Dock Construction Application for After-the-Fact Waiver



Dock Construction
Application for
After-the-Fact Waiver
ATF BD-23-09-127
District #5
Applicants: Anthony Ther

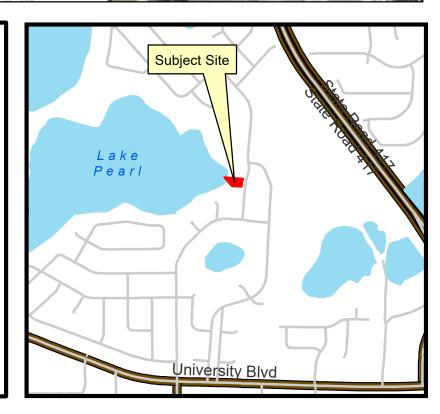
Applicants: Anthony Thermenos and

Jacklyn Thermenos

Address: 4438 Bridgewater Drive **Parcel ID:** 06-22-31-9066-00-650

Project Site

Property Location





APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR WAIVER

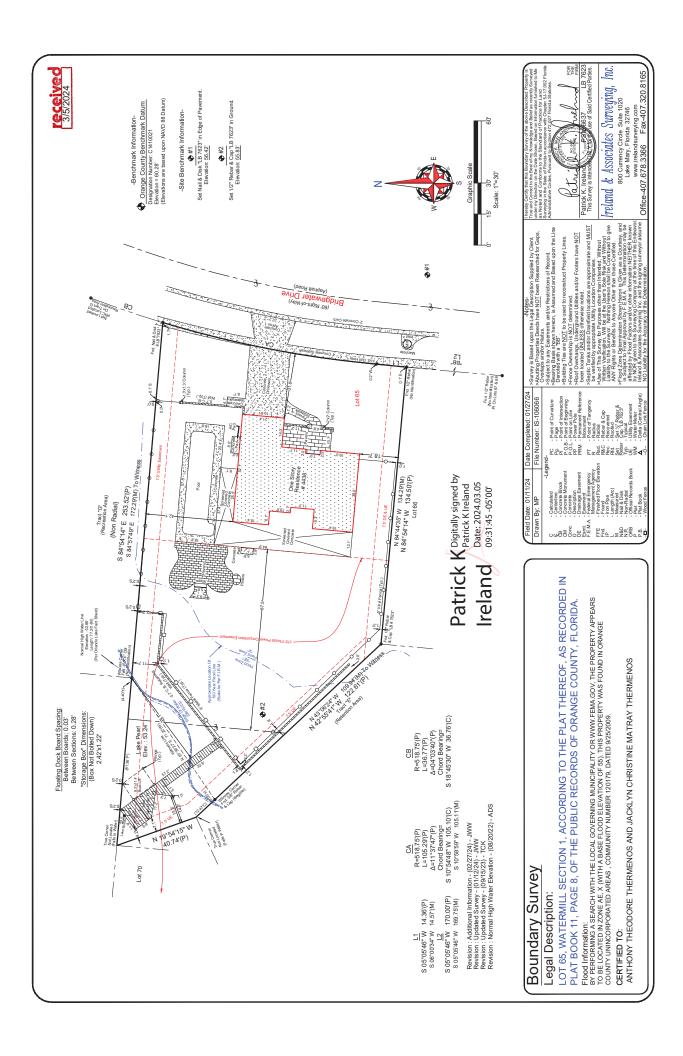
(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(e)

_		
F	L O R I D	received
	Mail or Deliver To:	Orange County Environmental Protection Division WetlandPermitting@ocfl.net 3165 McCrory Place, Suite 200 Orlando, Florida 32803 (407) 836-1402
	Code Chapter 1 [5-343(a)] 15-3 4438 Brid	on behalf of
	There would by property buffer betwe enjoyment o	effect of the proposed waiver on abutting shoreline owners: d be no impact on abutting owner(s). The SW property line is shared with HOA open space that is not accessible to or usable owners. The Northen property line is shared with HOA non-recreational open park space. The floating island and vegetation een property lines makes the floating dock not visible from the park. The dock does not in any way interfere with use and of the non-recreational open park space.
		ntal Protection Officer, Environmental Protection Commission or the Board may require of the applicant essary to carry out the purposes of this article, pursuant to Section 15-350(e).

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

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

Rev 01-01-2023 EPC-018-2018-02





Watermill Homeowners Association, Inc.



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

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

March 21, 2024

Dear Sir/Madam,

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

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

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

Elizabeth Gray

President

Watermill HOA, Inc.

407-212-2059



ENVIRONMENTAL PROTECTION DIVISION Elizabeth R. Johnson, CEP, PWS, MPA, Interim Manager

3165 McCrory Place, Suite 200 Orlando, FL 32803-3727 407-836-1400 • Fax 407-836-1499 www.ocfl.net

September 13, 2023

NOTICE OF NON-COMPLIANCE

SENT VIA EMAIL AND CERTIFIED MAIL:

Anthony Theodore Thermenos Jacklyn Christine Matray Thermenos 4438 Bridgewater Drive Orlando, FL 32817-1371

Email: jacklynmatray@yahoo.com

RE: Unauthorized Boat Dock

Parcel ID No.: 06-22-31-9066-00-650 Address: 4438 Bridgewater Drive

Lake Pearl - Orange County Commission District: 5

Incident Number: 23-627250

Dear Property Owners:

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

Orange County Code Chapter 15, Article IX, Section 15-324 states that:

"Any person desiring to construct a dock or modify an existing dock must first receive a permit from the environmental protection officer authorizing the construction or modification activity. Floating docks or structures installed in Orange County are subject to the regulations in this article and in general will be treated similar to fixed docks for the purposes of this article."

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

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

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

AND

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

Incident Number: 23-627250

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

OR

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

AND

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

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

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

Sincerely.

Karen Garrett-Kraus

Karen Harrott-Kraus

Environmental Program Supervisor

JC/KGK/ ERJ: gfdjr

Enclosures: Lakefront Homeowner Handbook: A Stewardship Guide for Orange County

Residential Permitting: A Pocket Guide for Lakeshores and Wetlands

c: Tim Hull, EPD, <u>Tim.Hull@ocfl.net</u>

Luciana Orindas, EPD, Luciana.Orindas@ocfl.net

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

Incident Number: 23-627250

Unauthorized Boat Dock:



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

Incident Number: 23-627250

Orange County, Florida

Lakefront



A Stewardship Guide for Orange County Lakefront Homeowners

inside

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Lake-Friendly Landscaping

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Shoreline Vegetation & Permitting

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Docks, Ramps and Seawalls

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Conservation Easements, Buffers, Berms & Swales

age 10

Pools, Spas & Aquariums

Page 11

The Truth About Florida's Lakes

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

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

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

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



REV 11/2018

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

Incident Number: 23-627250





received

Public Hearing Notice

Planning, Environmental & Development Services

Commission District #5 Emily Bonilla, Commissioner

Project Manager: Nicole Salvatico

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

Environmental Protection Division:

(407) 836-1400

Request for Boat Dock After-the-Fact Waiver

April 24, 2024 - 8:30 AM

ENVIRONMENTAL PROTECTION COMMISSION (EPC)

Project Information

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

Applicant:

Anthony Theodore Thermenos and Jacklyn Christine Matray Thermenos

Parcel ID No.:

06-22-31-9066-00-650

Address:

4438 Bridgewater Drive

Orlando, FL 32817

Lake Name:

Lake Pearl

Request

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

APPEALS

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

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

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

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

AND

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

Subject Property Location Map



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

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

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

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E-Mail Address: wetlandpermitting@ocfl.net

Theodore Thermenos and Jacklyn APPLICANTS: **OPPOSED** IN FAVOR **Christine Matray Thermenos** (ATF) BD-23-09-127 PROJECT NO .: Commentary: Your Information David Engilis HOA member Address: 4746 Lonsolale CIR ORI and have no challenges 2009 Phone: 407 - 427 - 0891 APPLICATION . IVE David ENGILIS@ Yahoo, com at Done. Permanent w/ LITTLE impact Sitore line





Public Hearing Notice

Planning, Environmental & Development Services

Request for Boat Dock After-the-Fact Waiver

May 29, 2024 – 8:30 AM ENVIRONMENTAL PROTECTION COMMISSION (EPC)

Commission District #5 Emily Bonilla, Commissioner

Project Manager: Nicole Salvatico

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

Environmental Protection Division:

(407) 836-1400

Project Information

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

Applicant: Anthony Theodore Thermenos and

Jacklyn Christine Matray Thermenos

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

Address: 4438 Bridgewater Drive

Orlando, FL 32817

Lake Name: Lake Pearl

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APPLICANTS: Theodore Thermenos and Jacklyn Christine Matray Thermenos PROJECT NO.: (ATF) BD-23-09-127	IN FAVOR OPPOSED
Anita Castiglia.	Lake front property owner.
Address:4282 peacham court.	
Phone: 407-657-4079	
Alcastiglia@juno.com	

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APPLICANTS: Theodore Thermenos and Jacklyn Christine Matray Thermenos PROJECT NO.: (ATF) BD-23-09-127	IN FAVOR OPPOSED	
Name: NICKE Keller Dietel	Commentary:	
Address: 4342 Pierment Court, Moude Pt Phone: 407-466-6122	*	
Email: MKellie 442 Dgmail. ccm		





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APPLICANTS: Theodore Thermenos and Jacklyn Christine Matray Thermenos PROJECT NO.: (ATF) BD-23-09-127	IN FAVOR OPPOSED
Your Information Name: Terry GulleTT Address: 4504 Bridge water DR. Phone: 407-493-5385 Email: TGulleTT@ Neptwetg.com	Commentary:



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APPLICANTS: PROJECT NO.:	Theodore Thermenos and Jacklyn Christine Matray Thermenos (ATF) BD-23-09-127	FAVOR	OPPOSED
	Your Information	Commen	tary:
Phone: 407	s Bridgewette Dl 529-9130	Deighbor acros	is from park, with park view
Email:	THE POPULATION OF THE PARTY OF		
1+01	isbalder comail. con		

Barbara Hali



ENVIRONMENTAL PROTECTION DIVISION Renée H. Parker, LEP Manager

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

ENVIRONMENTAL PROTECTION COMMISSION

Alan Horn - Chairman

Peter Fleck - Vice Chairman

Shan Atkins

Kelly Eger-Smith

Karin Leissing

Vacant:

At Large Representative

Agricultural Representative

ORANGE COUNTY ENVIRONMENTAL PROTECTION COMMISSION May 29, 2024

Applicants: Anthony and Jacklyn Thermenos

Permit Application Number: BD-23-09-127

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

RECOMMENDATION:

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

V	EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED
	EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:
 Sionatu	re of EPC Chairman:
	EPC RECOMMENDATION RENDERED: $\frac{5/29}{24}$