

Interoffice Memorandum

DATE: September 5, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services Department

CONTACT: Renée H. Parker, LEP, Manager

PHONE: (407) 836-1420

DIVISION: Environmental Protection Division

ACTION REQUESTED:

To affirm, reverse, or modify the recommendation of the Environmental Protection Commission to deny the after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(a) to reduce the required side setback from 10 feet to a negative 36.6 (-36.6) feet from the projected property line for the Motekhouse LLC After-the-Fact Dock Construction Permit Modification BD-22-11-175-MOD. District 1. (Environmental Protection Division)

PROJECT: October 14, 2025 – Public Hearing Appeal of the Environmental Protection Commission Recommendation for a Request for Waiver to Side Setback for the After-the-Fact Dock Construction Permit Modification (BD-22-11-175-MOD).

PURPOSE: The appellants, Mikele International Group LLC, dba Davila Homes Construction, is appealing the Environmental Protection Commission's (EPC's) recommendation to deny a Request for an After-the-Fact Waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(a) (side setback) for a Dock Construction Permit Modification for the applicant, Motekhouse LLC. The property subject to the appeal is located at 14544 Avenue of the Rushes, Winter Garden, FL 34787 (Parcel ID Number 27-23-27-8125-03-910) on Lake Hancock in District 1. A location map is included as **Exhibit 1**.

Background

On December 16, 2022, the Environmental Protection Division (EPD) issued Dock Construction Permit BD-22-11-175 to LTC Real Estate Investment, LLC. The property was sold in January 2024, and the permit was subsequently transferred upon request to the new property owner, Motekhouse LLC, on June 13, 2024.

The permit was issued in accordance with the previous Orange County Dock Construction Ordinance (Ordinance), adopted May 18, 2004, which required the dock to have 25-foot side setbacks from the projected property lines. The Ordinance was updated on January 1, 2023, and the new standard requires 10-foot side setbacks for the subject property. The request for modification is being reviewed under the current Ordinance, with 10-foot required side setbacks from the projected property lines.

Upon review of the as-built survey for the dock, received on May 10, 2024, EPD staff determined that the required side setbacks from the projected property lines were not met, and that the dock was constructed to be significantly longer than the authorized length. The total length of the dock below the Normal High Water Elevation (NHWE) was not included on the as-built survey. However, based on aerial photographs, the length of the dock below the NHWE is estimated at approximately 159 feet, which is 111 feet longer than the 47 feet and seven inches length shown on the approved plans.

A Notice of Non-Compliance (NONC) letter outlining the issues was sent to the permittee on June 24, 2024. The NONC letter directed the permittee to submit photographs of the dock and stipulated that the dock should either be rebuilt in accordance with the permitted plans, or that an after-the-fact Dock Permit Modification Application be submitted to attempt to permit the structure as constructed. The NONC letter informed the permittee that the dock might not be approved in the current location. EPD sent a follow-up and updated NONC letter, dated December 31, 2024, reiterating that the permittee must either rebuild the dock in accordance with the approved plans or apply for a permit modification. On January 31, 2025, EPD received an after-the-fact Dock Permit Modification Application and an Application for Waiver to Section 15-343(a) for the subject property. The plans received with the application depicted the dock setback distance from the platted property lines, and not the projected property lines. EPD received revised plans on April 3, 2025, depicting the proposed setbacks (discussed below) from the projected property lines. The plans are provided in **Exhibit 2**.

Request for Waiver to Side Setback

Chapter 15, Article IX, Section 15-343(a) of the Ordinance states, "Private docks on lots or parcels having a shoreline frontage of one hundred (100) feet or less, including designated mooring areas, must have a minimum side setback of ten (10) feet from any property line or projected property line."

The applicant has a shoreline that measures 90.6 linear feet at the NHWE, requiring a minimum side setback of 10 feet from the projected property lines. Lake Hancock is considered Sovereignty Submerged Lands (SSL), resulting in projected property lines below the NHWE that differ from the platted property lines. A submerged lands determination from the Florida Department of Environmental Protection (FDEP) is included as **Exhibit 3**. Accounting for projected property lines, the dock as constructed has a side setback of a negative 36.6 (-36.6) feet from the eastern projected property line.

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

To address Section 15-350(e)(1), in the After-the-Fact Application for Waiver the applicant's agent (Scott Johnston) stated, "The dock has been installed and would be in compliance with today's current guidelines. The issue was the previous code required a 25 foot setback and the current code requires a 15 foot setback which the project is in full compliance on."

To address Section 15-350(e)(2) in the After-the-Fact Application for Waiver, the applicant's agent stated, "There is no direct effect to the adjacent owner, there would be an indirect [sic]. We reached out via knocking on the door, Fed Ex, certified mail to have the adjacent owner sign a Letter of No Objection and have received zero response."

Mooring Depth and Navigability

Pursuant to Section 15-342(2), "A reasonable water depth may be defined by a determination that the dock does not extend further than the nearest permitted docks (within three hundred (300) feet or three (3) abutting lots) or a maximum of five (5) feet of water depth as measured from the NHWE, unless the natural conditions of the surface water necessitate a greater dock length for water depth to achieve reasonable mooring conditions. The dock length necessary to achieve a reasonable water depth must not create a navigation hazard, as determined by EPD or law enforcement. The dock must have a minimum mooring depth of twenty-four (24) inches, as measured from the NHWE, to prevent bottom scouring."

Dock Construction Permit No. BD-22-11-175 was issued in accordance with the previous Ordinance, which did not require a minimum mooring depth, but did require a maximum mooring depth of five feet. The mooring depth of the dock was calculated to be 5.5 feet.

EPD completed a navigational assessment based on Work Instruction No. EPD-WI-2000-47. Per the Work Instruction guidelines, EPD assessed whether the dock extends significantly further than any adjacent permitted docks. The dock on the subject property extends approximately 159 feet below the NHWE, which is approximately 111 feet longer than the permitted length of 47 feet and seven inches. The approximate lengths of the other permitted docks within 300 feet or three abutting lots are 145 feet, 158 feet, 67 feet, and 110 feet, from west to east, respectively. The dock on the subject property is similar in length to the nearest permitted docks to the west, but significantly longer than the nearest permitted docks to the east. The dock appears to be constructed within the littoral zone, which has abundant vegetation. An objection was received from the adjacent affected neighboring property owner citing potential for future navigation issues, and that the dock crosses projected property lines. EPD determined that the projected property lines significantly limit the future location of a dock on the affected neighboring property owner's lot and that the applicant's dock location may interfere with navigation around any such dock. Therefore, EPD determined that the dock will create a potential navigation hazard.

Objections

A Notice of Application for Waiver, dated April 7, 2025, was sent to the adjacent affected property owner. EPD received a letter of objection to the side setback waiver from the adjacent affected property owner on April 25, 2025. The objector, Sumesh Arora (14538 Avenue of the Rushes), cited concerns of trespass, nuisance, and reduction in property value, and requested an order for removal of the unauthorized dock. The letter from Mr. Arora is included as **Exhibit 4**.

Enforcement Action

Upon receipt of the permittee's Request for an After-the-Fact Waiver, EPD stayed any further enforcement actions beyond the issuance of the June 24, 2024, and December 31, 2024 Notices of Non-compliance. If the after-the-fact waiver is denied, the applicant must reconstruct the dock in accordance with the Ordinance.

Additionally, Section 15-353(d) states in part, "Any person determined to have violated section 15-324 for failure to obtain a permit prior to constructing a dock or modifying an existing dock such that a variance or waiver would be required, may be subject to an additional administrative penalty in the amount of one dollar (\$1.00) per square foot of the entire structure." Therefore, an administrative penalty of approximately \$1,255.36 will be assessed for failure to obtain a permit prior to modification, if the Request for the After-the-Fact Waiver is approved. The penalty amount will be finalized if the waiver is approved and upon receipt of a revised as-built survey that verifies the total square footage of the dock.

Environmental Protection Commission (EPC) – Public Hearing

EPD presented the After-the-Fact Waiver Request at a duly noticed public hearing before the EPC at their May 28, 2025, meeting. The following is a summary of the proceedings:

EPD provided the EPC with a PowerPoint presentation. The PowerPoint included the EPO's findings that the applicant has failed to demonstrate there will be no negative effects on abutting shoreline owners pursuant to Section 15-342(a)(3), as an objection has been received, and that the location of the boat dock may create a future navigation hazard.

- EPD requested the EPC's approval of the Recommendation of the EPO as written in the EPC Recommendation Letter included as **Exhibit 5**.
- Chuck Costar, of the law firm of Shutts and Bowen, LLP, representing Davila Homes, the company that obtained the permit for the dock, spoke in favor of the request.
 - Mr. Costar acknowledged that it would have been better for the applicant to come back to EPD before building the dock in a location other than where the dock was approved, but the water depth in the location where the dock was shown on the plan was insufficient.

- Mr. Costar acknowledged that Lake Hancock was sovereignty submerged land. He stated that the dock was constructed within the platted property lines and that the dock was of similar length to docks to the west. Mr. Costar concluded his presentation and stated that the variance should be approved.
- The objector, Sumesh Arora, (neighbor to the east) spoke against the request.
 - Mr. Arora stated that the dock was constructed outside of the projected property lines, that insufficient space remained for him to construct a dock, and that he was concerned about navigational hazards and the loss of his property's value.

Members of the EPC questioned Mr. Costar about several concerns, including: why the dock builder did not apply for a modification before building the dock, the water depth at the permitted location, and whether the applicant had obtained a permit from FDEP due to the total square footage of the dock. EPC deliberated and expressed comments pertaining to the water depths of Lake Hancock, the potential challenges for the adjacent neighbor to build a dock, the State's requirements for permitting of a dock, and the failure of the applicant to request a modification of the permit prior to construction or the completion of construction.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendation of the EPO, and made a finding that the request for after-the-fact waiver was inconsistent with Orange County Code, Chapter 15, Article IX, Section 15-350(e) and recommended denial of the request for waiver to Section 15-343(a) to reduce the side setback to a negative (-36.6) feet. The EPC's recommendation letter is provided as **Exhibit 5**.

Appeal of the EPD Recommendation

Chapter 15, Article II, Section 15-38(a) states in part, *"Any person aggrieved by any final decision of the environmental protection officer...may appeal to the commission by filing a written notice of appeal within fifteen (15) days of the rendering of the decision by the environmental protection officer."*

Chapter 15, Article II, Section 15-38(d) states in part, *"The board of county commissioners may affirm, reverse, or modify the decision of the commission. The decision of the board of county commissioners shall be final and may be appealed to a court of competent jurisdiction."*

On June 12, 2025, Mr. Costar, counsel for Davila Homes, submitted an appeal of the decision of the EPC to accept the Recommendation of the EPO, pursuant to Chapter 15, Article II, Section 15-38(a). The Orange County Attorney's Office confirmed that the appeal was acceptable in that the appeal appears to meet the requirements of Section 15-38(a). The appeal is included as **Exhibit 6**.

On September 3, 2025, the appellant and their agents, the applicant, and the objector were sent notices to inform them of the public hearing of the appeal before the Board.

The appeal outlined the appellant's concern that the permitted dock location would not provide a reasonable water depth for mooring and stated that the dock as constructed does not adversely affect the rights of others and is 10 feet from all applicable property lines.

Note: Section 15-350(e) is the pertinent regulation of the Orange County Dock Construction Ordinance that pertains to the EPO's consideration of the applicant's Application for an After-the-Fact Waiver. The EPO's decision to recommend denial of the Request for the After-the-Fact Waiver was appropriately based on the applicant's failure to satisfy the waiver criteria in Section 15-350(e). Therefore, the EPO recommended denial of the Request for Waiver to Section 15-343(a) to reduce the side setback. Although the applicant's appeal acknowledges that the applicant is appealing the decision of the EPC that denied the application for an After-the-Fact Waiver, the applicant's arguments below pertain to variance criteria. Some of the facts relevant to the variance criteria in Section 15-350(c) of the Orange County Code could be relevant to consideration of the waiver criteria. The applicant's arguments are the following:

Pursuant to Section 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."

To address Section 15-350(c)(1), Mr. Costar states, "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)." See **Exhibit 6**.

To address Section 15-350(c)(2), Mr. Costar states, "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."

To address Section 15-350(c)(3), Mr. Costar states, "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).” See **Exhibit 6**.

To address Section 15-350(c)(4), Mr. Costar states, “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.”

To address Section 15-350(c)(5), Mr. Costar states, “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.”

EPD Recommendation

EPD recommends that the Board affirm the recommendation of the Environmental Protection Commission to deny the after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(a) to reduce the required side setback from ten (10) feet to negative 36.6 (-36.6) feet for the Motekhouse LLC After-the-Fact Dock Construction Permit Modification BD-22-11-175-MOD.

BUDGET: N/A

Exhibit 1

Dock Construction Application for After-the-Fact Waiver



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

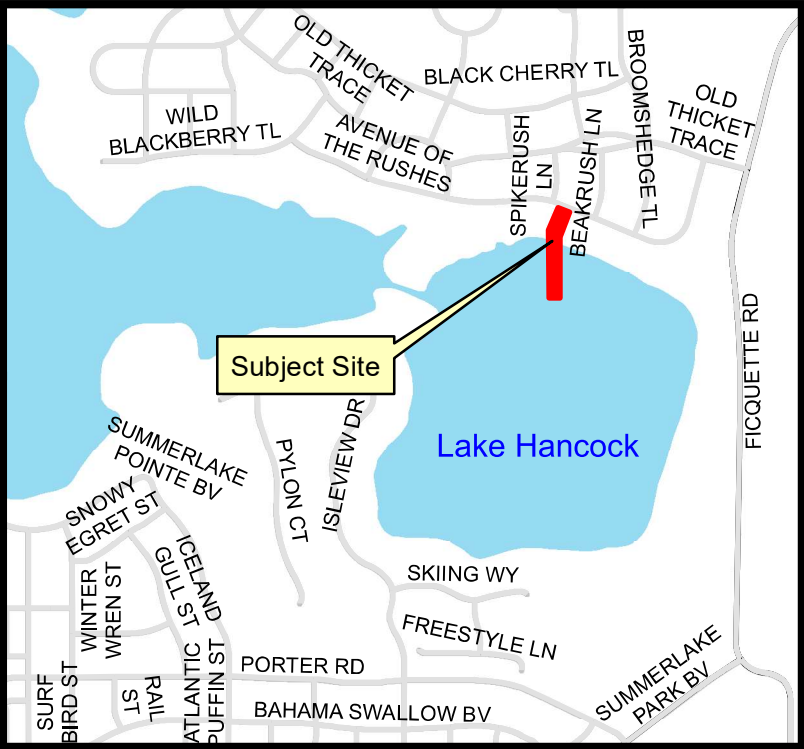
Applicant: Motekhouse LLC

Address: 14544 Avenue of the Rushes

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

Project Site 

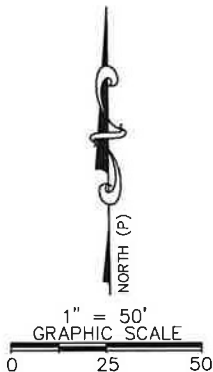
Property Location 



BOUNDARY & AS-BUILT SURVEY

Exhibit 2

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:

- ALL DIRECTIONS AND DISTANCES HAVE BEEN FIELD VERIFIED, INCONSISTENCIES HAVE BEEN NOTED ON THE SURVEY, IF ANY.
- PROPERTY CORNERS SHOWN HEREON WERE SET/FOUND ON 02-27-25, UNLESS OTHERWISE SHOWN.
- 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.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.
- BUILDING TIES SHOWN HEREON ARE NOT TO BE USED TO RECONSTRUCT THE BOUNDARY LINES.
- VERTICAL INFORMATION IS BASED ON ORANGE COUNTY BENCHMARK H1639013, HAVING A PUBLISHED ELEVATION OF 102.746 FEET, NAVD 88 DATUM.
- NORMAL HIGH WATER LINE BASED ON INFORMATION FOUND ON PLAT BEING IN NGVD 29 DATUM, CONVERSION FROM 29 DATUM TO 88 DATUM = -0.935.

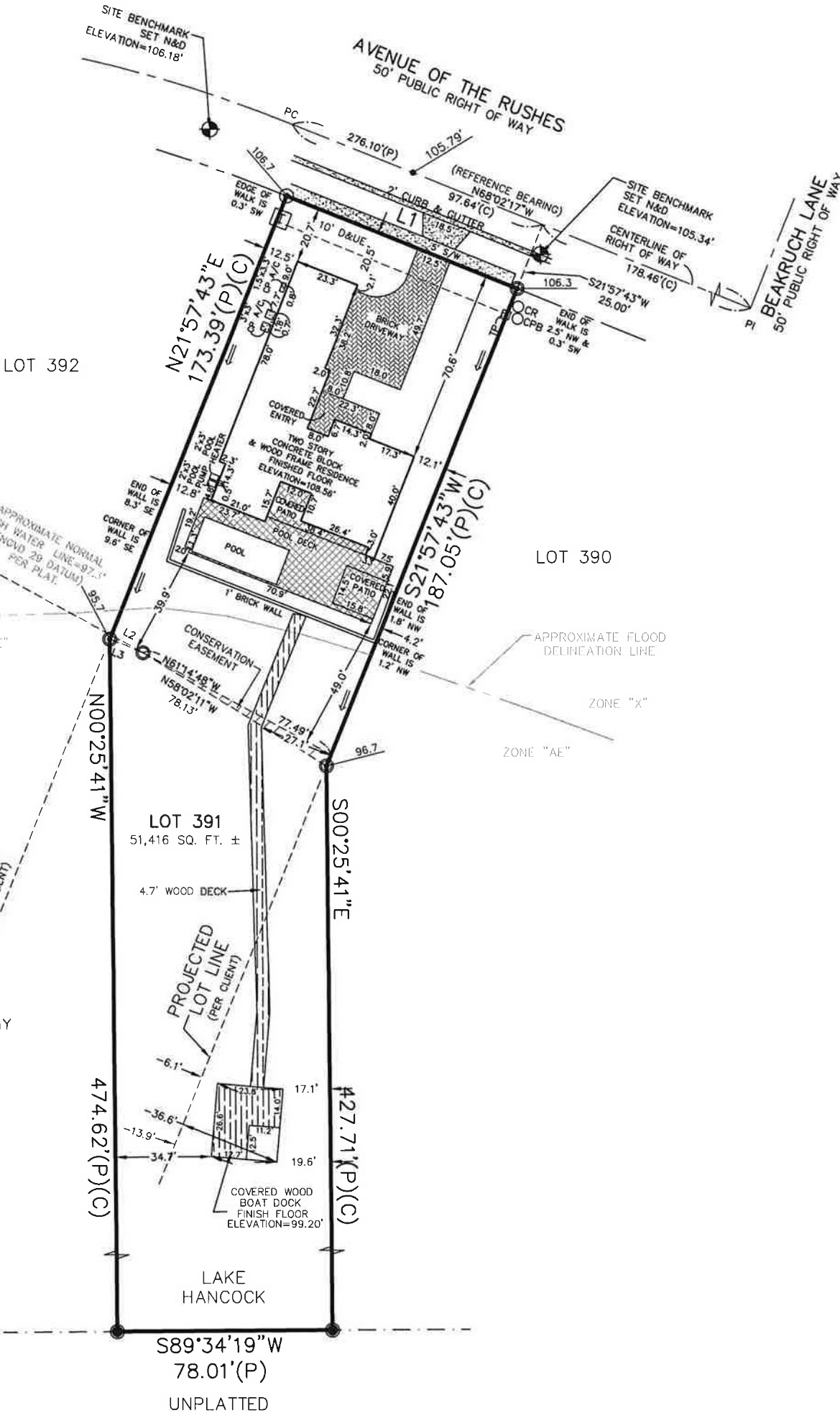
FLOOD NOTE:

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:)	08/15/22	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 JF	
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
---	CALCULATED	(P)	PER PLAT
---	COMMUNICATION RISER	S	SOUTH
---	COMMUNICATION PULL BOX	SQ. FT.	SQUARE FEET
---	DRAINAGE & UTILITY	S/W	SIDEWALK
---	EASEMENT ELEVATION	TP	TRANSFORMER PAD
---	EAST	WF	WOOD FENCE
---		W	WEST

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'



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
TITLE AND LAND RECORDS SECTION
BOARD OF TRUSTEES LAND DOCUMENT SYSTEM
WORKSHEET SHORT FORM (FOR INTERNAL DEP USE ONLY)

FILE INFORMATION

ATTORNEY WORK PRODUCT: N
WORKSHEET ID: 136267
COUNTY: Orange
FILE NUMBER: LAKE HANCOCK REEDY CREEK WATERSHED
APPLICANT:
COMPANY:
SITE: 14544 AVENUE OF THE RUSHES, WINTER GARDEN, FL PARCEL ID 27-23-27-8125-03-910
TYPE OF ACTIVITY: SUBMERGED LANDS DETERMINATION

PROJECT LOCATION

27 23S 27E

AQUATIC PRESERVE: N/A
WATER BODY: LAKE HANCOCK

DETERMINATION STATEMENT

DETERMINATION STATEMENT
BASED ON RECORDS WITHIN THE TITLE AND LAND RECORDS SECTION THE STATE HOLDS TITLE TO THE LANDS BELOW THE OHWL OF LAKE HANCOCK AT THE PROJECT SITE. TO CAROLINE D @OCEPD SPS 05/29/2025
PREPARER: STEVENS_SP
DATE APPROVED: May 29, 2025 12:00:00 AM
APPROVED BY: MCMILLAN_K
WORKSHEET STATUS: Approved

Exhibit 4

From: [Sam Arora](#)
To: [Dragiev, Caroline M](#)
Subject: Objection letter for Application no. BD-22-11-175-MOD
Date: Friday, April 25, 2025 9:42:40 AM

You don't often get email from s8arora@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Caroline Dragiev (ENVIRONMENTAL PROTECTION DIVISION)

Reply of Certified Mail 9489 0090 0027 6388 9343 39

Application no.BD-22-11-175-MOD (14544 AVENUE OF THE RUSHES)

I am writing to formally register this email as our legal objection to the encroachment upon our property line located at **14538 Avenue of the Rushes, Winter Garden, FL 34787**. We have serious concerns regarding the unauthorized construction of a dock, which we believe constitutes a violation of our property rights.

Our objections are outlined as follows:

1. Trespass

The dock has been constructed without our consent or permission and therefore constitutes a clear act of trespass, infringing upon our legal property boundary.

2. Nuisance

- a. The dock obstructs our waterfront view, significantly diminishing the enjoyment and aesthetic value of our property.
- b. Due to the positioning of the dock, we are left with no viable space to construct our own dock with an unobstructed water view.
- c. The current setup creates a serious safety hazard. As we plan to build our own dock, the close proximity and congestion will lead to navigational issues and increase the risk of accidents on the water.

3. Reduction in Property Value

The obstruction of our lakefront view, coupled with the invasion of privacy, will likely lead to a significant reduction in both the market value of our property and the overall quality of life expected from a lakefront residence.

We respectfully request that these legitimate concerns be reviewed with urgency, and that action be taken to **order the removal of the unauthorized dock** at the earliest possible opportunity.

Thank you for your attention to this matter.

Sincerely,

Sumesh Arora (OWNER OF 14538 AVE OF THE RUSHES, WINTER GARDEN FL 34787)

Phone: 917-660-5005



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
May 28, 2025

ENVIRONMENTAL
PROTECTION COMMISSION

Vacant - Chairman

Peter Fleck - Vice Chairman

Sergio Alvarez

Dawson Amico

Shan Atkins

Kelly Eger-Smith

Karin Leissing

J. Gordon Spears

Applicant: Motekhouse LLC

Permit Application Number: BD-22-11-175-MOD

Location/Address: 14544 Avenue of the Rushes, Winter Garden, FL 34787

RECOMMENDATION: Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for waiver is inconsistent with Section 15-350(e) and DENY the request for waiver to Section 15-343(a) (side setback) to reduce the side setback to -36.6 feet for the Motekhouse LLC After-the-Fact Dock Construction Permit Modification BD-22-11-175-MOD. 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:

Signature of EPC Chairman:

DATE EPC RECOMMENDATION RENDERED:

5/28/25

**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

ORLDOCS 22760123 1 58758.0004

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.

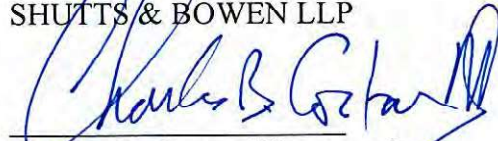
- The intent and purpose of the article is clearly to have a boat dock with a reasonable water depth for vessel mooring. Requiring a boat dock to be built at a location that does not have a reasonable water depth for vessel mooring, as the Boat Dock Permit did, would be contrary to the intent and purpose 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 blue 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

**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

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.

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REASONS AND GROUNDS FOR APPEAL

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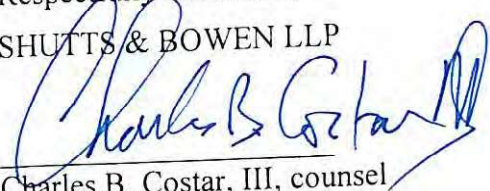
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Respectfully submitted,
SHUTTS & BOWEN LLP



Charles B. Costar, III, counsel
For Davila Homes

Dated June 12, 2025

A

Updated Notice of Non-Compliance
Boat Dock Permit Condition Violation
Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910



Environmental Protection Division
**DOCK
CONSTRUCTION PERMIT**

Permit No.: BD-22-11-175
Date Issued: December 16, 2022
Date Expires: December 16, 2023

A Permit Authorizing:

The construction of a dock not to exceed the measurements identified on the Environmental Protection Division (EPD) stamp on the plans dated as received by EPD on November 4, 2022, December 5, 2022, and December 6, 2022.

EPD has evaluated the proposed activity and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article IX, Construction of Dock Ordinance of Orange County and is subject to the permit conditions provided on the following pages:

Activity Location:

14544 Avenue of the Rushes, Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910
Lake Name: Hancock
Orange County Commission District: 1

Permittee(s) / Authorized Entity:

LTC Real Estate Investment, LLC
c/o Karol Lopez
Davila Homes
E-mail: Karol.Lopez@davilacustomhomes.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400 Fax: 407-836-1499
www.OCEPD.org

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As the permit holder, you are responsible to ensure that all the conditions are met. If you are using a contractor to perform the activities authorized within the permit, you are both responsible for meeting the conditions of your permit. If you fail to meet any of the conditions, you and/or your contractor may be subject to formal enforcement which may include administrative penalties.

Approval of this permit is subject to the following conditions:

General Conditions for Dock Construction Permits:

1. This permit shall become final and effective upon expiration of the 15-calendar day appeal period following the date of issuance unless an appeal has been filed within this timeframe. For permits that required approval by the Board of County Commissioners (BCC), the permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the BCC's decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any appeal shall stay the effective date of this permit until all appeals are resolved.
2. The operational phase of this permit is effective upon the completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the approved site plans included with this permit. Construction shall not exceed the measurements identified on the stamp on the plans. The permitted work must be completed within one year from the date of issuance of the permit. Requests for permit extension must be submitted to the EPD prior to the expiration date.
4. The dock must be constructed within an access corridor pursuant to Chapter 15, Article VII, Section 15-255(1). No access corridor is allowed through any conservation area and or easement.
5. The structure and its use shall not significantly impede navigability in the waterbody.
6. There shall be no dredging or filling associated with construction of the structure(s) authorized herein, other than that required for installation of structural pilings.
7. Dock structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
8. The dock must be constructed to meander around native trees to minimize impacts to natural resources. If any trees are removed (dead or alive), EPD must be notified immediately, and a restoration plan must be submitted to EPD for approval. At a minimum, the plan must consist of native wetland plants on 2-foot centers and native wetland trees on 10-foot centers. The ratio will be at least 4:1 ratio for any trees that are removed.
9. If any fallen trees are located within the proposed dock location, they may be cut in place and left within the wetland conservation area. If trees must be removed, only hand removal is permitted; no heavy equipment or machinery may be utilized. Debris must be removed without displacing soils.
10. Any existing dock shall be completely removed before construction of the new dock can begin. Appropriate erosion and sediment control measures shall be installed around the work area and shall remain in place until all sediments have settled out of the water column. Pilings associated with the existing dock shall be cut at the substrate line or jetted out. All removed materials shall be disposed of at an appropriate offsite location. If the new dock is to be constructed in different location along the shoreline, the previously cleared access corridor shall be allowed to naturally

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revegetate for one year. Should the area not reestablish with appropriate native aquatic or wetland vegetation, invasive species removal and replanting may be required.

11. Unless expressly authorized by this permit and approved site plans, no floating platform structure has been approved with the issuance of this permit. If, at any time, any addition to the terminal platform (including, but not limited to, a floating platform) is proposed, the permittee(s) or future owners of the property may be required to apply for, and obtain, a new Dock Construction Permit.
12. All excess lumber, scrap wood, trash, garbage, and similar materials shall be removed from the project area immediately.
13. The permit holder and/or designated agent must submit a notice of completion to EPD within 30 days of completion of the construction or repair of the permitted structure so that a compliance check may be performed by EPD staff. The permittee(s) must provide as-built drawings on a final survey, signed, and sealed by an appropriate professional licensed by the State of Florida, with the notice of completion. The signed and sealed as-built survey shall consist of an aerial view and a side view of the dock as well as any other information required to demonstrate compliance with the permit. The following items must be included on the survey:
 - a. North arrow.
 - b. Name of water body.
 - c. Reference point.
 - d. Setback distance from all portions of the boat dock.
 - e. The Normal High-Water Elevation (NHWE).
 - f. Floor elevation (measured from the NHWE).
 - g. Roof elevation (measured from the top of the floor to the top of the roof).
 - h. Length of the dock below the NHWE.
 - i. Access walkway width.
 - j. Conservation easements, wetlands, buffers, berm, and swale drainage easements.
 - k. Floor elevation of the dock through wetlands.
 - l. Complete dimensions of the terminal platform; and
 - m. Elevation of the lake bottom at the waterward end of the terminal platform.
14. Upon completion of construction, the permittee(s) shall provide EPD with photographs of the dock to wetlandpermitting@ocfl.net from the following locations:
 - a. From the shoreline or backyard looking out towards the lake and dock.
 - b. View of the terminal platform from access walkway.
 - c. The end of the terminal platform looking back towards the shoreline.
 - d. View from each property corner looking towards the dock.
 - e. View of the access walkway with a tape measure in frame to show the height of the top of the access walkway deck over wetlands (if applicable); and,
 - f. View of the water depth at the waterward end of the terminal platform with a tape measure in frame that is flush with the top of the deck, so a dimension is clearly visible.
15. At least 48-hours prior to commencement of activity authorized by this permit, the permittee(s) shall submit to EPD at wetlandpermitting@ocfl.net, a Construction Notice indicating the actual start date and expected completion date.
16. The permittee(s) shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee(s) shall remain liable for all permit conditions and corrective actions that may be required because of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent

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- owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
17. A copy of this permit, along with EPD stamped and approved drawings should be taken to the Orange County Zoning Division (OCZD) at 201 South Rosalind Avenue to obtain a building permit. For further information, please contact the OCZD at (407) 836-5525. After approval by OCZD, the certified site plans will need to be reviewed by the Orange County Building Safety Division (OCBSD) to obtain a building permit. For further information, please contact the OCBSD at (407) 836-5550.
 18. If the property is within the Town of Windermere, a copy of this permit, along with EPD stamped and approved drawings should be taken to the Town of Windermere at 614 Main Street to obtain a building permit. For further information, please contact the Town of Windermere at 407-876-2563.
 19. Some lakes experience a wide fluctuation of water levels. There may be times during the year that the dock authorized herein may not be usable to access the water.
 20. Subject to the terms and conditions herein, the permittee(s) is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee(s) binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease, and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
 21. Prior to construction, the permittee(s) shall clearly designate the limits of construction on-site. The permittee(s) shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
 22. The projected property lines, as identified on the stamped permit drawings, should be field staked by a professional land surveyor prior to the start of construction to be sure that the dock is constructed in the permitted location. Utilizing an adjacent boat dock or fence line is not sufficient for accurate placement of the dock and may result in the placement of the dock in the wrong location. It is extremely important to build the dock in the approved location. Upon completion of construction, if an unauthorized encroachment into the required minimum setback occurs, you may be required to relocate the dock.
 23. The permittee(s) shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee(s) shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
 24. Issuance of this permit does not warrant in any way that the permittee(s) has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee(s). If 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(s) agrees to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the

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adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

25. This permit does not release the permittee(s) from complying with all other federal, state, and local laws, ordinances, rules, and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee(s) or create in the permittee(s) any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee(s) or convey any rights or privileges other than those specified in the permit and Chapter 15, Article IX of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee(s) shall comply with the most stringent conditions. The permittee(s) shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
26. The permittee(s) is hereby advised that Section 253.77, Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee(s) is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
27. Should any other regulatory agency require changes to the permitted activities, the permittee(s) shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
28. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
29. The permittee(s) shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
30. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time ensure conformity with the plans and specifications approved by the permit.
31. The permittee(s) shall hold and save the County harmless from all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
32. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee(s).
33. The permittee(s) agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
34. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed, and maintained at all locations where the possibility of transferring suspended solids into wetlands and or surface waters may occur due to the permitted activity. If

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


site-specific conditions require additional measures, then the permittee(s) shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

35. Pursuant to Section 125.022 FS, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

36. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

If you should have any questions concerning this permit, please contact Caroline Dragiev at 407-836-1448 or Caroline.Dragiev@ocfl.net.

Project Manager:



Caroline Dragiev, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



Elizabeth R. Johnson for

David D. Jones, P.E., CEP, Environmental Protection Officer

CD ~~11~~ ERJ/DJ: gfdjr

Enclosure(s): Construction Notice
Approved Plans

c: LTC Real Estate Investment, LLC, Permittee, 6735 Conroy Rd., Suite 305, Orlando, FL 32835
Lisa Prather, SFWMD, lprather@sfwmd.gov

Updated Notice of Non-Compliance
Boat Dock Permit Condition Violation
Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
Or Fax to: 407-836-1499
Or E-Mail to: WetlandPermitting@ocfl.net

Permit Number and Name: BD-22-11-175, 14544 Avenue of the Rushes

Permit Type: BOAT DOCK

Approximate Starting Date: _____

Approximate Completion Date: _____

Remarks or any additional information:

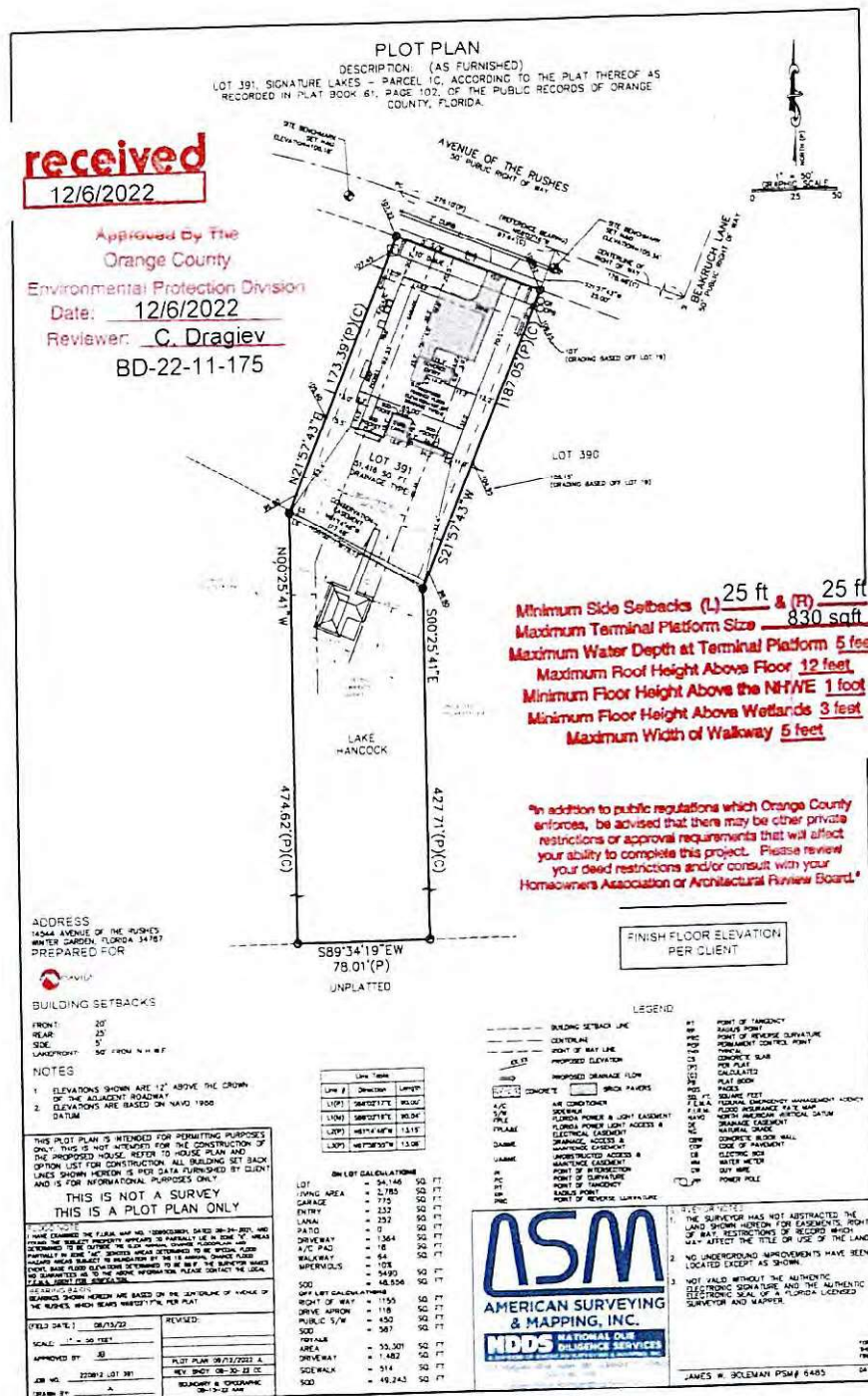
I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

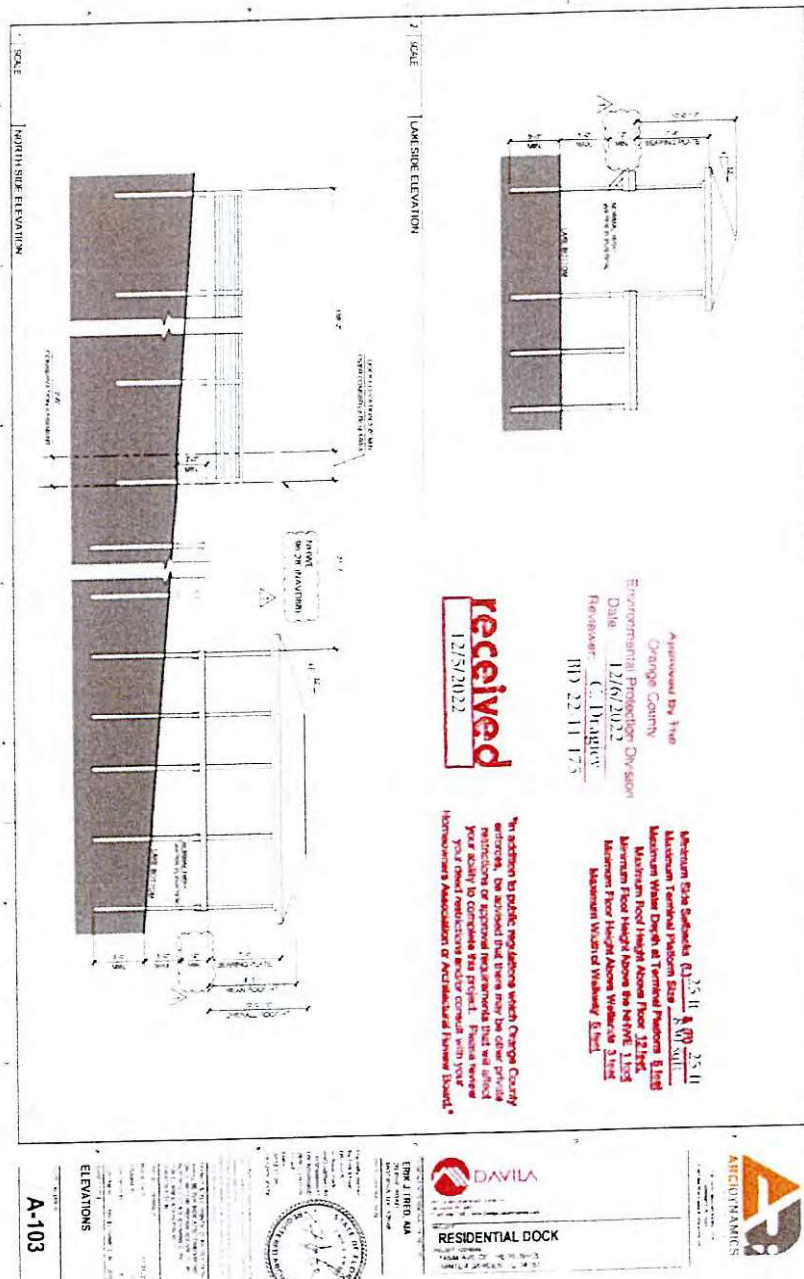
Printed name of Permittee: _____

Date: _____

Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910



Updated Notice of Non-Compliance
 Boat Dock Permit Condition Violation
 Permit No.: BD-22-11-175
 Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
 Parcel ID No.: 27-23-27-8125-03-910



Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910

Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910



B

A portion of Sections 21, 22, 27 and 28, Township 23 South, Range 27 East
Orange County, Florida

[illegible][illegible]

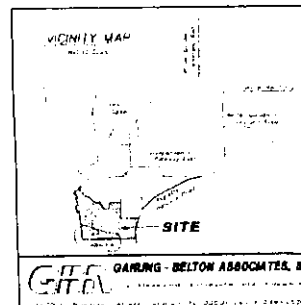
Affidavit Continuing Error re. Recorded Plat
 See Affidavit by Debra A. Hansen
 Recorded: 09/11/2003 in Official Records
 Book: 0946 Page: 46 Correcting Error
 on Recorded Plat See Recorded Affidavit for Details

Affidavit Containing Error in Recorded Plat
 See Affidavit by A. H. Rayner 5740-2-1
 Recorded 2-1-1908 in Official Records
 Book 2763, Page 4065, Correcting Error
 in Recorded Plat. See Recorded Affidavit for Details

THIS PLAT, AS RECORDED IN ITS OWN NAME, IS THE OFFICIAL DECLARATION OF THE UNDERTAKEN, AS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRANTS OR DIGITAL FORMS OF THE PLAT THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

THE MOMENTS SHOWN HEREIN REPRESENTS A PORTION OF THE MOMENT CONTAINED IN THE SIGNATURE LINES IN DANGERMASTER PLANNED CASE WHICH - SIGNATURE LINES MUST AS APPROVED BY THE ORANGE COUNTY BOARD OF PUBLIC WORKS - AFTER ON RECORD IN NVIS

* See Sheet 12 of 12 for Surveyor's Notes



1. The first step in the process of identifying a problem is to determine the nature of the problem. This involves a thorough understanding of the situation and the factors that may be contributing to the problem.

2. The second step is to identify the stakeholders who are affected by the problem. This includes individuals, groups, and organizations that have an interest in the outcome of the problem.

3. The third step is to gather information about the problem. This involves collecting data, conducting research, and consulting with experts in the field.

4. The fourth step is to analyze the information and identify the root causes of the problem. This involves looking for patterns, trends, and underlying factors that may be contributing to the problem.

5. The fifth step is to develop a plan of action to address the problem. This involves identifying the goals, objectives, and strategies that will be used to solve the problem.

6. The sixth step is to implement the plan of action. This involves putting the plan into practice and monitoring the progress of the solution.

7. The seventh step is to evaluate the results of the solution. This involves assessing the effectiveness of the solution and making adjustments as needed.

8. The eighth step is to communicate the results of the solution to the stakeholders. This involves sharing the findings and the impact of the solution with the relevant parties.

9. The ninth step is to document the process and the results of the solution. This involves creating a record of the steps taken and the outcomes achieved.

10. The tenth step is to review the process and the results of the solution. This involves reflecting on the experience and identifying lessons learned for future problem-solving efforts.

[illegible]

NOTARY PUBLIC SIGNATURE

[illegible]

CERTIFICATE OF REVIEW BY COUNTY SURVEYOR

Signature: Michael Date: 11/1/85
 Doc. L. Supervisor's Signature Title

CERTIFICATE OF APPROVAL
BY ZONING DIRECTOR
6-7-05

CERTIFICATE OF APPROVAL
BY COUNTY ENGINEER

CERTIFICATE OF APPROVAL
BY THE BOARD OF COUNTY COMMISSIONERS

[Handwritten signature]

NAME: *MARINA* *HAYNE*

[Other illegible handwritten notes]

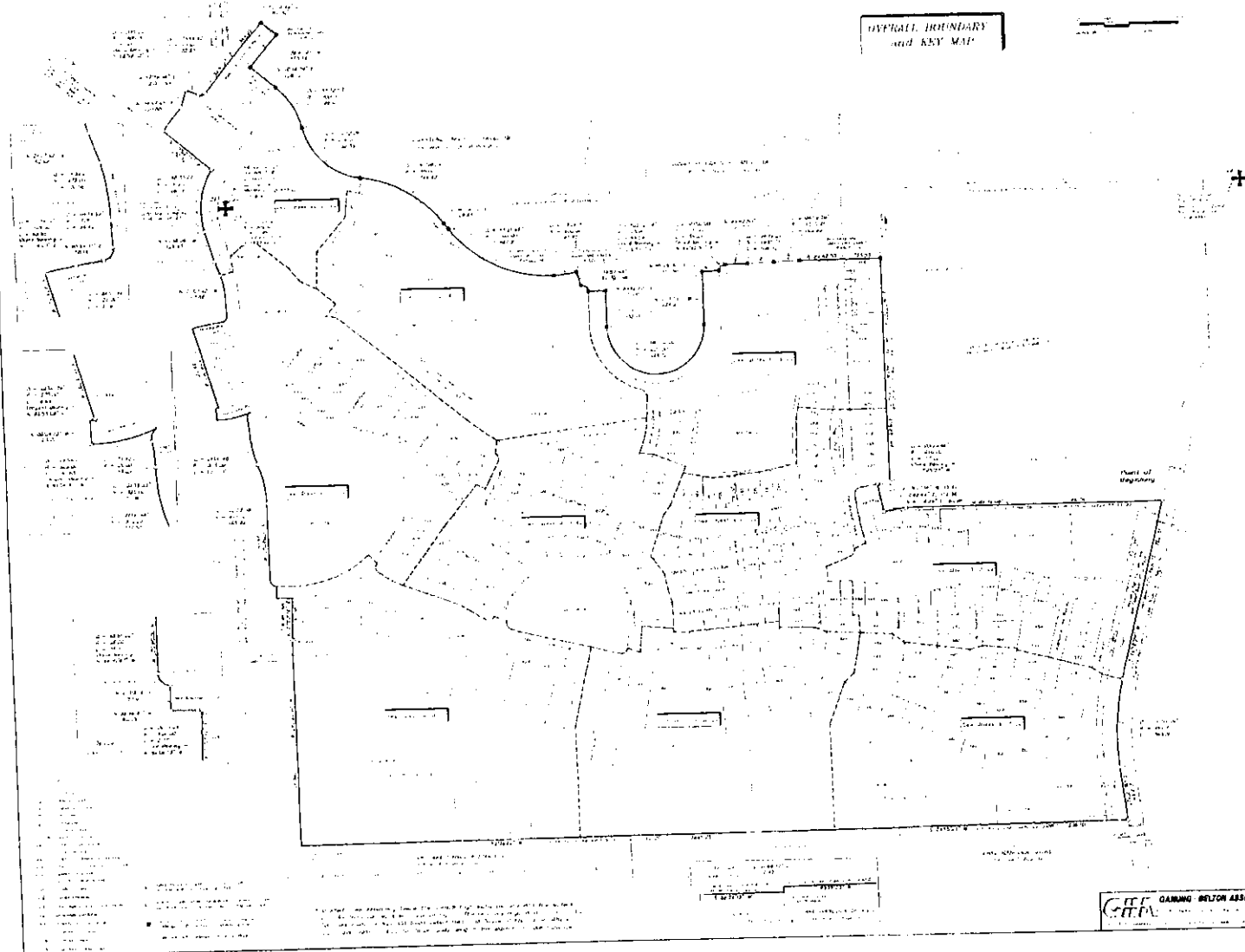
CERTIFICATE OF COUNTY COMPTROLLER

Martha O. Haynie
County Treasurer
Shirley L. Stoner

SIGNATURE LAKES - PARCEL 1C

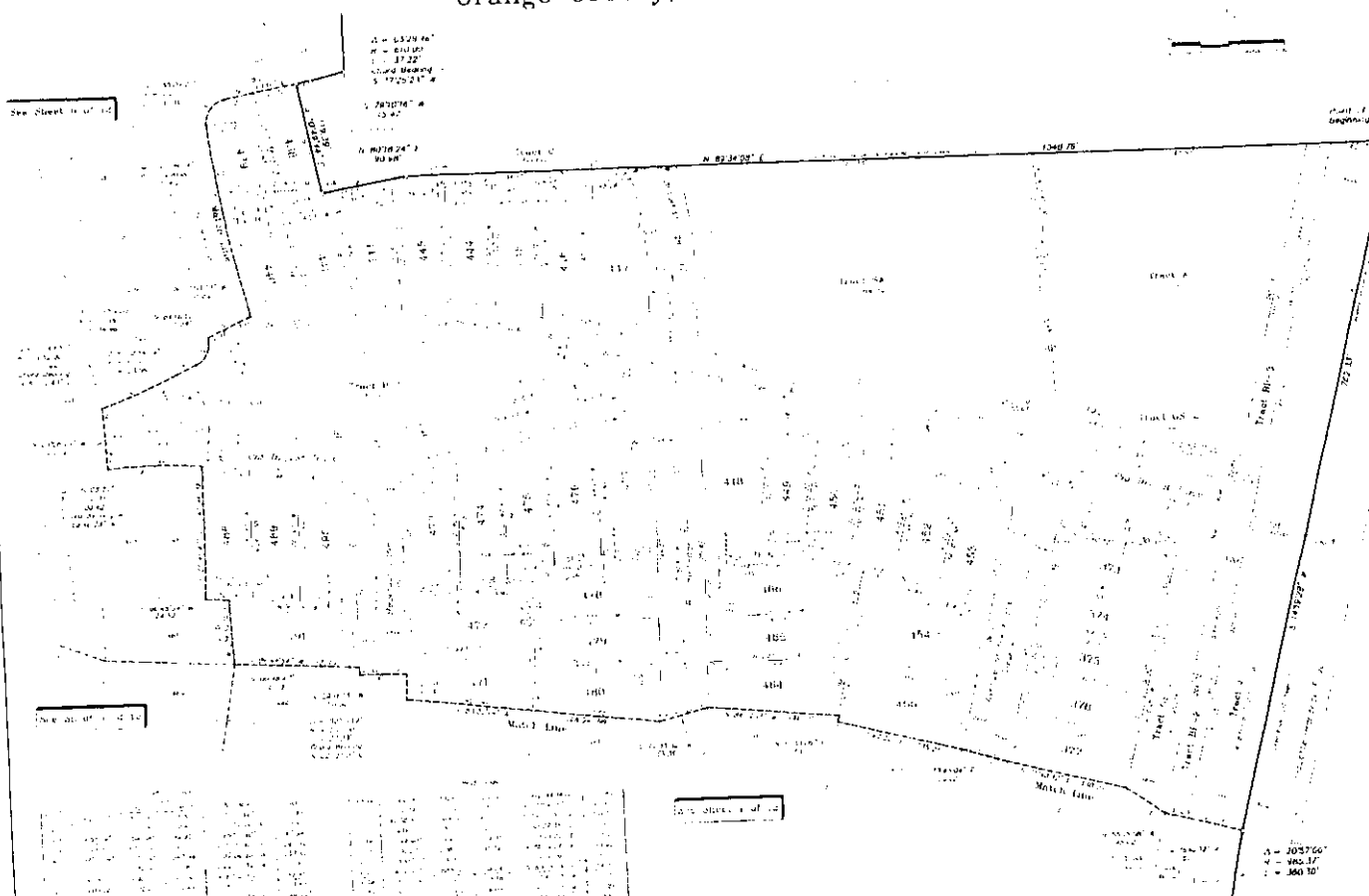
A portion of Sections 21, 22, 27 and 28, Township 23 South, Range 27 East
Orange County, Florida

OVERALL BOUNDARY
and KEY MAP

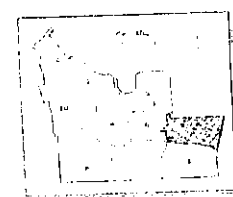


SIGNATURE LAKES - PARCEL 1C

A portion of Sections 21, 22, 27 and 28, Township 23 South, Range 27 East
Orange County, Florida



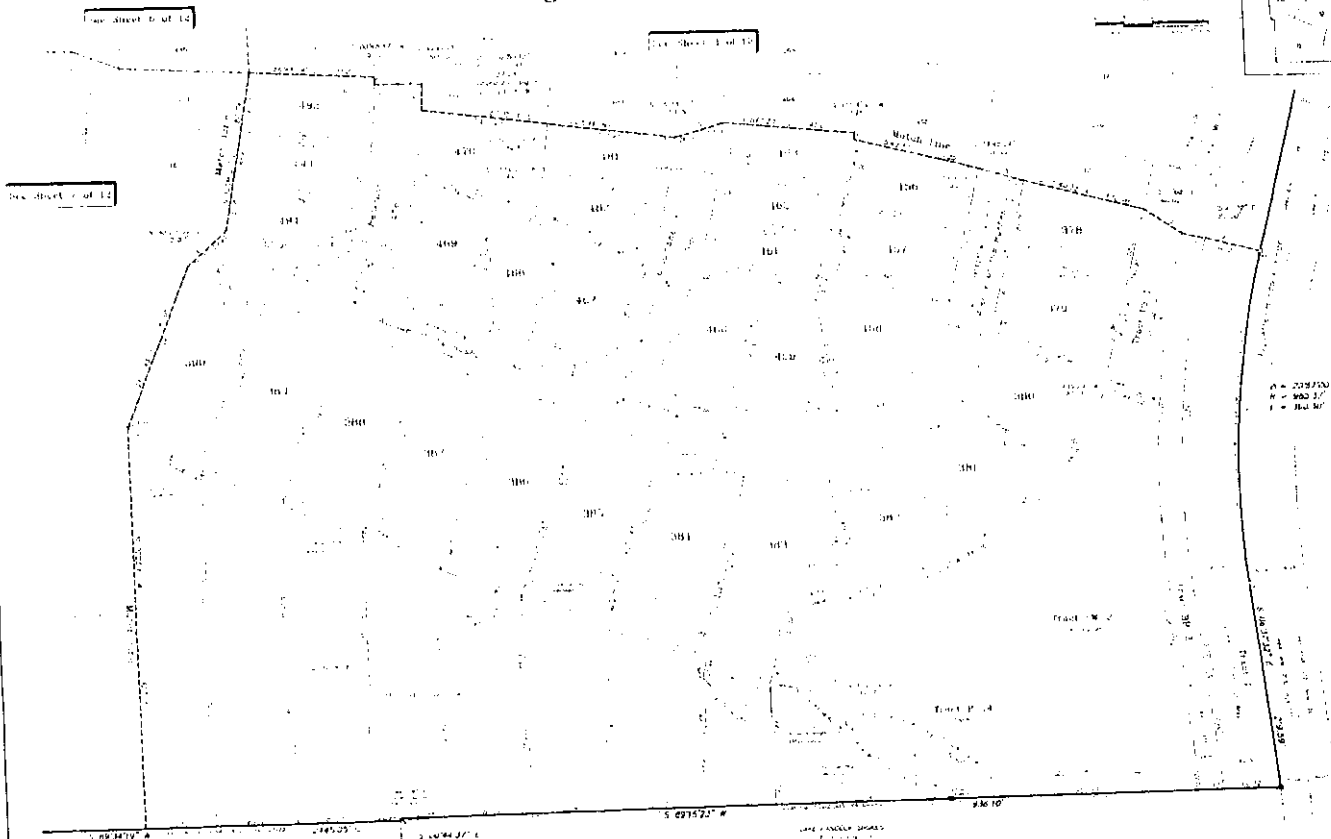
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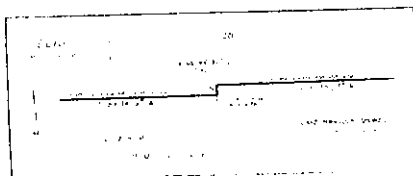
DAWING BELTON ASSOCIATES, INC.

SIGNATURE LAKES - PARCEL 1C

A portion of Sections 21, 22, 27 and 28, Township 23 South, Range 27 East
Orange County, Florida



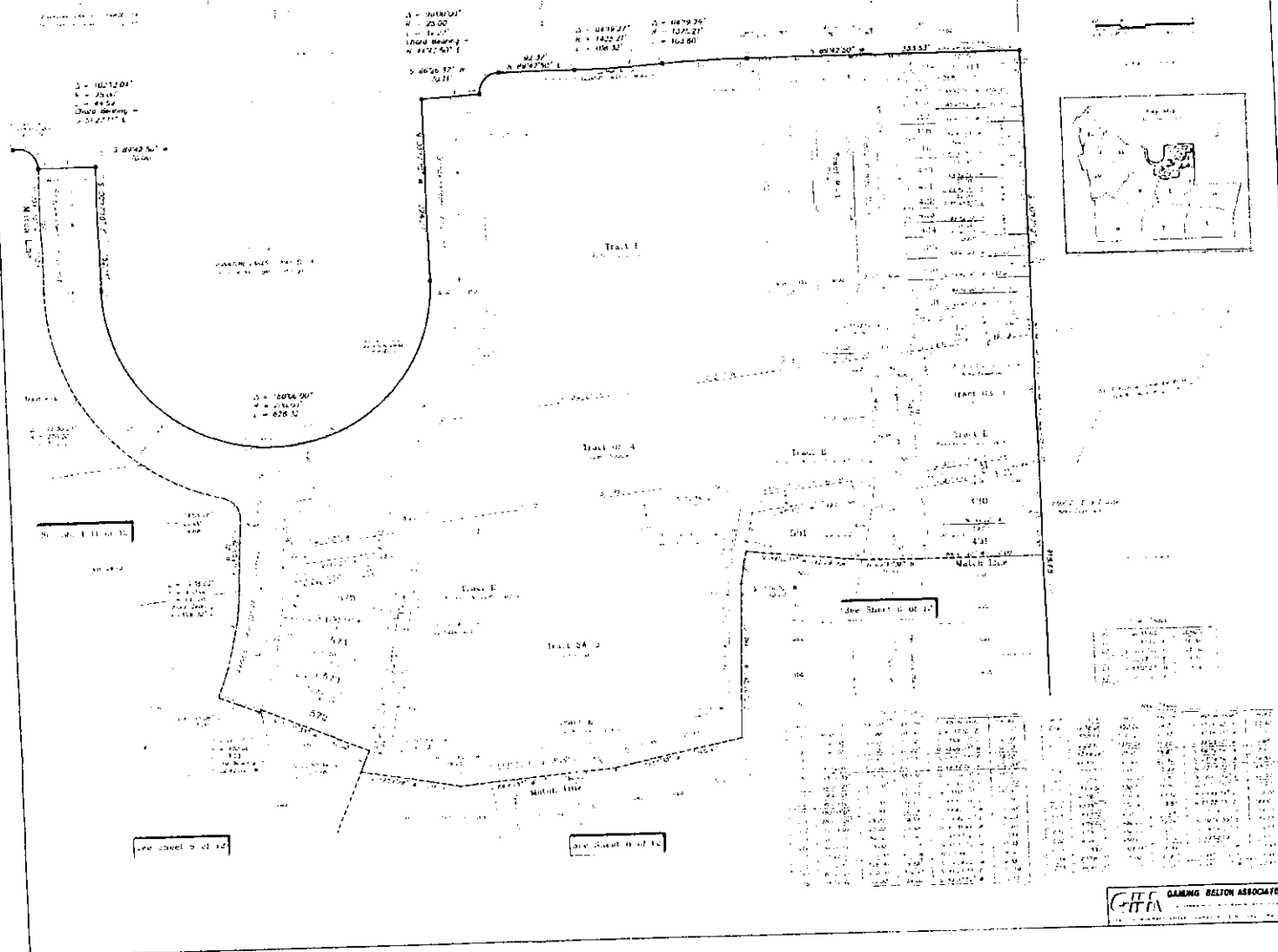
These boundaries are shown for information only and do not constitute a warranty of accuracy. The boundaries shown are based on the best available information and are subject to change without notice.



Lot	Area (Acres)	Owner
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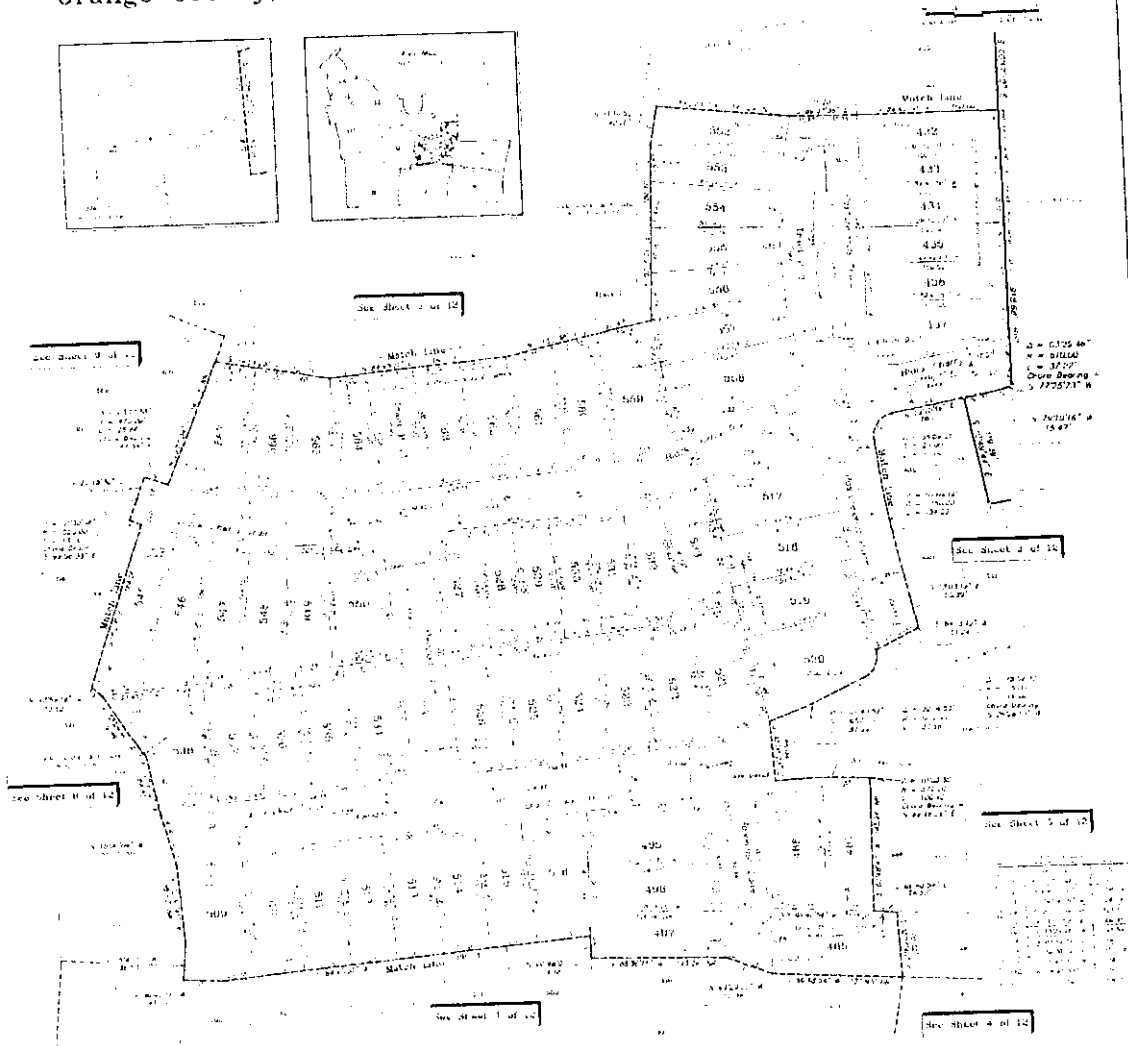
A portion of Sections 21, 22, 27 and 28, Township 23 South, Range 27 East
Orange County, Florida



SIGNATURE LAKES - PARCEL 1C

A portion of Sections 21, 22, 27 and 28, Township 23 South, Range 27 East
Orange County, Florida

See Sheet 7 of 12

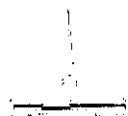


CFR GAMING BELTON ASSOCIATES, INC.
10000 W. US HWY 1, SUITE 100, DAVENPORT, FL 33837
TEL: 888-888-8888 FAX: 888-888-8888
WWW.CFRGAMING.COM

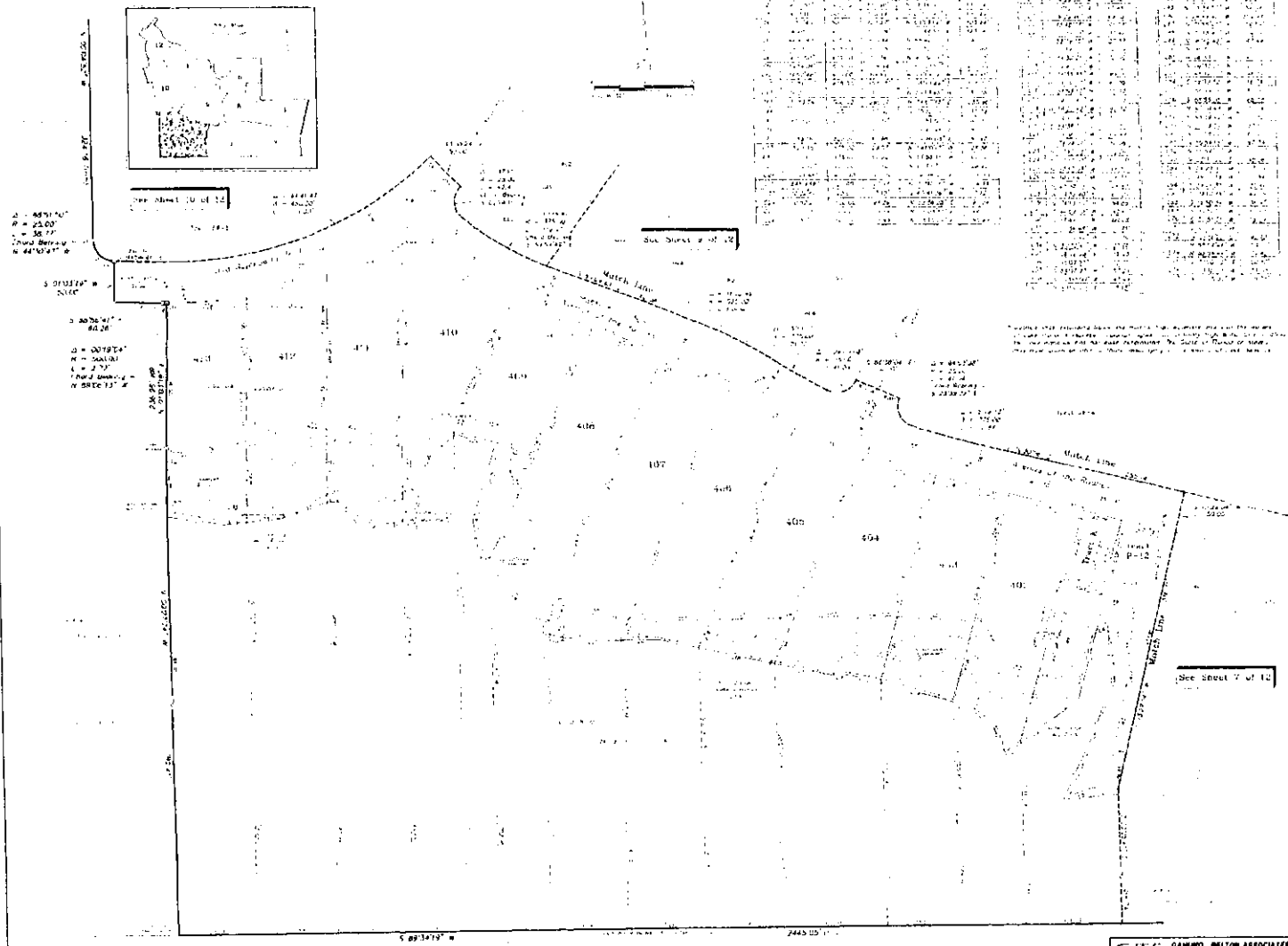
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PLAT BOOK	61
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PAGE **109**



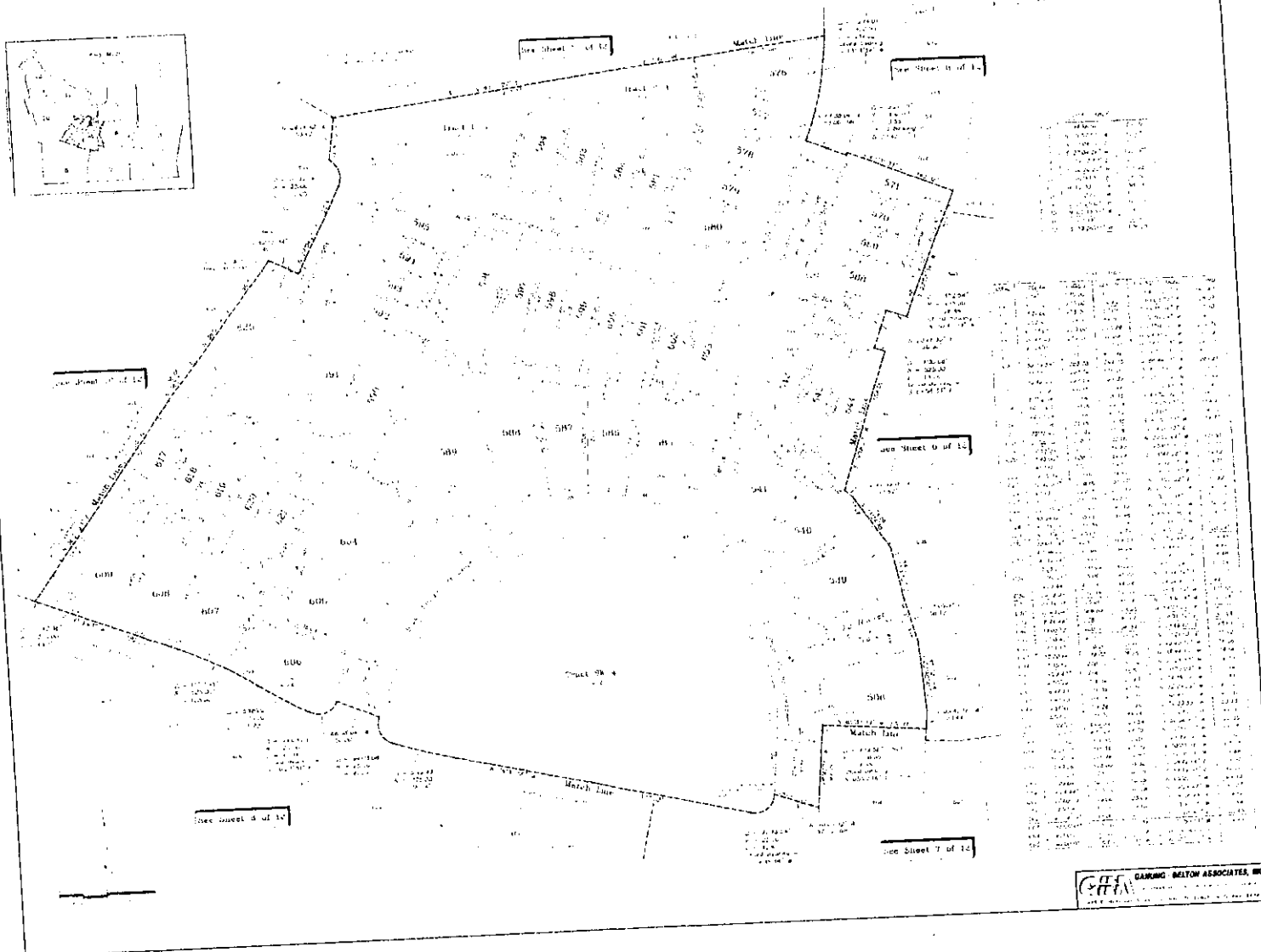
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GARY DANFORTH BELTON ASSOCIATES, INC.
10000 BELT ROAD, SUITE 100, BELT, MONTGOMERY COUNTY, MD 20814
(301) 261-1100

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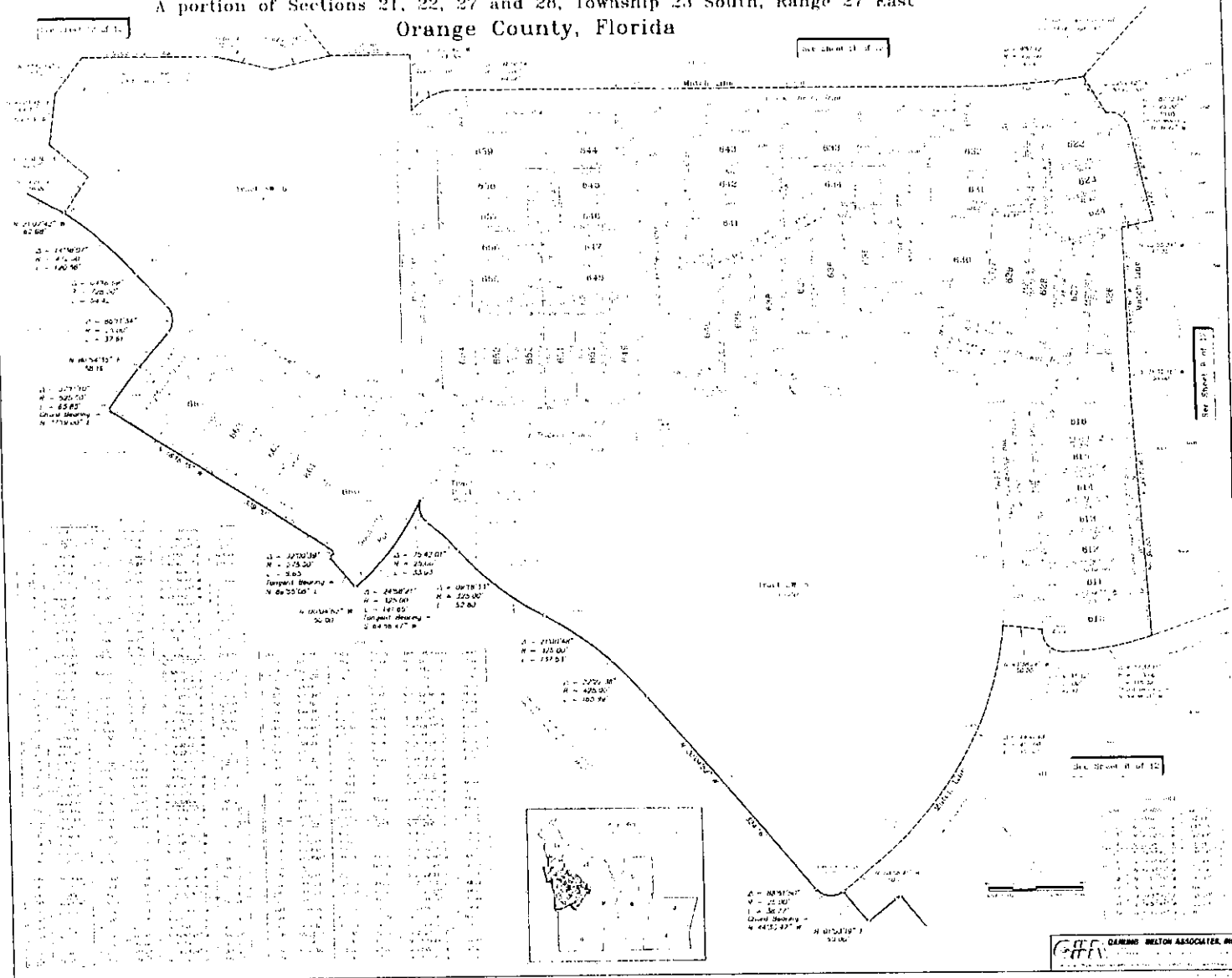
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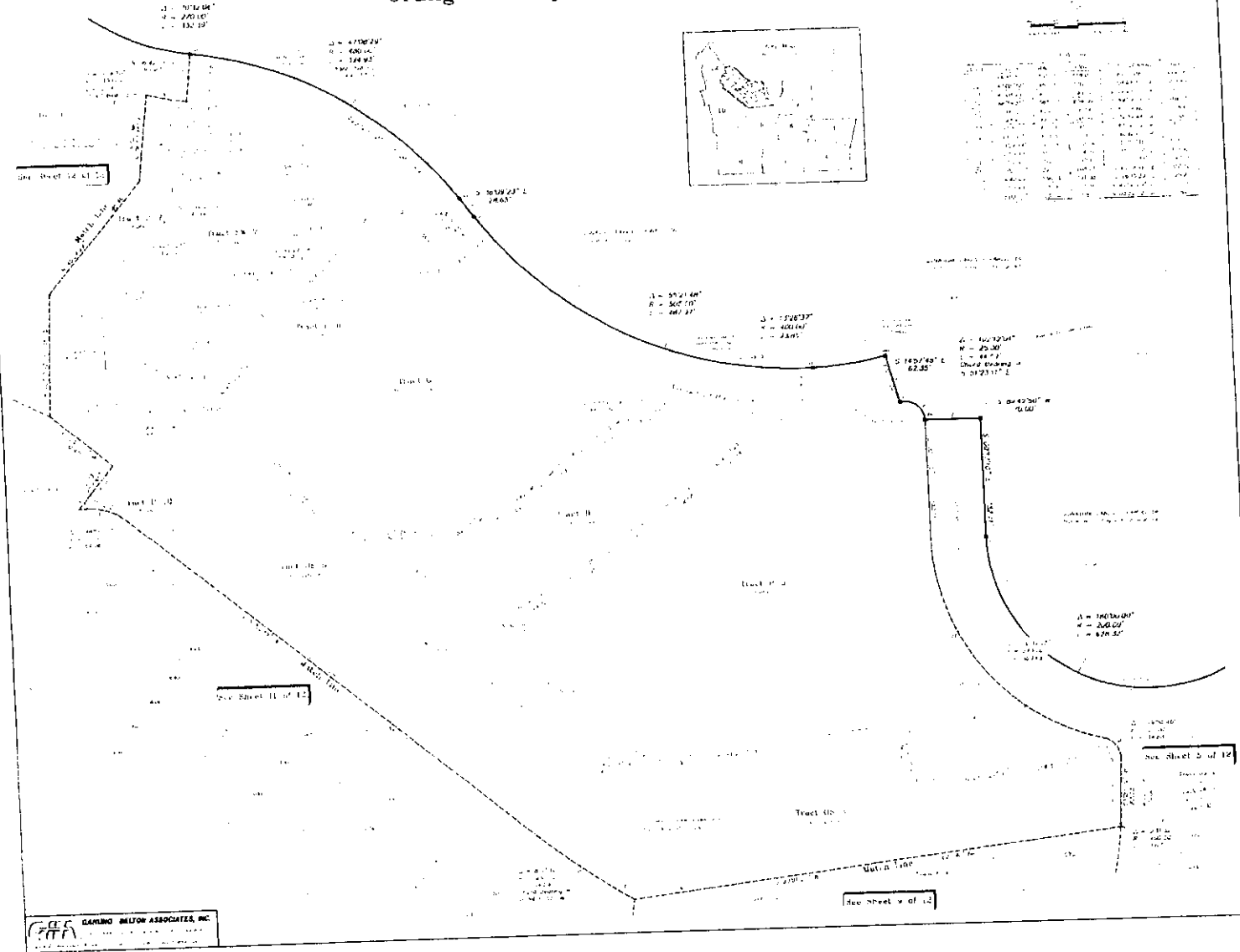
Sheet 10 of 12	PLAT BOOK	61	PAGE 111
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Page 1



SIGNATURE LAKES - PARCEL 1C

A portion of Sections 21, 22, 27 and 28, Township 23 South, Range 27 East
Orange County, Florida



GARYNG MELLON ASSOCIATES, INC.

SIGNATURE LAKES - PARCEL 1C

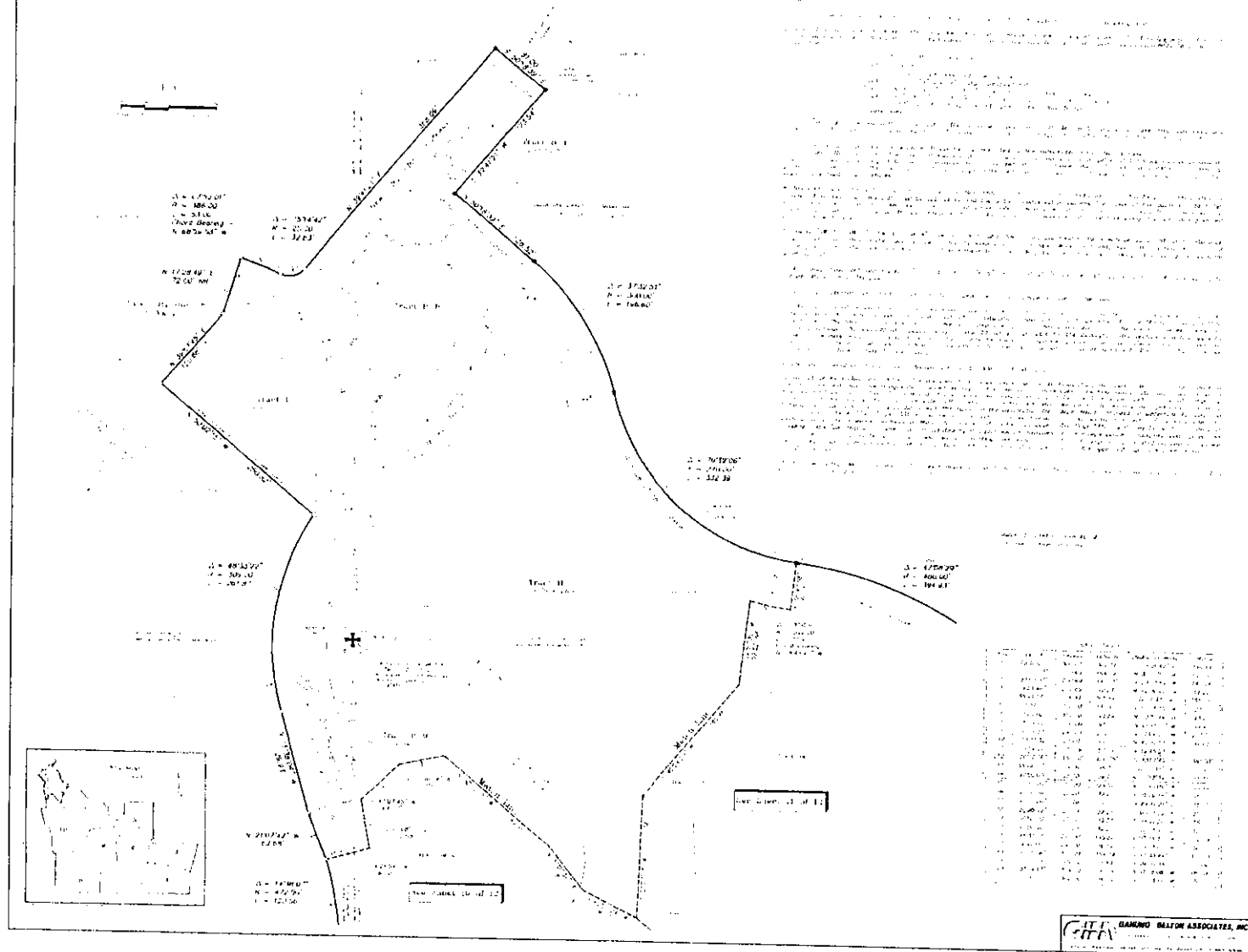
A portion of Sections 21, 22, 27 and 28, Township 23 South, Range 27 East
Orange County, Florida

Sheet 12 of 12

PLAT
BOOK

61

PAGE 113



C

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.

Line #	Direction	Length
L1(P)	S89°02'17"E	90.00'
L1(W)	S08°02'10"E	90.04'
L2(P)	N61°14'48"W	13.15'
L3(P)	N67°38'55"W	13.06'

received
5/10/2024

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
MOTELHOUSE LLC, A FLORIDA LIMITED
LIABILITY COMPANY
BRADESCO BANK ISAOA/ATIMA



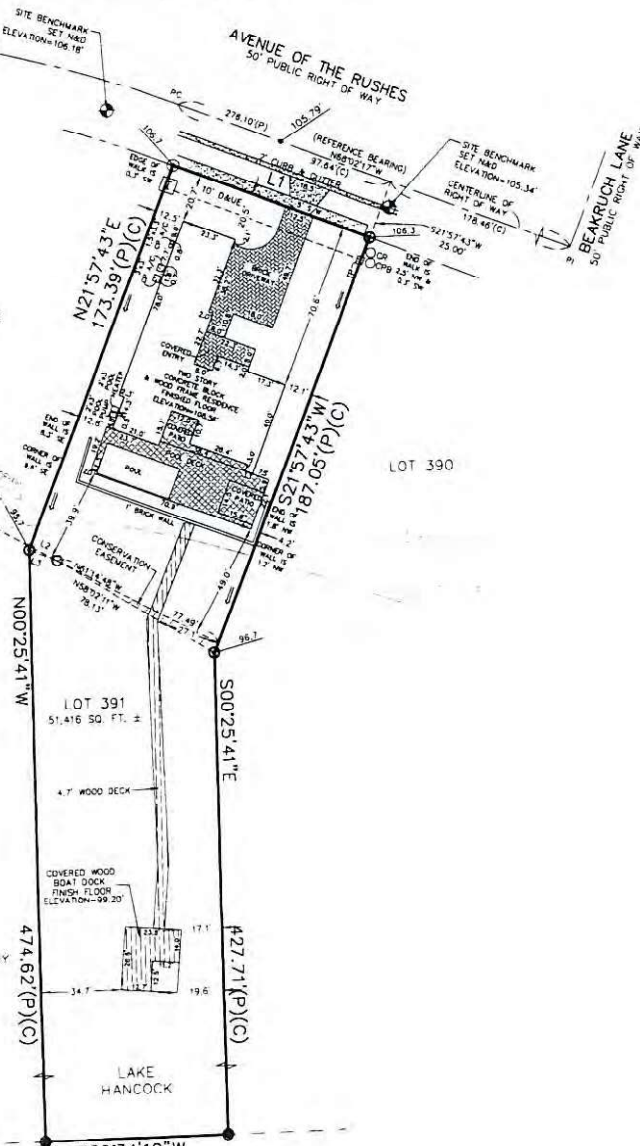
NOTES:

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 12-20-23. 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 NAVD 88 DATUM. CONVERSION FROM 29 DATUM TO 88 DATUM = -0.935.

FLOOD NOTE:
I HAVE EXAMINED THE FIRM MAP NO. 1209500380, DATED 09-24-2021, AND FOUND THE SUBJECT PROPERTY PARTIALLY IN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND PARTIALLY IN ZONE "A" 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 GUARANTEE 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 N08°02'17"W, PER PLAT.

(FIELD DATE)	08/15/22
SCALE	1" = 50 FEET
APPROVED BY	EGT
JOB NO	220812 LOT 391
DRAWN BY	J
REVISIONS	FINAL 12-30-2023 AAW ADDED BOAT DOCK 10-25-23 JH ADDED POST 9-8-23 CC FORNBOARD 11/03/2023 KU COUNTY COUNCIL 10/03/2022 JH REVISED 09-30-22 JMH PILOT PLAN 09/12/2022 JH 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	IR	IDENTIFICATION
---	CONCRETE SURFACE	IR	IRON ROD
---	BRICK DRIVE	IR	IRON ROD & CAP
---	FOUND 1/2" IRON ROD & CAP	LB	LOCATED BUSINESS
---	FOUND 5/8" IRON ROD	MD	MEASURED DATA
---	NO ID	MD	NAIL AND DISC
---	SET NAIL AND DISC	N	NORTH
---	GROUND ELEVATION	NAV	NORTH AMERICAN VERTICAL DATUM
---	SITE BENCHMARK	NAV88	NATIONAL GEODETIC VERTICAL DATUM
---	TELEPHONE RISER	PC	POINT OF CURVATURE
---	CALCULATED	PI	POINT OF INTERSECTION
---	COMMUNICATION RISER	PT	POINT OF TANGENCY
---	COMMUNICATION PULL BOX	(P)	PER PLAT
---	DRAINAGE & UTILITY	S	SOUTH
---	EASEMENT	SQ. FT.	SQUARE FEET
---	EAST	S/W	SIDEWALK
---	ELEVATION	TF	TRANSFORMER PAD
---		WF	WOOD FENCE
---		W	WEST

ASM
AMERICAN SURVEYING
& MAPPING, INC.
NDDS NATIONAL DUE
DILIGENCE SERVICES
A DIVISION OF AMERICAN SURVEYING & MAPPING, INC.

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 34-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

Digitally signed
by Edward
Turner
Date: 2023.12.20 16:20:07 -05'00' DATE

E. GLENN TURNER PS/M 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

\$



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

December 31, 2024

UPDATED NOTICE OF NON-COMPLIANCE

VIA REGULAR AND CERTIFIED MAIL: 9489 0090 0027 6388 9964 81

Property Owner: Motekhouse LLC
c/o Rafael Daniel
14544 Avenue of the Rushes
Winter Garden, FL 34787
Email: RD@rafaeldaniel.com.br

VIA EMAIL

Agent: Karol Lopez
Davila Homes
Email: Karol.Lopez@davilacustomhomes.com

RE: Boat Dock Permit Condition Violation
Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910
Lake Hancock; Orange County Commission District: 1

Dear Mr. Daniel and Ms. Lopez:

This Notice of Non-Compliance (NONC) Follow-Up reflects information and direction conveyed to you in a Notice of Non-Compliance dated June 24, 2024, in reference to the violation listed above.

The boat dock does not meet the required permit conditions. The outstanding corrective action that will need to be completed before the property is determined to be complying can be found below. The following compliance deadlines replace those listed in the original NONC.

CORRECTIVE ACTIONS:

1. Within 30 days of receipt of this letter, provide photographs of the dock from the following viewpoints:
 - From the shoreline or backyard looking out towards the lake and dock.
 - The terminal platform from the access walkway.
 - The end of the terminal platform looking back towards the shoreline.
 - View from each property corner looking towards the dock.
 - View of the access walkway with a tape measure in frame to show the height of the top of the access walkway deck over wetlands or Conservation Easement (if applicable).

Serving our community by conserving, protecting, and enhancing the environment for current and future generations.

Updated Notice of Non-Compliance
Boat Dock Permit Condition Violation
Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910

- View of the water depth at the waterward end of the terminal platform with a tape measure in frame that is flush with the top of the deck, so a dimension is clearly visible.
- View of the roof height as measured from the top of the deck, with a tape measure in frame so a dimension is clearly visible.

Status: Complete. Photographs of the dock were received by EPD staff on July 15, 2024.

AND

2. Within 60 days of receipt of this letter, submit an after-the-fact dock permit modification application and an after-the-fact Application for Waiver to Section 15-343(a) for the reduced side setback distance. The waiver can be approved by the Environmental Protection Officer if a notarized Letter of No Objection (LONO), is provided from the affected property owner. If a LONO to the reduced side setback cannot be obtained from the affected adjacent neighbors, the permit modification and waiver will require consideration by the Orange County Environmental Protection Commission (EPC) and the Board of County Commissioners (BCC). If the permit modification and waiver are not ultimately approved by the BCC, the boat dock must be removed and rebuilt to the permitted specifications. Please note that the dock may not be able to be approved in the current location if deemed a navigational hazard.

OR

3. Within 60 days of receipt of this letter, rebuild the dock in the correct location to meet the minimum-allowed side setback to match the permitted plans. EPD staff will re-inspect the property in 60 days to confirm compliance.

Status: Not complete. EPD has not received an after-the-fact dock permit modification application or been notified that the dock has been rebuilt in the correct location. Contact Caroline.Dragiev@ocfl.net within ten days of this notice or your case will be elevated to a Notice of Violation, including an administrative penalty.

Should you decide to not comply with our Corrective Actions listed above, EPD will elevate the non-compliance issues to a Notice of Violation, including a penalty. EPD reserves the right to modify or require additional corrective actions or administrative penalties should we need to proceed to formal enforcement proceedings with the Orange County Special Magistrate.

Please note that 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 questions or concerns related to this matter, you may contact Caroline Dragiev either by email at Caroline.Dragiev@ocfl.net or by phone at 407-429-9887.

Updated Notice of Non-Compliance
Boat Dock Permit Condition Violation
Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910

Sincerely,



Caroline Dragiev
Senior Environmental Specialist

CD/K~~KK~~/ERJ: gfdjr:

Attachments: BD-22-11-175
May 10, 2024, As-Built Survey
Notice of Non-compliance dated June 24, 2024

c: Tim Hull, OCEPD, Tim.Hull@ocfl.net
Luciana Orindas, OCEPD, Luciana.Orindas@ocfl.net
Lisa Prather, SFWMD, lprather@sfwmd.gov

Updated Notice of Non-Compliance
Boat Dock Permit Condition Violation
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Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
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ENVIRONMENTAL PROTECTION DIVISION
Renée H. Parker, LEP, Manager
3165 McGroarty Place, Suite 200
Orlando, FL 32803
407-836-1400 • Fax 407-836-1459
www.ocfl.net

June 24, 2024

NOTICE OF NON-COMPLIANCE

VIA REGULAR AND CERTIFIED MAIL: 9489 0090 0027 6388 9970 68

Property Owner: Motekhouse LLC
c/o Rafael Daniel
14544 Avenue of the Rushes
Winter Garden, FL 34787
Email: RD@rafaeldaniel.com.br

VIA EMAIL

Agent: Karol Lopez
Davila Homes
Email: Karol.Lopez@davilacustomhomes.com

RE: Boat Dock Permit Condition Violation
Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910
Lake Hancock; Orange County Commission District: 1

Dear Mr. Daniel and Ms. Lopez:

On December 16, 2022, the Environmental Protection Division (EPD) issued Boat Dock Construction Permit BD-22-11-175 to LTC Real Estate Investment, LLC. The property was sold in January of 2024, and the permit was transferred to the new property owner, Motekhouse LLC, on June 13, 2024. The permit was issued in accordance with the previous Orange County Dock Construction Ordinance, adopted May 18, 2004, and subsequently updated on January 1, 2023, and therefore the dock was required to have 25-foot side setbacks.

On May 10, 2024, EPD received an as-built survey for the dock. Based on EPD staff's review of the as-built survey, it appears the dock is not in compliance with the permit or approved plans. Per the as-built survey, the dock was constructed with an undetermined negative side setback distance from the eastern property line in lieu of the required 25-foot minimum setback. It appears the projected property lines, as depicted on the permitted plans, were not taken into account when the dock was constructed. Additionally, the dock length is considerably longer than the permitted 47.7 feet.

Per Specific Condition No. 3: "Construction activities shall be completed in accordance with the approved site plans included with this permit. Construction shall not exceed the measurements identified on the stamp on the plans."

Serving our community by conserving, protecting, and enhancing the environment for current and future generations.

Updated Notice of Non-Compliance
Boat Dock Permit Condition Violation
Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910

Notice of Non-Compliance
Boat Dock Permit Condition Violation
Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910

Per Specific Condition No. 22.: *"The projected property lines, as identified on the stamped permit drawings, should be field staked by a professional land surveyor prior to the start of construction to be sure that the dock is constructed in the permitted location. Utilizing an adjacent boat dock or fence line is not sufficient for accurate placement of the dock and may result in the placement of the dock in the wrong location. It is extremely important to build the dock in the approved location. Upon completion of construction, if an unauthorized encroachment into the required minimum setback occurs, you may be required to relocate the dock."*

In order to bring the property into compliance and prevent further enforcement proceedings, including administrative penalties please complete the following corrective actions:

1. Within 30 days of receipt of this letter, provide photographs of the dock from the following viewpoints:
 - From the shoreline or backyard looking out towards the lake and dock.
 - The terminal platform from the access walkway.
 - The end of the terminal platform looking back towards the shoreline.
 - View from each property corner looking towards the dock.
 - View of the access walkway with a tape measure in frame to show the height of the top of the access walkway deck over wetlands or Conservation Easement (if applicable); and
 - View of the water depth at the waterward end of the terminal platform with a tape measure in frame that is flush with the top of the deck, so a dimension is clearly visible.
 - View of the roof height as measured from the top of the deck, with a tape measure in frame so a dimension is clearly visible.

AND

2. Within 60 days of receipt of this letter, submit an after-the-fact dock permit modification application and an after-the-fact Application for Waiver to Section 15-343(a) for the reduced side setback distance. The waiver can be approved by the Environmental Protection Officer if a notarized Letter of No Objection (LONO), is provided from the affected property owner. If a LONO to the reduced side setback cannot be obtained from the affected adjacent neighbors, the permit modification and waiver will require consideration by the Orange County Environmental Protection Commission (EPC) and the Board of County Commissioners (BCC). If the permit modification and waiver are not ultimately approved by the BCC, the boat dock must be removed and rebuilt to the permitted specifications. Please note that the dock may not be able to be approved in the current location if deemed a navigational hazard.

OR

3. Within 60 days of receipt of this letter, rebuild the dock to meet the minimum-allowed side setback in accordance with Boat Dock Construction Permit No. BD-22-11-175. A new as-built survey and photographs will be required to confirm compliance.

Currently, EPD is not assessing a penalty for the unauthorized violation. Should you decide to not comply with our Corrective Actions listed above, EPD will elevate the non-compliance issues to a Notice of Violation, including a penalty. EPD reserves the right to modify or require additional

**Updated Notice of Non-Compliance
Boat Dock Permit Condition Violation**

Permit No.: BD-22-11-175

Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787


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


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Sincerely,


Caroline Dragiev
Senior Environmental Specialist

 CD/KGK/E RJ: gfdjr:

Attachments: BD-22-11-175
May 10, 2024, As-Built Survey

c: Tim Hull, OCEPD, Tim.Hull@ocfl.net
Luciana Orindas, OCEPD, Luciana.Orindas@ocfl.net
Lisa Prather, SFWMD, lprather@sfwmd.gov

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June 24, 2024

NOTICE OF NON-COMPLIANCE

VIA REGULAR AND CERTIFIED MAIL: 9489 0090 0027 6388 9970 68

Property Owner: Motekhouse LLC
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Agent: Karol Lopez
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Permit No.: BD-22-11-175
Site Address: 14544 Avenue of the Rushes Winter Garden, FL 34787
Parcel ID No.: 27-23-27-8125-03-910
Lake Hancock; Orange County Commission District: 1

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 - From the shoreline or backyard looking out towards the lake and dock.
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 - The end of the terminal platform looking back towards the shoreline.
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 - View of the roof height as measured from the top of the deck, with a tape measure in frame so a dimension is clearly visible.

AND

2. Within 60 days of receipt of this letter, submit an after-the-fact dock permit modification application and an after-the-fact Application for Waiver to Section 15-343(a) for the reduced side setback distance. The waiver can be approved by the Environmental Protection Officer if a notarized Letter of No Objection (LONO), is provided from the affected property owner. If a LONO to the reduced side setback cannot be obtained from the affected adjacent neighbors, the permit modification and waiver will require consideration by the Orange County Environmental Protection Commission (EPC) and the Board of County Commissioners (BCC). If the permit modification and waiver are not ultimately approved by the BCC, the boat dock must be removed and rebuilt to the permitted specifications. Please note that the dock may not be able to be approved in the current location if deemed a navigational hazard.

OR

3. Within 60 days of receipt of this letter, rebuild the dock to meet the minimum-allowed side setback in accordance with Boat Dock Construction Permit No. BD-22-11-175. A new as-built survey and photographs will be required to confirm compliance.

Currently, EPD is not assessing a penalty for the unauthorized violation. Should you decide to not comply with our Corrective Actions listed above, EPD will elevate the non-compliance issues to a Notice of Violation, including a penalty. EPD reserves the right to modify or require additional

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Sincerely,



Caroline Dragiev
Senior Environmental Specialist

CD KGK/E³ RJ: gfdjr:

Attachments: BD-22-11-175
May 10, 2024, As-Built Survey

c: Tim Hull, OCEPD, Tim.Hull@ocfl.net
Luciana Orindas, OCEPD, Luciana.Orindas@ocfl.net
Lisa Prather, SFWMD, lprather@sfwmd.gov

3



APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR WAIVER

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

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

I, Scott Johnston on behalf of Motekhouse, LLC c/o Rafael Daniel (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(e) am requesting a waiver to Section (choose and circle from the following: 15-343(a), 15-343(b), or 15-344(a)) of the Orange County Dock Construction Ordinance for the property located at 14544 Avenue of the Rushes, Winter Garden, FL 34787.

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

The dock has been installed and would be in compliance with today's current guidelines. The issue was the previous code required a 25' setback and the current code requires a 15' setback which the project is in full compliance on.

2. Describe the effect of the proposed waiver on abutting shoreline owners: There is not a direct effect to the adjacent owner, there would be an indirect. We reached out via knocking on the door, Fed Ex, certified mail to have the adjacent owner sign a Letter of No Objection and have received zero response.

The Environmental Protection Officer, Environmental Protection Commission or the Board may require of the applicant information necessary 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.

Signature of Applicant/Agent

Name of Applicant: RAFAEL DANIEL

Corporate Title (if applicable): _____

Date: 1/14/2025

F

Lake Hancock docks

Legend

- 14544 Ave of the Rushes
- Blue Moon Pond
- Feature 1
- Independence Basketball Court

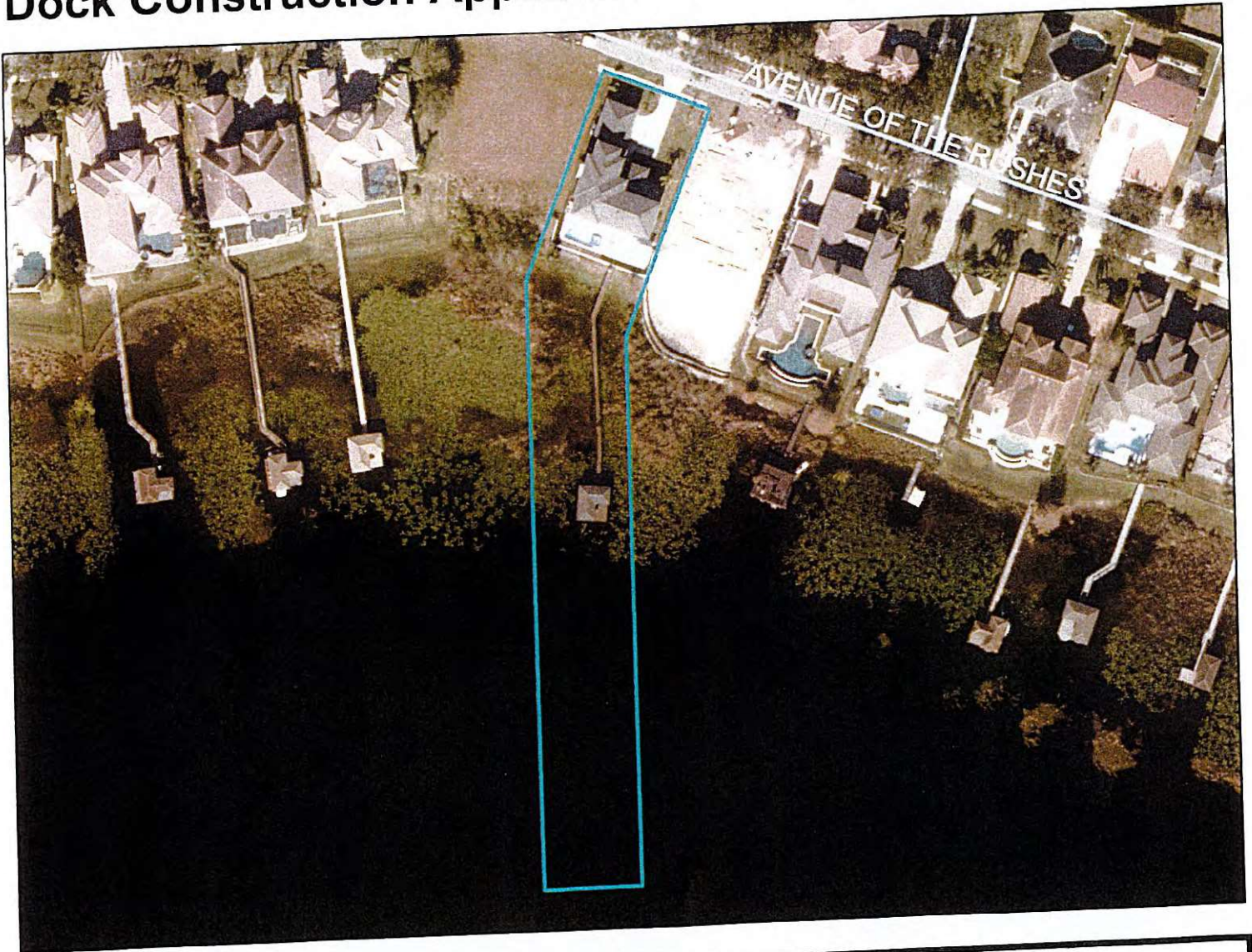


OCPA Web Map

Florida Turnpike	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Toll Road	Gated Roads	Rail Road	Residential	Commercial/Industrial/Vacant Land	County Boundary	Building
	Road Under Construction	Proposed SunRail	Agriculture	Agricultural Curtilage	Parks	Hospital



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

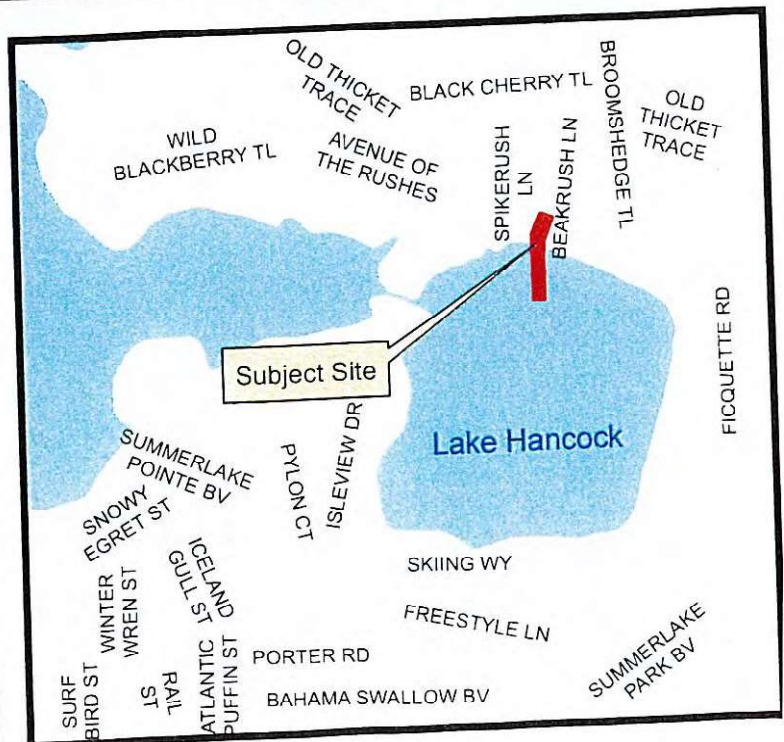
Address: 14544 Avenue of the Rushes

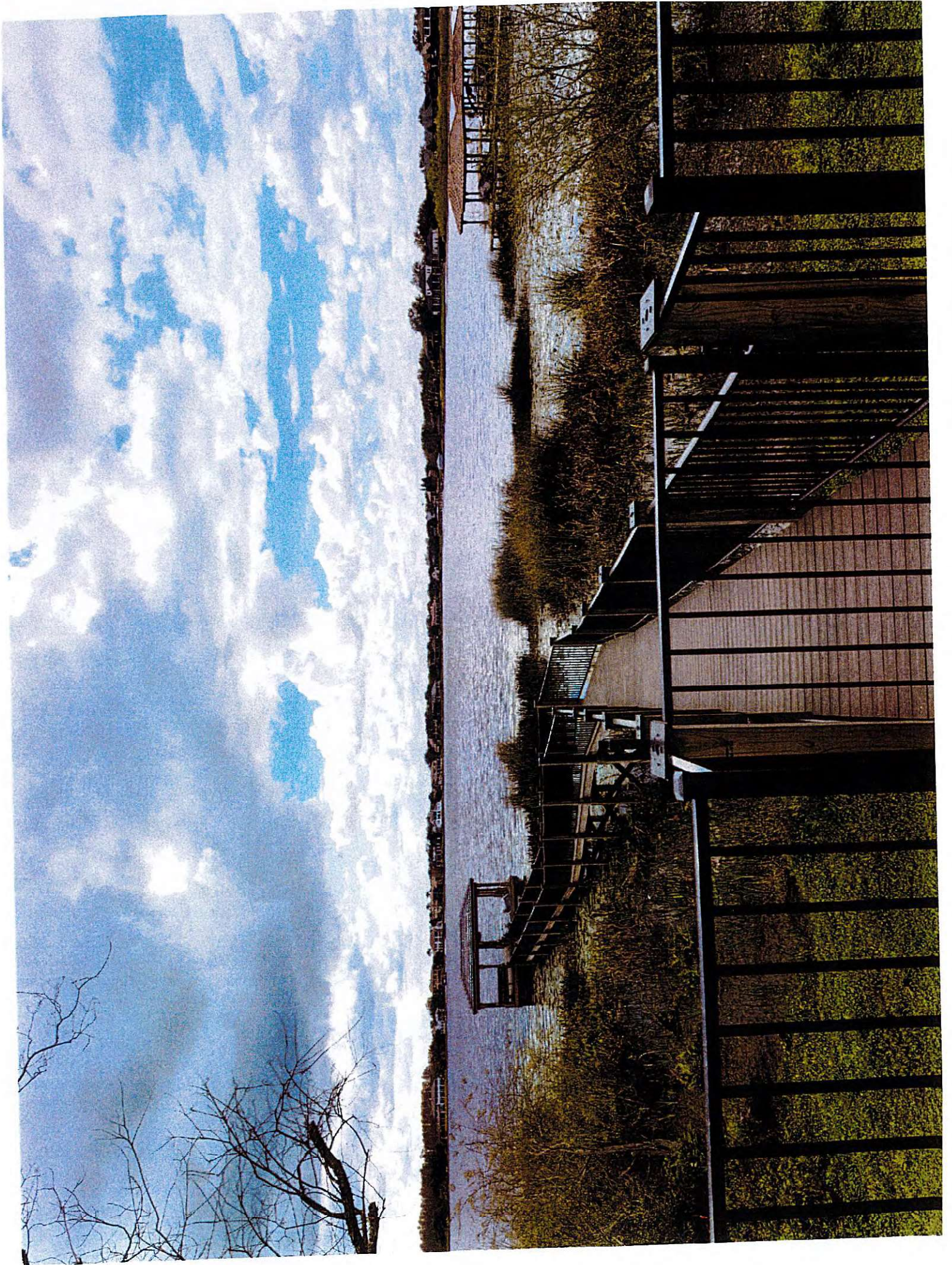
Parcel ID: 27-23-27-8125-03-910

Project Site



Property Location









G



Interoffice Memorandum

May 12, 2025

To: Environmental Protection Commission

From: Renée H. Parker, LEP, Environmental Protection Officer
Manager, Environmental Protection Division *Renée H. Parker*

Subject: Motekhouse LLC Request for Waiver for After-the-Fact Dock Construction Permit Modification BD-22-11-175-MOD

Reason for Public Hearing

The applicant, Motekhouse LLC, is requesting an After-the-Fact Dock Construction Permit Modification with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(a) (side setback).

Location of Property/Legal Description

The project site is located at 14544 Avenue of the Rushes, Winter Garden, FL 34787 (Parcel ID Number 27-23-27-8125-03-910) on Lake Hancock in District 1.

Background

On December 16, 2022, the Environmental Protection Division (EPD) issued Dock Construction Permit BD-22-11-175 to LTC Real Estate Investment, LLC. The property was sold in January 2024, and the permit was subsequently transferred upon request to the new property owner, Motekhouse LLC, on June 13, 2024.

The permit was issued in accordance with the previous Orange County Dock Construction Ordinance (Ordinance), adopted May 18, 2004, which required the dock to have 25-foot side setbacks from projected property lines. The Ordinance was updated on January 1, 2023, and the new standard requires 10-foot side setbacks for the subject property. The request for modification is being reviewed under the current Ordinance.

Upon review of the as-built survey for the dock, received on May 10, 2024, EPD staff determined that the permitted side setbacks from the projected property lines were not met, and that the dock was constructed to be significantly longer than the permitted length. The total length of the dock below the Normal High Water Elevation (NHWE) was not included on the as-built survey, however, based on aerial photographs, the length of the dock below the NHWE is approximately 159 feet, which is 111 feet longer than shown on the approved plans. A Notice of Non-Compliance (NONC) letter, dated June 24, 2024, was sent to the permittee informing them of the issues. The letter requested photographs of the dock and stipulated that the dock should either be rebuilt in accordance with the permitted plans, or that an after-the-fact Dock Permit Modification Application be submitted to attempt to permit the structure. EPD sent a follow-up and updated NONC, dated December 31, 2024, reiterating that the permittee must either rebuild the dock in accordance with the approved plans or apply for a permit modification. On January 31, 2025, EPD received an after-the-fact Dock Permit Modification Application and an Application for Waiver to Section 15-343(a) for the subject property.

Waiver – Side Setback

Chapter 15, Article IX, Section 15-343(a) of the Ordinance states, *"Private docks on lots or parcels having a shoreline frontage of one hundred (100) feet or less, including designated mooring areas, must have a minimum side setback of ten (10) feet from any property line or projected property line."*

The applicant has a shoreline that measures 90.6 linear feet at the NHWE, requiring a minimum side setback of 10 feet from the projected property lines. Lake Hancock is considered Sovereignty Submerged Lands (SSL), resulting in projected property lines below the NHWE that differ from the platted property lines. Accounting for projected property lines, the dock as constructed has a side setback of negative 36.6 feet from the eastern projected property line.

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

To address Section 15-350(e)(1), the applicant's agent (Scott Johnston) states, *"The dock has been installed and would be in compliance with today's current guidelines. The issue was the previous code required a 25' setback and the current code requires a 15' setback which the project is in full compliance on."*

To address Section 15-350(e)(2), the applicant's agent states, *"There is no direct effect to the adjacent owner, there would be an indirect [sic]. We reached out via knocking on the door, Fed Ex, certified mail to have the adjacent owner sign a Letter of No Objection and have received zero response."*

Mooring Depth and Navigability

Pursuant to Section 15-342(2), *"A reasonable water depth may be defined by a determination that the dock does not extend further than the nearest permitted docks (within three hundred (300) feet or three (3) abutting lots) or a maximum of five (5) feet of water depth as measured from the NHWE unless the natural conditions of the surface water necessitate a greater dock length for water depth to achieve reasonable mooring conditions. The dock length necessary to achieve a reasonable water depth must not create a navigation hazard, as determined by EPD or law enforcement. The dock must have a minimum mooring depth of twenty-four (24) inches, as measured from the NHWE, to prevent bottom scouring."*

Dock Construction Permit No. BD-22-11-175 was issued in accordance with the previous Ordinance, which did not require a minimum mooring depth. A maximum mooring depth of five feet was required. The mooring depth of the dock was calculated to be 5.5 feet.

EPD completed a navigational assessment based on Work Instruction No. EPD-WI-2000-47. Per the Work Instruction guidelines, it was assessed whether the dock extends significantly further than any adjacent permitted docks. The dock on the subject property extends approximately 159 feet below the NHWE, which is approximately 111 feet longer than the permitted length of 47 feet and seven inches. The approximate lengths of the other permitted docks within 300 feet or three abutting lots are 145 feet, 158 feet, 67 feet, and 110 feet, from west to east, respectively. The dock on the subject property is similar in length to the nearest permitted docks to the west, but significantly longer than the nearest permitted docks to the east. The dock appears to be constructed within the littoral zone, which has abundant vegetation. An objection was received from a neighboring property owner citing potential for future navigation issues, and that the dock crosses projected property lines. EPD has made a determination that the projected property lines significantly limit the future location of a dock on the neighboring owner's lot and that the applicant's dock location may interfere with navigation around any such dock, and therefore the dock does represent a potential navigation hazard.

Public Notification and Objection

A Notice of Application for Waiver, dated April 7, 2025, was sent to the adjacent affected property owner. EPD received an objection to the request on April 25, 2025.

EPD received a letter of objection to the side setback waiver from the adjacent affected property owner. The objector, Sumesh Arora (14538 Avenue of the Rushes), cited concerns of trespass, nuisance, and reduction in property value. The letter from Mr. Arora is included as an attachment to this staff report.

On May 15, 2025, the permittee, their agent, and the objector were sent notices informing them of the Environmental Protection Commission meeting on May 28, 2025.

Enforcement Action

There is no formal enforcement action for the subject property. Issuance of the Dock Construction Permit Modification with waiver will bring the property into compliance. If the after-the-fact waiver is denied, the applicant must reconstruct the dock in accordance with the Ordinance.

Additionally, Section 15-353(d) states in part, "Any person determined to have violated section 15-324 for failure to obtain a permit prior to constructing a dock or modifying an existing dock such that a variance or waiver would be required, may be subject to an additional administrative penalty in the amount of one dollar (\$1.00) per square foot of the entire structure." Therefore, an administrative penalty of approximately \$1,255.36 will be assessed for failure to obtain a permit prior to modification, should the request for waiver be approved. The penalty amount will be finalized if the waiver is approved and upon receipt of a revised as-built survey that verifies the total square footage of the dock.

Staff Recommendation

Staff has evaluated the waiver request for compliance with the criteria for approval. The recommendation of the EPO is to deny the request for waiver to Section 15-343(a) (side setback) based on a finding that the applicant has failed to demonstrate there will be no negative effects on abutting shoreline owners pursuant to Section 15-342(a)(3), as an objection has been received and the location of the boat dock may create a future navigation hazard.

ACTION REQUESTED: **Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for waiver is inconsistent with Section 15-350(e) and recommend denial of the request for waiver to Section 15-343(a) (side setback) to reduce the side setback to -36.6 feet for the Motekhouse LLC After-the-Fact Dock Construction Permit Modification BD-22-11-175-MOD. District 1**

CD/KGK/TMH/ERJ/RHP: ae

Attachments

11



Public Hearing Notice

Planning, Environmental & Development Services

Commission District #1

Nicole Wilson, Commissioner

Project Manager:

Caroline Dragiev

Email: Caroline.Dragiev@ocfl.net

Phone No.: 407-429-9887

Environmental Protection Division:
(407) 836-1400

Request for Boat Dock After-the-Fact Waiver

May 28, 2025 – 8:30 AM

ENVIRONMENTAL PROTECTION COMMISSION (EPC)

Project Information

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

Applicant: Motekhouse LLC

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

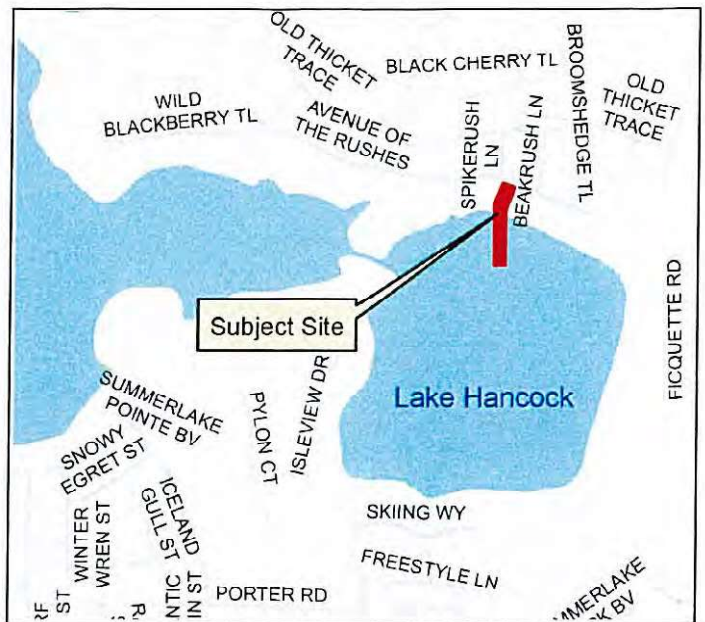
Address: 14544 Avenue Of The Rushes
Winter Garden, Florida 34787

Lake Name: Lake Hancock

Request

The applicant, Motekhouse LLC, is requesting an After-the-Fact Dock Construction Permit modification with a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(a) (side setback). The applicant is requesting a side setback of negative 36.6 feet in lieu of the minimum side setback of 10 feet.

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.**

Citizens may access real-time development data, board meeting details, project locations and view new construction projects within Orange County in the palm of your hand through:

OCFL ATLAS (www.OCFL.net/atlas)
(Downloadable on Google Play and iTunes)

Android



Apple



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 15 calendar days of the decision date. **All appeals are subject to a \$3,924 filing fee.**

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

- The Board of County Commissioners (BCC) approves the EPC's recommendation.

*****AND*****

- The 15 calendar day BCC appeal period has expired without a timely appeal having been filed.

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*

FREQUENTLY ASKED QUESTIONS

Q: How can I provide questions or comments about the application or speak during the EPC Public Hearing?

The scheduled EPC public hearing will be held in person at the Orange County Environmental Protection Division, 3165 McCrory Place, Suite 200, Orlando, Florida 32803.

Information on Attending or Observing the Meeting:

A quorum of members of the EPC will participate in person. The meeting will be hosted by the chairperson or vice-chairperson of the EPC, a quorum will be maintained during the meeting, and the meeting will be conducted and operated by Orange County Government. Orange County staff will be present to ensure that social distancing and other health and safety measures are practiced and enforced.

Information on Providing Public Comments or Questions Regarding this Specific Case:

Written comments or questions may be submitted five different ways: (1) by filling out the form at the end of this notice and returning it to Orange County via mail, fax or e-mail; (2) by contacting the project manager listed on the front of this notice; (3) by e-mailing your comments/questions to wetlandpermitting@ocfl.net, (4) by mailing your comments/questions to "Orange County Environmental Protection Division, 3165 McCrory Place, Suite 200, Orlando Florida 32803"; or (5) by faxing your comments/questions to (407) 836-1499.

Information on Providing Testimony or Participating in this Hearing:

Members of the public who would like to provide testimony during the hearing for this case may utilize the following option:

- The person may attend the meeting in person at the second floor of the Orange County Environmental Protection Division Office at 3165 McCrory Place, Orlando, Florida 32803.

Please note that the time allotted to each individual for testimony will be at the sole discretion of the EPC Chairperson, and may be reduced from the normal time limit of three minutes, depending on the number of speakers. Orange County staff will be present to assist and to ensure that social distancing and other health and safety measures are practiced and enforced.

If a person is unable to attend the EPC meeting in person, please call Liz Johnson, Assistant Manager, Orange County Environmental Protection Division, at 407-836-1511 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays, not later than 24 hours before the meeting, so that she can determine with the person whether other arrangements are feasible.

MAIL, FAX, OR EMAIL TO:

Orange County Environmental Protection Division, 3165 McCrory Place, Suite 200,
Orlando, Florida 32803
Phone #: (407) 836-1489 - Fax #: (407) 836-1499
E-Mail Address: wetlandpermitting@ocfl.net

APPLICANT: Motekhouse LLC PROJECT NO.: BD-22-11-175-MOD	<input type="checkbox"/> IN FAVOR <input type="checkbox"/> OPPOSED
Your Information Name: Address: Phone: Email:	Commentary:

Meeting Notice



Board Name: Environmental Protection Commission meeting
Date: May 28, 2025
Location: Orange County Environmental Protection
Division 3165 McCrory Place, Suite 200, Orlando
Florida 32803, Panther Training Rooms I and II
Time: 8:30a.m.

There is the regularly scheduled meeting of the Environmental Protection Commission on May 28, 2025.

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.

La Sección 286.0105 de los Estatutos de la Florida establece que si una persona decide apelar cualquier decisión tomada por una junta, agencia o comisión con respecto a cualquier asunto considerado en una reunión o audiencia, necesitará un registro de los procedimientos y que, para tal fin, es posible que deba asegurarse de que se haga un registro literal de los procedimientos. cuyo expediente incluye los testimonios y las pruebas en que se basará la apelación.

Seksyon 286.0105, Lwa Florida, deklare ke si yon moun deside fè apèl kont nenpòt desizyon ki te pran pa yon tablo, ajans, oswa komisyon ki gen rapò ak nenpòt pwoblèm konsidere nan yon reyinyon oswa yon odyans, li pral bezwen yon dosye sou pwosedi yo, e ke, pou rezon sa yo, li ka bezwen asire ke yon dosye vèbal nan pwosedi yo fèt, ki dosye gen ladan temwayaj ak prèv ki montre apèl la dwe baze.

Orange County does not discriminate on the basis of race, color, national origin, sex, age, religion, disability or family status. Those with questions or concerns about nondiscrimination, those requiring special assistance under the Americans with Disabilities Act (ADA), and those requiring language assistance (free of charge) should contact the Title VI/Nondiscrimination Coordinator at access@ocfl.net or by calling 3-1-1 (407-836-3111).

If you are hearing or speech impaired, you may reach the phone numbers above by dialing 711.

El Condado de Orange no discrimina por motivos de raza, color, origen nacional, sexo, edad, religión, discapacidad o situación familiar. Aquellos que tengan preguntas o inquietudes sobre la no discriminación, aquellos que requieran asistencia especial según la Ley de Estadounidenses con Discapacidades (ADA) y aquellos que requieran asistencia lingüística (gratuita) deben comunicarse con el Coordinador de No Discriminación/Título VI en access@ocfl.net o llamando 3-1-1 (407-836-3111).

Si tiene problemas de audición o del habla, puede comunicarse con los números de teléfono anteriores marcando 711.

Orange County pa fè diskriminasyon sou baz ras, koulè, orijin nasyonal, sèks, laj, relijyon, andikap oswa sitiyaasyon fanmi. Moun ki gen kesyon oswa enkyetid konsènan non diskriminasyon, moun ki bezwen asistans espesyal dapre Lwa Ameriken andikape yo (ADA), ak moun ki bezwen asistans nan lang (gratis) ta dwe kontakte Kowòdonatè Tit VI/Nondiscrimination nan access@ocfl.net oswa lè yo rele 3-1-1 (407-836-3111).

Si w gen pwoblèm pou tande oswa pou w pale, ou ka kontakte nimewo telefòn ki anwo yo lè w konpoze 711.