

ORANGE



COUNTY
FLORIDA

Public Hearing

CAI-23-12-059

Applicant: KP Home 1 Investment LLC

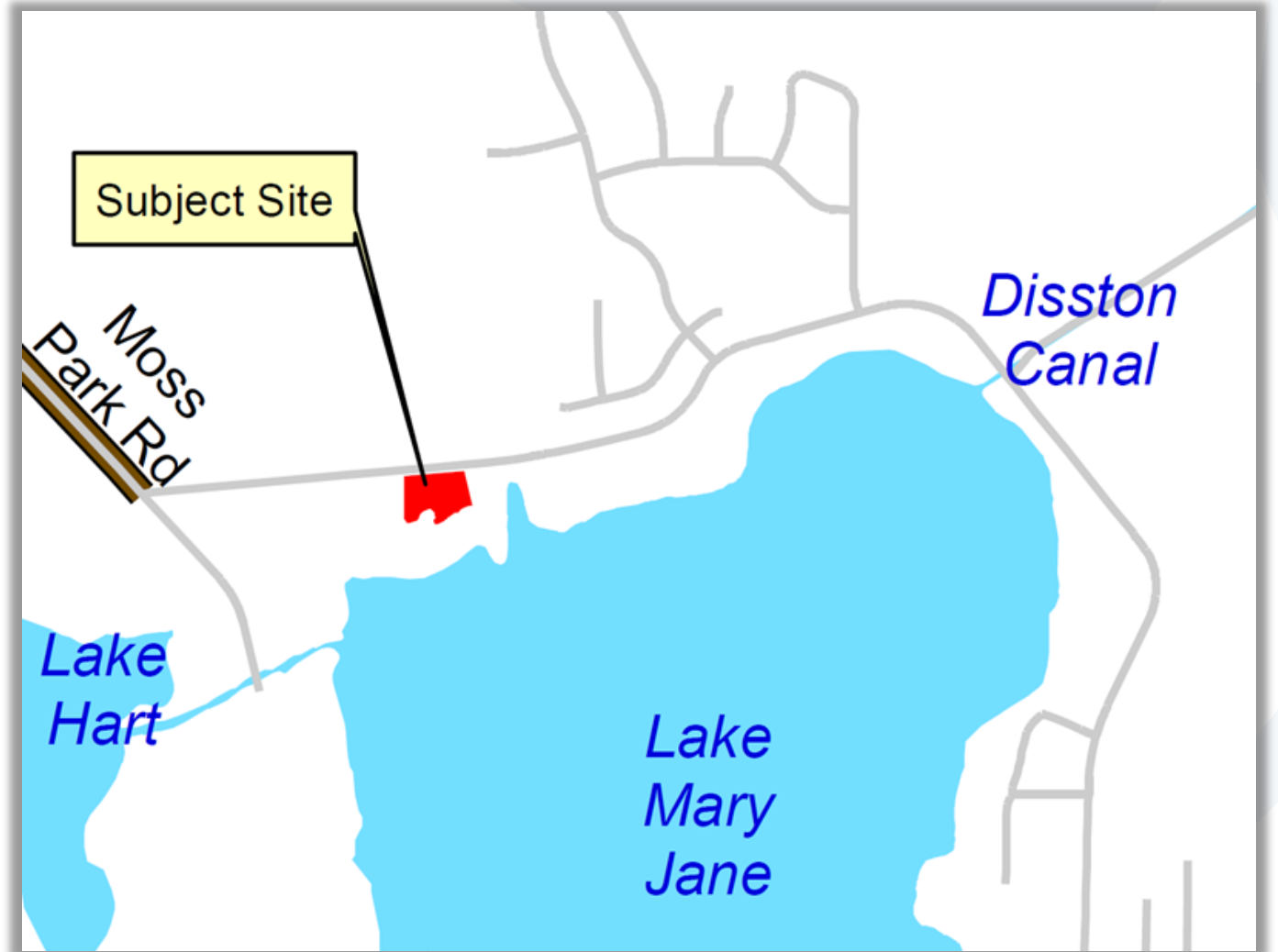
June 16, 2026

Board of County Commissioners

LOCATION MAP

13450 E Lake Mary Jane Road
Orlando, FL 32832

Parcel ID No.: 23-24-31-0000-00-003



AERIAL PHOTO



BACKGROUND

- The site consists of approximately 3.94 acres of Class I wetlands and surface waters associated with Lake Mary Jane and 0.15 acre of upland (in the northeastern corner of the parcel).
- Based on aerial photos, the subject lot was undeveloped until the late 1980s.
- A previous owner of the subject parcel obtained building permits for the original homesite and driveway (1989), a swimming pool and patio (1998), and a screened enclosure around the pool/patio (1998).
- Staff has been unable to locate any County or State permits authorizing the wetland impacts for the original homesite or the pool/patio additions, most of which are located within what were once onsite wetlands.

BACKGROUND

- October 20, 2020: The applicant purchased the property.
- June 13, 2022: EPD investigated a complaint of unauthorized wetland clearing and filling and new structures in the onsite wetland and subsequently issued a Notice of Violation.
- On December 5, 2023, the applicant submitted an After-the-Fact Conservation Area Impact Permit Application (CAI-23-12-059) to attempt to permit some of the impacts as constructed.
- The project is being reviewed under the prior version of Article X, Conservation Areas Ordinance, adopted in 1987, since the application was received prior to the effective date of June 1, 2024 for the updated Article X, Wetlands and Surface Waters Protection Ordinance.

Summary of Onsite Improvements

Item	OC Building Permit Issued	Year Built	Constructed By	EPD Permit
Single-family homesite house and driveway	1989	Between 1989-1994	Previous Owner	N
Swimming pool and patio additions	1998	Between 1998-2000	Previous Owner	N
Treehouse	No	2008-2020	Previous Owner	N
Paver driveway extension	No	2021	Applicant	N
Screened addition	No	2020-2021	Applicant	N
Deck Addition	No	2020-2021	Applicant	N

CURRENT REQUEST

- The applicant is requesting after-the-fact authorization of the following structures that were constructed by previous property owners:
 - 1989 homesite and driveway and 1998 pool/patio (0.44 acre)
 - Treehouse (0.002 acres)

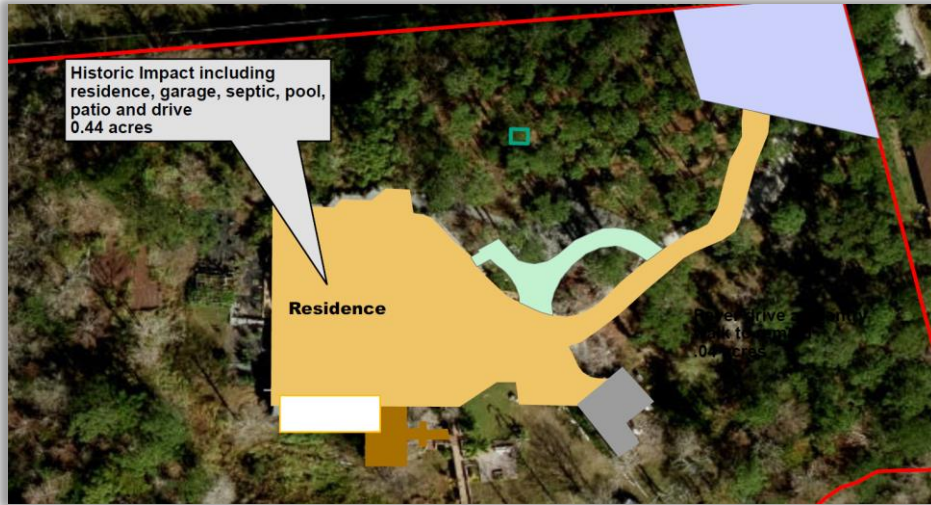


CURRENT REQUEST

- The applicant requests after-the-fact authorization of the following structures/features that have been built since their purchase of the parcel:
 - Paver drive expansion (0.04 acre)
 - Screened addition (0.026 acre)
 - Deck addition (0.022 acre)



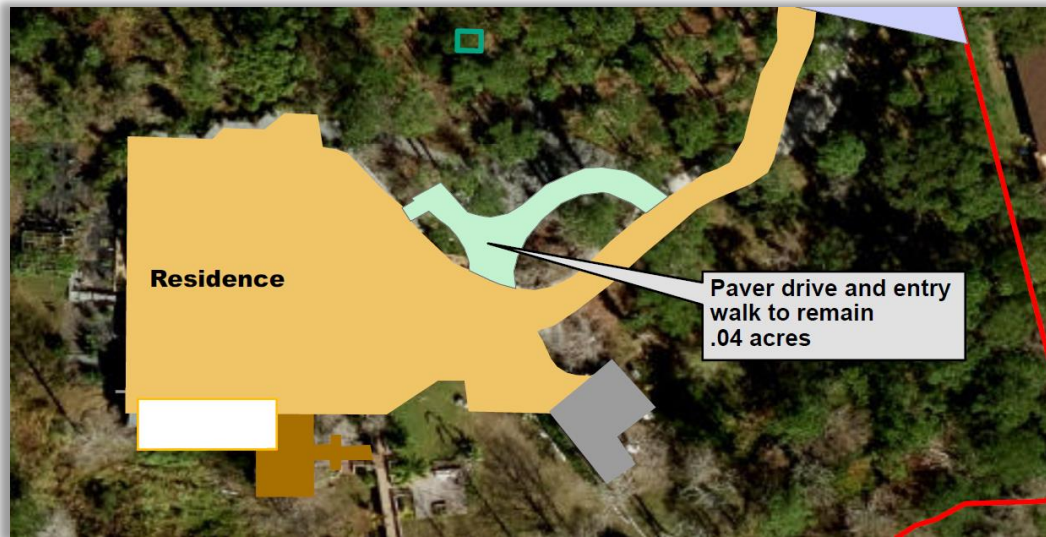
SITE PHOTOS



SITE PHOTOS



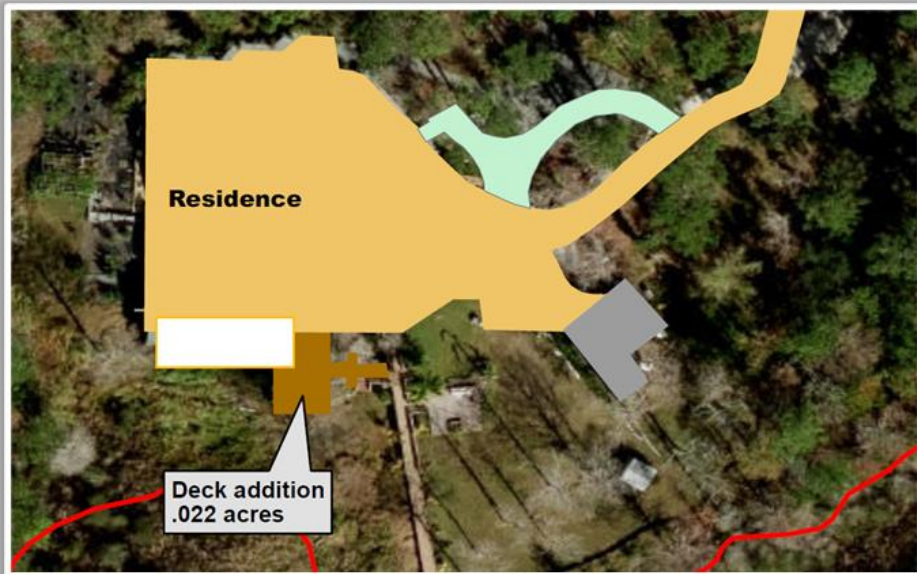
SITE PHOTOS



SITE PHOTOS



SITE PHOTOS



STAFF ANALYSIS

- EPD staff has evaluated the proposed impacts and site plan in accordance with the applicable review criteria. Pursuant to Orange County Code, Chapter 15, Article X, Section 15-362(5), where wetlands serve a significant and productive environmental function, the public health, safety and welfare require that any alteration or development affecting such lands should be so designed and regulated so as to minimize or eliminate any impact upon the beneficial environmental productivity of such lands, consistent with the development rights of property owners.
- When encroachment, alteration or removal of Class I conservation areas is permitted, habitat compensation or mitigation as a condition of development approval shall be required.

STAFF ANALYSIS

- Additionally, pursuant to Section 15-396(3)(a), the removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit.
- EPD staff has determined that the applicant has demonstrated the site plan clusters the impacts around a central location, which allows for reasonable use of the land and demonstrates that there are no other feasible or practical alternatives that would minimize or eliminate impacts to the Class I wetland. Therefore, the request meets the criteria for approval.

MITIGATION PLAN

- Because the original homesite and pool/patio addition were constructed nearly 40 years ago by a previous property owner and under County Building permits, EPD is not requiring mitigation for the 0.44-acre impacts associated with the original home, driveway and pool/patio.
- However, mitigation is required for the paver driveway extension, screened addition, deck addition, and treehouse. The applicant has proposed to offset the 0.09-acre wetland impact with the purchase of 0.07 wetland mitigation credits from the TM-Econ Mitigation Bank, Phase IV, which is located in Orange County.
- EPD has determined that the mitigation is appropriate and sufficient to offset adverse impacts to wetlands.

SUMMARY OF REQUESTED IMPACTS

Item	Acres	Constructed By	Mitigation Required	EPD Recommendation
Single-family homesite and driveway, pool/patio	0.44	Previous Owner	N	Approve
Treehouse	0.002	Previous Owner	Y	Approve
Paver driveway extension	0.04	Applicant	Y	Approve
Screened addition	0.026	Applicant	Y	Approve
Deck addition	0.022	Applicant	Y	Approve
Total	0.53			

CONSIDERATIONS

- Enforcement case status:
 - On May 7, 2024, the applicant remitted an administrative penalty in the amount of \$10,000 for the unauthorized impacts.
 - On January 7, 2026, EPD issued a Restoration Plan Approval Letter for restoration of the impacted areas minus those that are part of the subject application. On May 1, 2026, the property owner's agent submitted a baseline report detailing the completion of the first stage of restoration.
 - If the subject application is denied, the restoration plan must be revised to include removal of the subject structures/features and restoration of those areas.
- Since the impacts are after-the-fact, upon approval by the Board, the applicant will provide documentation demonstrating that mitigation has been completed (the purchase of 0.07 wetland mitigation credit) prior to permit issuance.

FINDING

- EPD has made a finding that the request is consistent with Orange County Code, Chapter 15, Article X (adopted in 1987) and recommends approval of After-the-Fact CAI Permit No. CAI-23-12-059, subject to the conditions listed in the staff report.

ACTION REQUESTED

- Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of After-the-Fact Conservation Area Impact Permit CAI-23-12-059 for KP Home 1 Investment LLC. District 4.