



Interoffice Memorandum

AGENDA ITEM

November 5, 2019

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

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

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

SUBJECT: December 3, 2019 – Consent Item  
Environmental Protection Commission Recommendation for  
Request for two After-the-Fact Waivers and an After-the-  
Fact Variance for the Anamaria Veiga Dock Construction  
Permit BD-19-04-036

Anamaria Veiga (applicant) is requesting approval of an after-the-fact waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback distance), an after-the-fact waiver to Chapter 15, Article IX, Section 15-342(b) (terminal platform size), and an after-the-fact variance to Chapter 15, Article IX, Section 15-342(a) (water depth). The project site is located at 9720 Nearwater Place, Windermere, Florida 34786. The Parcel ID number is 04-23-28-9332-00-860. The subject property is located on Lake Down in District 1.

The dock on the subject parcel was authorized in 2000 by Orange County, and Dock Construction Permit #99-141 was issued to a previous owner. However, the dock was not constructed according to the stamped plans approved in the permit and a permit from the State of Florida Department of Environmental Protection was never obtained. The applicant is attempting to bring the dock into compliance with all agencies and is requesting:

- A waiver to keep the reduced side setbacks at approximately 11 feet (11.22 feet) from the adjacent southeastern projected property line and approximately -50 feet (-49.66 feet) from the southwestern projected property line, in lieu of the 25 feet required by Code.
- A waiver to keep the dock as constructed with a terminal platform that measures 879 square feet, in lieu of the 790 square feet maximum allowed by Code.
- A variance to keep the dock at the current mooring depth ranging from 5.4 to 8.2 feet, in lieu of the maximum five feet allowed by Code.

Notification of the Application for Waiver to side setback was sent to the abutting shoreline property owners on July 26, 2019. Notifications of the Application for Waiver to terminal platform size and Application for Variance to water depth were sent to all property owners within a 300-foot radius of the property on July 30, 2019. No objections were received.

Staff evaluated the requests for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer (EPO) is to approve the request for variance based on a finding that pursuant to Section 15-350(a)(1), strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary hardship on the applicant. The hardship is not self-imposed as the Code requirements and property ownership have changed since the time the dock was originally permitted. Additionally, no objections have been received and negative effects to the environment due to shading impacts from the larger terminal platform size will be offset through mitigation. Therefore, the waiver criteria of Section 15-350(a)(2) have also been met.

Based upon evidence and testimony presented at the October 30, 2019 Environmental Protection Commission (EPC) public hearing, the EPC voted to accept the findings and recommendation of the EPO and made a recommendation to approve the request for waivers to Section 15-343(b) (side setback) and Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$725 to the Conservation Trust Fund as mitigation, and to approve the request for variance to Section 15-342(a) (water depth).

**ACTION REQUESTED: Make a finding that the variance request is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1) and a finding that the waiver requests are consistent with Section 15-350(a)(2) and accept the recommendation and findings of the Environmental Protection Commission to approve the requests for variance to Section 15-342(a) (water depth) and waivers to Section 15-343(b) (side setback) and Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$725 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Anamaria Veiga Dock Construction Permit BD-19-04-036. District 1**

JWW/DJ: mg

Attachments

# After-The-Fact Dock Construction Applications for Waiver and Variance



## After-The-Fact Dock Construction Applications for Waiver and Variance District #1

Permit No.: BD-19-04-036

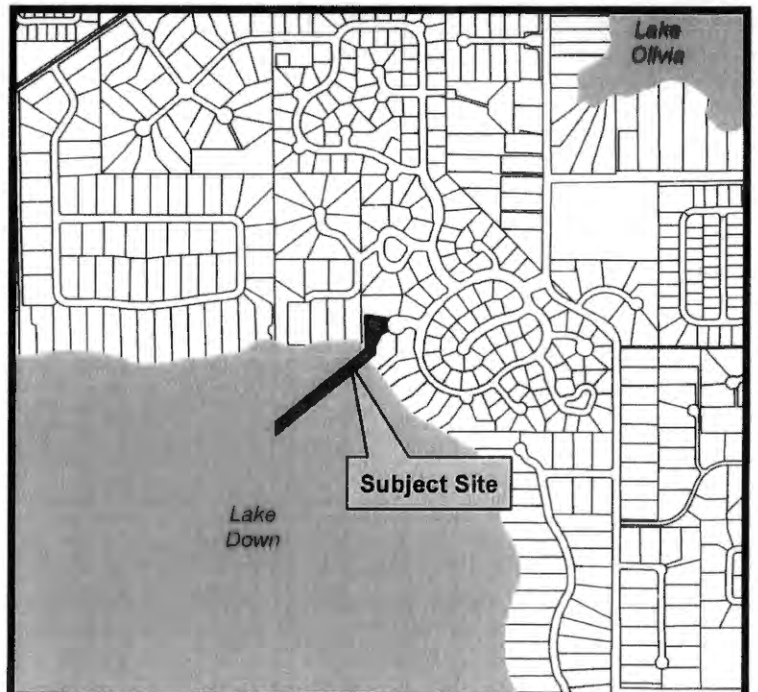
Applicant: Anamaria Veiga

Address: 9720 Nearwater Place

Parcel ID: 04-23-28-9332-00-860

Project Site 

Property Location 






**Interoffice Memorandum**

**October 15, 2019**

**To:** Environmental Protection Commission

**From:** David D. Jones, P.E., CEP, Manager  
Environmental Protection Division 

**Subject:** **Anamaria Veiga Request for two After-the-Fact Waivers and an After-the-Fact Variance for Dock Construction Permit BD-19-04-036**

**Reason for Public Hearing**

The applicant, Anamaria Veiga, is requesting approval of an after-the-fact waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback distance), an after-the-fact waiver to Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size), and an after-the-fact variance to Code, Chapter 15, Article IX, Section 15-342(a) (water depth).

**Location of Property/Legal Description**

The project site is located at 9720 Nearwater Place, Windermere, Florida 34786. The Parcel ID number is 04-23-28-9332-00-860. The subject property is located on Lake Down in District 1.

**Background**

On April 26, 2019 the Environmental Protection Division (EPD) received an application for a permit modification for Dock Construction (BD) Permit #99-141 (Exhibit 1), previously issued to former property owner Mr. Jerry Camero on July 25, 2000. The property has changed hands twice since BD Permit #99-141 was issued. In the current application documents, the applicant's agent (Sheila Cichra) identified that although Mr. Camero obtained a dock permit from Orange County, he did not obtain the required permit from the Florida Department of Environmental Protection (DEP). The current property owner is attempting to bring the property into compliance with all permitting agencies, and obtained a permit for the dock from DEP (Exhibit 2) on May 15, 2019. In the DEP permit, a modification to the configuration of the beginning of the dock to move it to 25 feet away from the western property line at the Normal High Water Elevation (NHWE) was required.

During review of the current request, staff determined that the dock was not built in accordance with BD Permit #99-141. The configuration and size of the dock, as depicted on the as-built survey (Exhibit 3), deviated slightly from the approved plans, but still met the criteria of the boat dock code at that time. However, the side setback requirement of 10 feet was not met. Additionally, the current request will further modify the dock from the permitted design. Therefore, a new permit for the dock that includes the proposed modifications and that meets current code requirements is necessary.

**Public Notifications**

In accordance with Code, Chapter 15, Article IX, Section 15-347(a), on July 26, 2019 a Notice of Application (NOA) for Waiver to side setback was sent to the abutting shoreline property owners.

Additionally, on July 30, 2019 a NOA for Waiver to terminal platform size and NOA for Variance to water depth were sent to all property owners within a 300-foot radius of the property.

### **Side Setback Waiver**

Chapter 15, Article IX, Section 15-343(b) of the Code states, "On lots or parcels having a shoreline frontage seventy-five (75) feet or greater, docks shall have a minimum side-setback of twenty-five (25) feet from the projected property line..." The applicant's shoreline measures approximately 83 linear feet at the Normal High Water Elevation (NHWE), requiring a minimum side setback of 25 feet.

At the time the dock was originally permitted, the Code required only a 10-foot side setback. However, the dock only partially met the previous criterion because during review of the application in 1999, riparian lines were improperly utilized instead of projected property lines. The structure was built approximately 11 feet (11.22 feet) from the adjacent southeastern projected property line and approximately -50 feet (-49.66 feet) from the southwestern projected property line.

In order to keep the dock in its current location, the applicant's agent submitted an Application for Waiver (after-the-fact) to Section 15-343(b) (side setback distance), received by EPD on July 15, 2019.

Pursuant to Section 15-350(a)(2), "the applicant shall describe (1) how this waiver would not negatively impact the environment, and (2) the effect of the proposed waiver on abutting shoreline owners."

To address Section 15-350(a)(2)(1), the applicant's agent states, "*The "location" of the terminal platform does not change the impact to the lake. The terminal platform is oddly shaped and skewed, not square with the shoreline - that is what causes the setbacks to be less than required.*"

To address Section 15-350(a)(2)(2), the applicant's agent states, "*The structure does not negatively impact the adjacent property owner's view or navigability. The boathouse has been exactly like this since it was built almost 20 years ago by the previous owner. Unfortunately, it was not built according to the parameters of the permit. This was discovered when the new owner applied for a permit to build a seawall. This variance [sic] request is necessary in order to bring the structure into compliance.*"

### **Terminal Platform Size Waiver**

Chapter 15, Article IX, Section 15-342(b) of the Code states, "the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of 1,000 square feet." The applicant has a shoreline that measures approximately 83 linear feet at the NHWE, allowing for a maximum terminal platform size of 790 square feet. The current size of the terminal platform is 879 square feet (89 square feet larger than allowed).

The dock does not meet the current Code in terms of the terminal platform size requirement nor does it meet the original permitted size of 772 square feet shown on the approved plans. However, at the time the dock was originally permitted, the Code did not have a terminal platform size maximum.

In order to keep the dock in its current location, the applicant's agent submitted an Application for Waiver (after-the-fact) to Section 15-342 (b) (terminal platform size), received by EPD on July 15, 2019. The applicant is requesting to keep the terminal platform measuring approximately 879 square feet as constructed.

Page Three

October 30, 2019 Environmental Protection Commission

Anamaria Veiga Request for two After-the-Fact Waivers and an After-the-Fact Variance for Dock Construction Permit BD-19-04-036

Pursuant to Section 15-350(a)(2), “the applicant shall describe (1) how this waiver would not negatively impact the environment, and (2) the effect of the proposed waiver on abutting shoreline owners.”

To address Section 15-350(a)(2)(1), the applicant’s agent states, “*The terminal platform is only 82 square feet over the allowed limit. The negative impact of this minimal square footage is negligible and the owner is willing to pay mitigation for the additional impact.*”

To address Section 15-350(a)(2)(2), the applicant’s agent states, “*The structure does not negatively impact the adjacent property owner’s view or navigability. The boathouse has been exactly like this since it was built almost 20 years ago by the previous owner. Unfortunately, it was not built according to the parameters of the permit. This was discovered when the new owner applied for a permit to build a seawall. This variance [sic] request is necessary in order to bring the structure into compliance.*”

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicant has agreed to provide mitigation for the additional shading with a payment of \$725 to the Conservation Trust Fund.

### **Water Depth Variance**

Chapter 15, Article IX, Section 15-342(a) of the Code states, “The dock shall extend only to the point where reasonable water depth for vessel mooring is achieved. The maximum water depth allowed for mooring areas is five feet, as measured from the NHWE, unless the natural conditions of the water body necessitate a greater water depth to allow reasonable mooring conditions. The dock shall not adversely affect the rights of other persons and property owners’ use of, and access to, the water body.”

At the time the dock was originally permitted, the Code did not have a maximum water depth for mooring areas. EPD staff measured the water depth in the mooring area of the constructed dock, which ranged from 5.4 to 8.2 feet. Accordingly, the dock does not meet current code requirements.

In order to keep the dock in its current location, the applicant’s agent submitted an Application for Variance (after-the-fact) to Section 15-342(a) (water depth), received by EPD on July 15, 2019. The applicant is requesting to keep the dock as constructed at the current water depth.

Section 15-350(a)(1) Variances states, “A variance application may receive an approval or approval with conditions when such variance: (1) would not be contrary to the public interest; (2) where, owing to special conditions, compliance with the provisions herein would impose an unnecessary hardship on the permit applicant; (3) that the hardship is not self-imposed; and (4) the granting of the variance would not be contrary to the intent and purpose of this article.”

Pursuant to Section 15-350(a)(1) Variances, “the applicant shall also describe (1) how strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary hardship on the applicant-the hardship cannot be self-imposed; and (2) the effect of the proposed variance on abutting shoreline owners.”

To address Section 15-350(a)(1)(1), the applicant’s agent states, “*This boat house was built for the previous owner, almost 20 years ago. It is unfortunate that it was not built precisely according to the permit parameters, but that is not the current owners fault. They simply wish to bring the existing structure into compliance. The only alternative is to tear it all down and rebuild.*”

To address Section 15-350(a)(1)(2), the applicant’s agent states, “*The structure does not negatively impact the adjacent property owner’s view or navigability. The boathouse has been exactly like this since it was originally built and there have been no issues.*”

**Objections**

EPD has received no objections to the requested waivers or variance.

**Enforcement Action**

There is no current enforcement action for this property.

**Summary of Findings**

	<b>Old Code</b>	<b>New Code</b>	<b>Request</b>	<b>Comments</b>
<b>Side Setback Distance</b>	10ft. Minimum	25ft. Minimum	11ft. to SE and -50ft. to SW	The side setback requirement when the dock was permitted in 2000 was 10 feet. Riparian lines were used in error to assess setbacks instead of projected property lines. EPD has not received objections from the neighbors.
<b>Terminal Platform Size</b>	No Size limit	790sq.ft. Maximum	879 sq.ft.	There was no maximum terminal platform size requirement when the dock was permitted in 2000. The terminal platform was permitted at 772sq.ft. but it is currently 879sq.ft. in size, which is 89sq.ft. larger than current Code requirements. EPD has not received objections from the neighbors. The applicant has agreed to provide mitigation for the additional shading impacts.
<b>Water Depth at Mooring</b>	No Depth Limit	5ft Maximum	8.2ft.	There was no maximum water depth requirement when the dock was permitted in 2000. EPD has not received objections from the neighbors.

**Staff Recommendation**

Staff has evaluated the requested waivers for compliance with the Code and criteria for approval. The recommendation of the Environmental Protection Officer is to approve the waiver to Section 15-343(b) (side setback) and approve the waiver to Section 15-342(b) (terminal platform size), based on a finding that the applicant has demonstrated that there will be no effect from the proposed waiver on abutting shoreline owners pursuant to Section 15-350(a)(2)(2) as no objections have been received. Additionally, pursuant to Section 15-350(a)(2)(1) negative effects to the environment due to the excess terminal platform size will be offset through mitigation.

Staff also evaluated the requested variance for compliance with the Code and criteria for approval. The recommendation of the Environmental Protection Officer is to approve the variance to Section 15-342(a) (water depth) based on a finding that that strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary hardship on the applicant pursuant to Section 15-350(a)(1). Additionally, the hardship is not self-imposed as the Code requirements have changed since the dock was originally permitted and the property is under new ownership. Pursuant to Section 15-350(a)(1)(2) no objections have been received.

**ACTION REQUESTED:** Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), accept the findings and recommendation of the Environmental Protection Officer and make a finding that the waiver requests are consistent with Section 15-350(a)(2), and recommend approval of the request for waivers to Section 15-343(b) (side setback) and Section 15-342(b) (terminal platform size), and make a finding that the variance request is consistent with Section 15-350(a)(1), and recommend approval of the request for variance to Section 15-342(a) (water depth) with the condition that the applicant pay \$725 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Anamaria Veiga Dock Construction Permit BD-19-04-036. District 1.

TT/NT/TMH/DDJ: mg

Attachments





**APPLICATION TO CONSTRUCT A BOAT DOCK  
APPLICATION FOR WAIVER**

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

**Mail or Deliver To:** Orange County Environmental Protection Division  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808  
(407) 836-1400, Fax (407) 836-1499

I Sheila Cichra on behalf of AnaMaria Veiga (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(2) am requesting a waiver to section (choose and circle from the following: 15-342(b), 15-343(b), 15-344(a) and 15-345(a)) of the Orange County Dock Construction Ordinance.

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

The terminal platform is only 82 square feet over the allowed limit. The negative impact of this minimal square footage is negligible and the owner is willing to pay mitigation for the additional impact.

The 'location' of the terminal platform does not change the impact to the lake. The t.p. is oddly shaped and skewed, not square with the shoreline - that is what causes the setbacks to be less than required.

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

The structure does not negatively impact the adjacent property owner's view or navigability. The boathouse has been exactly like this since it was built almost 20 years ago by the previous owner. Unfortunately, it was not built according to the parameters of the permit. This was discovered when the new owner applied for a permit to build a seawall. This variance request is necessary in order to bring the structure into compliance.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

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 is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: Sheila Cichra  
Signature of Applicant/Agent *Sheila Cichra* Date: July 15, 2019  
Corporate Title (if applicable): \_\_\_\_\_



APPLICATION TO CONSTRUCT A DOCK APPLICATION FOR VARIANCE

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

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

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

I Sheila Cichra on behalf of Anamaria Veiga (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(1) am requesting a variance to section 15-342 (a) of the Orange County Dock Construction Ordinance.

1. Describe how strict compliance with the provisions from which a variance is sought would impose a unique and unnecessary hardship on the applicant (the hardship cannot be self-imposed):

This boathouse was built for the previous owner, almost 20 years ago. It is unfortunate that it was not built precisely according to the permit parameters, but that is not the current owner's fault. They simply wish to bring the existing structure into compliance. The only alternative is to tear it all down and rebuild.

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

The structure does not negatively impact the adjacent property owner's view or navigability. The boathouse has been exactly like this since it was originally built and there have been no issues.

Notice to the Applicant:

The environmental protection officer, environmental protection commission and the Board of County Commissioners may require additional information necessary to carry out the purposes of this article.

A variance application may receive an approval or approval with conditions when such variance: (1) would not be contrary to the public interest; (2) where, owing to special conditions, compliance with the provisions herein would impose an unnecessary hardship on the permit applicant; (3) that the hardship is not self-imposed; and (4) the granting of the variance would not be contrary to the intent and purpose of this article.

By signing and submitting this application form, I am applying for a variance to the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete, and accurate. I understand this is an application and not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to commencement of construction. I understand that knowingly making any false statements or representation in this application is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: Sheila Cichra

Signature of Applicant/Agent [Signature] Date: July 15, 2019

Corporate Title (if applicable):







ENVIRONMENTAL PROTECTION DIVISION  
ANNA H. LONC Manager  
Leeds Commerce Center  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808-7896  
(407) 836-1400 • Fax (407) 836-1499  
www.onetgov.net

**Exhibit 1**

**Revised Boat Dock Permit**

**Permit No.: 99-141 Revised**

**Date Issued: July 25, 2000**

**Date Expires: July 25, 2001**

**A Permit Authorizing:**

Construction of a Boat Dock and Boathouse on the property located adjacent to Lake Down described by the referenced legal description. This permit is issued pursuant to Orange County Code, Chapter 15, Boat Dock Ordinance, Article IX and is subject to the special conditions provided on the following pages:

**Location and Legal Description:**

A portion of lots 85, 86 & 87 of Windermere Downs according to plat thereof as Recorded in Plat Book 4, Pages 12 & 13 of Public Records of Orange County, Florida.  
Orange County Commission District: 1

**Issued To:** Jerry Camero  
9720 Nearwater Place  
Windermere, Florida 34736

July 25, 2000  
Boat Dock Permit no: 99-141  
Page Two

**Approved, subject to the following conditions:**

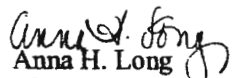
1. Minimum height of the deck must be one foot above the Normal High Water Elevation (NHWE) of 99.5 feet above mean sea level for **Lake Down**. Maximum height of the boathouse shall be 13 feet above the NHWE.
2. Construction shall be in accordance with stamped, approved drawings.
3. Turbidity must be confined to the permitted area of work by the use of Best Management Practices such as screens, filter cloth etc., unless it can be demonstrated that state water quality standards on turbidity are not being violated.
4. This permit must be posted in a conspicuous place on site, before activity begins and must remain until completion.
5. A separate permit from the Florida Department of Environmental Protection, if applicable, will be obtained prior to this permit becoming valid.

A copy of this letter, along with Environmental Protection Division stamped, approved drawings should be taken to the Zoning Division for approval in order to obtain a building permit.

Note: A certified site plan will be required to obtain a building permit. For further information, please contact the Zoning Division at (407) 836-5525 or the Building Division.

Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein, and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined, by a final adjudication issued by a court of competent jurisdiction, to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent for the offending structure from the affected owner, or to remove the interference encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.

Sincerely,

  
Anna H. Long  
Manager

BY/AHL:bk

C:\Florida Department of Environmental Protection, 3319 Maquire Blvd., Orlando, FL  
Hodgskin Outdoor Living





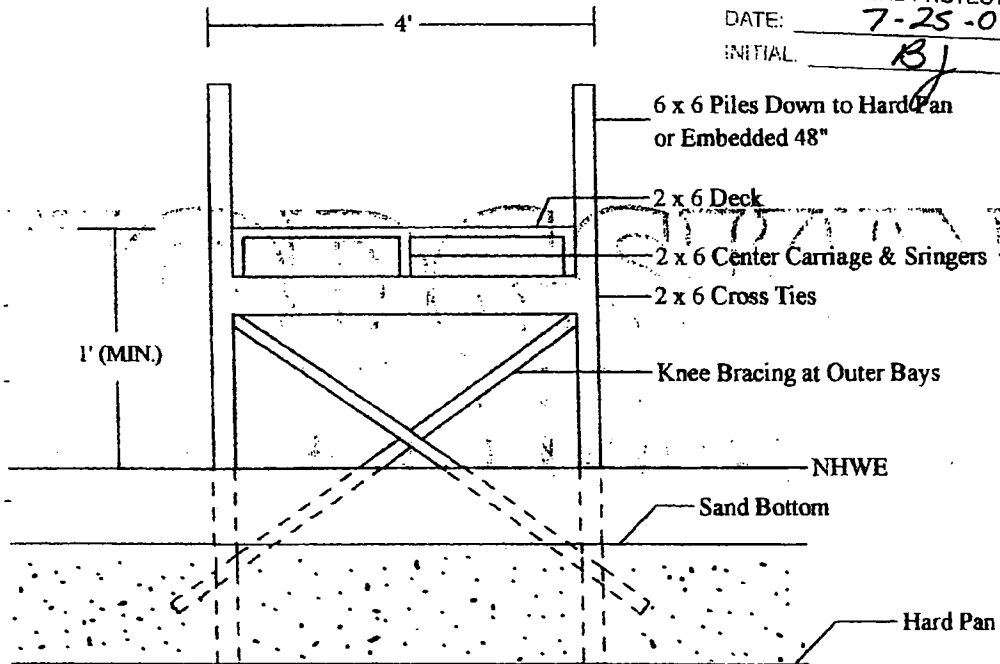
**HODGSKIN**  
Outdoor Living, Inc.  
• Florida's Finest Custom Built •

6125 Hansel Avenue • Orlando, Florida 32809  
Phone: (407) 857-1600 • (800) 957-3625 • Fax: (407) 857-0907

**TYPICAL DOCK SECTION**

- Note: All Framing, Decking, Crossties, and Knee-Bracing to be nailed with 16 Penny Ringshank.
- Note: Poles to be emb. min. 48" into ground.
- Note: Decking nail pattern to be 2 - 16 Penny galvanized ringshank per board and per joist.
- Note: All Fasteners and connectors shall be corrosion resistant.

APPROVED BY  
ORANGE COUNTY  
ENVIRONMENTAL PROTECTION DIV  
DATE: 7-25-00  
INITIAL: BJ



Name	Jerry Camero
Address	9720 Nearwater Place

**Robert Y. White**  
Professional Civil Engineer  
FL Cert # 13191  
2233 Barr Circle  
Orlando, FL 32807

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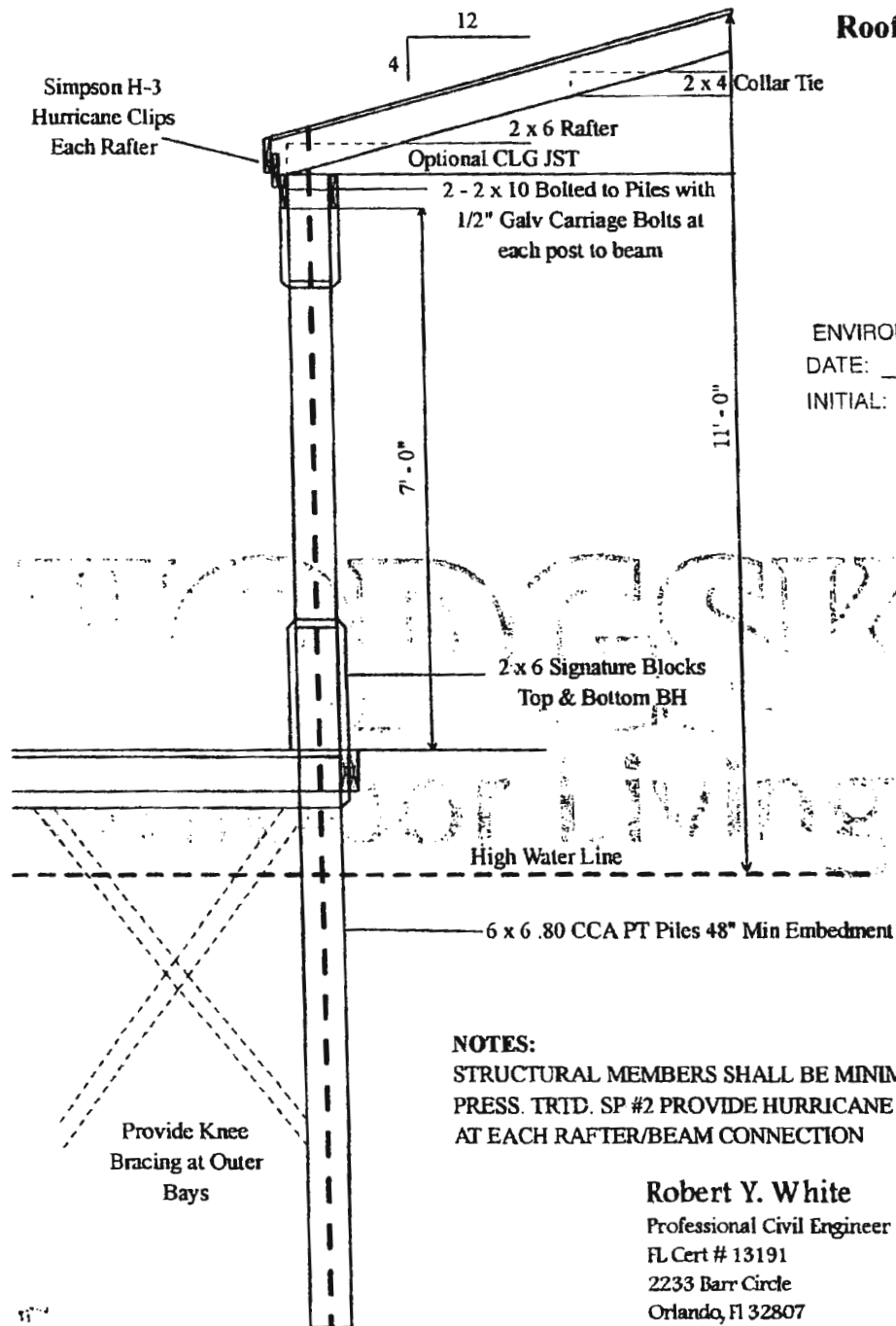




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6125 Hansel Avenue • Orlando, Florida 32809  
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**Roof Dock Section**



APPROVED BY  
 ORANGE COUNTY  
 ENVIRONMENTAL PROTECTION DIV.  
 DATE: 7-25-00  
 INITIAL: BJ

**NOTES:**  
 STRUCTURAL MEMBERS SHALL BE MINIMUM  
 PRESS. TRTD. SP #2 PROVIDE HURRICANE CLIPS  
 AT EACH RAFTER/BEAM CONNECTION

**Robert Y. White**  
 Professional Civil Engineer  
 FL Cert # 13191  
 2233 Barr Circle  
 Orlando, FL 32807

\* Contractor shall comply with all applicable codes including SBCCI SSTD 10-97

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Outdoor Living, Inc.

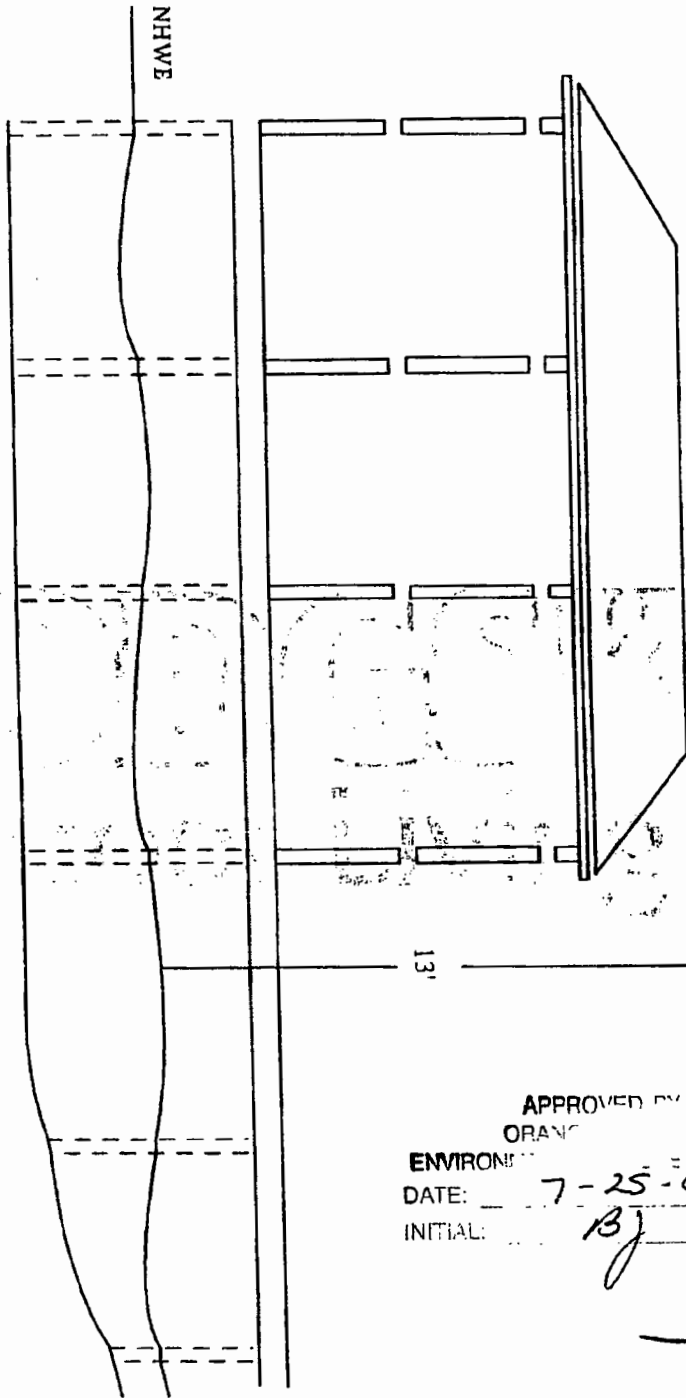
• Florida's Finest Custom Built •

6125 Hansel Avenue • Orlando, Florida 32809

Phone: (407) 857-1600 • (800) 957-3625 • Fax: (407) 857-0907

**Robert Y. White**  
Professional Civil Engineer  
FL Cert # 13191  
2233 Barr Circle  
Orlando, FL 32807

Name: Jerry Camero  
Address: 9720 Nearwater Place



Bathhouse Profile

APPROVED BY  
ORANGE COUNTY  
ENVIRONMENTAL  
DATE: 7-25-00  
INITIAL: BJ

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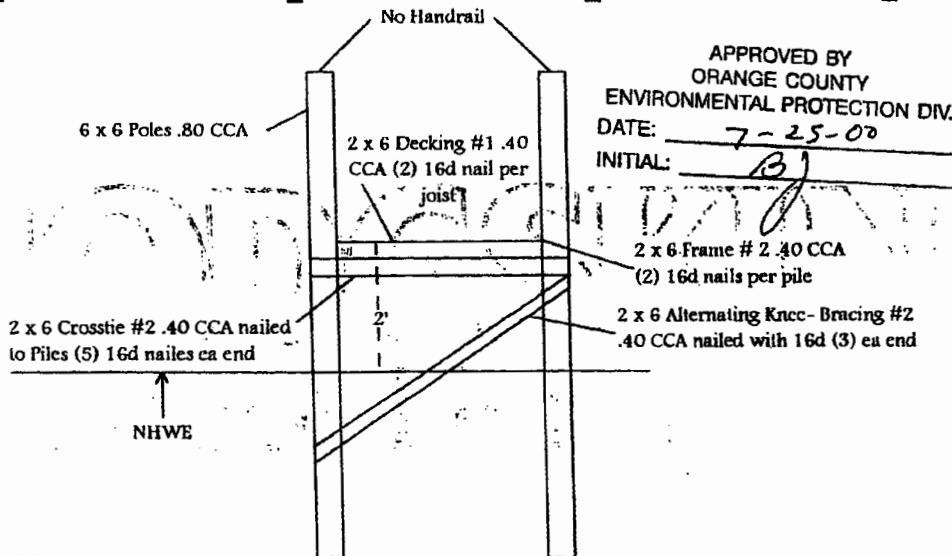
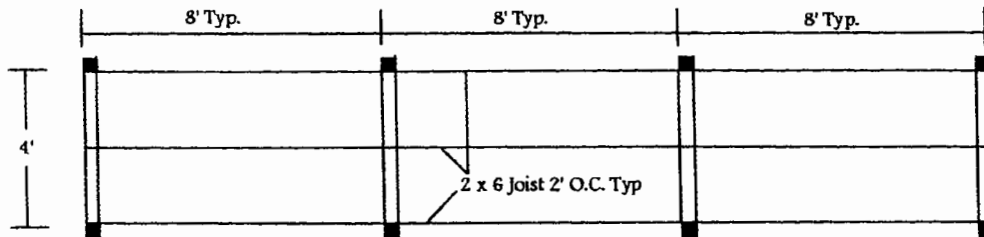
ce/12/60



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Phone: (407) 857-1600 • (800) 957-3625 • Fax: (407) 857-0907

**Walkway Specs**



APPROVED BY  
ORANGE COUNTY  
ENVIRONMENTAL PROTECTION DIV.  
DATE: 7-25-00  
INITIAL: B

- Note: All framing, decking, cross-ties and knee-bracing to be nailed with 16 penny ringshank
- Note: All poles to be emb. min. 48" into ground
- Note: Decking nail pattern to be 2 - 16 penny galvanized ringshank per board and per joist.
- Note: All fasteners and connectors shall be corrosion resistant.

Name Jerry Camero  
Address 9720 Nearwater Place

**Robert Y. White**  
Professional Civil Engineer  
FL Cert # 13191  
2233 Barr Circle  
Orlando, FL 32807

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DECISION ON PUBLIC HEARING  
BEFORE THE BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA  
MAY 9, 2000

ON MAY 9, 2000, THE BOARD OF COUNTY COMMISSIONERS CONSIDERED A REQUEST BY JERRY CAMERO FOR A PERMIT TO CONSTRUCT A BOAT DOCK PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, ON PROPERTY LOCATED ADJACENT TO LAKE DOWN, LOCATED AT 9720 NEARWATER PLACE; DISTRICT 1, ORANGE COUNTY, FLORIDA.

UPON A MOTION, THE BOARD OF COUNTY COMMISSIONERS APPROVED THE REQUEST BY JERRY CAMERO FOR A PERMIT TO CONSTRUCT A BOAT DOCK, ON THE ABOVE-DESCRIBED PROPERTY; SUBJECT TO THE FOLLOWING CONDITIONS:

1. MINIMUM HEIGHT OF THE DECK MUST BE ONE-FOOT (1') ABOVE THE NORMAL HIGH WATER ELEVATION (NHWE) OF 99.5 FEET MEAN SEA LEVEL FOR LAKE DOWN. MAXIMUM HEIGHT FOR THE BOATHOUSE SHALL BE 13 FEET ABOVE THE NHWE.
2. TURBIDITY MUST BE CONFINED TO THE PERMITTED AREA OF WORK BY THE USE OF BEST MANAGEMENT PRACTICES SUCH AS SCREENS, FILTER CLOTH, ETC., UNLESS IT CAN BE DEMONSTRATED THAT THE STATE WATER QUALITY STANDARDS ON TURBIDITY ARE NOT BEING VIOLATED.
3. THIS PERMIT MUST BE POSTED IN A CONSPICUOUS PLACE ON SITE, BEFORE ACTIVITY BEGINS AND MUST REMAIN UNTIL COMPLETION.
4. A SEPARATE PERMIT FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IF APPLICABLE, WILL BE OBTAINED PRIOR TO THIS PERMIT BECOMING VALID.
5. THE BOAT DOCK SHALL BE 85 FEET FROM THE NHWE.
6. THE ROOF OF THE BOATHOUSE SHALL BE CONSTRUCTED WITH A 3 ON 12 PITCH.


BCC Decision - Jerry Camero  
May 9, 2000  
page 2 of 2

7. THE APPLICANT SHALL SUBMIT REVISED DRAWINGS TO THE ENVIRONMENTAL PROTECTION DIVISION FOR REVIEW AND APPROVAL. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REVISED STAMPED APPROVED DRAWINGS.



  
\_\_\_\_\_  
COUNTY CHAIRMAN

THE FOREGOING DECISION HAS BEEN FILED WITH ME THIS 17TH DAY OF MAY 2000.

  
\_\_\_\_\_  
DEPUTY CLERK  
BOARD OF COUNTY COMMISSIONERS  
ORANGE COUNTY, FLORIDA

vls

## Exhibit 2



# FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE  
3319 MAGUIRE BLVD., SUITE 232  
ORLANDO, FLORIDA 32803

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Noah Valenstein  
Secretary

### NOTICE OF PERMIT MODIFICATION

May 15, 2019

Anamaria Veiga & William Wright  
9720 Nearwater Pl.  
Windermere, Florida 34786  
[Awright2cu2@gmail.com](mailto:Awright2cu2@gmail.com)

**Permit Modification No.: 0372200-002-EM**  
Original Permit No.: 0372200-001-EI

Dear Mr. Wright & Mrs. Veiga:

Your request to modify the above referenced permit has been received and reviewed by Department staff. The modification includes an after-the-fact authorization of a single-family dock to be included with the new seawall and riprap that was permitted under 0372200-001-EI.

Since the proposed modifications are not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as requested. By copy of this letter and the attached drawing, we are notifying all necessary parties of the modification(s).

**This letter of approval does not alter the Specific or General Conditions, or any monitoring requirements, with the exception of the modification stated above, of the permit. This letter and accompanying drawings must be attached to the original permit and any letter modifications and any future transfer documents.**

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Petitions filed by the permittee and the parties listed below must be filed within 14 days of receipt of this letter.

Petitioner shall mail a copy of the petition to the permittee at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the permittee's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action; or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this letter. Persons whose substantial interests will be affected by any decision of the Department with regard to the permit have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

This Notice constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.



Any party to this letter has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; and by filing a copy with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Notice of Permit Modification is filed with the Clerk of the Department.

#### **EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Nathan Hess  
Permitting and Waste Cleanup  
Program Administrator  
Florida Department of Environmental Protection

#### **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

##### **Attachments:**

Original Permit, ERP 0372200-001-EI

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=23.617632.1\]&\[profile=Permitting\\_Authorization\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=23.617632.1]&[profile=Permitting_Authorization])


##### **Copies furnished to:**

Kate Snure, FDEP

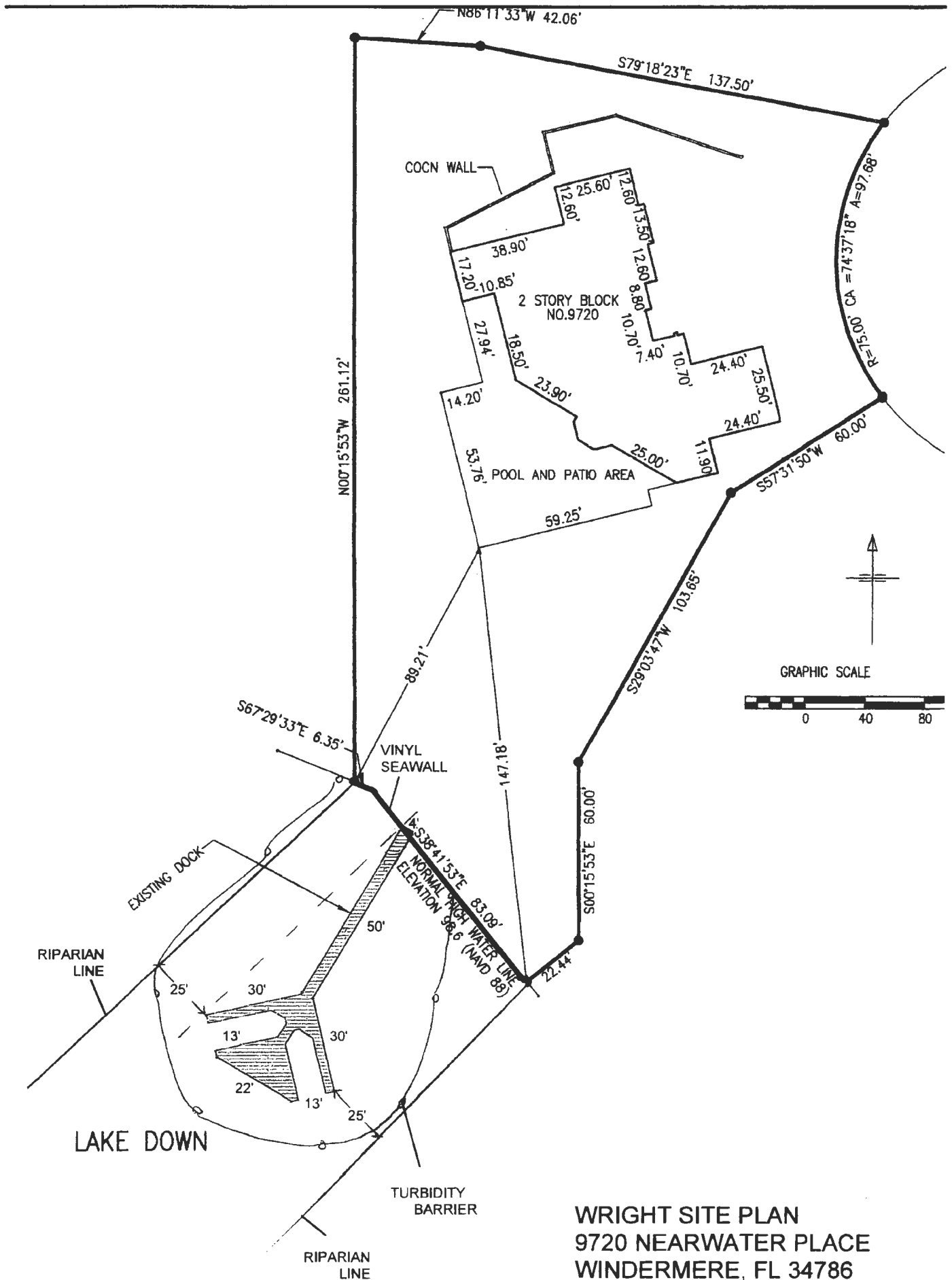
Sheila Cichra, [sheilacichra@gmail.com](mailto:sheilacichra@gmail.com)

#### **FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
Clerk

May 15, 2019  
Date

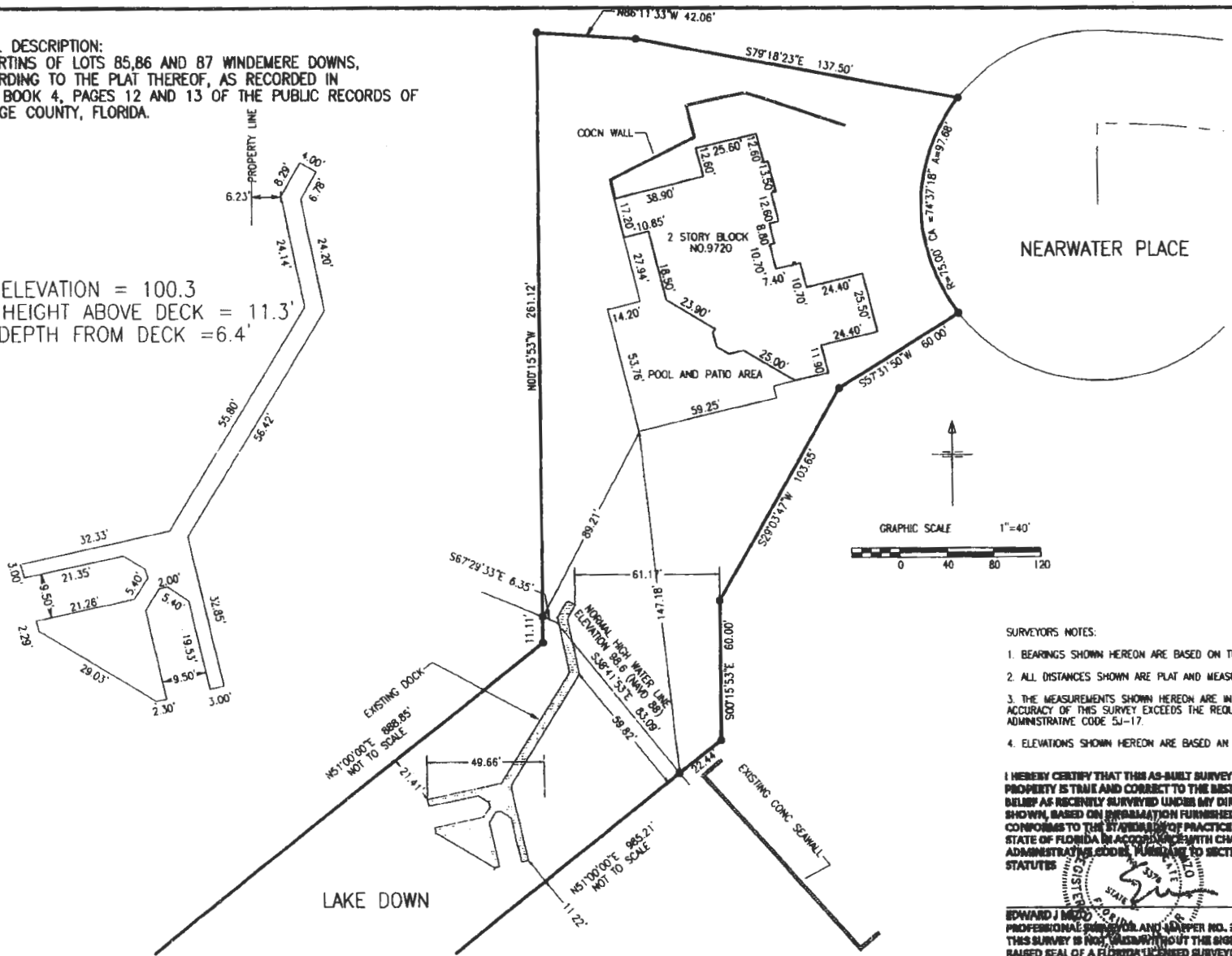


**WRIGHT SITE PLAN**  
**9720 NEARWATER PLACE**  
**WINDERMERE, FL 34786**

# Exhibit 3

LEGAL DESCRIPTION:  
 A PORTIONS OF LOTS 85,86 AND 87 WINDEMERE DOWNS,  
 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN  
 PLAT BOOK 4, PAGES 12 AND 13 OF THE PUBLIC RECORDS OF  
 ORANGE COUNTY, FLORIDA.

DECK ELEVATION = 100.3  
 ROOF HEIGHT ABOVE DECK = 11.3'  
 LAKE DEPTH FROM DECK = 6.4'



- SURVEYORS NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON THE AFORESAID PLAT
  2. ALL DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS NOTED.
  3. THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 5J-17.
  4. ELEVATIONS SHOWN HEREON ARE BASED ON MVD 88 DATUM.

I HEREBY CERTIFY THAT THIS AS-BUILT SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION ON THE DATE SHOWN, BASED ON INFORMATION FURNISHED TO ME AS NOTED AND CONFORMS TO THE STANDARD OF PRACTICE FOR LAND SURVEYING IN THE STATE OF FLORIDA IN ACCORDANCE WITH CHAPTER 31-17.002 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007 FLORIDA STATUTES.

**EDWARD J MIZO**  
 PROFESSIONAL LAND SURVEYOR AND MAPPER NO. 3878  
 THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NORMAL HIGH WATER SURVEY	JANUARY 10, 2019
9720 NEARWATER PLACE WINDEMERE FLORIDA	
EDWARD MIZO PROFESSIONAL LAND SURVEYOR 2025 LEGACY VALUE OR LAWYER #132751 371-438-9391	