



Interoffice Memorandum

Received August 8, 2025  
No Advertising requirements

August 4, 2025

To: Jennifer Lara-Klimetz, Assistant Manager  
Comptroller Clerk's Office

Through: Cheryl Gillespie, Agenda Development Supervisor  
Agenda Development

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

Staff Person: **Elizabeth R. Johnson, CEP, Assistant Manager  
Environmental Protection Division  
(407) 836-1511**

Subject: Request for Public Hearing on October 14, 2025, at 2:00 p.m., for an Appeal of the Environmental Protection Commission (EPC) Decision to Recommend Denial of the After-the-Fact Request for Waiver to Side Setback for the Motekhouse LLC Dock Construction Permit Modification (BD-22-11-175-MOD) located at 14544 Avenue of the Rushes, Winter Garden, FL 34787. Parcel ID No. 27-23-27-8125-03-910. District 1.

Appellants: Mikele International Group LLC  
DBA Davila Homes Construction

Type of Hearing: Appeal of the Environmental Protection Commission Recommendation

Hearing required by  
Florida Statute # or Code: Orange County Code, Chapter 15, Article II, Section 15-38(c)

Advertising requirements: None

Advertising timeframes: N/A

Abutters to be notified: The appellants, agents, applicants, and objectors will be notified at least ten days prior to the public hearing by the Environmental Protection Division (EPD). Notification of abutters is not necessary.

Estimated time required  
For public hearing: 2 minutes

Legislative file 25-1163

October 14, 2025 @ 2:00 p.m.

October 14, 2025

Request for Public Hearing – Appeal of the Environmental Protection Commission Recommendation for an After-the-Fact Request for Waiver to Side Setback for the Motekhouse LLC Dock Construction Permit Modification (BD-22-11-175-MOD)

Municipality or other  
Public Agency to be  
notified:

South Florida Water Management District, Lisa Prather,  
[lprather@swfmd.gov](mailto:lprather@swfmd.gov)

Hearing Controversial: No

District #: 1

Materials being submitted as backup for public hearing request:

1. Location Map
2. Site Plan
3. Site Photos
4. Appeal of EPC Decision

Special Instructions to Clerk:

1. Once the Board of County Commissioners makes a decision on the appeal, please submit the decision letter to Liz Johnson with EPD. EPD will provide the decision to the applicants and appellants.

Advertising Language: N/A

CMD/KGK/TMH/ERJ/RHP:ae

Attachments

# Dock Construction Application for After-the-Fact Waiver



**Dock Construction Application for  
After-the-Fact Waiver  
ATF BD-22-11-175-MOD  
District #1**

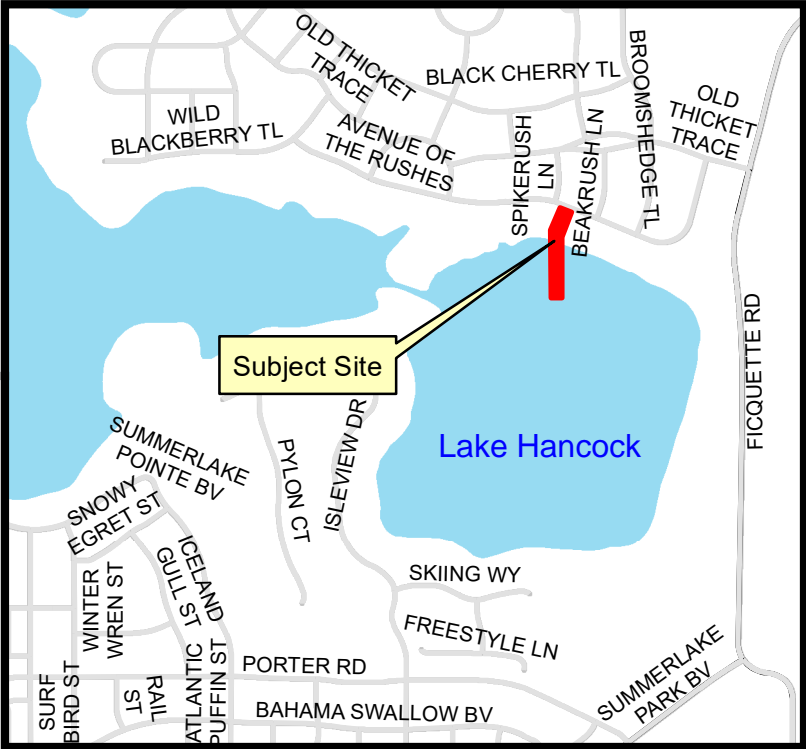
**Applicant: Motekhouse LLC**

**Address: 14544 Avenue of the Rushes**

**Parcel ID: 27-23-27-8125-03-910**

**Project Site** 

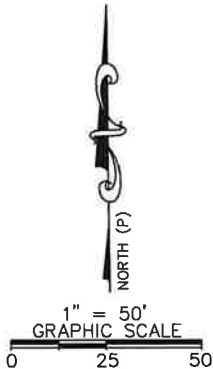
**Property Location** 





BOUNDARY & AS-BUILT SURVEY

DESCRIPTION: (AS FURNISHED)  
LOT 391, SIGNATURE LAKES – PARCEL 1C, ACCORDING TO THE PLAT THEREOF AS  
RECORDED IN PLAT BOOK 61, PAGE 102-113, OF THE PUBLIC RECORDS OF ORANGE  
COUNTY, FLORIDA.



received  
4/3/2025

LOT 392

LOT 390

ADDRESS:  
14544 AVENUE OF THE RUSHES  
WINTER GARDEN, FLORIDA 34787

FOR THE BENEFIT AND  
EXCLUSIVE USE OF:  
SIGNATURE TITLE PROFESSIONALS, INC.  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
MOTEKHUSE LLC, A FLORIDA LIMITED  
LIABILITY COMPANY  
BRADESCO BANK ISAOA/ATIMA

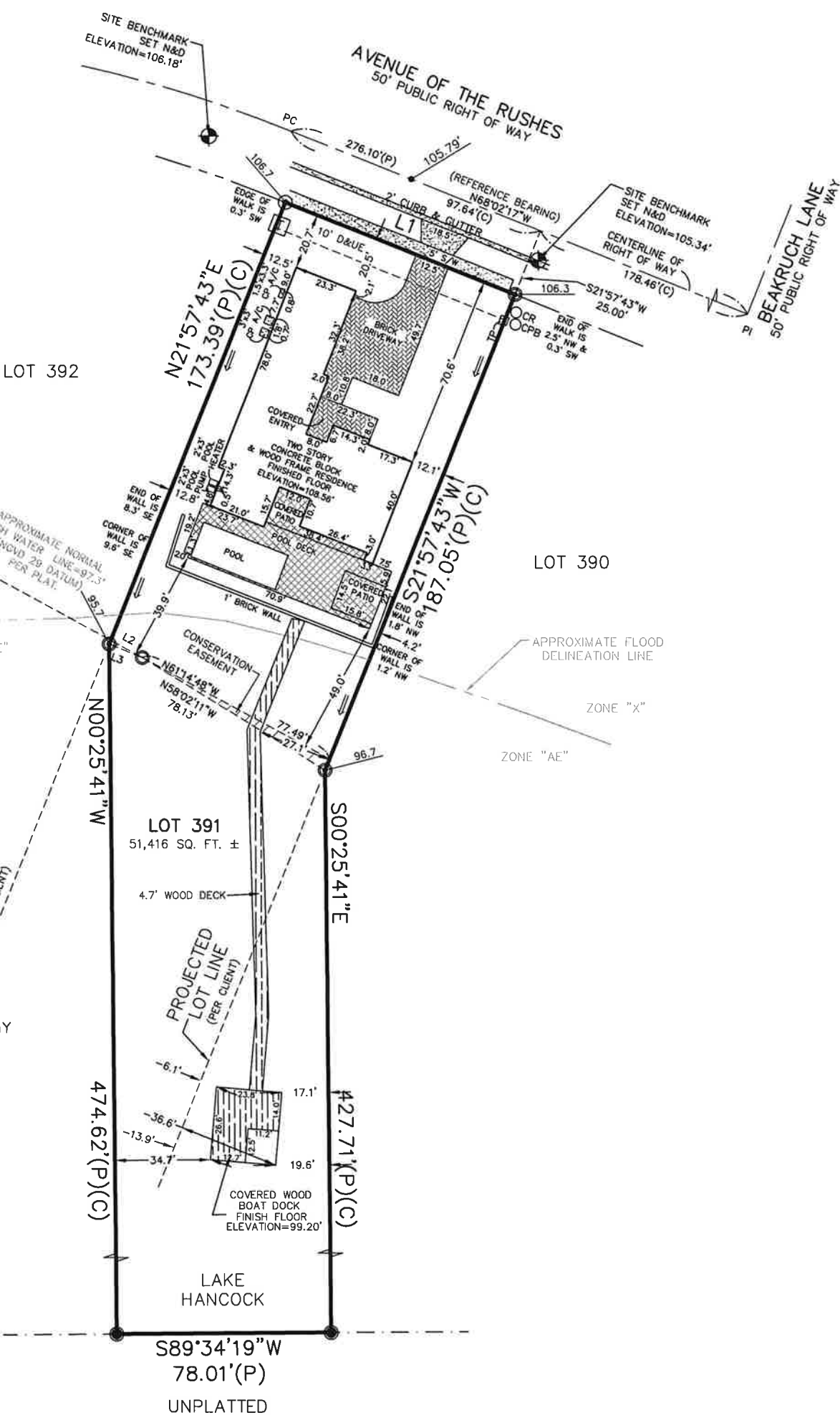


- NOTES:
1. ALL DIRECTIONS AND DISTANCES HAVE BEEN FIELD VERIFIED, INCONSISTENCIES HAVE BEEN NOTED ON THE SURVEY, IF ANY.
  2. PROPERTY CORNERS SHOWN HEREON WERE SET/FOUND ON 02-27-25, UNLESS OTHERWISE SHOWN.
  3. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
  4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.
  5. BUILDING TIES SHOWN HEREON ARE NOT TO BE USED TO RECONSTRUCT THE BOUNDARY LINES.
  6. VERTICAL INFORMATION IS BASED ON ORANGE COUNTY BENCHMARK H1639013, HAVING A PUBLISHED ELEVATION OF 102.746 FEET, NAVD 88 DATUM.
  7. NORMAL HIGH WATER LINE BASED ON INFORMATION FOUND ON PLAT BEING IN NGVD 29 DATUM, CONVERSION FROM 29 DATUM TO 88 DATUM = -0.935.

FLOOD NOTE:  
I HAVE EXAMINED THE F.I.R.M. MAP NO. 12095C0380H, DATED 09-24-2021, AND FOUND THE SUBJECT PROPERTY APPEARS TO PARTIALLY LIE IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND PARTIALLY IN ZONE "AE", DENOTES AREAS DETERMINED TO BE SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT, BASE FLOOD ELEVATIONS DETERMINED TO BE 98.9'. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

BEARING BASIS:  
BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF AVENUE OF THE RUSHES, WHICH BEARS N68°02'17"W, PER PLAT.

(FIELD DATE:)	REVISED:	
	REV. FINAL 04-03-25 CC	
SCALE: 1" = 50 FEET	REV. FINAL 04-02-25 CC	
	REV. FINAL 02-27-25 CC	
APPROVED BY: EGT	FINAL 12-20-2023 AAW	
	ADDED BOAT DOCK 10-25-23 JP	
JOB NO. 220812 LOT 391	ADDED POST 9-8-23 CC	
	FORMBOARD 11/02/2022 KLI	
DRAWN BY: JL	COUNTY COMM. 10/03/2022 JL	
	REVISED FFE 09-30-22 JMH	
	PLOT PLAN 09/12/2022 JL	
	REV. BNDY. 08-30-22 CC	
	BOUNDARY & TOPOGRAPHIC 08-15-22 AAW	



LEGEND:

- |       |                                       |         |                                  |
|-------|---------------------------------------|---------|----------------------------------|
| —     | CENTERLINE                            | A/C     | AIR CONDITIONER                  |
| - - - | EASEMENT LINE                         | CP      | CONCRETE PAD                     |
| - - - | RIGHT-OF-WAY LINE                     | FFE     | FINISHED FLOOR ELEVATION         |
| - - - | OVERHEAD UTILITY LINE                 | ID      | IDENTIFICATION                   |
| □     | CONCRETE SURFACE                      | IR      | IRON ROD                         |
| ■     | BRICK PAVERS                          | IRC     | IRON ROD & CAP                   |
| ○     | FOUND 1/2" IRON ROD & CAP             | LB      | LICENSED BUSINESS                |
| ●     | LB #6393                              | (M)     | MEASURED DATA                    |
| ●     | FOUND 5/8" IRON ROD                   | N&D     | NAIL AND DISC                    |
| ○     | NO ID                                 | N       | NORTH                            |
| ○     | SET NAIL AND DISC                     | NAVD    | NORTH AMERICAN VERTICAL DATUM    |
| ○     | LB #6393                              | NGVD    | NATIONAL GEODETIC VERTICAL DATUM |
| ○     | GROUND ELEVATION                      | PC      | POINT OF CURVATURE               |
| ○     | SITE BENCHMARK                        | PI      | POINT OF INTERSECTION            |
| ○     | TELEPHONE RISER                       | PT      | POINT OF TANGENCY                |
| (C)   | CALCULATED                            | (P)     | PER PLAT                         |
| CR    | COMMUNICATION RISER                   | S       | SOUTH                            |
| CPB   | COMMUNICATION PULL BOX                | SQ. FT. | SQUARE FEET                      |
| D&UE  | DRAINAGE & UTILITY EASEMENT ELEVATION | S/W     | SIDEWALK                         |
| E     | EAST                                  | TP      | TRANSFORMER PAD                  |
|       |                                       | WF      | WOOD FENCE                       |
|       |                                       | W       | WEST                             |

**ASM**  
AMERICAN SURVEYING  
& MAPPING, INC.  
**NDDS NATIONAL DUE DILIGENCE SERVICES**  
A DIVISION OF AMERICAN SURVEYING & MAPPING, INC.  
221 Circle Drive, Maitland, FL 32751  
407-426-7979  
americansurveyingandmapping.com

SURVEYOR NOTES:

I HEREBY CERTIFY, THAT THIS SURVEY, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON MEETS THE APPLICABLE "MINIMUM TECHNICAL STANDARDS" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

E. GLENN TURNER PSM# 5643  
THIS BOUNDARY & AS-BUILT SURVEY IS NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Line Table		
Line #	Direction	Length
L1(P)	S68°02'17"E	90.00'
L1(M)	S68°02'16"E	90.04'
L2(P)	N61°14'48"W	13.15'
L3(P)	N67°38'55"W	13.06'











**APPEAL OF RECOMMENDATION OF THE  
ENVIRONMENTAL PROTECTION COMMISSION**

**After-the-Fact Boat Dock Modification**

**Address: 14544 Avenue of the Rushes, Winter Garden, Florida 34787**

**Parcel ID No.: 27-23-27-8125-03-910**

**Project Number.: BD-22-11-175-MOD**

**Lake Hancock: Orange County Commission District #1**

2025 JUN 12 PM 3:11  
ENVIRONMENTAL  
PROTECTION  
COMMISSION

Board of County Commissioners  
c/o Renee H. Parker, LET, Environmental Protection Officer and Manager  
Environmental Protection Division  
3165 McCrory Place, Suite 200  
Orlando, FL 32803

Pursuant to Chapter 15, Article IX, Section 15-38, Orange County Code, Davila Homes, who participated in a hearing before the Environmental Protection Commission ("Commission") on May 28, 2025, with evidence and oral testimony and whose substantial interests are adversely affected by the recommendation of the Commission, appeals the decision of the Orange County, Florida Environmental Protection Commission ("EPC") denying an application for an After-the-Fact Dock Construction Permit Modification with a waiver to Chapter 15, Article IX, Section 15-343(a) (side setback) of the Orange County Code. The concise reasons and grounds for the appeal are as follows:

**BACKGROUND**

A Dock Construction Permit No.: BD-22-11-175 was issued by the Environmental Protection Division of Orange County, Florida ("EPD") on December 16, 2022 to LTC Real Estate Investment, LLC. A copy of the Boat Dock Permit is attached as Exhibit "A" hereto and is incorporated herein by reference.

The dock was to be built on Lot 391, Signature Lakes – Parcel 1C, according to the plat thereof, recorded in Plat Book 61, Page 102, Public Records of Orange County, Florida ("Lot 391"), by a Davila Homes related entity. A copy of the plat of Signature Lakes – Parcel 1C is attached as Exhibit "B" hereto and is incorporated herein by reference (the "Plat"). A copy of the as-built survey is attached as Exhibit "C" hereto and is incorporated herein by reference ("As-Built Survey").

EPD issued a Notice of Non-Compliance dated January 24, 2024, and updated Notice of Non-Compliance dated December 31, 2024 (collectively, "Notice of Non-Compliance"), alleging that the boat dock referenced in the Dock Construction Permit did not meet the required permit conditions. A copy of the Notice of Non-Compliance is attached as Exhibit "D" hereto and is incorporated herein by reference.

An application for an After-the-Fact Boat Dock Permit Modification was submitted to EPD on or about January 4, 2025. A copy of the After-the-Fact Boat Dock Permit Modification application is attached as Exhibit "E" hereto and is incorporated herein by reference.

In support of the After-the-Fact Boat Dock Permit Modification application, several pictures were provided to EPD. A copy of a sampling of the pictures ("Aerials") is attached as Exhibit "F" hereto and is incorporated herein by reference, some of which were included in a Staff Report dated May 12, 2025 prepared by EPD and addressed to the EPC in preparation for the

hearing before EPC ("Staff Report"). A copy of the Staff Report is attached as Exhibit "G" hereto and is incorporated herein by reference.

A hearing before the Environmental Protection Commission ("EPC") on the application requesting an After-the-Fact Boat Dock Permit Modification was held on May 28, 2025. A copy of the Public Hearing Notice is attached as Exhibit "H" hereto and is incorporated herein by reference.

At the hearing on May 28, 2025, EPC rendered a recommendation to the Board of County Commissioners to deny the After-the-Fact Boat Dock Construction Permit Modification request.

### **REASONS AND GROUNDS FOR APPEAL**

At the time the Boat Dock Permit was issued, docks were intended to extend to the point where reasonable water depth for vessel mooring is achieved (Chapter 15, Article IX, Section 15-242, of the Code) with a maximum water depth allowed for mooring areas of 5 feet, as measured from the normal high-water elevation ("NHWE"), unless the natural conditions of the water body necessitated a greater water depth to allow reasonable mooring conditions. Had the dock been constructed in accordance with a location in the Boat Dock Permit, Davila Homes submits reasonable water depth for vessel mooring would not have been achieved. The natural conditions of Lake Hancock necessitated a greater water depth to allow reasonable mooring conditions.

Davila Homes submits the dock as constructed does not adversely affect the rights of other persons and property owners use of, and access to, Lake Hancock. It is apparent from aerials, photographs presented at the EPC Hearing and the Staff Report that the dock is located wholly within Lot 391 (See As-Built Survey). The dock does not trespass on any neighboring lot. As visible from aerials and photographs and as mentioned in the Staff Report (the dock is similar in length to the nearest permitted dock to the west), the dock does not appear to extend materially further into Lake Hancock than several other docks on Lake Hancock. Davila Homes submits the reason other docks are so located is to provide a reasonable water depth for vessel mooring.

Ordinance No. 2022-31 was approved by the Orange County Board of County Commissioners effective January 1, 2023, after the issuance of the Boat Dock Permit. But even under Chapter 15, Article IX, Section 15-242, Orange County Code, as revised ("Revised Code"), docks are to be able to be extended to the point where reasonable water depth for vessel mooring is achieved. The Revised Code adds access to navigable water as an additional requirement. The Revised Code also continued to recognize natural conditions of the surface water may necessitate a greater dock length for water depth to achieve reasonable mooring conditions than specific distances relative to the nearest permitted docks or maximum water depth as measured for the NHWE.

Lot 391, has a shoreline frontage of less than one-hundred (100) feet (See As-Built Survey). When the Boat Dock Permit was issued, the minimum side setback was twenty-five (25) feet from the projected property line, unless reduced by an appropriate waiver reviewed by the environmental protection division (See prior Code). The Revised Code provides for a minimum side setback of ten (10) feet from any property line or projected property line (See Chapter 15, Article IX, Section 19-343(a)). The dock as constructed is a minimum of ten (10) feet from all property lines applicable to Lot 391 (See As-Built Survey).

Davila Homes asserts that the variance should have been granted based upon the foregoing and the following that supports the variance criteria in Chapter 15, Article IX, Section 15-350(c) of the Revised Code:



Variance Criteria 1. Would not negatively impact the surface water or the environment or if there is a negative impact, sufficient mitigation is proposed pursuant to Paragraph 15-350(d), if appropriate:

- The dock does not extend materially further than other docks on Lake Hancock, as visible in aerials and photographs provided as part of the EPC hearing (See Aerial and Staff Report). It is only one (1) foot longer than another permitted dock within 300 feet (See Staff Report).

Variance Criteria 2. Would not be contrary to the public interest:

- The current location of the dock is a location necessary to provide a reasonable water depth for vessel mooring based upon the natural conditions of the site of Lake Hancock and does not create a navigational hazard, again, based in large part upon the existing dock not extending materially further into Lake Hancock than other docks on Lake Hancock.

Variance Criteria 3. Where, owing to special conditions, compliance with the revisions herein would impose a unique and substantial hardship on the applicant:

- Requiring the dock to be located where shown on the Boat Dock Permit would impose a unique and substantial hardship by resulting in a dock that does not have reasonable water depth for vessel mooring due to the natural conditions of Lake Hancock relative to Lot 391. Other docks on Lake Hancock within 300 feet of the subject dock extend much further than where the boat dock would exist had the boat dock been built in accordance with the Boat Dock Permit (See Staff Report).

Variance Criteria 4. Where the Environmental Protection Officer has determined that the hardship is not self-imposed on the applicant:

- The Environmental Protection Officer should determine or should have determined the hardship is not self-imposed, because the location of the dock in the Boat Dock Permit would not result in a reasonable water depth for vessel mooring due to the natural conditions of Lake Hancock, and the boat dock is within ten (10) feet of all property lines of Lot 391.

Variance Criteria 5. Would not be contrary to the intent and purpose of this article.

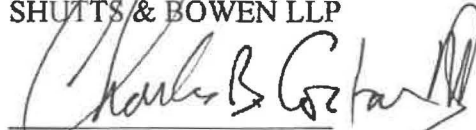
- The intent and purpose of the article is clearly to have a boat dock with a reasonable water depth for vessel mooring. Requiring a boat dock to be built at a location that does not have a reasonable water depth for vessel mooring, as the Boat Dock Permit did, would be contrary to the intent and purpose of the article. That must be why EPD has permitted docks of similar lengths within 300 feet of the subject dock. The article permits boat docks to be at least ten (10) feet from any property line. The boat dock is at least ten (10) feet from each property line of Lot 391.

Respectfully, Davila Homes requests the Board of County Commissioners to reverse the decision of the EPC and to approve the After-the-Fact Boat Dock Construction Permit Modification with a waiver to Orange County Code (Code) Chapter 15, Article IX, Section 15-343(a).

Davila Homes also requests that the appeal be scheduled the farthest date possible from now to provide time to work with EPD to find alternative locations for the dock that provide a reasonable water depth for vessel mooring and access to navigable water with a lesser variance, and to address objections to the dock by the owner of the similarly situated neighboring lot with an address of 14538 Avenue of the Rushes, Winter Garden, Florida 34787 (who Davila Homes asserts will likely need a variance from the Revised Code to have a dock that resides a reasonable water depth for vessel mooring and access to navigable water).

Respectfully submitted,

SHUTTS & BOWEN LLP

A handwritten signature in dark ink, appearing to read "Charles B. Costar, III", is written over a horizontal line.

Charles B. Costar, III, counsel  
For Davila Homes

Dated June 12, 2025