





Interoffice Memorandum

January 5, 2024

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

FROM: Andres J. Salcedo, P.E., Acting Director 
Planning, Environmental, and Development Services
Department

CONTACT PERSON: 
Renée H. Parker, LEP, Manager
Environmental Protection Division
(407) 836-1420

SUBJECT: February 6, 2024 – Consent Item
Environmental Protection Commission Recommendation on
an Appeal of the Environmental Protection Officer’s Decision
to Issue a Permit Minor Modification for the Palladino and
Beaudrault Dock Construction Permit (BD-22-06-120-MOD)

The Permittees, Wallace Palladino and Mari Beaudrault, are requesting a minor permit modification to a Dock Construction permit per Orange County Code, Chapter 15, Article IX, Section 15-346(e) (minor modifications to docks). The project is located at 510 Jennifer Lane, Windermere, FL, 34786 (Parcel ID Number 09-23-28-9354-00-120) on Lake Down in District 1. The Environmental Protection Division (EPD) issued the requested minor modification on August 23, 2023, which was appealed by the neighboring property owners, Nathan Hill and Eudene Harry (Appellants).

On June 14, 2023, EPD received a Request for Minor Modification for Dock Construction Permit BD-22-06-120. The plans included with the request depicted a proposed modification to the permitted design of the dock to shift the approved boat slip eight feet waterward to align with the sundeck. The request indicated that the modification was needed to achieve adequate mooring depth.

On July 24, 2023, EPD issued a Notice of Request for Minor Modification to all affected parties.

On August 8, 2023, Attorney Anna Long, on behalf of Nathan Hill and Eudene Harry (Appellants), who reside at 713 E 6th Avenue (two lots to the southwest on the same cove of Lake Down), submitted an Objection to the Request for Minor Modification letter in opposition of the proposed changes to the dock.

EPD reviewed the Request for Minor Modification and compared it with the applicable

Environmental Protection Commission Recommendation on an Appeal of the Environmental Protection Officer's Decision to Issue a Permit Minor Modification for the Palladino and Beaudrault Dock Construction Permit (BD-22-06-120-MOD)

criteria in Orange County Code, as discussed in further detail below. During the review, staff determined that the request met all performance standards and design criteria in the Code. Accordingly, on August 23, 2023, pursuant to Orange County Code, Chapter 15, Article IX, Sections 15-346(e) and 15-348, EPD issued a Permit Minor Modification Approval letter for Dock Construction Permit BD-22-06-120 to the Permittees. For tracking purposes, the minor modification is referred to as BD-22-06-120-MOD.

On September 13, 2023, Attorney Anna Long, on behalf of the Appellants, submitted a Notice of Appeal of the Environmental Protection Officer's (EPO's) Decision to issue BD-22-06-120-MOD. The County Attorney's Office determined that the appeal was timely and met the requirements of Orange County Code, Chapter 15, Article II, Section 15-38.

On December 6, 2023, the appeal was heard before the Environmental Protection Commission (EPC). Based on testimony and discussion during the public hearing, the EPC voted 3-2 in favor of the recommendation of the EPO and made a finding that the Permit Minor Modification approval is consistent with Orange County Code, Chapter 15, Article IX and rendered a recommendation to the Board of County Commissioners (Board) to uphold issuance of BD-22-06-120-MOD.

Background

On June 16, 2022, EPD received an Application to Construct a Dock for the subject property. The permit application was reviewed under the ordinance in effect at the time the application was received.

The project site is located on a small lobe of Lake Down that creates a cove-like situation with projected property lines from neighboring properties extending from multiple directions. Included with the Application to Construct a Dock was an Application for Waiver to Section 15-343(b) requesting to reduce the required side setback requirement from 25 feet to -86 feet.

A total of three adjacent properties with owners as noted below were affected by the Permittees' request:

- An unopened right-of-way owned by the Town of Windermere (Town); and;
- 713 E 6th Avenue (adjacent to the south) owned by the Appellants; and;
- 508 Jennifer Lane (adjacent to the north) owned by John and Rebecca Prawlocki; note that a Letter of No Objection (LONO) from the Prawlockis was included with the Application to Construct a Dock.

On September 7, 2022, a Notice of Application for Waiver was sent to the affected neighbor to the southwest (the Appellants) and the Town. On September 1 and 7,

Environmental Protection Commission Recommendation on an Appeal of the Environmental Protection Officer's Decision to Issue a Permit Minor Modification for the Palladino and Beaudrault Dock Construction Permit (BD-22-06-120-MOD)

2022, EPD received an objection from the Appellants expressing concerns that the proposed dock would affect navigability to and from their existing dock.

On October 26, 2022, the request to reduce the required side setback was heard by the EPC at a duly noticed public hearing. The EPO recommended denial based on the objections received from the Appellants. Based on testimony and discussion during the hearing, the EPC voted to overturn the recommendation of the EPO, voting unanimously to approve the request for waiver to Orange County Code, Chapter 15, Article IX, 15-343(b) (side setback).

On November 4, 2022, Attorney Sandi Kracht submitted an appeal of the decision of the EPC to overturn the recommendation of the EPO, pursuant to Orange County Code, Chapter 15, Article IX, Section 15-349(b). The appeal outlined the Appellants' concerns; that a reduction of the side setback would detrimentally affect the environment by causing unnecessary pollution due to the actual building and use of the dock and will negatively impact her clients' view, use, and enjoyment of their lakefront. The Orange County Attorney's Office confirmed that the appeal was timely and complete.

In December 2022, EPD received a written statement from Attorney Sandi Kracht indicating that she was no longer representing the Appellants. On January 3, 2023, EPD received notification that Attorney Anna Long and Attorney Joe Crawford were now representing the Appellants.

On January 17, 2023, the Appellants and their agents, and the Permittees and their agents, were sent notices to inform them of the public hearing of the appeal before the Board.

On February 6, 2023, Attorney Anna Long on behalf of the Appellants, withdrew the appeal.

On March 21, 2023, the Permit was authorized by the Board as a Consent Agenda item and was subsequently issued on April 17, 2023.

On June 14, 2023, EPD received a Request for Minor Modification for Dock Construction Permit BD-22-06-120. The plans included with the request depicted a proposed modification to the permitted design of the dock to shift the boat slip eight feet waterward to align with the sundeck. The request indicated the modification was needed to achieve adequate mooring depths.

On August 23, 2023, EPD issued a Permit Minor Modification Approval letter authorizing the minor modification, pursuant to Orange County Code, Chapter 15, Sections 15-346(e) and 15-348(c). EPD provided a copy of the approval letter to all the interested

and affected parties.

Minor Modification Code Criteria and Analysis

- Per Section 15-346(e), "Minor modifications to docks. *Minor modifications to existing permitted structures or for unpermitted "grandfathered" docks (including but not limited to roof additions, terminal platform additions less than twenty-five (25) square feet, or changing the layout of a boat slip), must be approved by the environmental protection officer. The applicant must submit a request for the proposed change or minor modification to the original site plan to the environmental protection officer for consideration. Additional information may be requested from the applicant in order to complete the review. Any modification that will require a variance or waiver of any provision of this article cannot be considered a minor modification. The environmental protection officer may require notification of abutting shoreline property owners of the application for minor modification.*"

The Permittees submitted a request for a minor modification to the EPO on June 14, 2023, that included a change in the layout of the terminal platform. A sundeck was approved in BD-22-06-120 which extended eight feet waterward of the proposed boat slip. The modification request was to move the boat slip eight feet waterward of the original location to align evenly with the sundeck. A Request for Additional Information was sent via email on June 19, 2023. Revised plans were received on June 19, 2023. The plans approved in BD-22-06-120-MOD did not change the side setbacks, and the relocation of the boat slip eight feet waterward to align with the end of the sundeck was considered non-substantial. No waiver or variance was required.

Public Notification and Objection

On July 24, 2023, in accordance with Code, Section 15-346(e), EPD provided a Notice of Request for Minor Modification to:

- The Town; and;
- The Appellants; and;
- John and Rebecca Prawlocki

On August 1, 2023, the Prawlockis submitted a statement of no objection to the proposed minor modification via electronic correspondence. The Town has confirmed that they have no objection to the proposed minor modification.

On August 8, 2023, Attorney Anna Long submitted an Objection to Request for Minor Modification letter on behalf of the Appellants.

On September 13, 2023, Attorney Anna Long submitted a Notice of Appeal of the EPO's Decision to issue the minor modification on behalf of the Appellants, in accordance with Code, Chapter 15, Article II, Section 15-38.

Enforcement Action

There is no current enforcement action for this property.

EPD Staff Evaluation/Recommendation

EPD staff evaluated the proposed activity for compliance with design criteria and performance standards in the Code. EPD's analysis is provided below:

The approved site plan in BD-22-06-120-MOD depicts the proposed dock as extending approximately 81 feet waterward of the Normal High Water Elevation (NHWE), the length of which is comparable to other docks permitted on Lake Down.

The approved dock is approximately -35 feet across the Appellants' eastern projected property line, 16 feet from the northern neighbor's projected property line and across an unopened right-of-way owned by the Town. The northern property owners (Prawlockis) submitted electronic correspondence stating they had no objections to the minor modification. The Town has confirmed that they have no objection to the proposed minor modification.

EPD has determined that the placement of the dock, as depicted on the approved plans will not prohibit either of the neighboring shoreline owners from enjoying their riparian rights, including accessing the lake or constructing and utilizing docks of their own. EPD has further determined that the approved minor modification of the dock will not result in any navigational issues, as the side setbacks have not changed and the footprint and design have not been substantively modified. The dock will be in excess of 43 feet from the nearest corner of the Appellants' existing dock as measured by the Permittees' dock contractor and as depicted on the approved plans.

EPC Public Hearing

On December 6, 2023, the appeal was heard before the EPC. Based on testimony and discussion during the hearing, the EPC voted 3-2 in favor of the recommendation of the EPO and made a finding that the Permit Minor Modification approval is consistent with Orange County Code, Chapter 15, Article IX and rendered a recommendation to the Board to uphold issuance of BD-22-06-120-MOD for the Wallace Palladino and Marie Beaudrault Dock Construction Permit BD-22-06-120.

Page 6

February 6, 2024 – Consent Item

Environmental Protection Commission Recommendation on an Appeal of the Environmental Protection Officer's Decision to Issue a Permit Minor Modification for the Palladino and Beaudrault Dock Construction Permit (BD-22-06-120-MOD)

ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Commission to uphold issuance of Permit Minor Modification BD-22-06-120-MOD, for the Wallace Palladino and Marie Beaudrault Dock Construction Permit BD-22-06-120. District 1

AS/RHP: jk

Attachments

Exhibit 1 – Location Map

Appeal of the Issuance of Dock Construction Permit Minor Modification



Dock Construction Permit Minor Modification

BD-22-06-120-MOD

District #1

Appellants: Nathan Hill & Eudene Harry

Permittees: Wallace Palladino & Mari Beaudrault

Address: 510 Jennifer Lane

Parcel ID: 09-23-28-9354-00-120

Project Site: 

Property Location: 

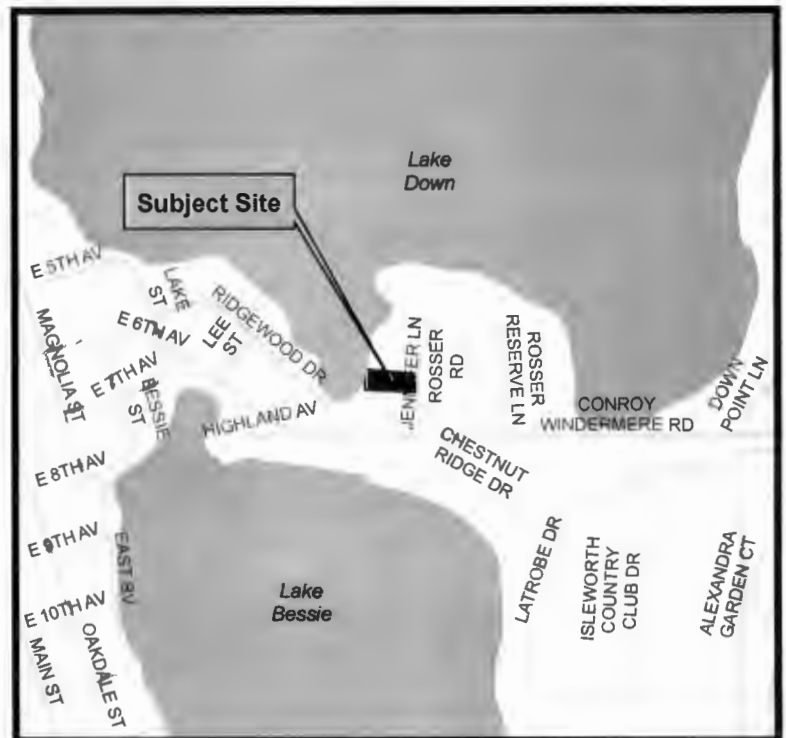


Exhibit 2

Minor Modification Request and Approved Original Plans and Modified Plans

From: [Sheila Cichra](#)
To: [Johnson, Liz](#); [Root, Jason](#); [Rysak, Edward J](#)
Cc: [Mari Beaudrault](#); [Mary Doty Solik](#); [Wallace Palladino](#); [Ron Tegeler](#)
Subject: BD-22-06-120
Date: Wednesday, June 14, 2023 9:30:35 AM
Attachments: [New Plan View.pdf](#)
[New Site Plan.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I'm sure you are aware of the adjacent property owner's concern about this boat dock.

We have reconfigured the terminal platform to cause less of a projection into the lake, thereby reducing the potential navigational hazard for the adjacent property owner.

Please see attached the revised plans.

We would like to have written confirmation from the EPD that we can continue to work on this project while you process this minor modification.

We understand that we will also have to revise the TOW building permit, but we need the revised EPD permit first.

Please advise?

Thank you!

--

Sheila Cichra
Streamline Permitting, Inc.
1002 Fort Mason Drive
Eustis, FL 32726
CRC1326973
Cell: (407) 450-4241
Office: (352) 602-7766
sheilacichra@gmail.com



ATTACHMENT "A"

Distance Approved Under BD-22-06-120

See Attached.

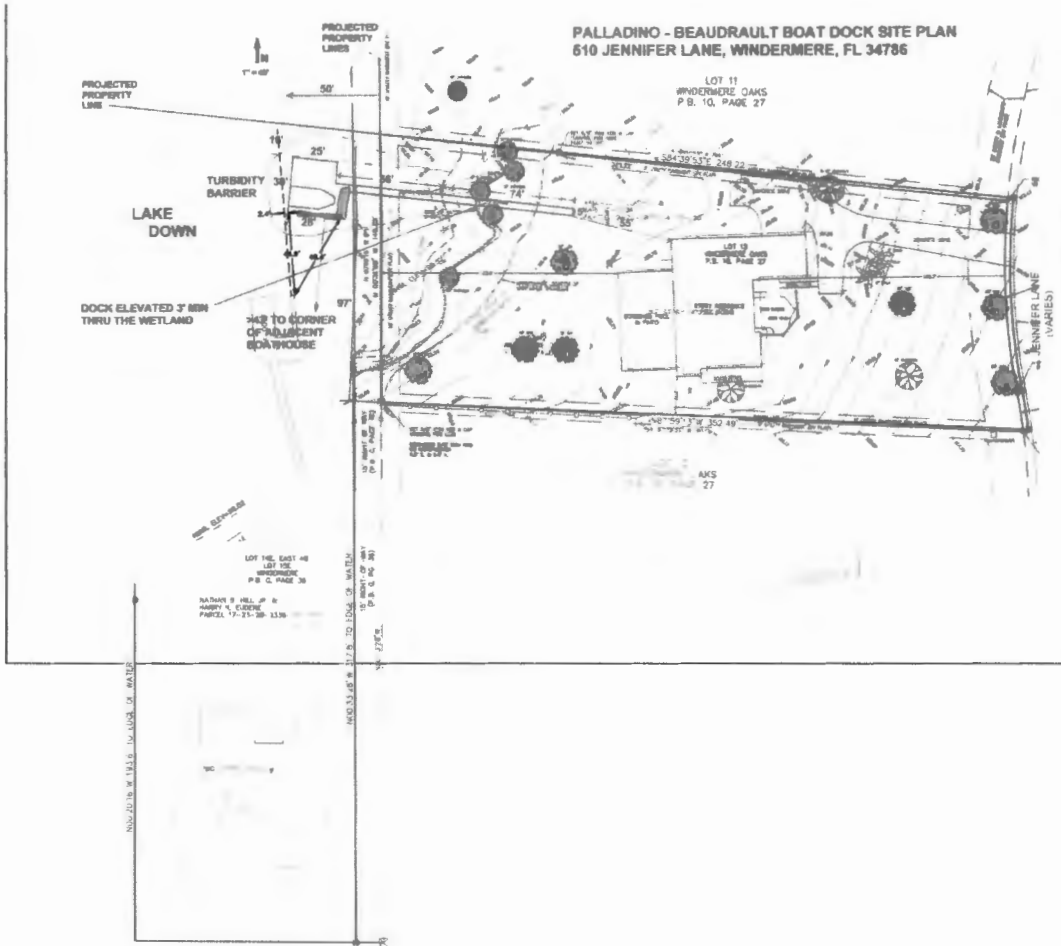


ATTACHMENT "B"

Distance Approved Under Modification

See Attached.

PALLADINO - BEAUDRAULT BOAT DOCK SITE PLAN
510 JENNIFER LANE, WINDERMERE, FL 34786



LOT 11
WINDERMERE OAKS
P.B. 10, PAGE 27

LOT 13
WINDERMERE OAKS
P.B. 10, PAGE 27

LOT 14E, EAST 40
LOT 15E
WINDERMERE
P.B. C, PAGE 36

NATHAN S. HILL, P.E.
HARRY T. COOPER
PARCEL 17-21-28-119

E 6TH AVENUE
140' RW

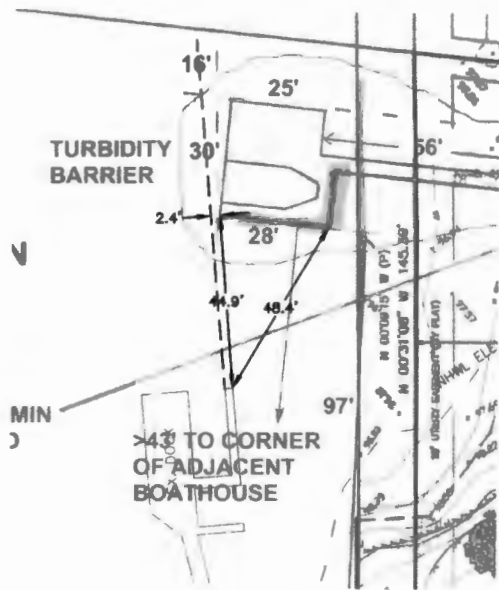


Exhibit 3

Notice of Request for Minor Modification Letter



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

CERTIFIED MAIL: 9489 0090 0027 6388 9998 33

July 24, 2023

Nathan B. Hill Jr. and Harry K. Eudene
P.O. Box 620
Windermere, FL 34786-0620
Email: Nathanhill9537@gmail.com

Request for Minor Modification

In accordance with the rules and regulations that have been adopted by Orange County, the Environmental Protection Division (EPD) hereby notifies you that a minor modification request to construct a dock has been received for the following property, pursuant to Orange County Code, Article IX, Section 15-3-46 (e):

Applicants: Wallace Palladino and Mari Beaudrault
Subject Site Address: 510 Jennifer Lane, Windermere, FL 34786
Application No.: BD-22-06-120
Lake Down
Orange County Commission District: 1

The applicants, Wallace Palladino and Mari Beaudrault, are requesting a minor modification to the previously issued dock construction permit BD-22-06-120, previously approved by the Board of County Commissioners (BCC) on March 21, 2023, and issued April 17, 2023.

Any objections to the approval of this permit modification made pursuant to Orange County Code, Article IX, Section 15-3-46 (e), must be in writing and must be received by the Orange County EPD located at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, within 35 calendar days of receipt of this notice.

All permits and permit applications are public documents that are available for examination by citizens. You are welcome to view any of these records during regular business hours at EPD or you can view these records online at <https://fasttrack.ocfl.net>. If you choose to come to the EPD office to view records, it may be convenient to call in advance to arrange an appointment.

If you should have any questions concerning this review, please contact me at 321-239-0845 or Edward.Rysak@ocfl.net.

Sincerely,

Edward Rysak
Sr. Environmental Specialist

ER/KGK/TMH/ERJ/DJ/gfdjr:

c: Wallace Palladino and Mari Beaudrault, WDPalladino@icloud.com
Sheila Cichra, Streamline Permitting, Inc., sheilacichra@gmail.com
Ron Tegeler, Creative Deck and Dock, Inc., ronteg@earthlink.com
Harry K Eudene, vhealer@yahoo.com



ENVIRONMENTAL PROTECTION DIVISION

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

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Orlando, FL 32803
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www.ocfl.net

CERTIFIED MAIL: 9489 0090 0027 6388 9998 40

July 24, 2023

Town of Windermere
614 Main Street
Windermere, FL 34786-0620

Request for Minor Modification

In accordance with the rules and regulations that have been adopted by Orange County, the Environmental Protection Division (EPD) hereby notifies you that a minor modification request to construct a dock has been received for the following property pursuant to Orange County Code, Article IX, Section 15-346 (e):

Applicants: Wallace Palladino and Mari Beaudrault
Subject Site Address: 510 Jennifer Lane, Windermere, FL 34786
Application No.: BD-22-06-120
Lake Down
Orange County Commission District: 1

The applicants, Wallace Palladino and Mari Beaudrault, are requesting a minor modification to the previously issued dock construction permit BD-22-06-120, previously approved by the Board of County Commissioners (BCC) on March 21, 2023, and issued April 17, 2023.

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If you should have any questions concerning this review, please contact me at 321-239-0845 or Edward.Rysak@ocfl.net.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Rysak".

Edward Rysak
Sr. Environmental Specialist

ER/KGK/TMH/ERJ/DJ/gfdjr:

c: Wallace Palladino and Mari Beaudrault, WDPalladino@icloud.com
Sheila Cichra, Streamline Permitting, Inc., sheilacichra@gmail.com
Ron Tegeler, Creative Deck and Dock, Inc., ronteg@earthlink.com
Brad Cornelius, Town of Windermere, bcornelius@wadetrim.com



ENVIRONMENTAL PROTECTION DIVISION

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CERTIFIED MAIL: 9489 0090 0027 6388 9998 57

July 24, 2023

John and Rebecca Prowlocki
508 Jennifer Lane
Windermere, FL 34786

Request for Minor Modification

In accordance with the rules and regulations that have been adopted by Orange County, the Environmental Protection Division (EPD) hereby notifies you that a minor modification request to construct a dock has been received for the following property, pursuant to Orange County Code, Article IX, Section 15-346 (e):

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Application No.: BD-22-06-120
Lake Down
Orange County Commission District: 1

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Any objections to the approval of this permit modification made pursuant to Orange County Code, Article IX, Section 15-346 (e), must be in writing and must be received by the Orange County EPD located at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, within 35 calendar days of receipt of this notice.

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If you should have any questions concerning this review, please contact me at 321-239-0845 or Edward.Rysak@ocfl.net.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Rysak".

Edward Rysak
Sr. Environmental Specialist

ER/KGK/TMH/ERJ/DJ/gfdjr:

c: Wallace Palladino and Mari Beaudrault, WDPalladino@icloud.com
Sheila Cichra, Streamline Permitting, Inc., sheilacichra@gmail.com
Ron Tegeler, Creative Deck and Dock, Inc., ronteg@earthlink.com
Harry K Eudene, vhealer@yahoo.com

Exhibit 4

Objection to Minor Modification - Attorney Anna Long

DEAN|MEAD

Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
420 South Orange Avenue, Suite 700
P.O. Box 2346 (ZIP 32802-2346)
Orlando, FL 32801

(407) 841-1200
(407) 423-1831 Fax
www.deanmead.com

Attorneys and Counselors at Law
Orlando
Fort Pierce
Naples
Tallahassee
Viera/Melbourne
Vero Beach

ANNA H. LONG
(407) 428-5120
along@deanmead.com

August 8 2023

VIA CERTIFIED MAIL AND EMAIL

Environmental Protection Commission
c/o Edward Rysak, Sr. Environmental Specialist
Orange County Environmental Protection Division
3165 McCory Place, Suite 200
Orlando, Florida 32803
Edward.Rysak@ocfl.net

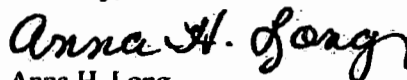
Re: Objection to Request for Minor Modification
Wallace Palladino and Mari Beaudrault
510 Jennifer Lane, Windermere, FL 34786
Application No.: BD-22-06-120
Lake Down
Orange County Commission District: 1

Dear Mr. Rysak,

Please find this letter of objection to the subject permit modification made pursuant to Orange County Code, Article IX, Section 15-346(e). This objection is being sent in writing to your attention within 35 calendar days of my client's receipt of the referred noticed attached hereto for ease of review (received on July 25, 2023).

Agent authorization form for the representation of Nathan B. Hill Jr. and Dr. Eudene K. Harry (Mailing Address: P.O Box 620, Windermere, FL 34786, Physical Address: 713 E 6th Avenue, Windermere, FL 34786) is on file with your department and also attached hereto for ease of review.

Sincerely,


Anna H. Long

AHL:jam
Enclôtures

cc: Nathan B. Hill, Jr., Nathanhill9537@gmail.com
Dr. Eudene K. Harry, vhealer@yahoo.com
Brad Cornelius, Town of Windermere, bcornelius@wadetrim.com

AGENT AUTHORIZATION FORM



FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

I/WE, (PRINT PROPERTY OWNER NAME) Nathan B. Hill Jr. and Dr. Eudene K. Harty, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 713 E 6th Avenue, Wintermere, FL 34766, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Anne H. Long, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Palmdale Bookhouse Application # 221116-30000 Access, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 11/3/2023
[Signature]
Signature of Property Owner

Nathan B. Hill Jr.
Print Name Property Owner

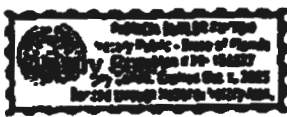
Date: 11/3/2023
[Signature]
Signature of Property Owner

Dr. Eudene K. Harty
Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 3rd day of January, 2023 by Nathan B. Hill Jr. He/she is personally known to me or has produced valid driver license as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 3rd day of January in the year 2023.



[Signature]
Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: Oct 1, 2025

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #:
<u>17-23-28-8336-50140</u>
LEGAL DESCRIPTION:

FLORIDA NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 3 (numeric date) day of JANUARY (month), 2023 (year), by DR EUDENEK HARRY (name of person acknowledging).

(Seal)



A handwritten signature in black ink, appearing to read "Eudenek Harry", written over a horizontal line.

Signature of Notary Public

Print, Type/Stamp Name of Notary

A handwritten name in black ink, appearing to read "Eudenek Harry", written below the printed text.

Personally known: _____

OR Produced Identification: YES

Type of Identification Produced: DRIVER LICENSE





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

CERTIFIED MAIL: 9489 0090 0027 6388 9998 33

July 24, 2023

Nathan B. Hill Jr. and Harry K. Eudene
P.O. Box 620
Windermere, FL 34786-0620
Email: Nathanhill9537@gmail.com

Request for Minor Modification

In accordance with the rules and regulations that have been adopted by Orange County, the Environmental Protection Division (EPD) hereby notifies you that a minor modification request to construct a dock has been received for the following property, pursuant to Orange County Code, Article IX, Section 15-346 (e):

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Any objections to the approval of this permit modification made pursuant to Orange County Code, Article IX, Section 15-346 (e), must be in writing and must be received by the Orange County EPD located at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, within 35 calendar days of receipt of this notice.

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If you should have any questions concerning this review, please contact me at 321-239-0845 or Edward.Rysak@ocfl.net.

Sincerely,

Edward Rysak
Sr. Environmental Specialist

ER/KGK/TMH/ERJ/DJ/gfdjr:

c: Wallace Palladino and Mari Beaudrault, WDPalladino@icloud.com
Sheila Cichra, Streamline Permitting, Inc., sheilacichra@gmail.com
Ron Tegeler, Creative Deck and Dock, Inc., ronteg@earthlink.com
Harry K Eudene, vhealer@yahoo.com

Exhibit 5

BD-22-06-120 - Permit Modification Approval Letter - Final



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

August 23, 2023

CERTIFIED MAIL: 9489 0090 0027 6389 0025 56

Wallace Palladino and Mari Beaudrault
c/o Sheila Cichra
Streamline Permitting, Inc.
Email: sheilacichra@gmail.com

Subject: Permit Minor Modification Approval
Application No.: BD-22-06-120-MOD
Subject Site Address: 510 Jennifer Lane
Parcel ID No.: 09-23-28-9354-00-120
Lake Down - Orange County Commission District: 1

Dear Ms. Cichra:

On June 19, 2023, the Orange County Environmental Protection Division (EPD) received your request to modify boat dock permit BD-22-06-120, originally issued April 17, 2023. The plans included with the request depicted a proposed modification to the permitted design and location of the dock.

On July 24, 2023, in accordance with Orange County Code, Section 15-346(e), EPD issued a Notice of Application for the proposed minor modification request to the affected neighboring property owners to the south, including the Town of Windermere (adjacent ROW easement), and Nathan Hill and Eudene Harry (713 E 6th Avenue), and the affected neighbors to the north, John and Rebecca Prowlocki (508 Jennifer Lane).

On August 1, 2023, the Prowlocki's submitted an email stating they have no objections to the proposed minor modification. The Town of Windermere has not responded to date.

On August 8, 2023, an objection letter to the proposed minor modification was received from Attorney Anna Long, representing the neighbors to the south, Nathan Hill and Eudene Harry. A copy of the objection letter is enclosed.

EPD staff has reviewed the minor modification request pursuant to Orange County Code, Sections 15-346(e) and 15-348(c) and the Environmental Protection Officer (EPO) has made a finding that the request is compliant with these code requirements and, therefore, the minor modification request is hereby approved. The construction of the dock must be completed in accordance with the approved plans enclosed in this letter.

Pursuant to Orange County Code, Sections 15-349 and Section 15-38, any person aggrieved by the final decision of the EPO may file a written appeal within 15 days of this letter.

Serving our community by conserving, protecting, and enhancing the environment for current and future generations.

Page 2

Permit Minor Modification Approval

Application No.: BD-22-06-120

Subject Site Address: 510 Jennifer Lane

Parcel ID No.: 09-23-28-9354-00-120

If you should have any questions concerning this letter, please contact me at 321-239-0845 or via email at Edward.Rysak@ocfl.net.

Sincerely,



Edward Rysak
Sr. Environmental Specialist

Enclosures: Approved Boat Dock Minor Modification Plans dated as received on June 19, 2023 by EPD and approved by EPD on August 16, 2023
Objection letter from Attorney Anna Long, dated August 8, 2023 (on behalf of Nathan Hill and Eudene Harry)

ER/~~KK~~/~~TH~~/GH/ERJ/gfdjr:

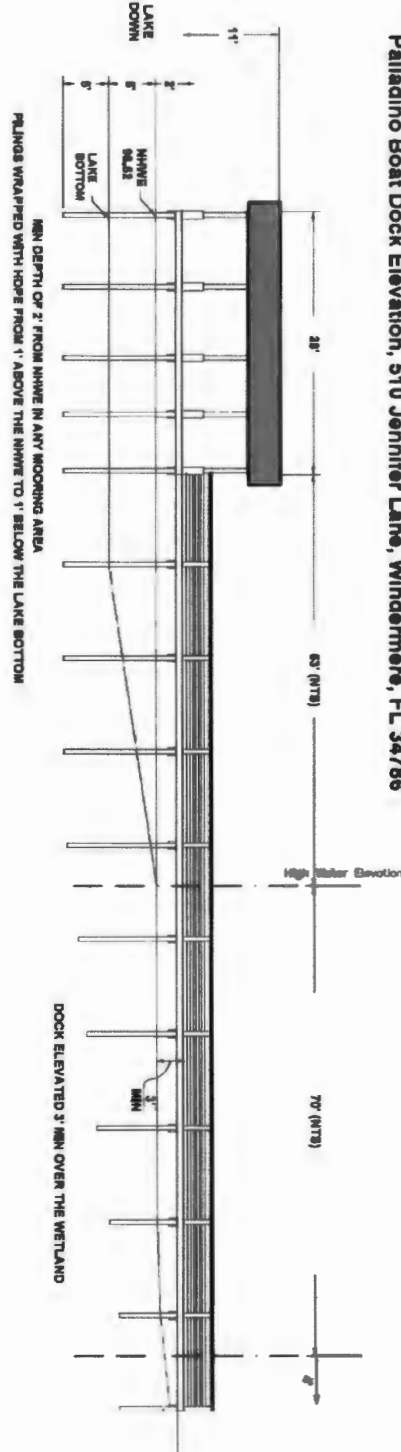
- c: Wallace Palladino and Mari Beaudrault, WDPalladino@icloud.com
- Mary Solik, msolik@dotysoliklaw.com
- Ron Tegler, Creative Deck and Dock, Inc., ronteg@earthlink.com
- Harry K Eudene, vehealer@yahoo.com
- Anna Long, along@deanmead.com
- Jennifer Moore, jamoore@deanmead.com.
- Rebecca and John Prowlocki, lockibp@yahoo.com
- Brad Cornelius, Town of Windermere, bcornelius@wadetrim.com

Page 3
 Permit Minor Modification Approval
 Application No.: BD-22-06-120
 Subject Site Address: 510 Jennifer Lane
 Parcel ID No.: 09-23-28-9354-00-120

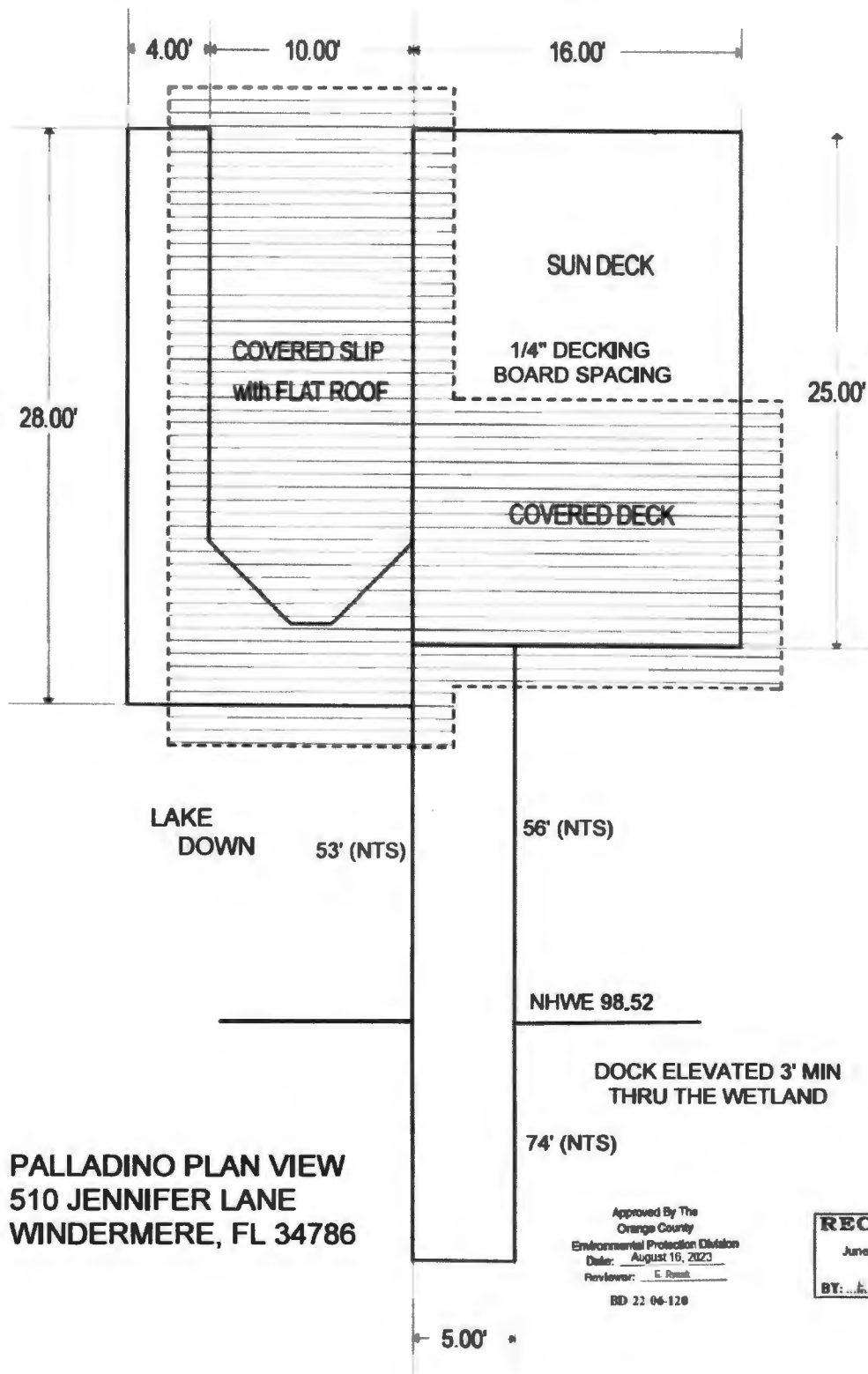
Approved By The
 Orange County
 Environmental Protection Division
 Date: August 16, 2023
 Reviewer: E. Shaw
 BD-22-06-120

RECEIVED
 June 19, 2023
 BY: E.P.D.

Palladino Boat Dock Elevation, 510 Jennifer Lane, Windermere, FL 34786



Page 4
 Permit Minor Modification Approval
 Application No.: BD-22-06-120
 Subject Site Address: 510 Jennifer Lane
 Parcel ID No.: 09-23-28-9354-00-120

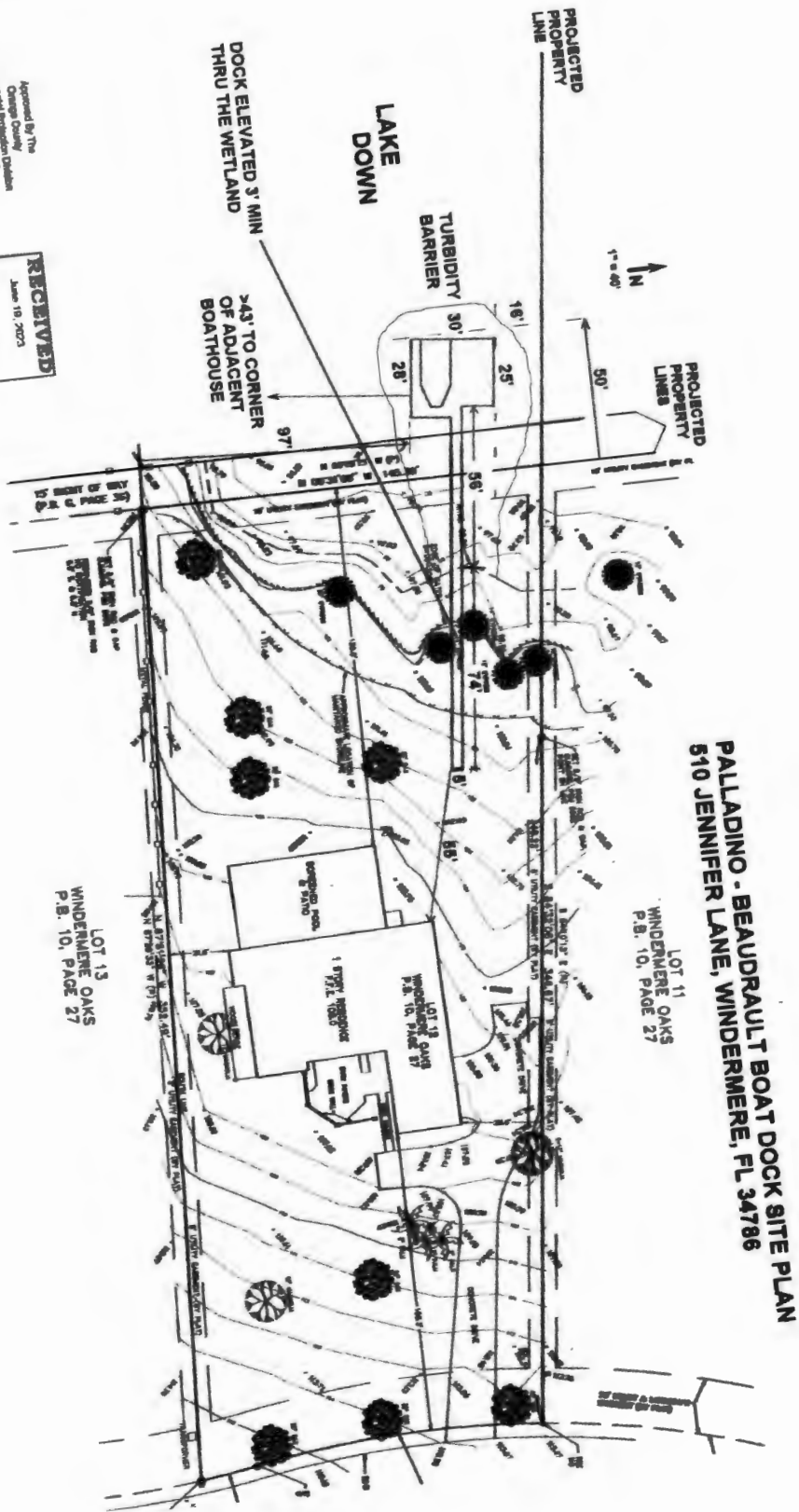


Approved By The
 Orange County
 Environmental Protection Division
 Date: August 16, 2023
 Reviewer: E. Ross
 BD 22 06-120

RECEIVED
 June 19, 2023
 BY: *[Signature]*

Approved By The
 Orange County
 Environmental Protection Division
 Date: August 11, 2023
 Reference: 22-06-120
 BD 22-06-120

RECEIVED
 June 18, 2023
 BTL E.P.D.



PALLADINO - BEAUDRAULT BOAT DOCK SITE PLAN
 510 JENNIFER LANE, WINDERMERE, FL 34786

Page 6

Permit Minor Modification Approval

Application No.: BD-22-06-120

Subject Site Address: 510 Jennifer Lane

Parcel ID No.: 09-23-28-9354-00-120

DEAN|MEAD

Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
420 South Orange Avenue, Suite 700
P.O. Box 2346 (ZIP 32802-2346)
Orlando, FL 32801

(407) 841-1200
(407) 423-1831 Fax
www.deanmead.com

Attorneys and Counselors at Law

Orlando
Fort Pierce
Naples
Tallahassee
Viera/Melbourne
Vero Beach

ANNA H. LONG
(407) 428-5120
along@deanmead.com

August 8 2023

VIA CERTIFIED MAIL AND EMAIL

Environmental Protection Commission
c/o Edward Rysak, Sr. Environmental Specialist
Orange County Environmental Protection Division
3165 McCory Place, Suite 200
Orlando, Florida 32803
Edward.Rysak@ocfl.net


Re: Objection to Request for Minor Modification
Wallace Palladino and Mari Beaudrault
510 Jennifer Lane, Windermere, FL 34786
Application No.: BD-22-06-120
Lake Down
Orange County Commission District: 1

Dear Mr. Rysak,

Please find this letter of objection to the subject permit modification made pursuant to Orange County Code, Article IX, Section 15-346(e). This objection is being sent in writing to your attention within 35 calendar days of my client's receipt of the referred noticed attached hereto for ease of review (received on July 25, 2023).

Agent authorization form for the representation of Nathan B. Hill Jr. and Dr. Eudene K. Harry (Mailing Address: P.O Box 620, Windermere, FL 34786, Physical Address: 713 E 6th Avenue, Windermere, FL 34786) is on file with your department and also attached hereto for ease of review.

Sincerely,


Anna H. Long

AHL:jam
Enclosures

cc: Nathan B. Hill, Jr., Nathanhill9537@gmail.com
Dr. Eudene K. Harry, vhealer@yahoo.com
Brad Cornelius, Town of Windermere, bcornelius@wadetrim.com

04310466.v1

Exhibit 6
Appeal of the EPO Decision

DEAN|MEAD

Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
420 South Orange Avenue, Suite 700
P.O. Box 2346 (ZIP 32802-2346)
Orlando, FL 32801

(407) 841-1200
(407) 423-1831 Fax
www.deanmead.com

Attorneys and Counselors at Law

Orlando
Fort Pierce
Naples
Tallahassee
Viera/Melbourne
Vero Beach

ANNA H. LONG
(407) 428-5120
along@deanmead.com

September 13, 2023

VIA HAND DELIVERY and EMAIL

Environmental Protection Division (EPD)
ATTN: Environmental Protection Officer
Orange County, FL
3165 McCrory Place, Suite 200
Orlando, FL 32803
wetlandpermitting@ocfl.net
Fax: (407) 836-1499

Re: NOTICE OF APPEAL UNDER ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-349 AND SECTION 15.38:

Permit Minor Modification Approval
Application No.: BD-22-06-120-MOD
Subject Site Address: 510 Jennifer Lane
Parcel ID No.: 09-23-28-9354-00-120
Lake Down – Orange County Commission District: 1

To Orange County Environmental Protection Officer:

This firm represents Nathan B. Hill, Jr., and Dr. Eudene K. Harry, who live at 713 E 6th Avenue, Windermere, Florida 34789, Parcel ID No.: 17-23-28-9336-50-140 (“Harry/Hill”). Please find the current Agent Authorization Form attached hereto confirming the same (Attachment “A”).

This letter shall serve as an **APPEAL of the PERMIT MINOR MODIFICATION APPROVAL APPLICATION NO.: BD-22-06-120-MOD**, issued on August 23, 2023, by the Orange County Environmental Protection Division (“EPD”) for the subject property (the “Modification”). The Modification issued for the subject property (“Property”) is owned by Wallace Palladino and Mari Beaudrault (“Palladino”).

On June 19, 2023, the Orange County Environmental Protection Division (EPD) received Palladino's request to modify boat dock permit BD-22-06-120, originally issued by EPD on April 17, 2023. The plans submitted included with the request depicted a proposed modification to the permitted design and location of the dock.

On July 26, 2023, Harry/Hill received a notice of the requested modification electronically from EPD. On August 7, 2023, updated August 11, 2023, an objection letter to the proposed minor modification was sent from my office under my signature on behalf of Harry/Hill to EPD. A copy of the objection letter is attached. (Attachment "B")

EPD reviewed the minor modification request pursuant to Orange County Code, Sections 15-346(e) and 15-348(c) and the Environmental Protection Officer (EPO) made a finding that the request is compliant with these code requirements and, therefore, the minor modification request was approved.

Harry/Hill objected to the request for the minor modification and now object to EPD's approval of the Modification.

Insufficient Application of Section 15-346(e), Violation of Section 15-348(c)

Section 15-346(e) Minor modifications to docks. Minor modifications to existing permitted structures or for unpermitted "grandfathered" docks (including but not limited to roof additions, terminal platform additions less than twenty-five (25) square feet, or changing the layout of a boat slip), must be approved by the environmental protection officer. The applicant must submit a request for the proposed change or minor modification to the original site plan to the environmental protection officer for consideration. **Additional information may be requested from the applicant in order to complete the review. (Emphasis added).** Any modification that will require a variance or waiver of any provision of this article cannot be considered a minor modification. The environmental protection officer may require notification of abutting shoreline property owners of the application for minor modification.

Section 15-348(c) Decisions relating to applications for minor modifications pursuant to paragraph 15-346(e). Following staff review of the request, the environmental protection officer will either: **render a decision that the request is non-substantial (Emphasis added)** and issue a letter authorizing modification of the permit; or refer the request to the EPC to make a recommendation regarding issuance of the permit modification. The EPC shall render to the board a recommendation stating that the request is non-substantial and recommending approval of the permit modification or that a new dock construction permit would be needed to authorize the applicant's request. The board may accept the EPC recommendation or call for a public hearing.

The approved Modification is not minor in nature. While is true that boat dock permit BD-22-06-120 was issued to the Palladino's, it cannot be assumed that simply because the request for the modification is to allow for a change in the layout, that the requested change is "minor" in nature. The change in the layout of the Palladino's proposed boat dock in the opinion of Harry/Hill, is substantial. Additional information, while not required to be requested by

EPD/the Environmental Protection Officer, should have been. Such additional information is provided for consideration with this appeal.


The approved boat dock plans, prior to the Modification, provided for a very narrow distance between what was to be the layout of the Palladino boat dock and the access from the existing Harry/Hill boat dock to open waters. The distance approved under BD- 22-06-120 was approximately 6.4' (See Attachment "C"). The Modification as approved, reduces that clearance distance by 62.5% (i.e., 2.4'). (See Attachment "D"). How can a reduction of a distance of over 60% be considered non-substantial?

Harry/Hill raised safety concerns when BD-22-06-120 was issued. While their concerns were presented to the EPC, the EPC concluded that the Harry/Hill safety concerns were not warranted, and the permit was issued. If the Modification is not challenged, then the previous safety and navigational concerns that Harry/Hill voiced when the permit was originally issued continue to go unaddressed and what is worse, these concerns are significantly magnified. The distance of separation between the existing Harry/Hill boat dock and the proposed modified Palladino boat dock layout leaves little to no margin for maneuverability and/or error.

Harry/Hill chose not to appeal the EPC's decision when it approved BD-22-06-120. They realized maneuvering their exiting pontoon boat from their existing boat dock was going to be a challenge, but they were relying on the "expertise" that they assumed went into the EPC's decision making in approving the Palladino boat dock permit. The Modification takes away any potential to address safety and navigability concerns, as provided for on both Attachments "C" and "D", as well as made evident on the video clips provided via ShareFile link (<https://deanmead.sharefile.com/d-se045eed180ee49ef898cbb9a75357718>) and flash drive (the latter hand delivered to EPD/EPO on September 13, 2023).

We APPEAL the decision of the EPD/EPO and respectfully ask that the environmental protection officer to schedule this matter before the Environmental Protection Commission (the "EPC") so that the additional information presented herein can be considered. Harry/Hill preserves any and all rights, including additional grounds for appeal, pursuant to all applicable laws.

Sincerely,


Anna H. Long

Attachment

cc: Dr. Eudene K. Harry and Nathan B. Hill, Jr.
Commissioner Nicole H. Wilson, District I (via email: district1@ocfl.net)
Lee-Alyse Perry, Senior Aide to Commissioner Wilson (via email: Lee.Perry@ocfl.net)

ATTACHMENT "A"

Current Agent Authorization Form

See Attached.

AGENT AUTHORIZATION FORM



FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

I/WE, (PRINT PROPERTY OWNER NAME) Nathan B. Hill Jr. and Dr. Eudene K. Harry, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 713 E 6th Avenue, Windermere, FL 34786, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Anna H. Long, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Palladino Boathouse Application # 221115-36590 Minor Modification, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

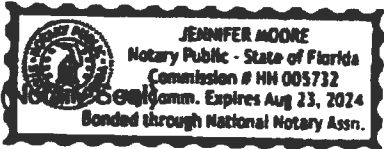
Date: 8/11/2023 [Signature] Nathan B. Hill Jr.
 Signature of Property Owner Print Name Property Owner

Date: 8/11/2023 [Signature] Dr. Eudene K. Harry
 Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA :
 COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 11 day of August, 2023 by Nathan B. Hill Jr. and Dr. Eudene K. Harry. He/she is personally known to me or has produced drivers license as identification and ~~did~~ did not take an oath.

Witness my hand and official seal in the county and state stated above on the 11 day of August, in the year 2023.



[Signature]
 Signature of Notary Public
 Notary Public for the State of Florida
 My Commission Expires: _____

Legal Description(s) or Parcel Identification Number(s) are required:	
PARCEL ID #:	17-23-28-9336-50140
LEGAL DESCRIPTION:	

ATTACHMENT "B"

Objection Letter to the Proposed Minor Modification

See Attached.

DEAN|MEAD

Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
420 South Orange Avenue, Suite 700
P.O. Box 2346 (ZIP 32802-2346)
Orlando, FL 32801

(407) 841-1200
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Attorneys and Counselors at Law

Orlando
Fort Pierce
Naples
Tallahassee
Viera/Melbourne
Vero Beach

ANNA H. LONG

(407) 428-5120
along@deanmead.com

August 11, 2023

VIA EMAIL

Environmental Protection Commission
c/o Edward Rysak, Sr. Environmental Specialist
Orange County Environmental Protection Division
3165 McCory Place, Suite 200
Orlando, Florida 32803
Edward.Rysak@ocfl.net

Re: Objection to Request for Minor Modification
Wallace Palladino and Mari Beaudrault
510 Jennifer Lane, Windermere, FL 34786
Application No.: BD-22-06-120
Lake Down
Orange County Commission District: 1

Dear Mr. Rysak,

Please find attached an updated agent authorization form, as requested by your email dated August 9, 2023, which is also attached, for the representation of Nathan B. Hill Jr and Dr. Eudene Harry in the current objection to the minor modification of the Palladino boat dock as detailed in the attached, and set forth above in the subject line, objection letter dated August 7, 2023.

Please confirm receipt and that nothing else is needed from our clients.

Sincerely,



Anna H. Long

AHL:jam

cc: Nathan B. Hill, Jr., Nathanhill9537@gmail.com
Dr. Eudene K. Harry, vhealer@yahoo.com
Brad Cornelius, Town of Windermere, bcornelius@wadetrim.com

AGENT AUTHORIZATION FORM



FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

I/WE, (PRINT PROPERTY OWNER NAME) Nathan B. Hill Jr. and Dr. Eudene K. Harry, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 713 E 6th Avenue, Windermere, FL 34786, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Anna H. Long, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Paladino Boathouse Application # 221115-36590 Minor Modification, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 8/11/2023
[Signature]
Signature of Property Owner

Nathan B. Hill Jr.
Print Name Property Owner

Date: 8/11/2023
[Signature]
Signature of Property Owner

Dr. Eudene K. Harry
Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 11 day of August, 2023 by Nathan B. Hill Jr. and Dr. Eudene K. Harry. He/she is personally known to me or has produced driver's license as identification and did not take an oath.

Witness my hand and official seal in the county and state stated above on the 11 day of August, in the year 2023.



[Signature]
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: _____

Legal Description(s) or Parcel Identification Number(s) are required:	
PARCEL ID #:	
	17-23-28-9336-50140
LEGAL DESCRIPTION:	

Archived: Friday, August 11, 2023 10:38:18 AM

From: [Rysak, Edward J](#)

Sent: Wednesday, August 9, 2023 4:09:29 PM

To: [Jennifer A. Moore](#)

Cc: [Nathan Hill](#) [Hill kathryn](#) [Anna Long](#)

Subject: RE: Objection to Request for Minor Modification - 510 Jennifer Lane - BD-22-06-120

Importance: Normal

Sensitivity: None

Attachments:

[Environmental Protection Commission Letter of Objection \(O4310939x9F8AD\).PDF](#);

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello all,

The agent authorization form that was submitted with the objection letter appears to be from the previous appeal which was withdrawn, and includes what appears to be a case number specifically associated with the appeal.

Thusly, the attached agent authorization form could be considered invalid as the permit modification process is separate from the appeal. Please provide an updated agent authorization form authorizing Anna Long to act on behalf of the objectors.

Please let me know if there are any questions.

AGENT AUTHORIZATION FORM



FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

I/WE, (PRINT PROPERTY OWNER NAME) Nathan B. Hill Jr. and Dr. Eudene K. Harry, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 713 E 6th Avenue, Windermere, FL 34786, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Anna H. Long, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS Pellado Boathouse Application # 221116-38580 Appeal, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 11/3/2023

[Signature]
Signature of Property Owner

Nathan B. Hill Jr.
Print Name Property Owner

Date: 11/3/2023

[Signature]
Signature of Property Owner

Dr. Eudene K. Harry
Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 3rd day of January, 2023 by Nathan B. Hill Jr. He/she is personally known to me or has produced Florida Driver License as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 3rd day of January, in the year 2023.

Sr. Environmental Specialist
Environmental Permitting, Compliance and Enforcement
Orange County Environmental Protection Division
407-836-1526 (office)
321-239-0845 (cell)
Email: Edward.Rysak@ocfl.net
Web: www.ocepd.org

Did you know that our Environmental Permit information is available online?
<https://fasttrack.ocfl.net/OnlineServices/permit-environmental.aspx>

Do you have questions about the CAD or CAI Process? Please click the link below:
<http://www.ocfl.net/wetlandpermithandbook>

If you have any questions, feel free to reach out to us at wetlandpermitting@ocfl.net. Be sure to include your permit application number with your request.



Skip it from June 1 to September 30

From: Jennifer A. Moore <JAMoore@deanmead.com>
Sent: Monday, August 7, 2023 3:14 PM
To: Rysak, Edward J <Edward.Rysak@ocfl.net>
Cc: bcornelius@wadetrim.com; Nathan Hill <nathanhill9537@gmail.com>; 'Hill kathryn' <vhealer@yahoo.com>; Anna Long <ALong@deanmead.com>
Subject: Objection to Request for Minor Modification - 510 Jennifer Lane - BD-22-06-120

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

On behalf of Anna Long, please find the attached objection letter regarding the referenced matter. Please confirm receipt.



Jennifer A Moore
Legal Assistant
JAMoore@deanmead.com
O: 407-841-1200
Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
420 S. Orange Avenue, Suite 700, Orlando, FL 32801
Fort Pierce | Naples | Orlando | Tallahassee | Vero Beach | Viera/Melbourne



PRIVILEGED INFORMATION DISCLAIMER: This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the recipient of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete this email, destroy any hard copies thereof, and notify us immediately by telephone. Thank you.

PLEASE NOTE: Florida has a very broad public records law (F. S. 119). All e-mails to and from County Officials are kept as a public record. Your e-mail communications, including your e-mail address may be

DEAN|MEAD

Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
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Attorneys and Counselors at Law

Orlando
Fort Pierce
Naples
Tallahassee
Viera/Melbourne
Vero Beach

ANNA H. LONG
(407) 428-5120
along@deanmead.com

August 8 2023

VIA CERTIFIED MAIL AND EMAIL

Environmental Protection Commission
c/o Edward Rysak, Sr. Environmental Specialist
Orange County Environmental Protection Division
3165 McCory Place, Suite 200
Orlando, Florida 32803
Edward.Rysak@ocfl.net

Re: Objection to Request for Minor Modification
Wallace Palladino and Mari Beaudrault
510 Jennifer Lane, Windermere, FL 34786
Application No.: BD-22-06-120
Lake Down
Orange County Commission District: 1

Dear Mr. Rysak,

Please find this letter of objection to the subject permit modification made pursuant to Orange County Code, Article IX, Section 15-346(e). This objection is being sent in writing to your attention within 35 calendar days of my client's receipt of the referred noticed attached hereto for ease of review (received on July 25, 2023).

Agent authorization form for the representation of Nathan B. Hill Jr. and Dr. Eudene K. Harry (Mailing Address: P.O Box 620, Windermere, FL 34786, Physical Address: 713 E 6th Avenue, Windermere, FL 34786) is on file with your department and also attached hereto for ease of review.

Sincerely,


Anna H. Long

AHL:jam
Enclosures

cc: Nathan B. Hill, Jr., Nathanhill9537@gmail.com
Dr. Eudene K. Harry, vhealer@yahoo.com
Brad Cornelius, Town of Windermere, bcornelius@wadetrim.com

AGENT AUTHORIZATION FORM



FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

I/WE, (PRINT PROPERTY OWNER NAME) Nathan B. Hill Jr. and Dr. Eugene K. Harry, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 713 E 6th Avenue, Wintermead, FL 34786, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Anna H. Long, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Pedding Boothouse Application # 221118-00580 Appeal, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

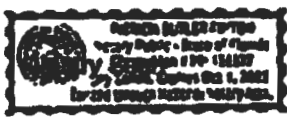
Date: 1/3/2023 [Signature] Nathan B. Hill Jr.
Signature of Property Owner Print Name Property Owner

Date: 1/3/2023 [Signature] Dr. Eugene K. Harry
Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 3rd day of January, 2023 by Nathan B. Hill Jr. He/she is personally known to me or has produced valid driver license as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 3rd day of January, in the year 2023.



[Signature]
Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: Oct 1 2025

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #:
<u>17-23-28-9336-50140</u>
LEGAL DESCRIPTION:

FLORIDA NOTARY ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 3 (numeric date) day of JANUARY (month), 2023 (year), by DR EUDENE K HARRY (name of person acknowledging).

(Seal)



A handwritten signature in black ink, written over a horizontal line.

Signature of Notary Public

Print, Type/Stamp Name of Notary

A handwritten name in black ink, written below the printed text.

Personally known: _____

OR Produced Identification: YES

Type of Identification Produced: DRIVER LICENSE



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

CERTIFIED MAIL: 9489 0090 0027 6388 9998 33

July 24, 2023

Nathan B. Hill Jr. and Harry K. Eudene
P.O. Box 620
Windermere, FL 34786-0620
Email: Nathanhill9537@gmail.com

Request for Minor Modification

In accordance with the rules and regulations that have been adopted by Orange County, the Environmental Protection Division (EPD) hereby notifies you that a minor modification request to construct a dock has been received for the following property, pursuant to Orange County Code, Article IX, Section 15-346 (e):

Applicants: Wallace Palladino and Mari Beaudrault
Subject Site Address: 510 Jennifer Lane, Windermere, FL 34786
Application No.: BD-22-06-120
Lake Down
Orange County Commission District: 1

The applicants, Wallace Palladino and Mari Beaudrault, are requesting a minor modification to the previously issued dock construction permit BD-22-06-120, previously approved by the Board of County Commissioners (BCC) on March 21, 2023, and issued April 17, 2023.

Any objections to the approval of this permit modification made pursuant to Orange County Code, Article IX, Section 15-346 (e), must be in writing and must be received by the Orange County EPD located at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, within 35 calendar days of receipt of this notice.

All permits and permit applications are public documents that are available for examination by citizens. You are welcome to view any of these records during regular business hours at EPD or you can view these records online at <https://fasttrack.ocfl.net>. If you choose to come to the EPD office to view records, it may be convenient to call in advance to arrange an appointment.

If you should have any questions concerning this review, please contact me at 321-239-0845 or Edward.Rysak@ocfl.net.

Sincerely,

Edward Rysak
Sr. Environmental Specialist

ER/KGK/TMH/ERJ/DJ/gfdjr:

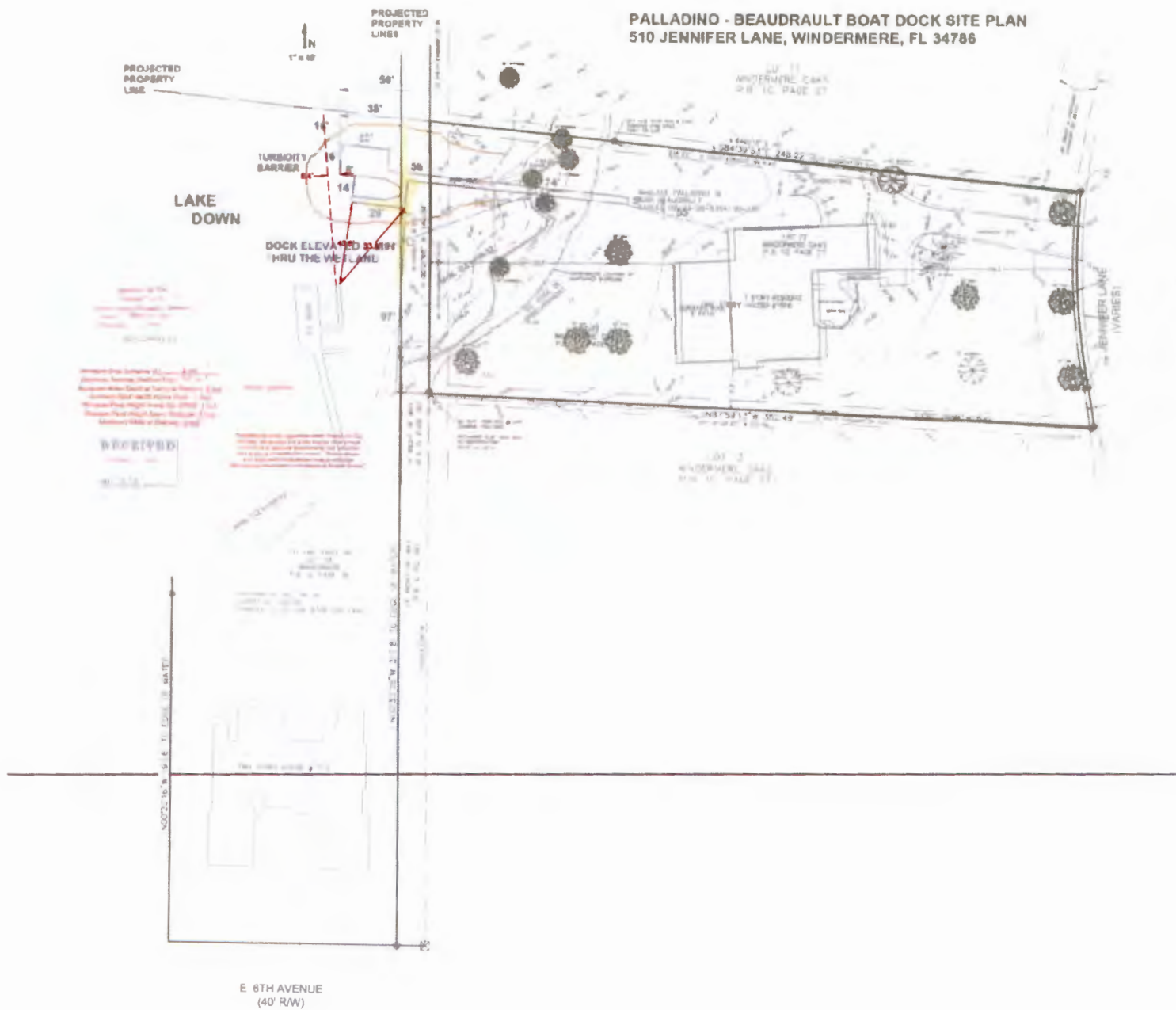
c: Wallace Palladino and Mari Beaudrault, WDPalladino@icloud.com
Sheila Cichra, Streamline Permitting, Inc., sheilacichra@gmail.com
Ron Tegeler, Creative Deck and Dock, Inc., ronteg@earthlink.com
Harry K. Eudene, vhealer@yahoo.com

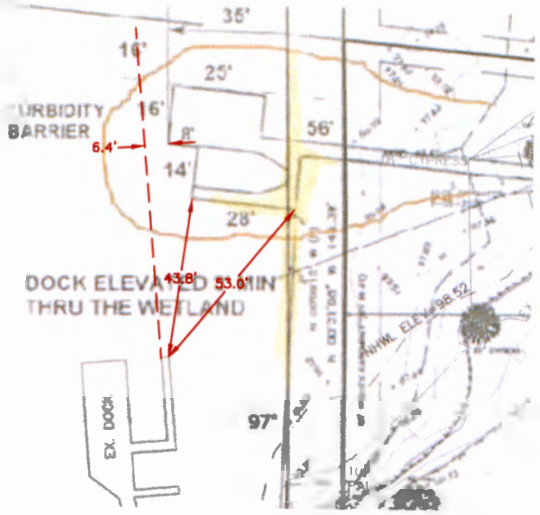
ATTACHMENT "C"

Distance Approved Under BD-22-06-120

See Attached.

PALLADINO - BEAUDRAULT BOAT DOCK SITE PLAN
510 JENNIFER LANE, WINDERMERE, FL 34786



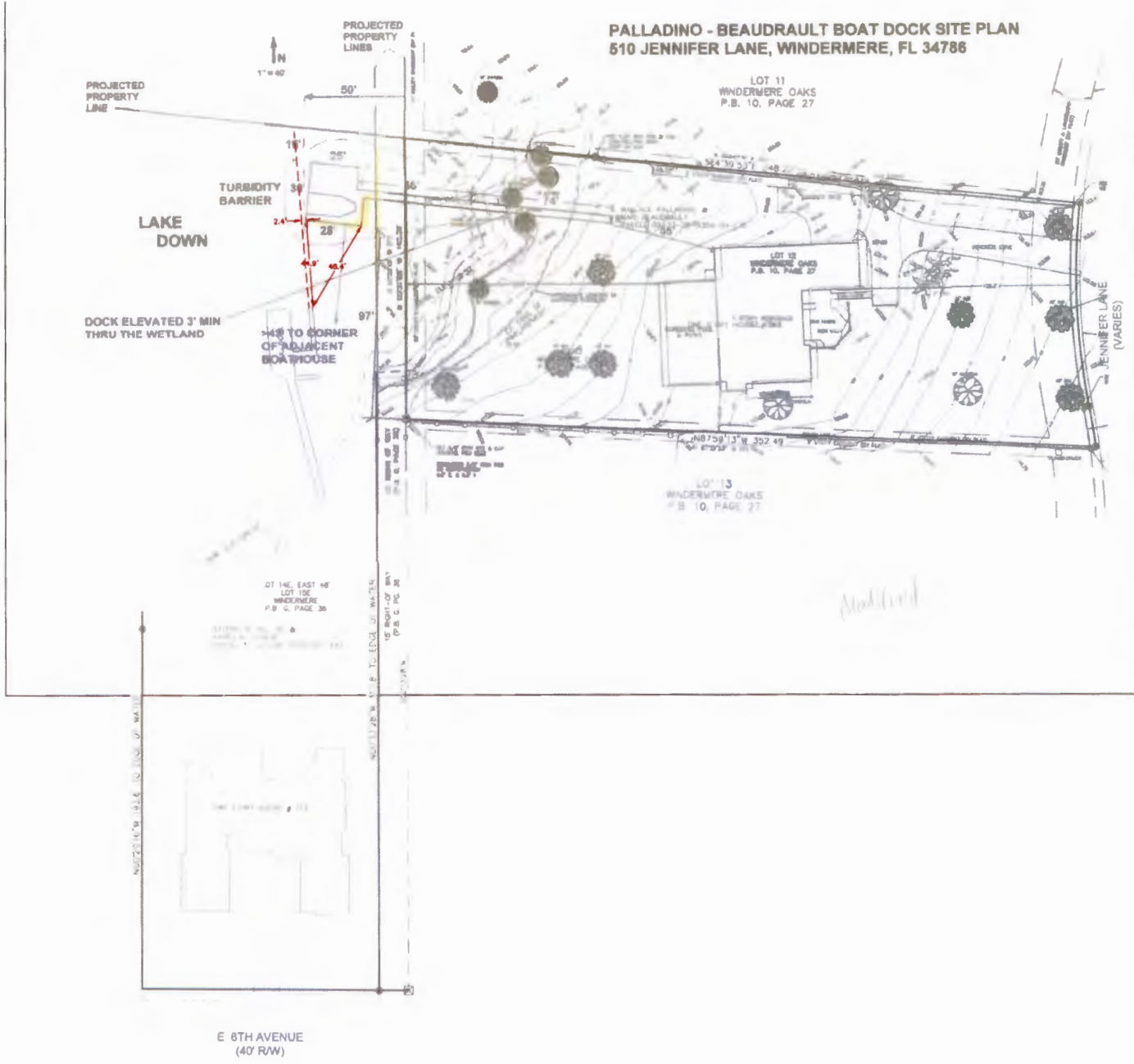


ATTACHMENT "D"

Distance Approved Under Modification

See Attached.

PALLADINO - BEAUDRAULT BOAT DOCK SITE PLAN
510 JENNIFER LANE, WINDERMERE, FL 34786



PROJECTED PROPERTY LINE

PROJECTED PROPERTY LINES



1" = 40'

50'

LAKE DOWN

TURBIDITY BARRIER

DOCK ELEVATED 3' MIN THRU THE WETLAND

48' TO CORNER OF ADJACENT BOAT HOUSE

LOT 11 WINDERMERE OAKS P.B. 10, PAGE 27

LOT 12 WINDERMERE OAKS P.B. 10, PAGE 27

LOT 13 WINDERMERE OAKS P.B. 10, PAGE 27

JENNIFER LANE (VARIES)

LOT 14E, EAST 48' LOT 10E WINDERMERE P.B. 10, PAGE 30

N 22° 14' 14.4" E 100.0' W 111.1'

N 89° 17' 25" W 57.8' TO CORNER OF WATER 15' RIGHT-OF-WAY P.B. 10, PAGE 29 (P.B. 10, PAGE 29)

E 8TH AVENUE (40' RW)

Exhibit 7

Palladino-Beaudrault Appeal - BD-22-06-120 - EPC Staff Report



Interoffice Memorandum

November 30, 2023

To: Environmental Protection Commission

From: Renée H. Parker, LEP, Manager ^{RLP}, Environmental Protection Officer
Environmental Protection Division

Subject: Appeal of the Issuance of Dock Construction Permit No. BD-22-06-120-MOD

Reason for Public Hearing

On August 23, 2023, the Orange County Environmental Protection Division (EPD) issued a Permit Minor Modification Approval letter (**Exhibit 1**), for Permit BD-22-06-120 (Permit), to Wallace Palladino and Mari Beaudrault (Permittees) who reside at 510 Jennifer Lane. For tracking purposes, the minor modification is referred to as BD-22-06-120-MOD.

On September 13, 2023, Attorney Anna Long, on behalf of Nathan Hill and Eudene Harry (Appellants), who reside at 713 E 6th Avenue, submitted a Notice of Appeal of the Environmental Protection Officer's (EPO's) Decision (**Exhibit 2**) to issue BD-22-06-120-MOD. The County Attorney's Office determined that the appeal was timely and met the requirements of Orange County Code (Code), Chapter 15, Article II, Section 15-38.

Location of Property/Legal Description

The property subject to the appeal is located at 510 Jennifer Lane, Windermere, FL 34786 (**Exhibit 3**). The Parcel ID number for the property is 09-23-28-9354-00-120. The property is located on Lake Down in District 1. The Appellants reside at 713 E 6th Avenue, Windermere, Florida 34786 (Parcel ID No.: 17-23-28-9336-50-140). A map showing the location of the Appellants' property, the Permittees' property, and an adjacent 15-foot Right-of-Way Easement, belonging to the Town of Windermere (Town), is provided as **Exhibit 4**.

Background: BD-22-06-120

On June 16, 2022, the Environmental Protection Division (EPD) received an application to Construct a Dock for the subject property. The permit application was reviewed under the ordinance in effect at the time the application was received. The ordinance has subsequently been updated, with an effective date of January 1, 2023. The project site is located on a small lobe of Lake Down that creates a cove-like situation with projected property lines from neighboring properties extending from multiple directions. Included with the application to Construct a Dock was an application for a waiver to Section 15-343(b) requesting to reduce the required side setback requirement from 25 feet to -86 feet.

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Hill/Harry Appeal of Dock Construction Permit BD-22-06-120-MOD

A total of three adjacent properties with owners as noted below were affected by the Permittees' request:

- An unopened right-of-way owned by the Town; and:
- 713 E 6th Avenue (adjacent to the south) owned by the Appellants; and:
- 508 Jennifer Lane (adjacent to the north) owned by John and Rebecca Prawlocki; note that a Letter of No Objection (LONO) from the Prawlockis was included with the Application to Construct a Dock.

Side Setback Waiver Request

Chapter 15, Article IX, Section 15-343(b) of the Code states in part that, "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."

The Permittees have a shoreline that measures approximately 135 feet in length at the Normal High Water Elevation (NHWE); therefore, the dock is required to meet a setback of 25 feet. On September 14, 2022, the Permittees' agent (Ms. Sheila Cichra) provided revised plans depicting a decrease in the negative setback from -86 feet to -50 feet extending across the Town's unopened right-of-way property line and the Appellants' eastern projected property line.

Section 15-350(a)(2) states, "An application for waivers from the requirements of sections 15-342(b), 15-343(b), 15-344(a) and 15-345(a) shall be made to the environmental protection officer. At a minimum, the applicant shall identify the sections and paragraphs of this article from which the applicant seeks a waiver and the extent of the requested waiver. The applicant shall also describe (1) how this waiver would not negatively impact the environment, and (2) the effect of the proposed waiver on abutting shoreline owners. The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article."

To address Section 15-350(a)(2)(1), the Permittee's agent stated, "The reduced setback does not increase the impact to the lake versus building at a 25' setback."

To address Section 15-350(a)(2)(2), the Permittee's agent stated, "The proposed structure will not adversely affect the adjacent property owner's view or navigability. The affected adjacent property owner has signed a LONO." It should be noted that the LONO referred to by the Permittee's agent was from the Prawlockis. Because a LONO was provided, the EPO approved the waiver to side setback from the northern projected property line in accordance with Section 15-343(b).

Objections

On September 7, 2022, a Notice of Application for Waiver was sent to the Appellants and the Town. On September 1 and 7, 2022, EPD received an objection from the Appellants, which stated the following: "Good morning, I hope all is well. You mentioned that stakes were markers for the sheriff dept [sic] to evaluate safety of the proposed dock entry. I don't recall the exact name of evaluation. I am following up to check if that occurred already. I have attached a photo of the proximity of our dock to the proposed dock. As you can see we would not be able to get the boat out of the dock without colliding with [sic] other dock as this dock is placed in proposed location."

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At the request of EPD, the Orange County Sheriff's Office (OCSO) performed a navigation assessment on September 23, 2022. The OCSO determined that the proposed dock presented no navigation concerns.

On September 27, 2022, EPD received notification from the Town that states, *"The Town cannot approve the requested waiver. The proposed boat dock, due to its encroachment across the extended property line of the neighboring property on E 6th Avenue, must also obtain approval of a variance from the Town Council. Unless, the Town Council approves the variance, the Town cannot approve the proposed dock."* The Town subsequently approved the required variance on January 17, 2023.

On October 10, 2022, EPD received an additional objection letter from Sandi Kracht (Kracht Law Firm, PA), as legal counsel for and on behalf of the Appellants, in which additional specifics regarding the objection were provided, which are summarized by the following: *"1). The Homeowners' do not have the riparian rights necessary to build a dock; 2) A reduction of the side setback will detrimentally affect the environment both by causing unnecessary pollution due to the actual building and use of the dock as well as harming the abundance of wildlife in the undeveloped upland area of the cove area owned by my clients; and 3) Allowing the construction of a dock will negatively impact my clients' view, use and enjoyment of their lakefront, the second upland portion of their property, and will adversely impact their ability to navigate their watercraft from their dock to the remainder of the lake."*

EPC Public Hearing - October 26, 2022

On October 26, 2022, the request to reduce the required side setback was heard by the EPC at a duly noticed public hearing. The following is a summary of the proceedings:

- EPD provided a presentation to the EPC with a recommendation of the EPO as follows:
 - Deny the request for waiver to Section 15-343(b) (side setback), due to a finding that although the applicants have demonstrated there will be no negative effects to the environment pursuant to Section 15-350(a)(2)(1), as reduction of the side setbacks will not have any effect on natural resources, the applicants have not demonstrated that there will be no negative effect on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as an objection has been received.
- Attorney Mary Solik spoke in favor of the request on behalf of the Permittees.
- The Appellants and their attorney, Attorney Sandi Kracht, spoke against the request.
- Chairman Mark Ausley noted the following: The OCSO clarified that there were no navigational hazards associated with the proposed dock; assuming that the information provided in the application is accurate, the applicants have riparian rights; the applicants have done everything they can to eliminate conflicts with their neighbors by pushing the dock as far as possible to the north; and the proposed dock is not oversized or inconsistent with a lot of the applications the EPC has seen. Commission member Oscar Anderson asked for and received confirmation from EPD staff that the EPO was recommending denial of the waiver request solely because of the neighbors' objection. He stated that the applicants appear to have made the dock as small and out of the way as possible and based on the information provided, it appears that the applicants have the right to have a dock and the only way they can build a dock is to have a waiver to side setback granted. EPC

November 30, 2023

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member Elaine Imbruglia indicated that the Florida Department of Environmental Protection has already issued a permit, which indicates they believe the applicant has riparian rights. She also pointed to the OCSO assessment indicating that there should be no navigational concerns with the proposed dock. Ms. Imbruglia further noted that based on the unfortunate configuration of the lots, the objectors' dock is basically in the applicants' backyard, which limits where the applicants can put their dock.

Based on testimony and discussion during the hearing, the EPC voted to overturn the recommendation of the EPO, voting unanimously to approve the request for waiver to Code, Chapter 15, Article IX, 15-343(b) (side setback). The EPC's staff report and recommendation letter are provided as **Exhibit 5** and **Exhibit 6**, respectively.

Appeal from the Decision of the Environmental Protection Commission

Chapter 15, Article IX, Section 15-349(b) of the Code states, "*Parties who have previously filed written objections and whose substantial interests are adversely affected by the recommendation of the environmental protection commission may appeal to the board within ten days of the rendering of the recommendation. The appeal shall be filed with the environmental protection officer and shall be scheduled for a public hearing before the board. The notice of the appeal will be provided to the applicant and to parties who have previously objected in writing. The board may affirm, reverse, or modify the decision of the environmental protection commission. The decision of the board shall be final.*"

On November 4, 2022, Attorney Sandi Kracht submitted an appeal of the decision of the EPC to overturn the recommendation of the EPO, pursuant to Code, Chapter 15, Article IX, Section 15-349(b). The appeal outlined the Appellants' concerns that a reduction of the side setback will detrimentally affect the environment by causing unnecessary pollution due to the actual building and use of the dock and will negatively impact her clients' view, use, and enjoyment of their lakefront. The Orange County Attorney's Office confirmed that the appeal was timely and complete.

In December 2022, EPD received a written statement from Attorney Sandi Kracht indicating that she was no longer representing the Appellants. On January 3, 2023, EPD received notification that Attorney Anna Long and Attorney Joe Crawford were now representing the Appellants.

On January 17, 2023, the Appellants and their agents, and the Permittees and their agents, were sent notices to inform them of the public hearing of the appeal before the Board.

On February 6, 2023, Attorney Anna Long on behalf of the Appellants, withdrew the Appeal.

On March 21, 2023, the Permit was authorized by the Board of County Commissioners (BCC) as a Consent Agenda item and was subsequently issued on April 17, 2023 (**Exhibit 7**).

Minor Modification - Permit BD-22-06-120-MOD

On June 14, 2023, EPD received a Request for Minor Modification for Dock Construction Permit BD-22-06-120 (**Exhibit 8**). The plans included with the request depicted a proposed modification to the permitted design of the dock to shift the boat slip eight feet waterward to align with the sundeck.

November 30, 2023

Environmental Protection Commission Meeting - December 6, 2023

Hill/Harry Appeal of Dock Construction Permit BD-22-06-120-MOD

On July 24, 2023, in accordance with Code, Section 15-346(e), EPD provided a Notice of Request for Minor Modification (**Exhibit 9**) to:

- The Town; and;
- The Appellants; and;
- John and Rebecca Prawlocki

On August 1, 2023, the Prawlockis submitted a statement of no objection to the proposed minor modification via electronic correspondence (**Exhibit 10**). To date, the Town has not provided a response.

On August 8, 2023, Attorney Anna Long submitted an Objection to Request for Minor Modification letter on behalf of the Appellants. A copy of the objection letter is included as **Exhibit 11**.

On August 23, 2023, EPD issued a Permit Modification Approval Letter authorizing the minor modification, pursuant to Code, Sections 15-346(e) and 15-348(c) (**Exhibit 1**). EPD provided a copy of the approval letter to all the interested and affected parties.

On September 13, 2023, Attorney Anna Long submitted a Notice of Appeal of the EPO's Decision to issue the minor modification on behalf of the Appellants, in accordance with Code, Chapter 15, Article II, Section 15-38 (**Exhibit 2**).

Application Review

During the application review process, EPD staff evaluated the proposed activity for compliance with design criteria and performance standards in the Code. EPD's analysis is provided below:

The approved site plan in BD-22-06-120-MOD, depicts the proposed dock as extending approximately 81 feet waterward of the Normal High Water Elevation (NHWE), the length of which is comparable to other docks permitted on Lake Down.

The approved dock is approximately -35 feet across the Appellants' eastern projected property line, 16 feet from the northern neighbor's projected property line and across an unopened right-of-way owned by the Town. The northern property owners (Prawlockis), submitted electronic correspondence stating they had no objections to the minor modification (**Exhibit 10**). The Town did not respond with any objection to the Notice of Request for Minor Modification.

EPD has determined that the placement of the dock, as depicted on the approved plans (**Exhibit 12**) will not prohibit either of the neighboring shoreline owners from enjoying their riparian rights, including accessing the lake or constructing and utilizing docks of their own. EPD has further determined that the approved minor modification of the dock will not result in any navigational issues, as the side setbacks have not changed and the footprint and design have not been substantively modified. The dock will be in excess of 43 feet from the nearest corner of the Appellants' existing dock as measured by the Permittees' dock contractor and as depicted on the

approved plans.

Further explanation of how the minor modification meets the policy, purpose, intent and scope of the Code is detailed below in the analyses of Sections 15-341, 15-342, and 15-343:

Section 15-346. – Dock maintenance and repair; minor modifications.

- Per Section 15-346(e), “Minor modifications to docks. *Minor modifications to existing permitted structures or for unpermitted "grandfathered" docks (including but not limited to roof additions, terminal platform additions less than twenty-five (25) square feet, or changing the layout of a boat slip), must be approved by the environmental protection officer. The applicant must submit a request for the proposed change or minor modification to the original site plan to the environmental protection officer for consideration. Additional information may be requested from the applicant in order to complete the review. Any modification that will require a variance or waiver of any provision of this article cannot be considered a minor modification. The environmental protection officer may require notification of abutting shoreline property owners of the application for minor modification.*”

The Permittees submitted a request for a minor modification to the EPO on June 14, 2023 that included a change in the layout of the terminal platform. A sundeck was approved in BD-22-06-120 which extended eight feet waterward of the proposed boat slip. The modification request was to move the boat slip eight feet waterward of the original location to align evenly with the sundeck. A Request for Additional Information was sent via email on June 19, 2023 (**Exhibit 13**). Revised plans were received on June 19, 2023 (**Exhibit 12**). The plans approved in BD-22-06-120-MOD did not change the side setbacks, and the relocation of the boat slip eight feet waterward to align with the end of the sundeck was considered non-substantial. No waiver or variance was required.

In consideration of the previous objection and appeal, EPD sent a Notice of Request for Minor Modification (**Exhibit 9**) for the proposed minor modification request to the affected neighboring property owners, including the Town, the Appellants, and the Prawlockis on July 24, 2023.

An electronic correspondence was received from the Prawlockis stating they had no objection to the minor modification.

The Town has not responded, to date, with any objection.

On August 8, 2023, Attorney Anna Long submitted a Notice of Appeal of the EPO’s Decision to issue the minor modification on behalf of the Appellants. A copy of the objection letter is included as **Exhibit 11**.

Section 15-342. - Conditions for issuance of dock construction permits.

Per Section 15-342(a)(2), “*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, unless the natural conditions of the surface water necessitate a greater dock length for water depth to achieve reasonable mooring conditions. The dock length necessary to achieve a reasonable water depth must not create a navigation hazard, as determined by EPD or law enforcement. The dock must have a minimum mooring depth of twenty-four (24) inches, as measured from the NHWE, to prevent bottom scouring."

The approved site plans in the minor modification include design elevations along the length of the proposed dock depicting a maximum five-foot water depth at the terminal end and a minimum water depth of two feet in the mooring area (**Exhibit 12**). Additionally, as stated previously, the plans depict a dock that will not create a navigational hazard as previously determined by EPD.

Section 15-348. - Decisions of the environmental protection officer.

- Per Section 15-348(c), "Decisions relating to applications for minor modifications pursuant to paragraph 15-346(e). *Following staff review of the request, the environmental protection officer will either: render a decision that the request is non-substantial and issue a letter authorizing modification of the permit; or refer the request to the EPC to make a recommendation regarding issuance of the permit modification. The EPC shall render to the board a recommendation stating that the request is non-substantial and recommending approval of the permit modification or that a new dock construction permit would be needed to authorize the applicant's request. The board may accept the EPC recommendation or call for a public hearing.*"

Once staff completed review of the request for minor modification and determined that all aspects of the proposed plans met Code requirements, the EPO authorized issuance of the minor modification approval. The approval letter was sent (via electronic correspondence) to the Permittees and affected neighbors on August 23, 2023 (**Exhibit 12**).

Section 15-38. - Appeals from decisions of environmental protection officer.

- Section 15-38(a) states "Any person aggrieved by any final decision of the environmental protection officer, except for any decision related to the enforcement of any provision of the Code or the enforcement of any regulation, rule, permit or approval issued pursuant to the Code, may appeal to the commission by filing a written notice of appeal within fifteen (15) days of the rendering of the decision by the environmental protection officer. The written notice of appeal shall identify the decision that is the cause for the appeal, and shall set forth concisely the reasons or grounds for the appeal. The notice of appeal shall be filed with the environmental protection officer. The environmental protection officer shall schedule the appeal for hearing before the commission at the earliest possible date, and cause notice thereof to be served upon the appellant. The environmental protection officer may send notice to other interested persons or parties."

November 30, 2023

Environmental Protection Commission Meeting - December 6, 2023

Hill/Harry Appeal of Dock Construction Permit BD-22-06-120-MOD

On August 8, 2023, Attorney Anna Long submitted a Notice of Appeal of the EPO's Decision to issue the minor modification on behalf of the Appellants. In support of the appeal (Exhibit 2), the Appellants submitted two video recordings of Mr. Hill attempting to dock a vessel at his boat dock. A selection of photographs was clipped from the videos and are included as **Exhibit 14**. The full videos are included as **Exhibit 15** and **Exhibit 16**.

Public Feedback

Application/Permit Supporters:

As previously stated, the northern property owners, the Prawlockis, submitted electronic correspondence indicating they have no objections to the minor modification. The Town has not responded to the Notice of Request for Minor Modification.

Enforcement

There was a previous enforcement action on the subject property (Incident 22-605779) regarding unauthorized shoreline vegetation clearing. This incident was closed on May 16, 2022 and the subject property is currently in compliance with Code, Article VII.

Public Notifications

On October 24, 2023, the Appellants, Permittees, both parties' agents, and other interested parties were provided a Notice of Public Hearing (**Exhibit 17**) for the appeal public hearing before the Environmental Protection Commission.

EPO Recommendation

Based upon staff review of the materials and documentation submitted by the Permittees, the EPO made a finding that the Request for Minor Modification was complete and in accordance with the Code, and therefore issued the Permit Minor Modification Approval on August 23, 2023. Staff has evaluated the appeal and supporting documentation submitted by the Appellants and determined that there is not sufficient evidence to demonstrate that issuance of the Permit Minor Modification Approval is in violation of the Code, or that the decision of the EPO to issue the permit should be reversed. Therefore, the EPO recommends that the EPC uphold the decision of the EPO to issue Permit Minor Modification Approval for Dock Construction Permit No. BD-22-06-120-MOD.

ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Officer and make a finding that issuance of the Permit Minor Modification Approval is consistent with Orange County Code, Chapter 15, Article IX and render a recommendation to the Board of County Commissioners to uphold issuance of BD-22-06-120-MOD for the Wallace Palladino and Marie Beaudrault Dock Construction Permit BD-22-06-120. District 1**

November 30, 2023

Environmental Protection Commission Meeting - December 6, 2023

Hill/Harry Appeal of Dock Construction Permit BD-22-06-120-MOD

KGK/TMH/ERJ/RHP: jk

Attachments

- Exhibit 1: BD-22-06-120- Permit Minor Modification Approval Letter
- Exhibit 2: Appeal of the EPO Decision
- Exhibit 3: Location Map
- Exhibit 4: Permittees' and Appellants' Location Map
- Exhibit 5: EPC Staff Report - October 26, 2022
- Exhibit 6: EPC – Recommendation Letter - October 26, 2022
- Exhibit 7: Dock Construction Permit BD-22-06-120
- Exhibit 8: Minor Modification Request
- Exhibit 9: Notice of Request for Minor Modification
- Exhibit 10: Prawlocki No Objection Email
- Exhibit 11: Objection to Request for Minor Modification
- Exhibit 12: Approved Minor Modification Plans
- Exhibit 13: RAI for Minor Modification Request
- Exhibit 14: Photos Extracted from Videos Provided by Appellants
- Exhibit 15: Video 1 from Appellants
- Exhibit 16: Video 2 from Appellants
- Exhibit 17: Notice of Public Hearing

Exhibit 8

EPC Recommendation Letter 12-6-2023



ENVIRONMENTAL PROTECTION DIVISION
Renée H. Parker, LEP, Manager
 3165 McCroxy Place, Suite 200
 Orlando, FL 32803
 407-836-1400 • Fax 407-836-1499
 www.ocfl.net

ENVIRONMENTAL PROTECTION COMMISSION

ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION
December 6, 2023

R. Alan Horn
Chairman

Peter J. Fleck
Vice Chairman

Billy Butterfield

Kelly Eger-Smith

Jared A. Gasper

Karin Leissing

Margaret Shan Atkins

Appellants: Eudene Harry and Nathan Hill

Permit Application Number: BD-22-06-120-MOD

Location/Address: 510 Jennifer Lane

RECOMMENDATION: Acceptance of the findings and recommendation of the Environmental Protection Officer and make a finding that issuance of the Permit Minor Modification Approval is consistent with Orange County Code, Chapter 15, Article IX and render a recommendation to the Board of County Commissioners to uphold issuance of BD-22-06-120-MOD for the Wallace Palladino and Marie Beaudrault Dock Construction Permit BD-22-06-120. District 1

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: *Renee H. Parker*

DATE EPC RECOMMENDATION RENDERED: 12/6/2023

Exhibit 9
Appellant & Permittee Map

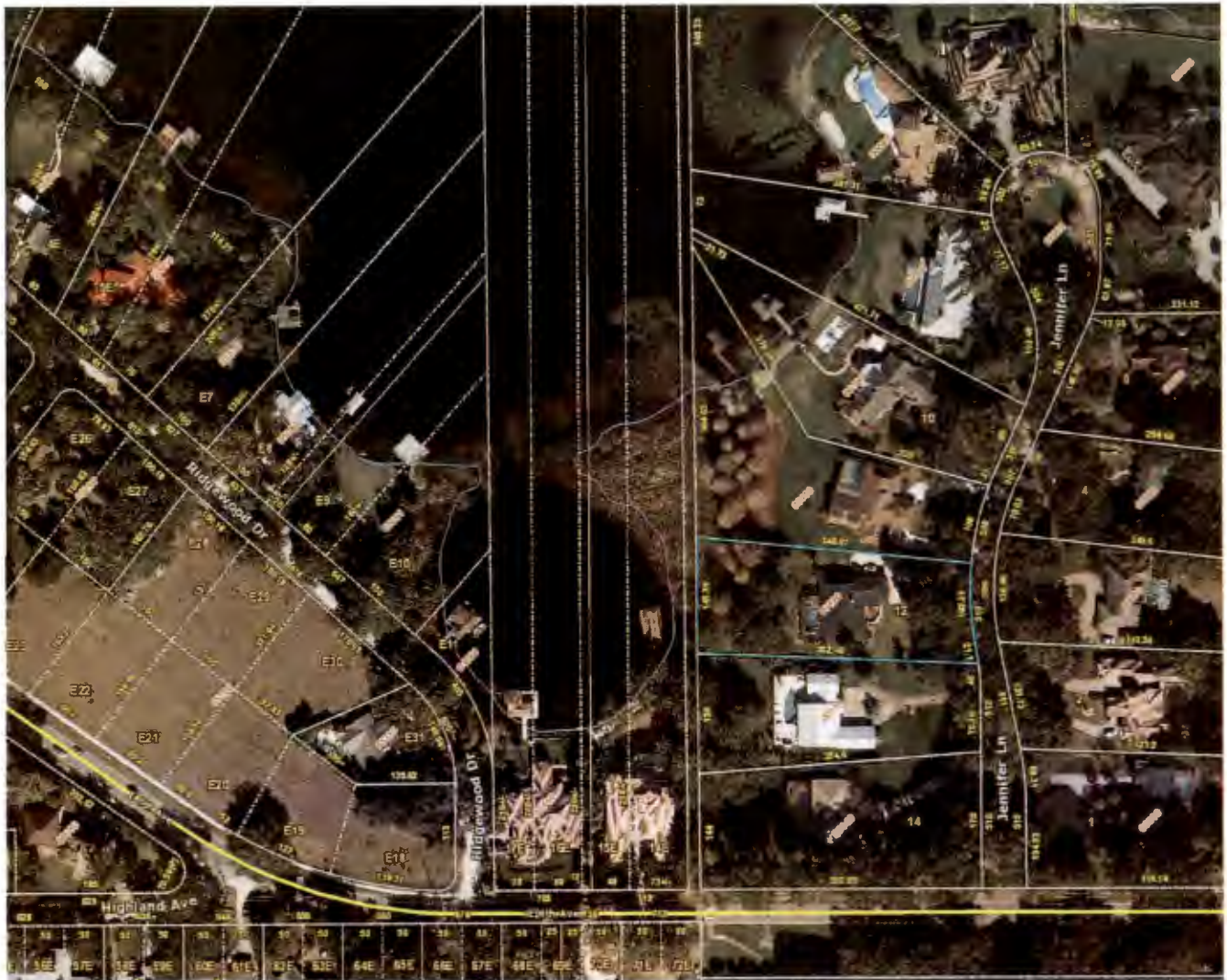


Exhibit 10

Photos Extracted from Videos Provided by Appellants

Relative Location of Docks



Backing



Docking



Exhibit 11

Staked Outline of Minor Modification

PALLADINO - BEAUDRAULT BOAT DOCK SITE PLAN 510 JENNIFER LANE, WINDERMERE, FL 34786

