbacks.

Signature of EPC Chair:

DATE EPC RECOMMENDATION RENDERED:

9-24-2025



Interoffice Memorandum

September 4, 2025

To: Environmental Protection Commission

From: Renée H. Parker, LEP, Environmental Protection Officer
Manager, Environmental Protection Division

Subject: Castleman Holdings, Inc. Request for Waiver and Variances for After-the-Fact Dock Construction Permit BD-25-01-009

Reason for Public Hearing

The applicant, Castleman Holdings, Inc., is requesting an After-the-Fact Dock Construction Permit with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-344(a) (side setback) and variances to Section 15-342(a)(2) (water depth), Section 15-342(a)(5) (terminal platform size), Section 15-342(a)(6) (access walkway width), Section 15-342(a)(7) (board spacing), Section 15-342(a)(11) (more than one dock per lot), and Section 15-344(b) (storage locker on public dock).

Location of Property/Legal Description

The project site is located at 13245 Lake Bryan Drive, Orlando, FL 32821 (Parcel ID Number 27-24-28-4340-00-010) on Lake Bryan in District 1.

Background

There are currently two docks for which the applicant is attempting to obtain a permit. The main dock is on Lake Bryan and the other is within a canal on the north side of the property that leads to Lake Bryan. For the purpose of differentiating the two docks with respect to the variance and waiver requests, the docks will be referred to herein as the main dock and canal dock.

The property on which the docks are located is used as a wedding venue and ski school. Chapter 15, Article IX, Section 15-323 defines public dock as “a dock that is accessible by members of the public. Docks associated with commercial establishments and activities, and governmental or non-governmental institutions are included in the definition of public dock”-; therefore, this application has been reviewed under the requirements for a public dock.

In January 2023, the applicant submitted a request to the County to rezone the property (LUPA-23-01-020) and add more parcels to the site for the wedding venue operations. The Zoning Division conditioned the approval with a requirement to obtain building permits and have final inspections for all existing unpermitted structures or remove them within two years of the Development Review Committee (DRC) approval. In November 2023, the applicant submitted a Development Plan (DP) (DP-23-11-322) to obtain approval of several unpermitted structures on the property. The dock structures were not part of that request and Environmental Protection Division (EPD) staff provided comments to the applicant that approval of the DP did not constitute approval of the boat docks and that separate permitting through EPD would be required for the dock structures pursuant to Chapter 15, Article IX.

On January 23, 2025, EPD received an Application to Construct a Dock for the two existing dock structures on the subject property. Based on historic aerial photographs, the main dock existed on

the property in 1975 which would have been a grandfathered dock structure; however, several modifications occurred after Chapter 15, Article IX was adopted on December 12, 1988, and therefore the dock structure is no longer considered grandfathered. EPD does not have any record of a prior dock permit being issued for this parcel.

Canal Dock:

The canal dock consists of a covered boathouse, floating walkway, and numerous jet ski slips. The original site plan showed some of the jet ski slips extending over the projected property line to the north. However, on August 6, 2025, EPD received a revised site plan that depicts portions of the floating walkway and the jet ski slips have been removed such that no portion of the canal dock will extend over the projected property line.

Waiver – Side Setback

Chapter 15, Article IX, Section 15-344(a) states, "Semi-private and public docks, including designated mooring areas, must have a minimum side setback of twenty-five (25) feet from any property line or projected property line." The applicant is proposing a side setback of 1.13 feet to the northern projected property line.

Pursuant to Section 15-350(e), "the applicant must describe how the waiver would not negatively impact the environment and the effect of the proposed waiver on abutting shoreline owners."

To address Section 15-350(e), the applicant's agent (Andrew MacPhee) states, *"This waiver would allow for the construction of a dock, which, as a made-made structure, would have some impact on the environment. With that said, the canal dock has been designed to minimize disruption to natural habitats by avoiding sensitive areas. It is constructed with environmentally friendly materials to prevent water contamination and allows for the free movement of aquatic life beneath it. The proposed waiver does not adversely affect the rights of other persons or other property owner's use of, and access to, the surface water or constitute a navigation hazard."*

Variance – Water Depth

Chapter 15, Article IX, Section 15-342(a)(2), states, "The dock must only extend to the point where reasonable water depth for vessel mooring and access to navigable water is achieved. A reasonable water depth may be defined by a determination that the dock does not extend further than the nearest permitted docks (within three hundred (300) feet or three (3) abutting lots) or a maximum of five (5) feet of water depth as measured from the NHWE..."

The main dock has a water depth of 5.7' at the Normal High Water Elevation (NHWE). EPD found one permit (02-022) for a dock within the three abutting lots (13353 Lake Bryan Drive) and the length of that dock was approximately 47' from the NHWE. The length of the main dock is approximately 103' from the NHWE. Therefore, a variance is required since the dock exceeds five feet of water depth and extends further than the nearest permitted dock.

Section 15-350(a) states, "An applicant may apply to EPD for a variance from a requirement of this article...At a minimum, the applicant must: (1) Identify the section(s) of this article that the applicant seeks a variance for and the extent of the requested variance; (2) Describe the impact of the requested variance on the surface water and the environment; (3) Explain the effect of the requested variance on any abutting or affected shoreline property owner(s); (4) Describe how strict compliance with the section(s) of this article would impose a unique, unreasonable, and unintended hardship on the applicant; and (5) Explain why the hardship is not self-imposed."

The applicant's agent has provided the following responses to Section 15-350(a)(2) and (3) for all the requested variances:

- (2) *“The impact of the requested variances on the surface water and the environment would be none or negligible.”*
- (3) *“There will be no effect of the requested variances on any abutting or affected shoreline property owners. The owner of this property has a Sovereignty Submerged Lands Lease agreement with the State that includes a lake parcel allowing for the existing main boardwalk, covered dock, and floating dock configuration included in this application.”*

Per the PZC conditions for approval of the Paradise Cove Planned Development / Land Use Plan approved by the Board of County Commissioners on November 12, 2019, the owner is authorized to operate four (4) boats and twelve (12) jet skis at one time. Castleman Holdings, Inc. is registered with the Orange County Tax Collector as a Local Business and continues to operate within these approved conditions.

The configuration of the existing main boardwalk, covered dock, and floating dock are similar to other existing docks on Lake Bryan. The configuration of the existing canal floating dock and covered boat slip is within the subject property and does not adversely affect the rights of other persons or other property owner’s use of, and access to, the surface water or constitute a navigation hazard.”

To address Section 15-350(a)(4), the applicant’s agent states, *“The existing main dock was constructed without a permit approximately twenty-five (25) years ago. However, it was built within the confines agreed to in the Owner’s Sovereignty Submerged Lands Lease agreement with the State of Florida. The water depth at the time of construction cannot be confirmed. In order to strictly comply with this section, the existing covered dock and floating dock would need to be removed and rebuilt closer to the shoreline. This would impose an undue financial hardship, cause undue disturbance to the existing water and lakebed, and deprive the Owner of their full rights under the Sovereignty Submerged Lands Lease agreement.”*

Variance – Terminal Platform Size

Chapter 15, Article IX, Section 15-342(a)(5) states, “The maximum allowable square footage of the terminal platform is the calculation of twelve (12) times the linear shoreline frontage, not to exceed one thousand (1,000) square feet.”

The main dock has a terminal platform size of 1,342 square feet and the canal dock has a terminal platform size of 672 square feet. EPD reviews these as two separate dock structures so this variance request is solely for the main dock exceeding the 1,000 square foot maximum. The variance request pertaining to the construction of more than one dock will be addressed in a subsequent section of this staff report, under the heading ‘Variance – More than One Dock Per Lot.

To address Section 15-350(a)(4), the applicant’s agent states, *“The existing main dock was constructed within the confines agreed to in the Owner’s Sovereignty Submerged Lands Lease agreement with the State of Florida. In fact, the current configuration of the floating dock portion of the terminal platform is smaller than what is included in the lease agreement. The configuration of the main dock terminal platform accommodates the successful operation of the ski school, watersports rentals, and special guest experiences. The Board of County Commissioners has authorized the Owner to operate four (4) boats and twelve (12) jet skis at one time. Strict compliance with this section would not allow for the proper mooring of the boats and jet skis the Owner is authorized to operate.”*

Variance – Access Walkway Width

Chapter 15, Article IX, Section 15-342(a)(6) states, “Access walkways shall be limited to five (5) feet in width.”

The main dock has an access walkway that measures 5.79 feet wide with three bench areas along the walkway that extend that width to 7.94 feet. The bench areas along the access walkway would be considered a dock accessory per the definition in Section 15-323 and would not be included in the width calculation of the access walkway. Therefore, the variance request is for the 5.79 feet wide access walkway exceeding the five-foot maximum.

To address Section 15-350(a)(4), the applicant’s agent states, *“The existing main dock access walkway is approximately one hundred thirty (130) feet long. Altering the width of the dock access walkway to comply with the prescribed width would necessitate removal and replacement of the entire boardwalk structure. This would greatly impact the nearby wetlands and waters owing to the dredging and or filling required for the removal and installation of the thirty-three (33) pilings that are part of the structure.”*

Variance – Board Spacing

Chapter 15, Article IX, Section 15-342(a)(7) states, “Board spacing on the structure should ensure light penetration underneath.”

The minimum board spacing is not expressly stated in the Code; however, EPD’s interpretation is that board spacing of 1/4-inch would allow adequate light penetration underneath the dock needed to support aquatic/emergent vegetation. The applicant is requesting a variance to allow board spacing of 1/8-inch.

To address Section 15-350(a)(4), the applicant’s agent states, *“The owner operates a wedding business on this property. The dock serves as a critical venue amenity for the business, providing a unique launch point for bridal parties arriving to the ceremony location by boat or a picturesque setting for photographs. The board spacing has been kept tight to mitigate the liability of high-heeled shoes getting stuck in the gaps, but loose enough to allow for water drainage from the deck surface. Reconfiguring the approximately one thousand one hundred and twenty-five (1,125) square feet of decking on the boardwalk and covered dock would be costly and create an undue hazard for guests.”*

Variance – More than One Dock Per Lot

Chapter 15, Article IX, Section 15-342(a)(11) states, “Generally, the construction of more than one (1) dock per lot is not allowed; however, a dock may be permitted on each surface water that a lot has frontage on if there is no navigable connection between the surface waters.”

The applicant has a dock on the main waterbody of Lake Bryan and a dock within a canal that is directly connected to Lake Bryan. Since there is a navigable connection, the applicant is requesting a variance to allow for both docks to remain.

To address Section 15-350(a)(4), the applicant’s agent states, *“This section notes that “generally” no more than one (1) dock is allowed per lot. The subject property currently comprises lots 1 through 10. As part of a current proposed land use plan for future development on this site, lots 1 through 11 have been aggregated into a single plat. Were these lots to remain separated, the Owner could, conceivably have 11 docks. It would be unreasonable to limit the Owner to one (1) dock given the number of lots included within the property, the size (15.95 acres) of the parcel, and the special conditions granted to the Owner by the Board of County Commissioners.”*

Variance – Storage Lockers

Chapter 15, Article IX, Section 15-344(b) states, “Storage lockers are prohibited on semi-private and public docks.”

The main dock has an enclosed storage area measuring 95 square feet.

To address Section 15-350(a)(4), the applicant’s agent states, *“The owner operates a ski school on the property. The enclosed storage area on the covered dock is utilized as part of the ski school operations. This space is fully enclosed and locked at all times. Strict compliance with the section of this article would impose a hardship for the successful operation of the ski school.”*

To address the Section 15-350(a)(5) for the six variance requests, the applicant’s agent states, *“The hardships noted above are, in fact, self-imposed. With that said, the Owner is attempting to address all code compliance issues on the property by all means available. When these existing structures were built in the late 1990’s, it was done so per the terms and conditions included in the Owner’s lease agreement with the State of Florida. For over 30 years, the Owner has been able to operate successful businesses utilizing these structures to serve the public and generate valuable tax revenue for the County.”*

Public Notification and Objection

On June 19, 2025, a Notice of Application for Waiver was sent to the affected adjacent property owner to the north at 8160 Bryan Beach Blvd. On June 20, 2025, a Notice of Application for Variance was sent to the shoreline property owners within 300 feet.

On July 2, 2025, EPD received an objection letter from Joseph Kovecses, Jr., attorney for the adjacent property owners to the north, WGML Investments, Ltd. and PRN Real Estate & Investments, Ltd at 8160 Bryan Beach Blvd. The objection states the substantial number of variance requests are unacceptable and they believe approval of the variance and waiver requests would cause substantial harm to their interests by decreasing the value of their property and hindering future development. The letter states that the alleged hardships are self-imposed and therefore cannot be granted. Regarding the canal dock and associated waiver request, the objection letter states the encroachment of the canal dock onto their property represents real and immediate harm to their interests. They state that the applicant chose to place the non-conforming canal dock on the property line without approval from the County and the applicant has plenty of shoreline available to construct a dock that would not require a waiver to the side setback.

The letter of objection is included as an attachment to this staff report.

On August 27, 2025, the applicant, their agent, and objector were sent notices informing them of the Environmental Protection Commission (EPC) meeting on September 24, 2025.

Enforcement Action

There is no formal enforcement action for the subject property. Issuance of the Dock Construction Permit with the requested waiver and variances will bring the dock structures into compliance. If the waiver and variance requests are denied, the applicant must either remove the dock structures or revise their site plan and obtain a permit for a dock that is in compliance with Code.

Additionally, Chapter 15, Article IX, Section 15-353(d) states in part, “Any person determined to have violated section 15-324 for failure to obtain a permit prior to constructing a dock or modifying an existing dock such that a variance or waiver would be required, may be subject to an additional administrative penalty in the amount of one dollar (\$1.00) per square foot of the entire structure.”

Therefore, an administrative penalty of \$3,002 was assessed for failure to obtain a permit prior to modification. The penalty amount was remitted on July 17, 2025.

Staff Evaluation and Recommendation

Staff has evaluated the request for waiver for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to deny the request for waiver to Chapter 15, Article IX, Section 15-344(a) (side setback) based on a finding that the applicant has failed to demonstrate there will be no negative effects on abutting shoreline owners pursuant to Section 15-350(e), as an objection has been received.

Staff has evaluated the requests for variance for compliance with the criteria for approval. Pursuant to Chapter 15, Article IX, Section 15-350(c), Variance criteria. A variance application may receive an approval or an approval with conditions if granting the variance: (1) would not negatively impact the surface water or the environment or if there is a negative impact, sufficient mitigation is proposed pursuant to paragraph 15-250(d), if appropriate; (2) Would not be contrary to the public interest; (3) Where, owing to special conditions, compliance with the provisions herein would impose a unique and substantial hardship on the applicant; (4) Where the environmental protection officer has determined that the hardship is not self-imposed on the applicant; and (5) Would not be contrary to the intent and purpose of this article.”

The EPO has concluded that each of these variance requests are self-imposed as a dock could be constructed on this parcel that meets the specifications of Chapter 15, Article IX. Therefore, the recommendation of the EPO is to deny the requests for variances to Chapter 15, Article IX, Section 15-342(a)(2) (water depth), Section 15-342(a)(5) (terminal platform size), Section 15-342(a)(6) (access walkway width), Section 15-342(a)(7) (board spacing), Section 15-342(a)(11) (more than one dock), and Section 15-344(b) (storage lockers).

ACTION REQUESTED: **Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for waiver is inconsistent with Chapter 15, Article IX, Section 15-350(e) and recommend denial of the request for waiver to Section 15-344(a) (side setback) and recommend denial of the requests for variances to Section 15-342(a)(2) (water depth), Section 15-342(a)(5) (terminal platform size), Section 15-342(a)(6) (access walkway width), Section 15-342(a)(7) (board spacing), Section 15-342(a)(11) (more than one dock), and Section 15-344(b) (storage lockers) for the Castleman Holdings, Inc. After-the-Fact Dock Construction Permit BD-25-01-009. District 1**

JR/KGK/TMH/ERJ/RHP: ae

Attachments