



Legislation Text

File #: 24-1000, **Version:** 1

Interoffice Memorandum

DATE: June 28, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services Department

CONTACT: Renée H. Parker, LEP, Manager

PHONE: (407) 836-1420

DIVISION: Environmental Protection Division

ACTION REQUESTED:

Acceptance of the findings and recommendation of the Environmental Protection Commission and denial of the request for after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(a) to decrease the minimum allowable side setback from 10 feet to 4.2 feet and 0.2 feet from the southwestern and northern property lines, respectively, for the Anthony Thermenos and Jacklyn Thermenos After-The-Fact Dock Construction Permit BD-23-09-127. District 5. (Environmental Protection Division)

PROJECT: Environmental Protection Commission Recommendation for Request for Waiver for Anthony and Jacklyn Thermenos for After-the-Fact Dock Construction Permit BD-23-09-127

PURPOSE: The applicants, Anthony and Jacklyn Thermenos are requesting an After-the-Fact Dock Construction Permit with approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(a) (side setback). The project site is located at 4438 Bridgewater Drive, Orlando, FL 32817 (Parcel ID No. 06-22-31-9066-00-650) on Lake Pearl in District 5.

Background

On August 16, 2023, the Environmental Protection Division (EPD) investigated a complaint (Incident No. 23-627250) regarding an unpermitted dock at the subject parcel and discovered that a floating dock had been constructed without the required permit. On August 16, 2023, and August 23, 2023, EPD met onsite with one of the applicants, Jacklyn Thermenos, and explained that the dock required a permit through EPD. On August 23, 2023, EPD issued a Field Warning to Mrs. Thermenos. A

Notice of Non-Compliance (NONC) was emailed to the applicants on September 13, 2023, and subsequently mailed via USPS on September 18, 2023. In response, the applicants submitted an After-the-Fact Boat Dock Construction Application on September 21, 2023. Based on the preliminary as-built survey received with the application, EPD determined that the boat dock does not meet the side setbacks required in Chapter 15, Article IX.

On February 23, 2024, the applicants submitted an After-the-Fact Application for Waiver to Section 15-343(a) to allow the dock to remain as constructed with the existing setbacks. The complete as-built survey of the constructed boat dock was received by EPD on March 5, 2024. In reviewing the as-built survey, EPD determined that all other aspects of the boat dock meet the requirements of Chapter 15, Article IX.

After-the-Fact Side Setback Waiver

Chapter 15, Article IX, Section 15-343(a) of the Code states, "Private docks on lots or parcels having a shoreline frontage of one hundred (100) feet or less, including designated mooring areas, must have a minimum side setback of ten (10) feet from any property line or projected property line." The applicants' shoreline measures approximately 77.26 feet, which is allowed, per Code, the minimum 10-foot setback between the dock and projected property lines. The applicants' boat dock was constructed with a 4.2-foot and 0.2-foot setback from the southwestern and northern property lines, respectively. The applicants are requesting an after-the-fact waiver to allow the existing setbacks to remain.

Pursuant to Section 15-350(e), "At a minimum, 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 how the after-the-fact waiver request does not negatively impact the environment, the applicants state, "*There is no known negative environmental impact.*"

To address the effect of the after-the-fact waiver on abutting shoreline owners, the applicants state, "*There would be no impact on abutting owner(s). The SW property line is shared with HOA open space that is not accessible to or usable by property owners. The Northern property line is shared with HOA non-recreational open park space. The floating island and vegetation buffer between property lines makes the floating dock not visible from the park. The dock does not in any way interfere with use and enjoyment of the non-recreational open park space.*"

Notifications

On March 5, 2024, a Notice of Application for after-the-fact waiver was sent to the owner of the two adjacent properties affected by the waiver request, in accordance with Section 15-347(a). Both adjacent affected parcels (Tract E, Parcel ID No. 06-22-31-9066-00-005; Tract G, Parcel ID No. 06-22-31-9066-00-007) are owned by Watermill Homeowners Association Inc. (HOA). On March 22, 2024, EPD received a letter from Ms. Elizabeth Gray, President of the Watermill Homeowners Association Inc. stating, "*...Watermill HOA's Board of Directors has met and unanimously voted to OBJECT to the waiver application filed by the Thermenos family at 4438 Bridgewater Drive to waive the 10-foot side setback requirements...*"

The letter from Watermill Homeowners Association Inc. also requested that EPD notify Duke Energy of the application, as the dock is located in a platted powerline easement (Plat Book 11, Page 9). Chapter 15, Article IX does not require noticing to the grantee of a utility easement, however, out of an abundance of caution, on April 1, 2024, EPD informed Duke Energy via email of the after-the-fact dock application and placement of the dock in relation to the power easement. No response has been received.

The applicants and HOA were sent notice on April 8, 2024, of the May 29, 2024 Environmental Protection Commission (EPC) public hearing.

On April 23, 2024, EPD received a letter of support from neighbor David Engilis (property owner of 4746 Lonsdale Circle). The letter stated, *"I am an HOA member since 2009 and have no challenges w/ the application. I've looked at the property and it was nicely done. Everything is non-permanent, w/little impact to the shoreline."*

On May 21, 2024, EPD received a second letter of support from neighbor Anita Castiglia (property owner of 4282 Peacham Court). The letter was submitted on the Notice of Public Hearing, with the "In Favor" box checked and a comment that they are a *"lakefront property owner."*

On May 28, 2024, EPD received letters of support from neighbors Nick and Kellie Dietel (property owners of 4342 Piedmont Court) and Terry Gullett (property owner of 4504 Bridgewater Drive). The letters were submitted on the Notice of Public Hearing, with the "In Favor" box checked.

On May 29, 2024 (the day of the EPC hearing), EPD received a letter of support from Barbara Hollis (property owner of 4445 Bridgewater Drive). The letter was submitted on the Notice of Public Hearing, with the "In Favor" box checked and a note that she the *"neighbor across from [the] park"* and the *"only neighbor with [a] park view from [their] home."*

Enforcement Action

The NONC required either submittal and completion of a Boat Dock Permit Application or removal of the boat dock. Approval of the after-the-fact waiver and issuance of BD-23-09-127 will bring the property into compliance with Code. However, if the after-the-fact waiver is ultimately denied by the Board, the applicants must either remove the boat dock or propose to reconstruct the dock in accordance with Code.

Consistent with Section 15-353(d), which 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." EPD calculated the square footage of the portion of the dock located over the surface water to be approximately 336.83 square feet. The applicants submitted the penalty payment of \$336.83 to the Conservation Trust Fund (CTF) on February 26, 2024.

Staff Recommendation

Staff evaluated the after-the-fact waiver request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) was to deny the request for after-the-fact waiver to Section 15-343(a) (side setback) based on a finding that the boat dock may have a negative effect on abutting shoreline owners, pursuant to Section 15-350(e), as an objection was received from the adjacent affected neighbor.

EPC Public Hearing

EPD presented the after-the-fact waiver request in a public hearing before the EPC at their May 29, 2024 meeting. Jacklyn Thermenos and Steve Butler (on behalf of the applicants) provided information in support of the request. Elizabeth Gray and Simon Fuentes, both representing the HOA, were present and spoke against the request. The HOA representatives expressed concerns over the location of the dock in a powerline easement, visibility of the subject dock from the HOA community dock on the adjacent Tract G, and drainage issues at the adjacent Tract E.

Based upon evidence and testimony presented at the hearing, the EPC voted 4 to 1 (four in favor and one opposed) to accept the findings and recommendation of the EPO, and made a finding that the request for after-the-fact waiver was inconsistent with Orange County Code, Chapter 15, Article IX, Section 15-350(e) and recommended denial of the request for after-the-fact waiver to Section 15-343(a) to reduce the minimum allowable side setback from 10 feet to 4.2 feet and 0.2 feet from the southwestern and northern property lines, respectively.

BUDGET: N/A

Dock Construction Application for After-the-Fact Waiver

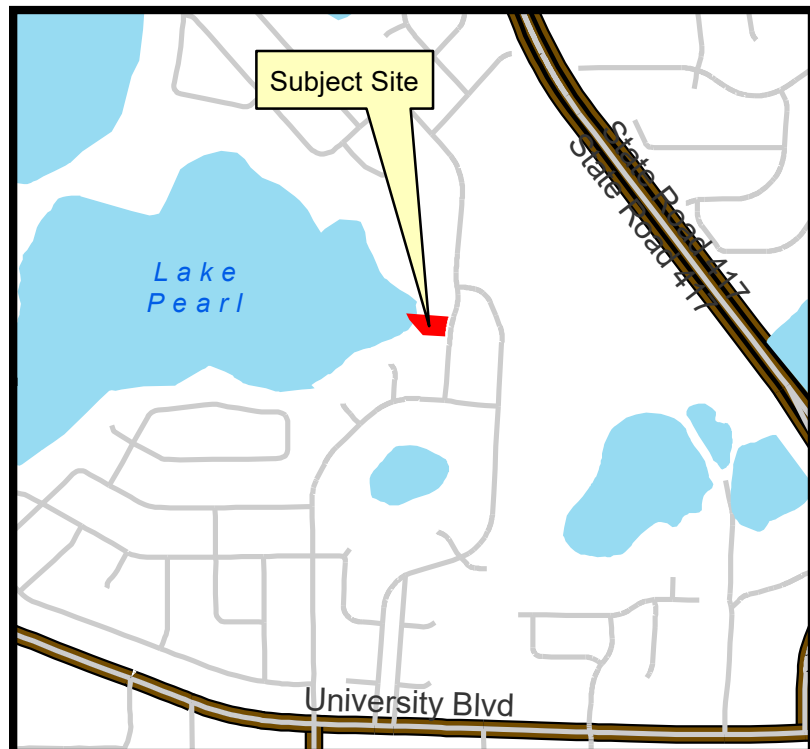


**Dock Construction
Application for
After-the-Fact Waiver
ATF BD-23-09-127
District #5**

Applicants: Anthony Thermenos and
Jacklyn Thermenos
Address: 4438 Bridgewater Drive
Parcel ID: 06-22-31-9066-00-650

Project Site 

Property Location 





APPLICATION TO CONSTRUCT A BOAT DOCK
APPLICATION FOR WAIVER

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

received
2/23/2024

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

I Jacklyn Matray Thermenos on behalf of N/A (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 4438 Bridgewater Drive, Orlando 32817.

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

There is no known negative environmental impact.

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

There would be no impact on abutting owner(s). The SW property line is shared with HOA open space that is not accessible to or usable by property owners. The Northern property line is shared with HOA non-recreational open park space. The floating island and vegetation buffer between property lines makes the floating dock not visible from the park. The dock does not in any way interfere with use and enjoyment of the non-recreational open park space.

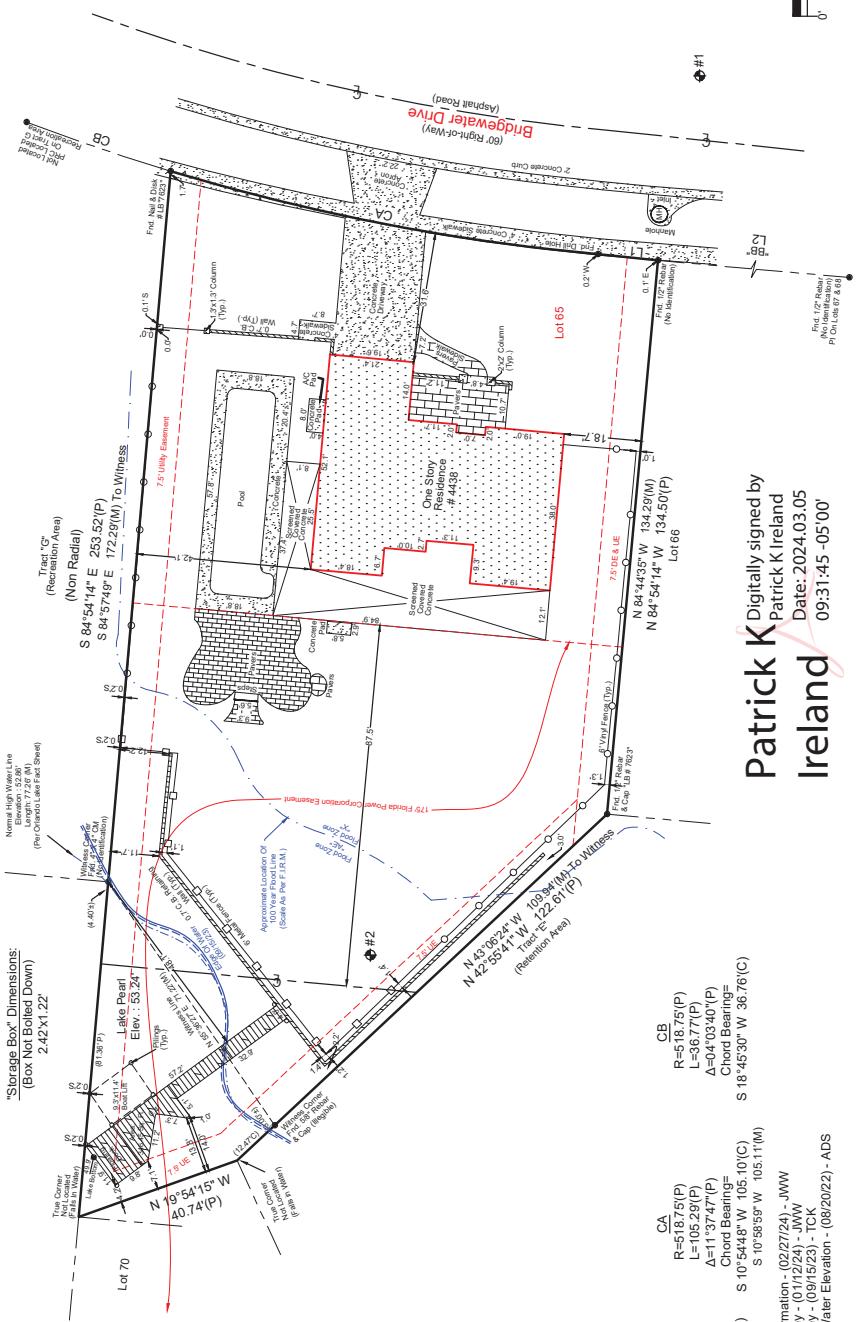
The Environmental Protection Officer, Environmental Protection Commission or the Board may require of the applicant information necessary to carry out the purposes of this article, pursuant to Section 15-350(e).

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.

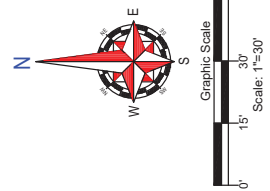
Name of Applicant: Jacklyn Matray Thermenos
Signature of Applicant/Agent [Signature] Date: 2/22/24
Corporate Title (if applicable): N/A

received
3/5/2024

Floating Deck Board Spacing:
Between Boards: 0.03"
Between Sections: 0.28"
"Storage Box" Dimensions:
(Box Not Bolted Down)
2.42' X 1.22'



- Benchmark Information-
Orange County Benchmark Datum.
Dedicated Number: C4110021
Elevation = 60.28'
(Elevations are based upon NAVD 88 Datum)
- Site Benchmark Information-
#1
Elevation: 58.22'
#2
Elevation: 55.83'
- Set Nail & Disk "B" 1.75" in Edge of Pavement.
Elevation: 58.22'
- Set 1/2" Rebar & Con. 1.5" in Ground.
Elevation: 55.83'



Patrick K Ireland
Digitally signed by
Patrick K Ireland
Date: 2024.03.05
09:31:45 -05'00'

Boundary Survey

Legal Description:
LOT 65, WATERMILL SECTION 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGE 8, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
Flood Information:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE X (WITH A BASE FLOOD ELEVATION OF 55). THIS PROPERTY WAS FOUND IN ORANGE COUNTY UNINCORPORATED AREAS, COMMUNITY NUMBER 120179, DATED 9/25/2009.
CERTIFIED TO:
ANTHONY THEODORE THERMENOS AND JACKLYN CHRISTINE MATRAY THERMENOS

Field Date: 01/11/24	Date Completed: 01/27/24	Notes:
Drawn By: MP	File Number: IS-1080066	-Survey is Based upon the Legal Description Supplied by Client.
Legend:		-Outlying Properties Deeds have NOT been Researched for Gaps.
C - Calculated	CP - Point of Curvature	-Subject to any Easements and/or Restrictions of Record.
OK - Centerline	P.O.B. - Point of Beginning	-Bearing Basis is given hereon, is Assumed and Based upon the Line
CM - Concrete Monument	P.O.L. - Point on Line	-Building Footings are NOT to be used to reconstruct Property Lines.
CO - Concrete	PE - Permanent Easement	-Fence Ownership is NOT determined.
DE - Drainage Easement	PRM - Permanent Reference	-Foot Closures UNLESS ground Underneath and/or Footers have NOT
FE - FEMA	PT - Point of Tangency	been Verified.
FEE - Federal Emergency	RT - Right of Turn	-Septic Tanks and/or Drainfield locations are approximate and MUST
FF - Flood	R - Radius	be verified by appropriate Utility Location Companies.
FL - Floodplain	R&C - Rear & Cap	-Written Verification. Will be at the User's Sole Risk and Without
IP - Intersection	RE - Rear Easement	ANY Rights or Burdens to Affect Other than those Certified.
L - Length (Ac)	REAR - Rear & Cap	-Flood Zone Determination Shown Hereon is Given as a Courtesy, and
M - Meter	REAR - Rear & Cap	not a Guarantee. Flood Zone Determination is subject to the
M&D - Marked	REAR - Rear & Cap	approval of FEMA and/or other appropriate authorities. THE USER
NR - Non-Record	REAR - Rear & Cap	is Affected by Flood Zone Determination is not the responsibility of
NS - Non-Survey	REAR - Rear & Cap	Patrick K Ireland & Associates Surveying, Inc.
OR - Old Record	REAR - Rear & Cap	800 Currency Circle Suite 1020
PR - Plat	REAR - Rear & Cap	Lake Mary, Florida 32746
PS - Plat	REAR - Rear & Cap	www.Irelandsurveying.com
W - Water Meter	REAR - Rear & Cap	Office-407.678.3366 Fax-407.320.8165
WM - Water Meter	REAR - Rear & Cap	
WO - Wood	REAR - Rear & Cap	
W - Wood Fence	REAR - Rear & Cap	

I hereby certify that the Boundary Survey of the above described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed and that the same conforms to the Standards of Practice for Land Surveying in the State of Florida as set forth in the Florida Board of Professional Engineers, Architects, and Surveyors, Chapter 47C, Florida Statutes.
Patrick K Ireland
Surveyor
This Survey is performed in accordance with the Standards of Practice of Said Certified Parties.
Ireland & Associates Surveying, Inc.
800 Currency Circle Suite 1020
Lake Mary, Florida 32746
www.Irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165



Watermill Homeowners Association, Inc.

received
3/22/2024

Orange County Government
Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando FL 32803

Re: Application No.: (ATF) BD-23-09-127

March 21, 2024

Dear Sir/Madam,

I, Elizabeth Gray, President of the Watermill Homeowners Association, Inc, as a leader and the voice of my Watermill community, am writing to notify that Watermill HOA's Board of Directors has met and unanimously voted to OBJECT to the waiver application filed by the Thermenos family at 4438 Bridgewater Drive to waive the 10-foot side setback requirements under Orange County Code, Chapter 15, Article IX, Section 15-343(a). We request a hearing to present information regarding the negative impact this unpermitted dock and boat lift are having on both parcels (PID 312206906600005 & PID 312206906600007) that Watermill HOA owns.

Furthermore, this unpermitted dock, as is, was built on the Duke Energy easement of Duke's high-tension major power line that is directly overhead. This is an encroachment on Duke Energy's easement, and a safety liability. According to your letter dated March 4, 2024, Orange County notified only two (2) neighbors, Watermill HOA, on each side of the Thermenos property. Therefore, Duke Energy was not notified and must be notified to address their concerns on this encroachment.

As an official OBJECTION to the waiver applied for by the Thermenos family, Watermill HOA requests that Orange County notify the proper Duke representative and schedule an in person hearing on this matter where all stakeholders and residents of Watermill Homeowners Association can be heard.

Respectfully,



Elizabeth Gray

President

Watermill HOA, Inc.

407-212-2059



ENVIRONMENTAL PROTECTION DIVISION
Elizabeth R. Johnson, CEP, PWS, MPA, Interim Manager
3165 McCrory Place, Suite 200
Orlando, FL 32803-3727
407-836-1400 ▪ Fax 407-836-1499
www.ocfl.net

September 13, 2023

NOTICE OF NON-COMPLIANCE

SENT VIA EMAIL AND CERTIFIED MAIL:

Anthony Theodore Thermenos
Jacklyn Christine Matray Thermenos
4438 Bridgewater Drive
Orlando, FL 32817-1371
Email: jacklynmatray@yahoo.com

RE: Unauthorized Boat Dock
Parcel ID No.: 06-22-31-9066-00-650
Address: 4438 Bridgewater Drive
Lake Pearl - Orange County Commission District: 5
Incident Number: 23-627250

Dear Property Owners:

On August 14, 2023, Orange County Environmental Protection Division (EPD) received a complaint regarding an unpermitted floating dock on the property listed above. On August 23, 2023, EPD staff conducted an inspection of the property and documented that the unpermitted floating boat dock was present on the shoreline below the Normal High Water Elevation (NHWE). EPD staff conducted a file review of the property and did not see any permits authorizing the construction of a boat dock to occur.

Orange County Code Chapter 15, Article IX, Section 15-324 states that:
“Any person desiring to construct a dock or modify an existing dock must first receive a permit from the environmental protection officer authorizing the construction or modification activity. Floating docks or structures installed in Orange County are subject to the regulations in this article and in general will be treated similar to fixed docks for the purposes of this article.”

The construction of a boat dock, floating or stationary, was present below the NHWE without appropriate Orange County permits.

To bring the property into compliance and to prevent further enforcement proceedings, including but not limited to, administrative penalties, please complete the following corrective actions:

1. Within 14 days of receipt of this NONC, please submit a Boat Dock permit application to EPD. The application can be found here: [Boat Docks \(ocfl.net\)](http://ocfl.net);

AND

Unauthorized Boat Dock
Parcel ID No.: 06-22-31-9066-00-650
Incident Number: 23-627250

2. Within 90 days of submitting the Boat Dock application, complete the application to EPD's satisfaction;

OR

3. Within 30 days of receipt of this NONC, please remove the unpermitted boat dock structure from your shoreline utilizing Best Management Practices to protect water quality;

AND

4. Within 30 days of receipt of this NONC, submit a restoration plan for any areas of impact that have been determined by EPD staff. At a minimum, the plan must include the removal of any sod and non-native material on the lakeshore areas sufficient to restore the impacted areas to their formal grade or natural grade of surrounding un-impaired areas. The plan must also include a replanting plan sufficient to restore the property to its condition prior to the clearing, including planting herbaceous vegetation. The restoration plan must include a monitoring and maintenance plan for a period of 1 year. Once staff has approved the plan, a Restoration Plan Approval letter or email will be sent to you outlining specific conditions of approval. The restoration plan must be completed within 30 days of EPD's Restoration Plan approval.

EPD reserves the right to modify, require additional corrective actions, or administrative penalties should this incident proceed to formal enforcement proceedings with the Orange County Special Magistrate.

Please be advised that if your property is not brought into compliance, this incident will be referred for formal enforcement, which may include additional corrective actions and administrative penalties. If you require more time to complete the corrective actions, please stay in contact with EPD staff so that we can monitor your progress and stay on track towards bringing the site into compliance. Should you have any questions or need advice on how to best stabilize the shoreline, please feel free to call **Jennifer Caraballo** at (689) 444-8194 or via email at Jennifer.Caraballo@ocfl.net.

Sincerely,



Karen Garrett-Kraus
Environmental Program Supervisor



JC/KGK/ERJ: gfdjr

Enclosures: Lakefront Homeowner Handbook: A Stewardship Guide for Orange County
Residential Permitting: A Pocket Guide for Lakeshores and Wetlands

c: Tim Hull, EPD, Tim.Hull@ocfl.net
Luciana Orindas, EPD, Luciana.Orindas@ocfl.net

Unauthorized Boat Dock
Parcel ID No.: 06-22-31-9066-00-650
Incident Number: 23-627250

Unauthorized Boat Dock:



Orange County, Florida

Lakefront

A Stewardship Guide for Orange County Lakefront Homeowners



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Docks, Ramps and Seawalls
- Page 9*
Conservation Easements, Buffers, Berms & Swales
- Page 10*
Pools, Spas & Aquariums
- Page 11*
The Truth About Florida's Lakes

Welcome! Whether you've recently purchased a new lakefront home, or are a longtime resident, you are part of a community of homeowners dedicated to maintaining the health and water quality of more than 600 named lakes in Orange County. Protection of our lakes and the ecosystems they support is crucial to providing Orange County residents healthy outdoor spaces in which to fish, boat, play and live.

Lakefront properties are uniquely positioned to protect water quality. By slowing and capturing stormwater runoff, unwanted nutrients and pollutants can be kept out of the lake. Nutrient pollutants can reduce water clarity and fuel the growth of exotic and invasive plants and algae. Simple acts such as keeping a healthy stand of shoreline vegetation and reducing water and chemicals used on your lawn can go a long way to keeping your lake healthy, clean and enjoyable year round.

Along with keeping the lake healthy, as a property owner you can also help ensure the safety of others. Acquiring the proper dock construction and shoreline vegetation permits not only protects water quality, but will help your friends, family and neighbors recreate safely.

We hope you will take some time to review the information in this handbook. Orange County depends on lakefront residents like you to make responsible decisions that will keep our lakes safe, clean and healthy for generations to come.



Occasionally, conservation areas may become filled with nuisance and exotic vegetation. A free authorization, called a Conservation Area Authorization (CAA), may be obtained from EPD to selectively clear nuisance and exotic vegetation within the conservation area, while replanting with beneficial, native vegetation. The goal is to have 85% coverage of native wetland vegetation within the conservation area.
Please contact EPD at 407-836-1400 for specific permitting requirements.

You may need permits from the Florida Department of Environmental Protection (FDEP), the Florida Fish and Wildlife Conservation Commission (FWC), or Water Management District prior to beginning your project.
Please contact the following agencies for more information:

Residential Permits



Enforcement

EPD is responsible for enforcing all of the above referenced codes. EPD staff works closely with property owners to bring their property into compliance, and often successfully resolve cases without formal enforcement. However, if the property cannot be brought into compliance, the case may be taken to the Orange County Special Magistrate.

For a complete listing of Orange County Codes please visit www.municode.com.

"Protecting today's resources for tomorrow's needs."

www.ocfl.net/epd

FDEP Central District Office

407-894-4100

FWC Northeast Regional District Office

352-732-1225

St. Johns River

Water Management District

407-659-4800

South Florida

Water Management District

407-858-6100



Environmental Protection Division
800 Mercy Dr., Suite 4, Orlando, FL 32808
407-836-1400 www.ocfl.net/epd

Follow Orange County on:



Printed on 100% post-consumer paper

**A Pocket Guide
for Lakeshores and
Wetlands**



**Environmental
Protection
Division**



received
4/23/2024

Public Hearing Notice

Planning, Environmental & Development Services

Commission District #5
Emily Bonilla, Commissioner

Project Manager:
Nicole Salvatico
Email: Nicole.Salvatico@ocfl.net
Phone No.: 321-239-9870

Environmental Protection Division:
(407) 836-1400

Request for Boat Dock After-the-Fact Waiver

April 24, 2024 – 8:30 AM

ENVIRONMENTAL PROTECTION COMMISSION (EPC)

Project Information

Project Number: (ATF) BD-23-09-127

Applicant: Anthony Theodore Thermenos and
Jacklyn Christine Matray Thermenos

Parcel ID No.: 06-22-31-9066-00-650

Address: 4438 Bridgewater Drive
Orlando, FL 32817

Lake Name: Lake Pearl

Request

The applicants, Anthony Theodore Thermenos and Jacklyn Christine Matray Thermenos, are requesting an after-the-fact dock construction permit with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(a). The applicants are requesting a side setback of 4.2-feet and 0.02-foot from the southwestern and northern property lines, respectively, in lieu of the minimum required setback of 10-feet from the property lines.

APPEALS

Section 286.0105, Florida Statutes, states that "if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

Any person aggrieved by a decision rendered by the EPC may file an appeal within 10 calendar days of the decision date. **All appeals are subject to a \$409 filing fee.**

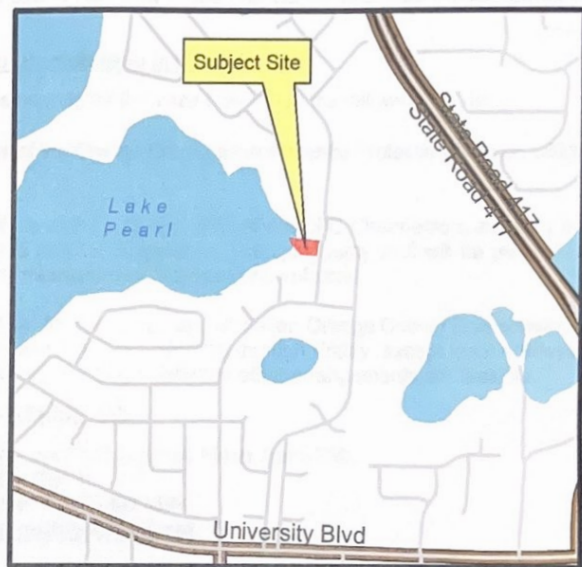
Recommendations by the Environmental Protection Commission (EPC) do not become **final** until:

- The Board of County Commissioners approves the EPC's recommendation.

AND

- The 10 calendar day appeal period has expired without a timely appeal having been filed.

Subject Property Location Map



The applicant and/or agent are required to attend this meeting. All other interested parties are invited to attend and be heard.

Citizens may access real-time development data, board meeting details, project locations and view new construction projects within Orange County in the palm of your hand through:

OCFL ATLAS (www.OCFL.net/atlas)
(Downloadable on Google Play and iTunes)

Android

Apple



In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this proceeding should contact the Orange County Communications Division no later than two (2) business days prior to the proceeding, at 201 S. Rosalind Ave., 3rd Floor., Orlando, FL, (407) 836-6568.

- Para mas informacion referente a esta vista publica, favor comunicarse al Departamento de Zonificacion al numero, (407) 836-5525
- Pou plis enfòmasyon sou odyans piblik la, kontakte zòn depatmental la nan: 407-836-3111

FREQUENTLY ASKED QUESTIONS

Q: How can I provide questions or comments about the application or speak during the EPC Public Hearing?

The scheduled EPC public hearing will be held in person at the Orange County Environmental Protection Division, 3165 McCrory Place, Suite 200, Orlando, Florida 32803.

Information on Attending or Observing the Meeting:

A quorum of members of the EPC will participate in person. The meeting will be hosted by the chairperson or vice-chairperson of the EPC, a quorum will be maintained during the meeting, and the meeting will be conducted and operated by Orange County Government. Orange County staff will be present to ensure that social distancing and other health and safety measures are practiced and enforced.

Information on Providing Public Comments or Questions Regarding this Specific Case:

Written comments or questions may be submitted five different ways: (1) by filling out the form at the end of this notice and returning it to Orange County via mail, fax or e-mail; (2) by contacting the project manager listed on the front of this notice; (3) by e-mailing your comments/questions to wetlandpermitting@ocfl.net, (4) by mailing your comments/questions to "Orange County Environmental Protection Division, 3165 McCrory Place, Suite 200, Orlando Florida 32803"; or (5) by faxing your comments/questions to (407) 836-1499.

Information on Providing Testimony or Participating in this Hearing:

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Phone #: (407) 836-1489 - Fax #: (407) 836-1499

E-Mail Address: wetlandpermitting@ocfl.net

APPLICANTS: Theodore Thermenos and Jacklyn Christine Matray Thermenos PROJECT NO.: (ATF) BD-23-09-127	<input checked="" type="checkbox"/> IN FAVOR <input type="checkbox"/> OPPOSED
Your Information Name: David Engilis Address: 4746 Lonsdale Cir ORI Phone: 407-427-0891 Email: DAVID.ENGILIS@yahoo.com	Commentary: I am an HOA member since 2009 and have no challenges w/The APPLICATION. IVE LOOKED at the Property and it wits NICELY Done. Everything IS NOW- Permanent, w/LITTLE IMPACT to the Shoreline.



received
5/22/2024

Public Hearing Notice

Planning, Environmental & Development Services

Commission District #5
Emily Bonilla, Commissioner

Project Manager:
Nicole Salvatico
Email: Nicole.Salvatico@ocfl.net
Phone No.: 321-239-9870

Environmental Protection Division:
(407) 836-1400

Request for Boat Dock After-the-Fact Waiver

May 29, 2024 – 8:30 AM

ENVIRONMENTAL PROTECTION COMMISSION (EPC)

Project Information

Project Number: (ATF) BD-23-09-127

Applicant: Anthony Theodore Thermenos and
Jacklyn Christine Matray Thermenos

Parcel ID No.: 06-22-31-9066-00-650

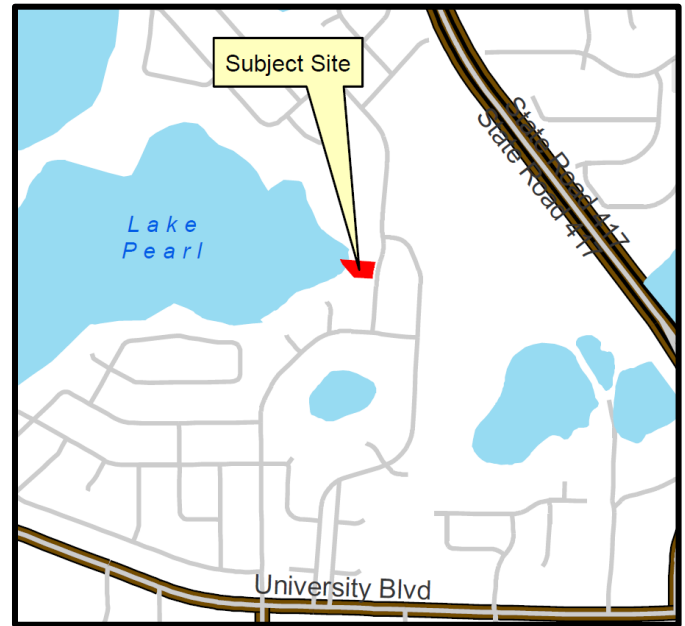
Address: 4438 Bridgewater Drive
Orlando, FL 32817

Lake Name: Lake Pearl

Request

The applicants, Anthony Theodore Thermenos and Jacklyn Christine Matray Thermenos, are requesting an after-the-fact dock construction permit with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(a). The applicants are requesting a side setback of 4.2-feet and 0.02-foot from the southwestern and northern property lines, respectively, in lieu of the minimum required setback of 10-feet from the property lines.

Subject Property Location Map



The applicant and/or agent are required to attend this meeting. All other interested parties are invited to attend and be heard.

APPEALS

Section 286.0105, Florida Statutes, states that "if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

Any person aggrieved by a decision rendered by the EPC may file an appeal within 10 calendar days of the decision date. **All appeals are subject to a \$409 filing fee.**

Recommendations by the Environmental Protection Commission (EPC) do not become **final** until:

- The Board of County Commissioners approves the EPC's recommendation.

AND

- The 10 calendar day appeal period has expired without a timely appeal having been filed.

Citizens may access real-time development data, board meeting details, project locations and view new construction projects within Orange County in the palm of your hand through:

OCFL ATLAS (www.OCFL.net/atlas)
(Downloadable on Google Play and Itunes)

Android



Apple



In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this proceeding should contact the Orange County Communications Division no later than two (2) business days prior to the proceeding, at 201 S. Rosalind Ave., 3rd Floor., Orlando, FL, (407) 836-6568.

- *Para mas informacion referente a esta vista publica, favor comunicarse al Departamento de Zonificacion al numero, (407) 836-5525*
- *Pou plis enfòmasyon sou odyans piblik la, kontakte zòn departamental la nan: 407-836-3111*

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<p>APPLICANTS: Theodore Thermenos and Jacklyn Christine Matray Thermenos PROJECT NO.: (ATF) BD-23-09-127</p>	<p><input checked="" type="checkbox"/> IN FAVOR <input type="checkbox"/> OPPOSED</p>
<p>Name: Anita Castiglia Address: 4282 peacham court. Phone: 407-657-4079 Email: Alcastiglia@juno.com</p>	<p>Lake front property owner.</p>

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APPLICANTS: Theodore Thermenos and Jacklyn Christine Matray Thermenos PROJECT NO.: (ATF) BD-23-09-127	<input checked="" type="checkbox"/> IN FAVOR <input type="checkbox"/> OPPOSED
<p style="text-align: center;">Your Information</p> Name: Nick & Kellie Dietel Address: 4342 Piemont Court, Orlando FL 32817 Phone: 407-466-6122 Email: mkellie442@gmail.com	<p style="text-align: center;">Commentary:</p>

received
5/28/2024

received
5/28/2024

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APPLICANTS: Theodore Thermenos and Jacklyn Christine Matray Thermenos PROJECT NO.: (ATF) BD-23-09-127	<input checked="" type="checkbox"/> IN FAVOR <input type="checkbox"/> OPPOSED
<p align="center">Your Information</p> Name: Terry Gullett Address: 4504 Bridge Water DR Phone: 407-493-5385 Email: TGullett@NeptuneTg.com	<p align="center">Commentary:</p>

received
5/30/2024

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APPLICANTS: Theodore Thermenos and Jacklyn Christine Matray Thermenos PROJECT NO.: (ATF) BD-23-09-127	<input checked="" type="checkbox"/> IN FAVOR <input type="checkbox"/> OPPOSED
Your Information Name: Barbara Hollis Address: 4445 Bridgewater Dr Phone: 407-529-9130 Email: thomasbarbara@gmail.com Hollisbarbara@gmail.com	Commentary: Neighbor access from park, only neighbor with park view front home

Barbara Hollis



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

ENVIRONMENTAL PROTECTION COMMISSION

ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION
May 29, 2024

Alan Horn - Chairman

Peter Fleck - Vice Chairman

Shan Atkins

Kelly Eger-Smith

Karin Leissing

Vacant

At Large Representative

Agricultural Representative

Applicants: Anthony and Jacklyn Thermenos

Permit Application Number: BD-23-09-127

Location/Address: 4438 Bridgewater Drive, Orlando, FL 32817

RECOMMENDATION:

Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for after-the-fact waiver is not consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(e), and recommend denial of the request for the after-the-fact waiver to Section 15-343(a) to decrease the minimum allowable side setback from 10 feet to 4.2 feet and 0.02 feet from the southwestern and northern property lines, respectively, for the Anthony Thermenos and Jacklyn Thermenos After-The-Fact Dock Construction Permit BD-23-09-127. District 5

[X] EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

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

Blank lines for additional recommendations

Signature of EPC Chairman: [Handwritten Signature]

DATE EPC RECOMMENDATION RENDERED: 5/29/24