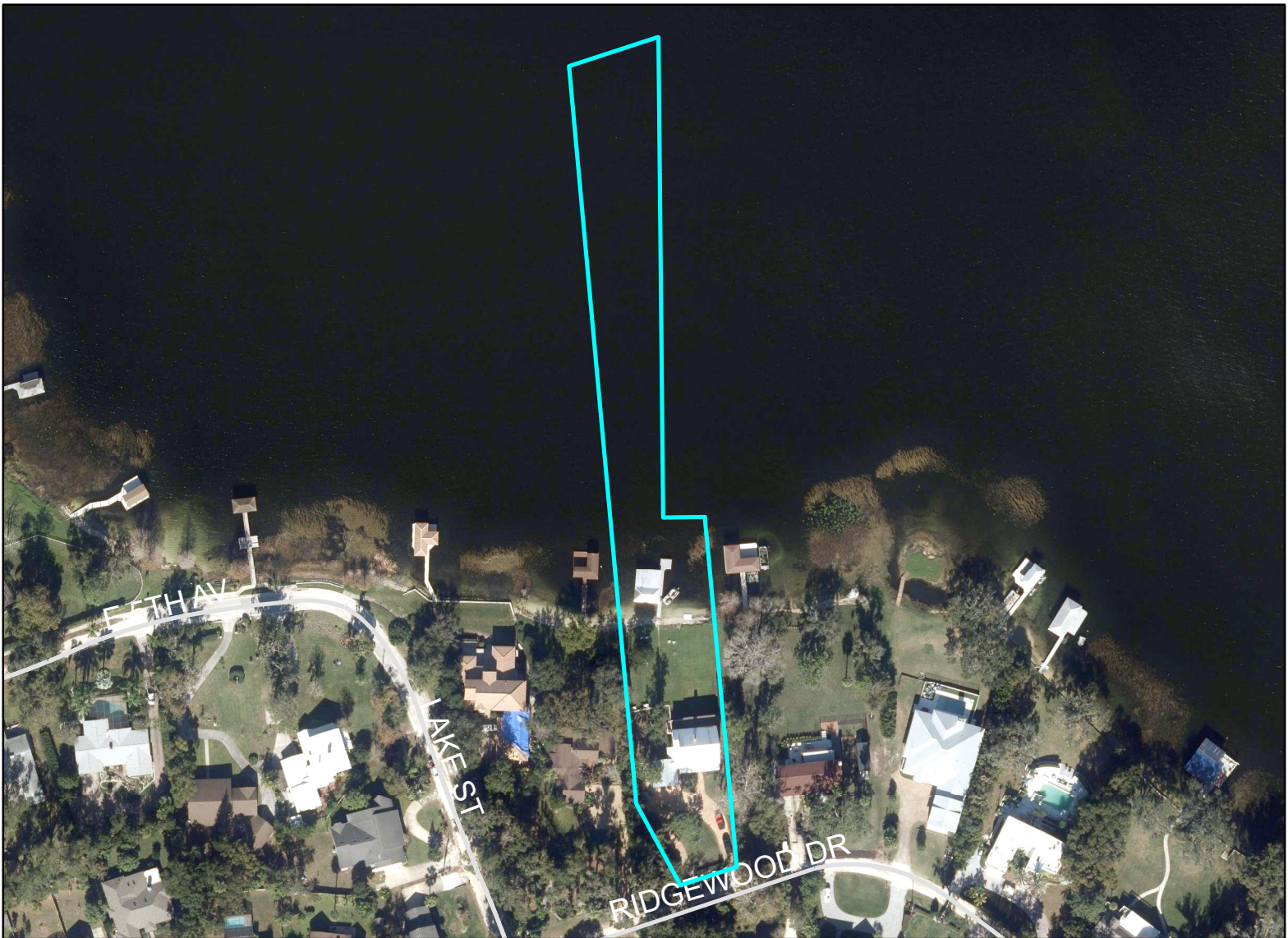


# Application for Dock Construction with Variances



## Application for Dock Construction with Request for Variances

BD-25-10-110

District #1

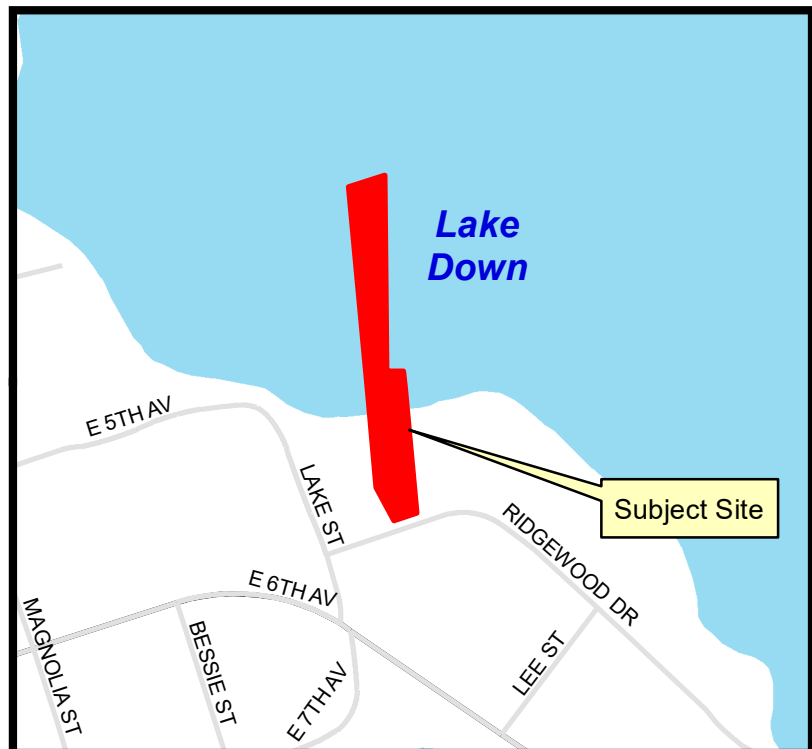
Applicants: Patricia Doyle Monserez  
Matthew Monserez

Address: 533 Ridgewood Drive

Parcel ID: 17-23-28-9336-02-560

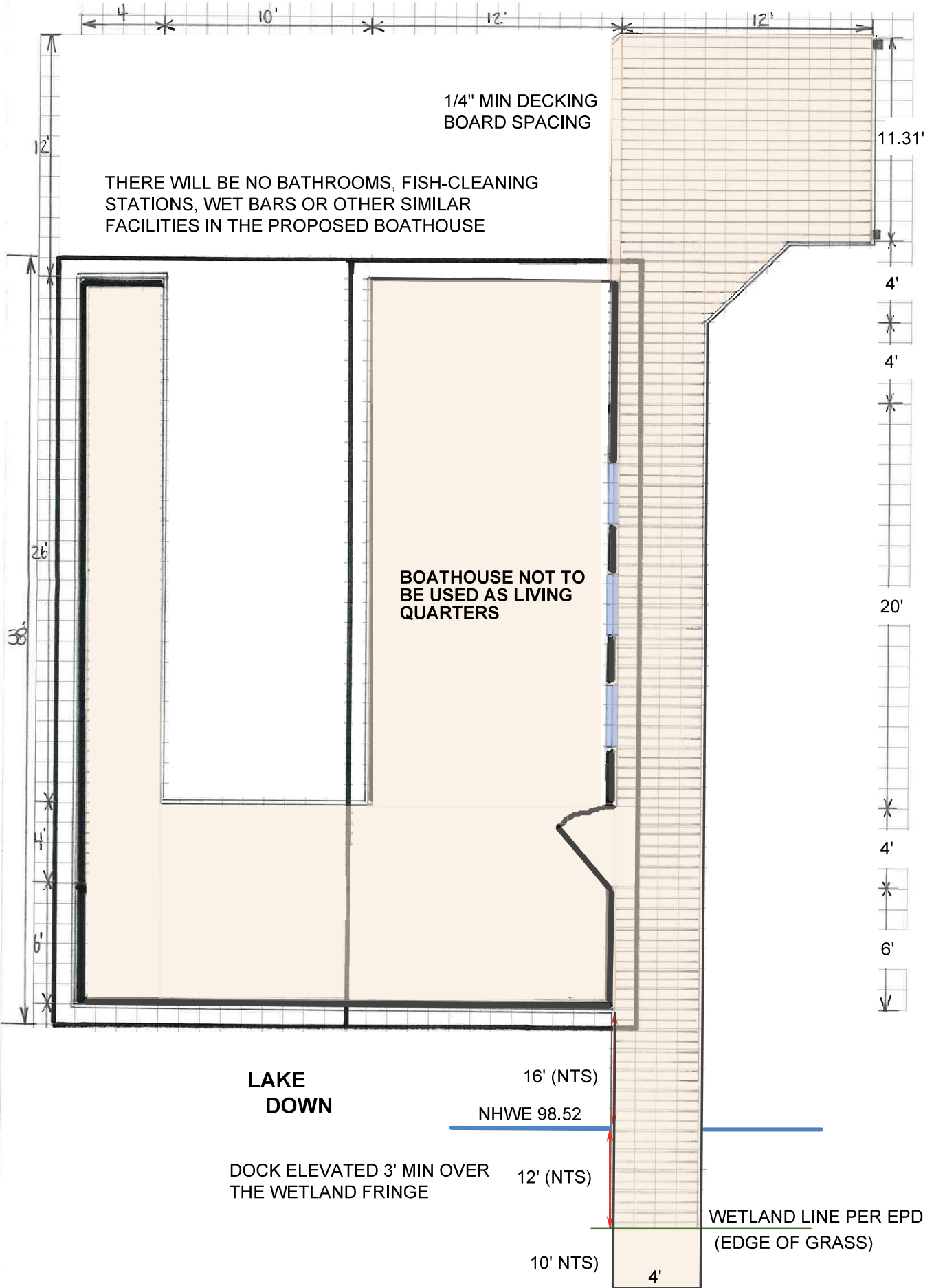
Project Site 

Property Location 



**MONSEREZ BOAT DOCK PLAN VIEW**  
**533 RIDGEWOOD DRIVE**  
**WINDERMERE, FL 34786**

**received**  
1/22/2026



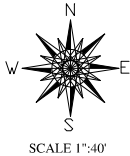


**MONSEREZ BOAT DOCK SITE PLAN**  
**533 RIDGEWOOD DRIVE**  
**WINDERMERE, FL 34786**

**received**  
 12/1/2028

**Legal Description:**

Begin at a point on the North Right of Way line of Ridgewood Drive, 41.81 feet Easterly from the Southwest corner of Lot 256, PLAT OF WINDERMERE, according to the plat thereof, as recorded in Plat Book "G", Page(s) 36 thru 39, of the Public Records of Orange County, Florida, thence South 71 degrees 40 minutes 30 seconds West, 62.67 feet along said Right-of-Way line; thence North 28 degrees 46 minutes 33 seconds West, 98.44 feet; thence North 5 degrees 30 minutes 00 seconds West, 261.0 feet more or less to the shoreline of Lake Down; thence Easterly along said shoreline to a point which is North 5 degrees 30 minutes West of the Point of Beginning; thence South 5 degrees 30 minutes 00 seconds East, 340.0 feet more or less to the Point of Beginning.

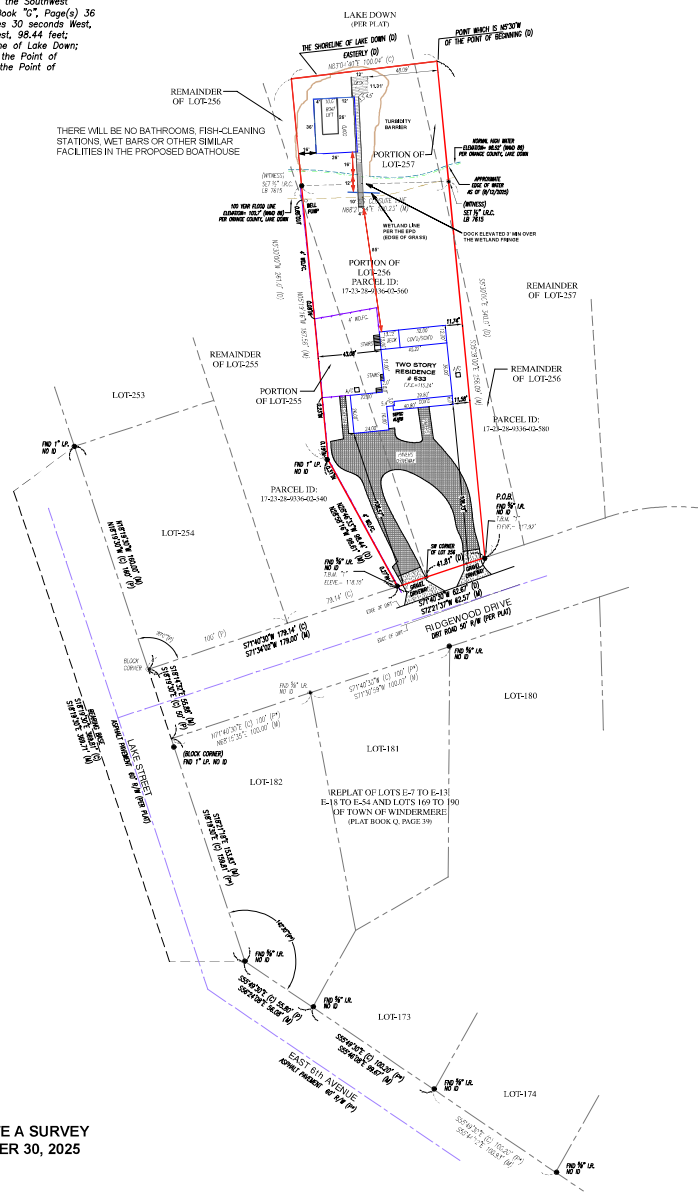


**Abbreviations:**

- (D) = DEED
- (M) = MEASURE
- (P) = PLAT
- (A) = ASSUMED
- (C) = COMPUTED
- BLK = BLOCK
- COVD = COVERED
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- CATV = CABLE TV BUNKER
- CL = CENTER LINE
- E = CENTER LINE
- DESC = DESCRIPTION
- ELEV. = ELEVATION
- D. = IDENTIFICATION
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- R/W = RIGHT OF WAY
- E = EASEMENT
- U.E. = UTILITY EASEMENT
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- I.P. = IRON PIPE
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- W.P. = WOOD POLE
- E/B = ELECTRIC BOX
- C/B = CABLE BOX

**THIS SITE PLAN DOES NOT CONSTITUTE A SURVEY**  
**SHEILA CICHRA CRC1326973 OCTOBER 30, 2025**

*Sheila Cichra*



Address: 533 Ridgewood Drive, Windermere, Florida 34786



Certified to/ for the exclusive use of:  
 Hodgskin Outdoor Living, Inc.

**Flood Insurance Rate Map:**  
 Community Number: 120381 Panel: 0385  
 Suffix: "1" Flood Insurance Rate Map  
 Dated September 25, 2009 Flood Zone: "X/AE (EL. 100.7")"  
 Map ID: 12095C0385F

**Basis of Bearing:**  
 Bearings shown hereon are based on the EAST Right-of-Way line of LAKE STREET, DEPICTED WITH A DASHED LINE IDENTIFIED AS SUCH, being being S 18°19'30" E, CALCULATED.

- Surveyor's Notes:**
1. Legal Description provided by others
  2. The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the Plat.
  3. Underground portions of footings, foundations or other improvements were not located.
  4. Wall and/or ties-dimensions are not to be used to reconstruct boundary lines.
  5. Only visible encroachments located.
  6. No identification found on property corners unless otherwise shown.
  7. Dimensions shown are Plat and Measured unless otherwise shown.
  8. Fence ownership not determined.
  9. This survey depicted here forms a closed geometric figure.
  10. No underground improvements or visible installations have been located other than shown.
  11. This survey is prepared for the exclusive use and benefit of the parties listed hereon liability to third parties may not be transferred or assigned.
  12. This Survey is meant to be printed in 24"x36"
  13. This survey does not reflect or determine ownership.
  14. Fence corners and building corners are witness monuments to abstracted corners, dimensions are as shown.
  15. Subject to any definition, limitations, restrictions, reservations, and/or easement of record no examination of Title made by Surveyor.
  16. This Survey is not an ALTA/ACSM Land Title Survey.
  17. This Survey was prepared without the benefit of a commitment for Title Insurance.
  18. The flood data provided is for informational purposes only. The Surveyor makes no guarantee as to the accuracy of the information provided. The local F.E.M.A. Agency should be contacted for verification.
  19. Boundary bases on existing monumentation as found in field, other matters not known to this surveyor of time of survey may affect boundary lines shown hereon.
  20. Easements depicted on this survey are as shown or noted on the subdivision plat, the surveyor assumes no liability as if those were vacated, or if there are more easements affecting the surveyed parcel.
  21. (P) DENOTES one or more of the following: distance, bearing, angle or any other surveying data recorded on a neighboring Subdivision Plat, Plat Book and Page as shown on Survey.
  22. (D) DENOTES one or more of the following: distance, bearing, angle or any other surveying data recorded on a neighboring Parcel Deed, U.R.R. and Page as shown on Survey.
  23. This Survey is intended for construction, permitting and design purposes only, exclusively for this, used by those to whom it is certified. This Survey is not to be used for any other purpose without the written consent of LEBRON GROUP SURVEYING AND MAPPING CORP. PHOTOCOPIING FORGONEAL COPYRIGHTED MATERIAL.
  24. Elevations (if) shown hereon are based on the Benchmark A1234014, with recorded Elevation 103.00' (NAD 88).
  25. (P) DENOTES a data or dimension as shown on neighboring Platted Subdivision, Replat of Town of Windermere, Plat Book G, Page 39 as shown on Survey.

**LEB 100 GROUP LICENSE BUSINESS #7815**  
**LAND SURVEYING AND MAPPING CORP.**  
 2226 White House Blvd. S. 33009 Winter Park, FL 32789  
 Phone: (407) 517-1600  
 Website: WWW.LEB100GROUP.COM

APP	DATE	DESCRIPTION

**ADDRESS: 533 RIDGEWOOD DRIVE, WINDERMERE FLORIDA 34786**

DATE: 08/13/2025  
 DRAWN: EIMR  
 CHECKED: J.R.N.  
 FIELD:  
 JOB NO: 2025-1  
 SHEET 1305





APPLICATION TO CONSTRUCT A BOAT DOCK
APPLICATION FOR VARIANCE

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

\*\*Process fee: \$409.00 (administrative) or \$3,924 (if public hearing required)\*\*

Mail or Deliver To: Orange County Environmental Protection Division
WetlandPermitting@ocfl.net
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1402

I Sheila Cichra on behalf of Patricia Monserez (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a-d) am requesting a variance to the Orange County Dock Construction Ordinance for the property located at 533 Ridgewood Drive, Windermere.

1. Identify the section(s) of this article that the applicant seeks a variance for and the extent of the requested variance:
15-342 (1) solid walls and (5) terminal platform size

2. Describe the impact of the requested variance on the surface water and the environment:

Since we are only proposing to rebuild the dock in the same footprint, there will be no additional impact to the lake.

3. Explain the effect of the requested variance on any abutting or affected shoreline property owner(s):

The non-compliant dock has been existing in the same footprint for many years, so there will be no change in the viewshed.

4. Describe how strict compliance with the section(s) of this article would impose a unique, unreasonable, and unintended hardship on the applicant:

The owners expected to be able to rebuild their dock in the same footprint, like their neighbor just a few lots to the East did only a few months ago.

5. Explain why the hardship is not self-imposed:

When the property owner purchased the parcel, they were advised that they would be able to rebuild the boathouse in the same footprint. The new boat dock ordinance was adopted three years after they purchased the property.

Notice to the Applicant:

The Environmental Protection Officer, the Environmental Protection Commission, or the Board may require the applicant to provide additional information necessary to carry out the purposes of this section pursuant to 15-350(c):

A variance application may receive an approval or an approval with conditions if granting the variance: (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; (2) would not be contrary to the public interest; (3) where, owing to special conditions, compliance with the provisions herein would impose a unique and substantial hardship on the applicant; (4) where the environmental protection officer has determined that the hardship is not self-imposed on the applicant; and (5) 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 representations in this application may be a violation of Article IX, Dock Construction Ordinance.

Name of Applicant: Sheila Cichra

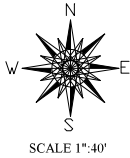
Signature of Applicant/Agent [Handwritten Signature] Date: 01/19/2026

Corporate Title (if applicable):

# BOUNDARY SURVEY

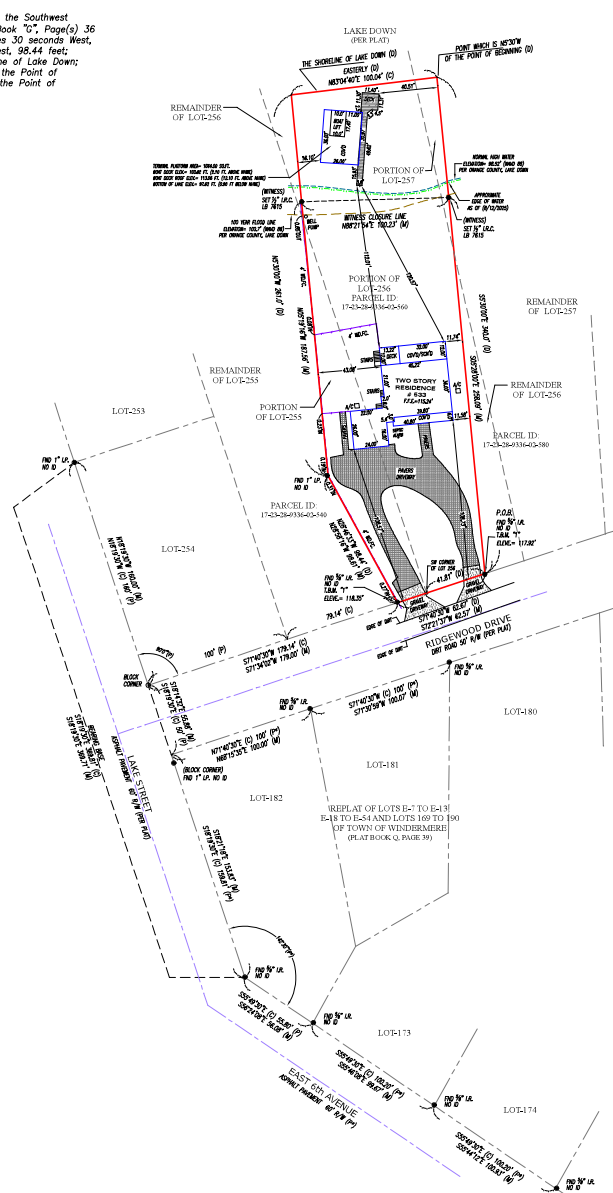
## Legal Description:

Begin at a point on the North Right of Way line of Ridgewood Drive, 41.81 feet Easterly from the Southwest corner of Lot 256, PLAT OF WINDERMERE, according to the plat thereof, as recorded in Plat Book "G", Page(s) 36 thru 39, of the Public Records of Orange County, Florida, thence South 71 degrees 40 minutes 30 seconds West, 62.67 feet along said Right-of-Way line; thence North 28 degrees 46 minutes 33 seconds West, 98.44 feet; thence North 3 degrees 30 minutes 00 seconds West, 261.0 feet more or less to the shoreline of Lake Down; thence Easterly along said shoreline to a point which is North 5 degrees 30 minutes West of the Point of Beginning; thence South 5 degrees 30 minutes 00 seconds East, 340.0 feet more or less to the Point of Beginning.



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- C/B = CABLE BOX



Address: 533 Ridgewood Drive, Windermere, Florida 34786



Certified to/ for the exclusive use of:  
Hodgskin Outdoor Living, Inc.

Flood Insurance Rate Map:  
Community Number: 120381 Panel: 0385  
Suffix: "1" Flood Insurance Rate Map  
Dated September 25, 2009 Flood Zone: "X/AE (EL. 100.7)"  
Map ID: 12095C0385F

Basis of Bearing:  
Bearings shown hereon are based on the EAST Right-of-Way line of LAKE STREET, DEPICTED WITH A DASHED LINE IDENTIFIED AS SUCH, being being S 18°19'30" E, CALCULATED.

## Surveyor's Notes:

1. Legal Description provided by others
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THIS SURVEY MEETS THE "STANDARDS OF PRACTICE" AS REQUIRED BY CHAPTER 55-17, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.



DATE: 08/13/2025  
DRAWN: EIMR  
CHECKED: J.R.N.  
FIELD:  
JOB NO: 2025-1  
SHEET: 1

LEB 100 GROUP LICENSE BUSINESS #7815

LAND SURVEYING, MAPPING, CONSTRUCTION SUPPORT

PROFESSIONAL SURVEYOR AND MAPPER

2226 White House Blvd. S. 33504  
Phone: (813) 971-5177  
Fax: (813) 971-5100

DATE	DESCRIPTION

ADDRESS: 533 RIDGEWOOD DRIVE, WINDERMERE, FLORIDA 34786

Rick & Deanne Irwin  
501 Lake St.  
Windermere, FL 34786

ORLANDO FL 328

26 DEC 2025 PM 5 L

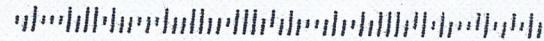


RECEIVED  
O.C. ENVIRONMENTAL  
PROTECTION DIVISION

2025 DEC 29 PM 2:54

Orange County EPD  
3165 McCroly Place  
Ste 200  
Orlando, FL 32803

32803-372750



December 26, 2025

To Whom It May Concern:

This letter is in response to the variance/waiver for the Monserez residence at 533 Ridgewood Drive in Windermere. We are in **full** support of any and all construction related improvements to their boat dock.

Best regards,

  
Richard Irwin

501 Lake Street  
Windermere, FL 34786  
[richardirwinjr@gmail.com](mailto:richardirwinjr@gmail.com)  
407-538-8063

1-27-58

OR-34-124



20

21



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

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
February 25, 2026

ENVIRONMENTAL PROTECTION COMMISSION

Kelly Eger-Smith - Chairman

Karin Leissing - Vice Chairman

Sergio Alvarez

Dawson Amico

Shan Atkins

Alan Horn

J. Gordon Spears

Applicants: Patricia Doyle Monserez and Matthew Monserez

Permit Application Number: BD-25-10-110

Location/Address: 533 Ridgewood Drive, Windermere, FL 34786

RECOMMENDATION: Variance #1) Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance to Section 15-342(a)(1) (enclosed dock) to construct a dock with opaque walls is inconsistent with Section 15-350(c) and recommend denial of the request for variance for the Patricia Doyle Monserez and Matthew Monserez Dock Construction Permit BD-25-10-110. District 1.

Variance #2) Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance to Section 15-342(a)(5) (terminal platform size) to increase the allowable terminal platform size from 1,000 square feet to 1,232 square feet is inconsistent with Section 15-350(c) and recommend denial of the request for variance for the Patricia Doyle Monserez and Matthew Monserez Dock Construction Permit BD-25-10-110. District 1.

- EPC AGREES WITH THE ACTIONS REQUESTED, AS PRESENTED
EPC DISAGREES WITH THE ACTION(S) REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

Variance #1) Reject the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance to Section 15-342(a)(1) (enclosed dock) to construct a dock with opaque walls is consistent with Section 15-350(c) and recommend approval of the request for variance for the Patricia Doyle Monserez and Matthew Monserez Dock Construction Permit BD-25-10-110. District 1.

Variance #2) Reject the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance to Section 15-342(a)(5) (terminal platform size) to increase the allowable terminal platform size from 1,000 square feet to 1,232 square feet is consistent with Section 15-350(c) and recommend approval of the request for variance for the Patricia Doyle Monserez and Matthew Monserez Dock Construction Permit BD-25-10-110. District 1.

Signature of EPC Chair: Kelly Eger-Smith

DATE EPC RECOMMENDATION RENDERED: 2/25/26



## Interoffice Memorandum

**February 17, 2026**

**To:** Environmental Protection Commission

**From:** Elizabeth R. Johnson, MPA, CEP, PWS, Acting Manager, Environmental Protection Officer, Environmental Protection Division *Elizabeth R. Johnson*

**Subject:** Patricia Doyle Monserez and Matthew Monserez Request for Variances for Dock Construction Permit BD-25-10-110

### **Reason for Public Hearing**

The applicants, Patricia Doyle Monserez and Matthew Monserez, are requesting a Dock Construction Permit, including a request for two variances to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(a)(1) (enclosed dock) (also referred to in this report as “Variance #1”), and Section 15-342(a)(5) (terminal platform size) (also referred to in this report as “Variance #2”).

### **Location of Property/Legal Description**

The project site is located at 533 Ridgewood Drive, Windermere, FL 34786 (Parcel ID Number 17-23-28-9336-02-560) on Lake Down in District 1.

### **Background**

On October 31, 2025, the Environmental Protection Division (EPD) received an Application for Repair of an Unpermitted Dock (Grandfathered), BD-25-10-110, to replace an existing dock with an enclosed boathouse. Based on a review of historic aerial photographs by EPD staff, a dock has existed on this property since at least 1958 and therefore was in place prior to the adoption of Chapter 15, Article IX on December 19, 1988.

The grandfathered dock permit referenced above was utilized prior to an update to the dock ordinance (adopted in 2022) to authorize maintenance and repairs to grandfathered docks. However, once the dock ordinance was updated, this permit type became inapplicable for repair; however it may still be utilized for authorization of maintenance, up to fifty percent of the dock as discussed below.

Chapter 15, Article IX, Section 15-323 defines maintenance as “the act of keeping the dock in a safe and usable condition consistent with original design specifications” and repair as “to restore a dock structure to the original design specifications, including the replacement of the entire dock or portions of the dock. Further, Section 15-346(c) Maintenance of unpermitted "grandfathered" docks states, “Docks constructed on or before December 19, 1988, are allowed to remain as originally constructed. Maintenance activities of unpermitted docks constructed on or before December 19, 1988, do not require a permit under this article, unless repair or replacement occurs to more than fifty (50) percent of the dock.” A permit “under this article” means a new dock permit that complies with all design standards and requirements in the updated ordinance.

The proposed project is to replace an unpermitted “grandfathered” dock in its entirety. Therefore, a new permit, reviewed under the Dock Construction Ordinance, is required. On November 24, 2025, EPD received the standard Application to Construct a Dock and an Application for Variance to Sections 15-342(a)(1) (enclosed dock), Section 15-342(a)(5) (terminal platform size), and Section 15-342(a)(6) (access walkway elevation). On January 19, 2026, EPD received a revised Application to Construct a Dock and a revised Application for Variance to Sections 15-342(a)(1) (enclosed dock) and Section 15-342(a)(5) (terminal platform size). The applicants submitted revised plans on January 22, 2026, depicting that the access walkway will be elevated the required minimum of three feet over wetlands, so the prior Application for Variance to Section 15-342(a)(6) (access walkway elevation) is no longer applicable.

Based on a review of aerial photographs and a property boundary survey received by EPD on January 27, 2026, the dock is proposed to be rebuilt with the same existing terminal platform configuration. The access walkway is proposed to extend an additional 22 feet landward from the existing condition, where it currently ends below the edge of water, and will be elevated a minimum of three feet over a narrow wetland at the shoreline.

### **Variance #1 – Enclosed Dock**

Chapter 15, Article IX, Section 15-342(a)(1) of the Ordinance states, “The dock must be designed and constructed to be open to the environment and without opaque walls, solid panels, or fencing, except for partial walls less than thirty-six (36) inches in height. See-through insect mesh screening is allowed for enclosing the dock.”

The proposed dock will have three solid, opaque walls on the boathouse that is located on the western portion of the terminal platform. The plans indicate that no bathrooms, fish-cleaning stations, wet bars, or other similar facilities will be constructed, pursuant to Section 15-342(a)(10).

### **Variance #2 – Terminal Platform Size**

Chapter 15, Article IX, Section 15-342(a)(5) of the Ordinance states, “The maximum allowable square footage of the terminal platform is the calculation of twelve (12) times the linear shoreline frontage, not to exceed one thousand (1,000) square feet.”

The applicants have a shoreline that measures 100.2 linear feet at the Normal High Water Elevation (NHWE). The calculated allowable square footage for the dock terminal platform for the subject property is 1,000 square feet. The existing terminal platform is 1,232 square feet, based on the signed and sealed survey received by EPD on January 27, 2026. The applicants are requesting a variance to replace the existing terminal platform in the same footprint, with a terminal platform size of 1,232 square feet, which exceeds the allowable square footage by 232 square feet.

### **Variance Application**

Pursuant to Section 15-350(a)(1) – (5), an applicant for a variance must, at a minimum, provide the following:

- (1) Identify the section(s) of this article that the applicant seeks a variance for and the extent of the requested variance;
- (2) Describe the impact of the requested variance on the surface water and the environment;
- (3) Explain the effect of the requested variance on any abutting or affected shoreline property owner(s);

- (4) Describe how strict compliance with the section(s) of this article would impose a unique, unreasonable, and unintended hardship on the applicant; and  
(5) Explain why the hardship is not self-imposed.”

The applicants’ agent’s responses to each of the above requirements is provided below in italics:

- (1) Identify the section(s) of this article that the applicant seeks a variance for and the extent of the requested variance;

*“15-342(1) solid walls and (5) terminal platform size.”*

- (2) Describe the impact of the requested variance on the surface water and the environment;

*“Since we are only proposing to rebuild the dock in the same footprint, there will be no additional impact to the lake.”*

- (3) Explain the effect of the requested variance on any abutting or affected shoreline property owner(s);

*“The non-compliant dock has been existing in the same footprint for many years, so there will be no change in viewshed.”*

- (4) Describe how strict compliance with the section(s) of this article would impose a unique, unreasonable, and unintended hardship on the applicant;

*“The owners expected to be able to rebuild their dock in the same footprint, like their neighbor just a few lots to the East did only a few months ago.”*

- (5) Explain why the hardship is not self-imposed.”

*“When the property owner purchased the parcel, they were advised that they would be able to rebuild the boathouse in the same footprint. The new boat dock ordinance was adopted three years after they purchased the property.”*

### **Mitigation**

Staff has determined that the oversized terminal platform and opaque walls will have a negative impact on Lake Down. The impacts were evaluated by EPD staff utilizing the Uniform Mitigation Assessment Method (UMAM). Pursuant to Sec.15-350(d), the applicants have agreed to provide mitigation for the additional shading impacts with a payment of \$826 to the Conservation Trust Fund (CTF), should the variances be approved.

### **Public Notifications and Letter of Support**

On December 12, 2025, a Notice of Application for Variances was sent to all shoreline property owners within a 300-foot radius of the property in accordance with Section 15-347(a). EPD was unable to confirm whether three of the notices were received. Accordingly, the notices for which delivery was unconfirmed were posted onsite by EPD staff on January 9, 2026. In response to the notices, EPD received one letter of support and no objections to the request. The letter of support

states that the neighbor two lots to the west (Richard Irwin at 501 Lake St.) is in full support of any improvements to the boat dock.

On February 11, 2026, the applicants, their agent, and the supportive neighbor were sent notices to inform them of the Environmental Protection Commission meeting on February 25, 2026.

### **Enforcement Action**

There is no formal enforcement action for the subject property.

### **Staff Analysis and Recommendation**

Staff evaluated the request for variances for compliance with the criteria for approval of a variance in Section 15-350(c). Pursuant to Section 15-350(c), a variance application may receive an approval or an approval with conditions if granting of the variance meets the criteria listed in Section 15-350(c). Each of the criteria listed in Section 15-350(c)(1) – (5) are listed below and are followed by staff's analysis, shown in italics, of whether the applicants' request complies with the variance criteria.

A variance application may receive an approval or an approval with conditions if granting the variance meets the following 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;

Variance #1 - MET: Staff has determined that there are negative impacts to surface waters associated with the requested variance, as the opaque walls will reduce sunlight reaching the lake bottom vegetation on the opposite side of the dock from the position of the sun. However, the proposed mitigation will fully offset the negative impact on the environment.

Variance #2 - MET: Staff has determined that there are negative impacts to surface waters associated with the requested variance, as the oversized terminal platform will increase shading of lake bottom vegetation. However, the proposed mitigation will fully offset the negative impact on the environment.

(2) Would not be contrary to the public interest;

Variance #1 - NOT MET: The applicants have not demonstrated that impacts to the natural resource have been minimized pursuant to Section 15-322(d), as a dock without opaque walls that does not reduce sunlight reaching lake bottom vegetation to the same extent could be constructed.

Variance #2 - NOT MET: The applicants have not demonstrated that impacts to the natural resources have been minimized pursuant to Section 15-322(d), as a smaller dock that does not reduce sunlight reaching lake bottom vegetation to the same extent could be constructed. Further, the proposed request pre-empts other members of the public from using the 232 square feet above the allowable terminal platform size.

(3) Where, owing to special conditions, compliance with the provisions herein would impose a unique and substantial hardship on the applicant;

Variance #1 - NOT MET: Staff has determined that compliance with the current code does not impose a unique and substantial hardship on the applicants. The applicants have not presented evidence to staff to the contrary regarding a unique and substantial hardship. There are many functional boat docks utilized throughout the County and the Butler Chain of Lakes that do not have opaque walls.

Variance #2 - NOT MET: Staff has determined that compliance with the current code does not impose a unique and substantial hardship on the applicants. The applicants have not presented evidence to staff to the contrary regarding a unique and substantial hardship. There are many functional boat docks utilized throughout the County and the Butler Chain of Lakes that are 1,000 square feet or less.

(4) Where the environmental protection officer (EPO) has determined that the hardship is not self-imposed on the applicant;

Variance #1 - NOT MET: Staff has determined that the hardship to comply with the new code requirements is self-imposed. The applicants are able to meet the provisions of the updated ordinance since they are rebuilding the dock in its entirety and could construct a dock that meets code.

Variance #2 - NOT MET: Staff has determined that the hardship to comply with the new code requirements is self-imposed. The applicants are able to meet the provisions of the updated ordinance since they are rebuilding the dock in its entirety and could construct a dock that meets code.

Furthermore, in response to the applicants' agent's statement in Section 4 regarding other applicants that were issued a permit to rebuild their grandfathered docks, the previous Orange County Dock Construction Ordinance, adopted May 18, 2004, allowed for replacement of grandfathered docks, including enclosed structures. There was a transition period of approximately six months duration after the current Code became effective on January 1, 2023, during which time some permits were issued to replace grandfathered docks, which under the new code is no longer applicable to the replacement of an entire dock. A permit (BD-23-04-062) was issued for the property to the east at 613 Ridgewood Drive to rebuild an enclosed grandfathered dock. The permit was issued on June 12, 2023, and a permit extension was granted on August 15, 2024. Additionally, there are several other similar permits that were issued between March and June of 2023.

(5) Would not be contrary to the intent and purpose of this article."

Variance #1 - NOT MET: The Board's expressed intent and purpose for Section 15-342(a)(1) is to phase out the construction of "...opaque walls, solid panels, or fencing, except for partial walls less than thirty-six (36) inches in height..." due to the limited ability to regulate storage of hazardous materials (including fuel) or construction of bathrooms, fish cleaning stations, or other prohibited uses within enclosed portions of a dock.

Variance #2 - NOT MET: The Board's expressed intent and purpose for Section 15-342(a)(5) when they adopted the revised Code in 2022 was to establish a "maximum allowable square footage of the terminal platform..., not to exceed one thousand (1,000) square feet." The applicants have not demonstrated, pursuant to Sec. 15-322(d), that the impacts to the natural resources have been minimized. Further, the proposed request pre-empts other members of the public from using the 232 square feet above the allowable terminal platform size.

**Recommendation:**

The recommendation of the EPO is to deny the request for variances to Section 15-342(a)(1) (enclosed dock), and Section 15-342(a)(5) (terminal platform size) based on staff's findings that the applicants have failed to satisfy the variance approval criteria in Section 15-350(c)(2) through (5), as a functional dock that meets the requirements of the Code could be constructed on the subject property.

**ACTIONS REQUESTED:**

**Variance #1) Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance to Section 15-342(a)(1) (enclosed dock) to construct a dock with opaque walls is inconsistent with Section 15-350(c) and recommend denial of the request for variance for the Patricia Doyle Monserez and Matthew Monserez Dock Construction Permit BD-25-10-110. District 1.**

**Variance #2) Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the request for variance to Section 15-342(a)(5) (terminal platform size) to increase the allowable terminal platform size from 1,000 square feet to 1,232 square feet is inconsistent with Section 15-350(c) and recommend denial of the request for variance for the Patricia Doyle Monserez and Matthew Monserez Dock Construction Permit BD-25-10-110. District 1.**

CD/KRR/TMH/ERJ: ms

Attachments