



Interoffice Memorandum

AGENDA ITEM

August 12, 2022

TO:

Mayor Jerry L. Demings
-AND-
County Commissioners

FROM:

Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON:

David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1406

SUBJECT:

August 30, 2022 — Consent Item
Environmental Protection Commission Recommendation to
Affirm the Halil and Dana Berisha Dock Construction Permit
BD-21-07-093

On February 8, 2022, the Environmental Protection Division (EPD) issued Dock Construction Permit No. BD-21-07-093 (Permit) to Halil and Dana Berisha (Applicants) who reside at 9941 Lake Georgia Drive, Orlando, FL 32817 (Parcel ID No. 06-22-31-0000-00-081) on Lake Georgia in District 5. On February 22, 2022, Phillip and Cheri Swain (Appellants) who reside at 9945 Lake Georgia Drive (Parcel ID No. 06-22-31-0000-00-073) submitted an appeal of the Environmental Protection Officer's (EPO's) decision to issue the Permit pursuant to Orange County Code, Chapter 15, Article II, Section 15-38. The appeal was heard before the Environmental Protection Commission (EPC) at a public hearing on June 29, 2022. The EPC unanimously voted to affirm the decision of the EPO to issue the permit, consistent with Chapter 15, Article IX (Dock Construction Code) and recommended the Board affirm issuance of the permit. The Appellants did not appeal the EPC decision to the Board; therefore, a public hearing before the Board is not required.

Permit History

On July 1, 2021, EPD received an Application to Construct a Dock from the Permittees for the subject property to authorize a dock already partially constructed. As designed, the dock did not meet several criteria in Orange County Code, Chapter 15, Article IX, Dock Construction (Code). Accordingly, the Permittees submitted with the application an Application for Waiver to Section 15-342(b) (terminal platform size), an Application for Variance to Section 15-342(d) (floor elevation), and several letters of support from neighbors.

On July 7, 2021, EPD visited the site and confirmed that the dock was already partially constructed and also identified an unpermitted boat ramp onsite. On July 30, 2021, EPD issued a Request for Additional Information (RAI) that included a penalty of \$1,838 for the unauthorized boat dock and boat ramp and required that the Permittees either remove the boat ramp or apply for an after-the-fact permit to allow it to remain. On August 18, 2021, EPD initiated enforcement cases to track the progress of the unauthorized boat dock (EPD Incident 21-596757) and boat ramp (EPD Incident 21-596759). On August 24, 2021, the

Permittees requested to waive the mandatory timeframes as established by Section 125.022, Florida Statutes to respond to the RAI, to which EPD agreed and confirmed via electronic correspondence.

On December 7, 2021, EPD received a response to the RAI that included a set of revised plans. Subsequently, EPD issued a second RAI on December 28, 2021 and followed up with a request for a meeting to discuss the outstanding items needed to complete the application and to obtain an update on any progress made in the enforcement cases to bring the property into compliance with Code.

On January 5, 2022, EPD met with the Permittees and their licensed engineer, Larry Schnaper, P.E.. During the meeting, EPD explained the items required in the December 28, 2021 RAI and both EPD and the Permittees agreed to a deadline of July 1, 2022 for remittance of the penalty, removal and reconstruction of the partially built dock in accordance with the approved plans in the Permit, and either removal of the unauthorized boat ramp or submittal of an After-the-Fact Boat Ramp Facility Permit Application.

EPD received revised dock plans on February 1, 2022. EPD determined the plans were designed to meet all criteria and performance standards in the Code. No waiver or variance was required; therefore, EPD staff made a finding that the request was consistent with Code and the application was determined to be complete. On February 8, 2022, EPD issued Dock Construction Permit No. BD-21-07-093.

On February 10, 2022, EPD received two phone calls in objection to the permit, one from the Appellants, and one from Mr. David Lippert at 9953 Lake Georgia Drive. On February 22, 2022, EPD received a written appeal of the EPO decision to issue the Permit from the Appellants. The Orange County Attorney's Office (OCAO) deemed the appeal as timely and sufficient. The Appellants cited the following as their grounds for the appeal: concern that the size of the dock is unreasonable for Lake Georgia and will significantly obstruct neighbors' views and, in turn, negatively impact property values; concerns about negative impacts on the local ecosystem, including nests for Florida sandhill crane; and a desire to limit growth on the lake to preserve its historical value. The Appellants also raised concerns about the validity of letters of support that accompanied the previous waiver and variance requests and the opportunity that the Permittees were given to submit multiple revisions to their dock plans setting a negative precedent.

In response to the appeal, the Permittees submitted letters on June 8, 2022 and June 9, 2022 and a series of photographs on June 10, 2022 addressing the items in the appeal request.

Public Feedback and Notification

Included with the Appellants' February 22, 2022 request to appeal the Permit was a list of 17 signatures (representing 12 neighboring properties) from neighbors supporting the appeal. Four of these property owners also submitted additional letters in support of the appeal.

As previously stated, the Boat Dock Construction Application received by EPD on July 1, 2022 included several letters of support from nearby neighbors. The letters indicated their support of the original site plans which included a terminal platform size waiver and floor elevation variance.

In response to the appeal, the Permittees obtained new signatures from the original supporters plus additional neighbors in support of the Permit. Between April 6, 2022 and June 9, 2022, the Permittees submitted signatures from 29 neighboring property owners in support of the Permit. Three of these property owners submitted additional letters of support.

On June 9, 2022, the Appellants, Permittees, their authorized agents, and neighbors who provided feedback (and whom EPD has email addresses for) were sent notices (Notice) via email to inform them of the EPC hearing scheduled for June 29, 2022. Additionally, the full list of neighbors who provided feedback were mailed the Notice on June 10, 2022 and June 14, 2022. In response to the Notices, EPD received additional feedback: five neighbors who had previously submitted support of the Appeal resubmitted their support of the appeal, six neighbors who had previously filed support of the Permit resubmitted their support, one neighbor who had previously filed their support of the Permit called to verbally restate their support, and one neighbor who had not previously submitted feedback submitted a statement in support of the appeal and then subsequently rescinded that statement.

Enforcement Action

EPD initiated an enforcement case for both the unauthorized boat dock (EPD Incident 21-596759) and boat ramp (EPD Incident 21-596757). EPD assessed a total of \$1,838 to be remitted to the Conservation Trust Fund for the unauthorized activities, which was paid on June 20, 2022.

During a meeting on January 5, 2022, EPD and the Permittees agreed to a deadline of July 1, 2022 for remittance of the penalty, removal and reconstruction of the partially built dock in accordance with the approved plans in the Permit, and either removal of the unauthorized boat ramp or submittal of an After-the-Fact Boat Ramp Facility Permit Application. Subsequently, the permittees indicated that the boat ramp will facilitate construction of the dock by providing a stabilized work area, and accordingly, intend to build the dock, and then remove the ramp; however, the Appeal has delayed their workplan. EPD has determined that utilizing the ramp as a staging area to demolish the old dock and construct the new dock may limit the amount of suspended sediment during construction activities, and therefore some environmental benefit may be derived by temporarily keeping the ramp in place. Accordingly, EPD communicated to the Permittees on June 15, 2022 that the ramp may remain as constructed until after the outcome of the Appeal has been decided, but either must remove it completely, or submit an After-the-Fact Boat Ramp Facility Permit Application within 60 days of the decision of the Board. Additionally, the unauthorized dock must either be removed completely, or removed and reconstructed pursuant to the approved plans, within 60 days of the Board decision.

Based upon staff review of the materials and documentation submitted by the Permittees, the EPO made a finding that the Application to Construct a Dock was complete and in accordance with the Code, and therefore issued the Permit on February 8, 2022.

EPC Public Hearing

EPD presented the appeal request to the EPC at their June 29, 2022 public hearing with the recommendation to uphold the decision to issue Dock Construction Permit No. BD-21-07-093.

Attorney Anna Long, Dean Mead, representing the Appellants, spoke on new findings based on a new boundary survey the Appellants commissioned from Ireland & Associates Surveying, Inc. Based on the survey, the Appellants proposed that the survey the Permittees submitted with their dock application was incorrect. Ms. Long further stated the Appellants consulted two additional environmental consultants who each concluded that the Permittees' survey contained errors and that the Ireland & Associates Surveying, Inc is more correct. Therefore, based on this information, the Appellants' position is that the dock plans and setback on the approved plans are incorrect and the Permit should be invalidated.

Ms. Long further stated that the Permittees submitted illegally obtained drone photos to EPD which have now been submitted into public record. Finally, Ms. Long stated that the Appellants would be willing to withdraw the appeal and sign a letter of no objection for a side setback waiver if the Permittees would revise their dock plans to reduce the size and remove the second story.

Chairman Mark Ausley asked about a County review of this new survey, to which Liz Johnson replied that EPD would need to consult County surveyors, and would then require time to review their findings. Chairman Ausley also asked if the EPO could reverse their decision if it was found the Permittees submitted erroneous information with their application, to which Assistant County Attorney Georgiana Holmes (OCAO) responded that there is a process to revise the application or permit. Chairman Ausley responded that he would be inclined to await a review by the County surveyors.

Attorney Mary Solik, Doty Solik Law, was present and spoke on behalf of the Permittees. Ms. Solik stated that the approved plans meet Code, and even if there is a discrepancy on the location of the projected property line by a few feet as the Appellants claim, there is still plenty of room to construct the dock and meet the required setback. Ms. Solik also stated that this public hearing was already delayed on the request of the Appellants twice, and to further delay a decision was unnecessary.

EPC Member R. Alan Horn stated that the Permittees could easily move the dock over a few feet (the survey discrepancy amount) if there was an error in locating the projected property line, and therefore, the survey issue raised by the Appellants would be nullified.

Chairman Ausley clarified that the existing dock is to be removed, and noted that based on aerial imagery, it appears the new dock will be shifted slightly to the north.

EPC Member Oscar Anderson asked if the survey discrepancy would affect the shoreline length and therefore the allowable terminal platform size. Mr. Horn stated that if the entire parcel shifted north [due to survey errors], the shoreline length shouldn't be affected much.

Chairman Ausley stated that he would be in favor of a continuance and asked how long a County review of the new survey would take, to which Ms. Johnson responded that it would depend largely on the County surveyors.

Chairman Ausley opened the hearing for public comment.

Appellant Cheri Swain gave a presentation and stated that the proposed dock is too large, will impact her viewshed, and has a great environmental and historical impact. Ms. Swain also discussed existing docks on Lake Georgia and presented information on existing dock lengths, elevations, and the number of stories. Appellant Phillip Swain also gave a presentation and discussed the changes he has observed on the Permittees property since they purchased it.

Ms. Petra McCord, Mr. David Lippert, Mr. Robert Brantley, and Ms. Caryn Bergman spoke in favor of the appeal, citing concerns over the proposed dock size and length. Mr. Edwin Stead spoke in favor of the appeal, adding concerns about the second story and safety related to load limits.

Ms. Solik spoke again for the Permittees and stated that the appeal process is to review the appeal request based on the Code requirements, the approved plans are within Code allowances, and that none of the objections have shown evidence that the dock will impact anyone's ability to access and utilize the lake. Ms. Solik further spoke on the existing water levels and the length of dock required to reach an adequate mooring depth, and that earlier in the week the Orange County Sheriff's Office gave an opinion that the proposed dock will not cause a navigational issue.

Permittee Halil Berisha spoke on the projected property line/survey topic and stated that they would willingly revise the location of the dock if needed. Permittee Dana Berisha then explained that they made many revisions to their proposed plans in order to meet Code requirements and that their dock will be no more of an impact on the lake than other docks that are mainly of similar size.

Ms. Blackburn agreed that they have already gone through many plan revisions to ensure their plans meet Code. EPC Member Billy Butterfield agreed that the decision needs to be based on the Code. Mr. Anderson commented that EPC usually sees docks in violation, whereas this dock permit was issued per Code and if there are issues after they build it, the Permittees will need to address them at that time.

Chairman Ausley closed the public hearing.

Based upon evidence and testimony presented at the June 29, 2022 public hearing, the EPC unanimously voted to accept the findings and recommendation of the EPO regarding the issuance of boat dock permit BD-21-07-093.

ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Commission that issuance of the boat dock permit is consistent with Orange County Code, Chapter 15, Article IX and approval for the Halil and Dana Berisha Boat Dock Construction Permit BD-21-07-093. District 5**

Request to Appeal EPO Issuance of Boat Dock Construction Permit



Request to Appeal EPO Issuance of Boat Dock Construction Permit BD-21-07-093

District #5

Appellants: Phillip and Cheri Swain

Permittees: Halil and Dana Berisha

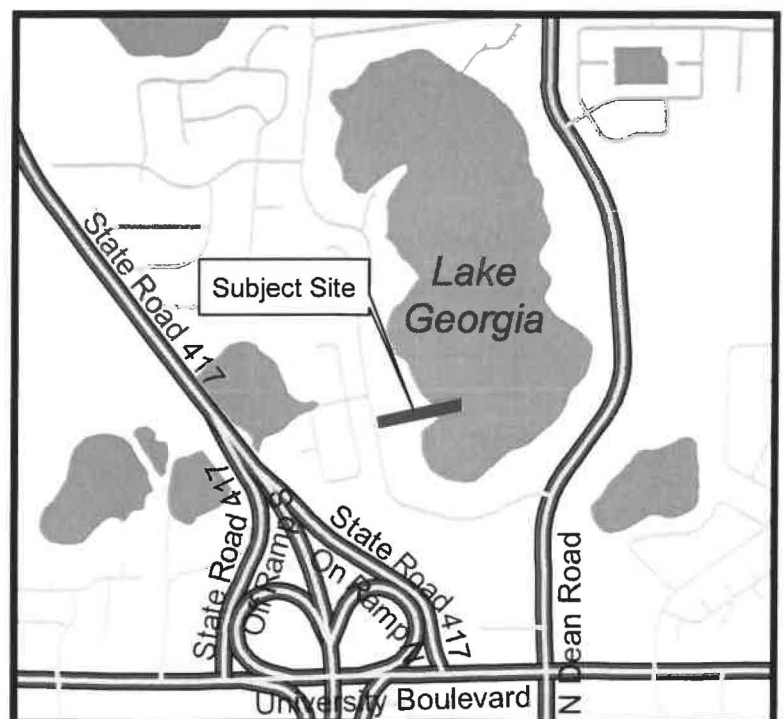
Subject Site Address: 9941 Lake
Georgia Dr.

Subject Parcel ID: 06-22-31-0000-00-081

Subject/Permittees' Property

Appellants' Property 

Subject Property Location 





Environmental Protection Division

**DOCK
CONSTRUCTION PERMIT**

Permit No.: BD-21-07-093

Date Issued: February 8, 2022

Date Expires: February 8, 2023

Associated Enf. Case Nos.: 21-596759, 21-596757

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 February 1, 2022.

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

Activity Location:

9941 Lake Georgia Drive, Orlando, FL 32817

Parcel ID No.: 06-22-31-0000-00-081

Lake Georgia

Orange County Commission District: 5

Permittee(s) / Authorized Entity:

Halil and Dana Berisha

9941 Lake Georgia Drive

Orlando, FL 32817

Email(s): bramizb@yahoo.com, halilberishal@yahoo.com

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

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:

Specific Conditions:

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. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. The operational phase of this permit is effective upon completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the 'construction plans' ('Sheet 2' and 'Sheet 3') submitted by Halil and Dana Berisha, received by the Environmental Protection Division (EPD) on February 1, 2022. 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 EPD prior to the expiration date.
4. The permittees shall remit payment of \$1,838 to the Conservation Trust Fund as penalty for the unauthorized boat dock construction (Enforcement Case No. 21-596759) and boat ramp construction (Enforcement Case No. 21-596757) and address the unpermitted boat ramp (either remove or attempt to permit it) by July 1, 2022.
5. The minimum height of the deck must be one foot above the Normal High-Water Elevation (NHWE) of 58.41 ft. (NAVD 88) above mean sea level for Lake Georgia. The maximum height of the roof shall be no higher than 12 feet above the floor elevation.
6. The existing unpermitted boat dock shall be completely removed from Lake Georgia before construction of the new dock can begin. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained during demolition 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.
7. The previously cleared access corridor associated with the current dock shall be allowed to naturally revegetate for one year. Should the area not reestablish with appropriate native aquatic or wetland vegetation, invasive species removal and replanting may be required.
8. 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 in order 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.
9. The dock must be constructed within the access corridor according to Chapter 15, Article VII. No access corridor is allowed through any conservation area and/or easement.

10. The structure and its use shall not significantly impede navigability in the waterbody.
11. 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.
12. Unless expressly authorized by this permit and approved site plans, no floating platform structure (including, but not limited to, jet ski platforms) 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 or future owners of the property may be required to apply for, and obtain, a new Dock Construction Permit.
13. All excess lumber, scrap wood, trash, garbage, or other similar construction materials shall be removed from the project area and/or surface waters immediately.
14. 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 permit holder and/or designated agent 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 structure 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. 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 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 easements, wetlands or buffers;
 - l. Complete dimensions of the terminal platform.
15. 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 for approval. For further information, please contact the OCZD at (407) 836-5525.
16. After approval by OCZD, the certified site plans will need to be reviewed by the Orange County Building Safety Division (OCBSD) in order to obtain a building permit. For further information, please contact the OCBSD at (407) 836-5550.
17. At least 48-hours prior to commencement of activity authorized by this permit, the permittee shall submit to EPD, a 'Construction Notice' indicating the actual start date and expected completion date.
18. The permittees 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 permittees shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.

General Conditions:

19. Subject to the terms and conditions herein, the permittees are 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 permittees bind themselves and any 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.
20. Prior to construction, the permittees shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
21. The permittees 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 permittees 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.
22. Issuance of this permit does not warrant in any way that the permittees have riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittees. In the event that 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 permittees agree to either obtain written consent or to remove the offending structure or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
23. This permit does not release the permittees 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 permittees or create in the permittees 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 permittees, 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 permittees shall comply with the most stringent conditions. The permittees shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
24. The permittees are 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 permittees are responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

25. Should any other regulatory agency require changes to the property or permitted activities, the permittees 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.
26. EPD staff shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
27. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
28. EPD staff, with proper identification, shall have permission to enter the site to inspect the dock for conformity with the plans and specifications approved by the permit.
29. The permittees shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
30. 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 permittees.
31. The permittees agree that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
32. 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 site-specific conditions require additional measures, then the permittees shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
33. 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.
34. 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.
35. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

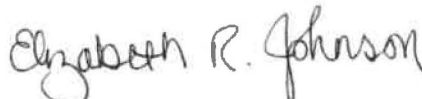
If you should have any questions concerning this permit, please contact Nicole Salvatico at 407-836-1494 or Nicole.Salvatico@ocfl.net.

Project Manager:



Nicole Salvatico, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:


for

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

NS/~~NP/TH~~/ERJ/DJ/gfdjr:

Enclosures: Construction Notice
 Approved Plans

c: Florida Department of Environmental Protection – DEP_CD@dep.state.fl.us



Construction Notice

- ☐ BEGINNING OF CONSTRUCTION
- ☐ COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803
or E-Mail to: Nicole.Salvatico@ocfl.net

Permit Number and Name: BD-21-07-093, Berisha - 9941 Lake Georgia Dr.

Permit Type: BOAT DOCK

Approximate Starting Date: _____

Approximate Completion Date: _____

Remarks or any additional information:

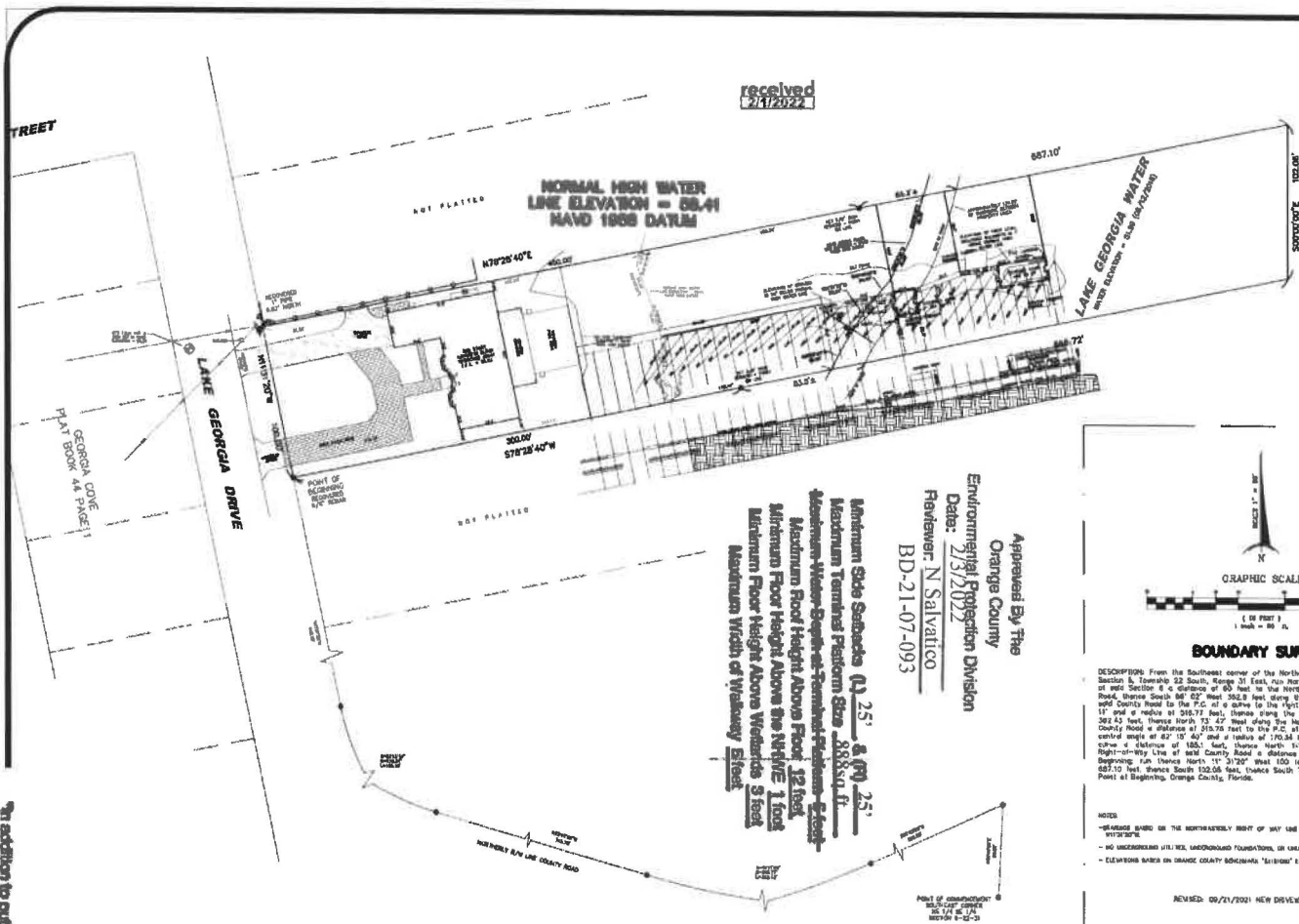
I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will ☐ begin or ☐ have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____

received
2/17/2022



Approved By The
Orange County
Environmental Protection Division
Date: 7/7/2022
Reviewer: N. Salvatico
BD-21-07-093

Minimum Side Setback 0.25' & 0.25'
Minimum Terminal Platform 8' & 8'
Minimum Median Depth at Terminal Platform 8' & 8'
Minimum Floor Height Above Road 12 feet
Minimum Floor Height Above the Right of Way 1 foot
Minimum Floor Height Above Wetlands 3 feet
Minimum Width of Wetland Effect

General Notes

SKILD ENGINEERING SERVICES, INC.
410 East Packwood Ave.,
Maitland, Florida 32751
407-448-8644
SKILD@GMAIL.COM



No.	Revision/Issue	Date
0/0/00		

For Name and Address

Larry B. Schnaper PE
410 East Packwood Ave.
Maitland, Florida 32751
407-448-8644
skildof@gmail.com

Project Name and License Number



Printed Date

7/1/2021

In addition to public regulations which Orange County enforces, be advised that there may be other private restrictions or approval requirements that will affect your ability to complete this project. Please review your deed restrictions and/or consult with your Homeowners Association or Architectural Review Board.

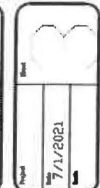
General Notes

SKILD ENGINEERING SERVICES, INC.
410 East Packwood Ave.
Maitland, Florida 32751
407-448-8644
SKILD@GMAIL.COM



No.	Revision/Issue	Date
01	01/01/00	

Larry B. Schnaper PE
410 East Packwood Ave.
Maitland, Florida 32751
407-448-8644
lks@skildeng.com



LAKE GEORGIA WATER
WATER ELEVATION = 51.99'

EXISTING DOCK TO BE REMOVED

resolved 7/17/2022

APPROXIMATELY 130.95' ELEVATION OF FIRST LEVEL INCLUDING WALKWAYS IS 1' ABOVE NORMAL HIGH ABOVE WATER LINE

DOCK 171 SQ. FT.

COVERED DOCK 480 SQ. FT.

LANDING STAIRS

DOCK 160 SQ. FT.

COVERED DOCK 224 SQ. FT.

DOCK 160 SQ. FT.

COVERED DOCK 224 SQ. FT.

DOCK 160 SQ. FT.

COVERED DOCK 224 SQ. FT.

DOCK 160 SQ. FT.

COVERED DOCK 224 SQ. FT.

65.2'±

SET 5/8" IRON WITNESS - POINT ON LINE

MEAN ANNUAL FLOOD LINE ELEVATION = 54.09 NAVD 1988 DATUM

SILT FENCE

DOCK 160 SQ. FT.

COVERED DOCK 224 SQ. FT.

DOCK 160 SQ. FT.

COVERED DOCK 224 SQ. FT.

DOCK 160 SQ. FT.

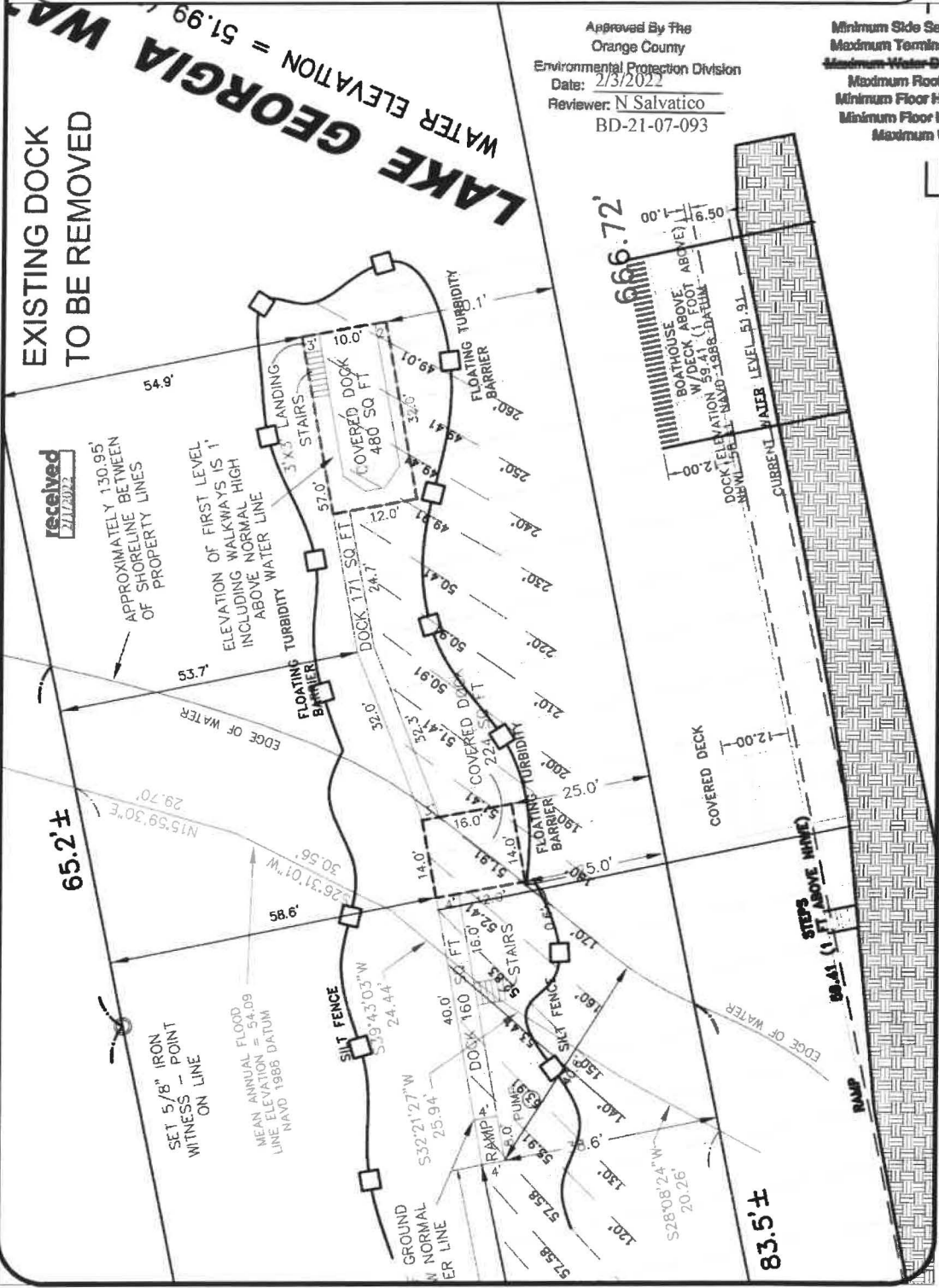
COVERED DOCK 224 SQ. FT.

DOCK 160 SQ. FT.

COVERED DOCK 224 SQ. FT.

Approved By The
Orange County
Environmental Protection Division
Date: 2/3/2022
Reviewer: N Salvatico
BD-21-07-093

Minimum Side Setbacks (L) 25' & (R) 25'
Maximum Terminal Platform Size 888 sq. ft.
Minimum Water Depth at Terminal Platform 6 feet
Maximum Roof Height Above Floor 12 feet
Minimum Floor Height Above the NHWE 1 foot
Minimum Floor Height Above Wetlands 3 feet
Maximum Width of Walkway 5 feet



In addition to public regulations which Orange County enforces, be advised that there may be other private restrictions or approval requirements that will affect your ability to complete this project. Please review your deed restrictions and/or consult with your Homeowners Association or Architectural Review Board.



February 22, 2022

Neal Thomas, Environment Program Supervisor
Orange County Environmental Protection Division
3165 McCroy Place, Suite 200
Orlando, FL 32803

Cc: Nicole Salvatico, Tim Hull, David Jones, Emily Bonilla

RE: Appeal Letter - permit# BD-21-07-093

Dear Mr. Thomas:

We, as the closest and most immediately impacted Lake Georgia residents by the proposed boat dock, appeal the granting of permit# BD-21-07-093 at 9941 Lake Georgia Drive. We appeal because the unreasonable detriment which, under the factual circumstances in this letter, will cause to us as well as our neighbors and our neighborhood. As you can see from the signatures at the end of this letter, several of our neighbors support our appeal.

Unreasonable Size Obstructing Views

This dock will be the largest dock on the 83 acre lake. **Residents feel the dock is of unreasonable size for Lake Georgia and will significantly obstruct neighbors' views and, in turn, negatively impact property values.** Shown in Exhibit A, the island which has been the focal point of the lake for the southwest lake residents will be blocked by the proposed dock. Three residents will never see the island again from their property or docks. The proposed dock resembles one that you would normally see on a significantly larger body of water, such as the intercostal. The dock will be 143 feet long and includes two 2 story structures with separate staircases going to each second level deck. Each structure is 12 feet in height (plus handrails on the second levels) from the deck. The deck is 1 foot above the normal high-water line (NHWL) elevation. **This will be the largest dock on the lake at 777 square feet**, not including the square footage of the 2nd levels.

Variance Waivers Should Be Null and Void

Included under "variance waivers" in FastTrack are signed letters of support from four neighbors north and one neighbor east of the applicant. No letters of support were obtained from neighbors south of the applicant who are most impacted by the dock. Additionally, **the neighbor abutting the applicant on the south side denied verbal requests from the applicant to sign variance waivers and explicitly said they did not support the dock plans due to its unreasonable size.**

Let it also be noted as shown in Exhibit B, the letters of support state an additional 110 sq. ft. platform; however, actual measurements of the dock plans attached to the letters measure 256 sq. ft., 2.3 times the size stated in the letter. Additionally, **the letters of support should not be considered by permitting as they do not include the revised plans approved by the permit.**

Furthermore, as shown in Exhibit C, there is an abundant amount of overgrowth abutting the applicant's north property line which will prevent the north neighbors' views from being impacted by the dock.

Environmental and Historical Impacts

Neighbors have ecosystem concerns as the applicants have already cleared out most of their shoreline to build the existing unpermitted boat ramp and boat dock as documented in Exhibit D. The proposed boat dock will require additional clearing of the north property line which will add to the already greatly exceeded 20% or 30 total linear feet which the EPD allows.

The wetlands on the applicant's property are home to numerous wildlife, including nests for Lake Georgia's family of Florida Sandhill Cranes (see Exhibit E). As noted by the red arrows in Exhibit E, the stakes marking the boat house are right beside a crane nest. **The Florida Sandhill Crane is protected by the U.S. Migratory Bird Treaty Act and as a State-designated threatened species by Florida's Endangered and Threatened Species Rule.** Sandhill Cranes are primarily threatened by loss of habitat due to wetland drainage and conversion of habitat for development.

Lake Georgia is recognized by the Goldenrod Historical Society. During the prohibition, Lake Georgia was used to land float planes smuggling whisky from the islands which was distributed to an Eco Lodge on the north side of the lake as well as other Speakeasy's on Park Avenue and Colonial Drive. See enclosed Goldenrod Gazette Extra for a full history of the lake. **Residents of the lake wish to limit growth on the lake to preserve its historical value.**

Negative Precedent Set by the Permit

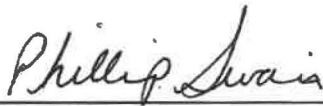
Residents are concerned due process was not followed for this permit approval. The applicants, without permits, cleared lakefront land, laid a concrete deck, poured a concrete boat ramp, and constructed a boat dock and deck with electrical. EPD has fined the applicant and given them a list of things to remediate. As of the date of the permit approval, the fine had not been paid and no remediations made. Additionally, **the applicants were allowed to submit multiple revisions of plans, avoiding necessary variance waivers, whereby their application should have been initially denied.**

The EPD is charged with protecting our natural resources. **The approval of this dock sets precedent for current and future homeowners to both disregard EPD regulations and build structures of unreasonable size disrupting both the ecosystem and historical preservation of the lake.**

Conclusion

We oppose dock permit# BD-21-07-093 at 9941 Lake Georgia Drive. The permit forces us and our neighbors to absorb the impact of the unreasonable boat dock, and the concomitant loss in property values that go with it. We ask that you appeal dock permit# BD-21-07-093 as the dock will be detrimental to our neighborhood.

Very truly yours,



Phillip Swain
9945 Lake Georgia Dr.
407-754-4139
phillipswain78@gmail.com



Cheri Swain
9945 Lake Georgia Dr.
407-754-4143
cswaincpa@gmail.com

Enclosures:

Goldenrod Gazette Extra
Check payable to Orange County EPD for \$409

Name	Address	Phone	Signature
MARY CHIOZZA	9953 Lake Georgia	407-230-1865	Mary Chiozza
David Lippert	9953 Lake Georgia	407-230-9533	David Lippert
Kara Snyder	9845 Lake Georgia	407-448-4373	Kara Snyder
Janet	9841 Lake Georgia	407-448-4373	Janet
Howard Anderson	9998 Lake Georgia	407-672-0283	Howard Anderson
Diana Anderson	9998 Lake Georgia	407-672-0283	Diana Anderson
Judy Skrobol	9949 Lake Georgia Dr	407-657-4197	Judy Skrobol
Robert Brantley	9967 Lake Georgia	407-797-7560	Robert Brantley
Robert Brantley	9967 Lake Georgia	407-797-7560	Robert Brantley
Marilyn Sparks	9971 Lake Georgia	407-657-4541	Marilyn Sparks
Ken Sparks	9971 Lake Georgia	407-657-4541	Ken Sparks
Ann-Marie Morgan	9981 Lake Georgia Dr	407-748-8717	Ann-Marie Morgan
Susan Hanners-Steed	9989 Lake Georgia	407-790-7383	Susan Hanners-Steed
Susan Hanners-Steed	9989 Lake Georgia	407-790-7383	Susan Hanners-Steed
Debra McCord	9995 Lake Georgia	(407) 491-8365	Debra McCord

Exhibit A



Exhibit B

Date: 6/26/2021

Re: New Boat Dock construction 9941 Lake Georgia Drive, Orlando, FL 32817

To: Orange County EPD/Orange County EPC/Orange County Division of Building Safety

From: Christopher Cycmanick

I, Christopher Cycmanick, are property owners of 9999 Lake Georgia Drive, Orlando, FL 32817 and are immediate neighbors of Halil & Dana Berisha at 9941 Lake Georgia Drive, Orlando, FL 32817.

The purpose of this letter is to communicate to all interested parties of our strong and full support for their proposed project and that we have no objections to the construction of their boat dock.

I acknowledge that the structure will be built below the Normal High Water Elevation, the terminal platform will be two stories, and for access to sufficient water depth for boat mooring, due to notoriously low and fluctuating water levels on Lake Georgia, a waiver for an additional 110 sq ft for the terminal platform is part of the application package.

Halil and Dana Berisha have provided me with the attached copy of the current survey with the boat dock represented on the survey to scale for our review. As acknowledgment, we have both signed and dated the copy of said survey.

Your constituent,

Christopher Cycmanick

In Witness Whereof, Christopher Cycmanick has hereunto set his hand and seal.

Christopher Cycmanick 6/26/2021
Christopher Cycmanick. Date

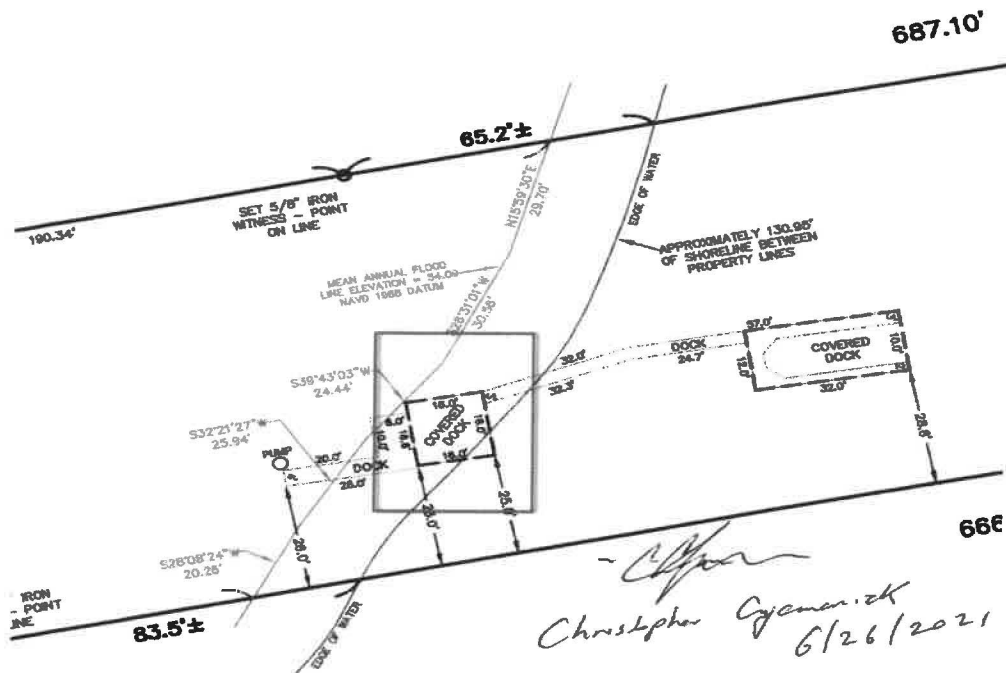


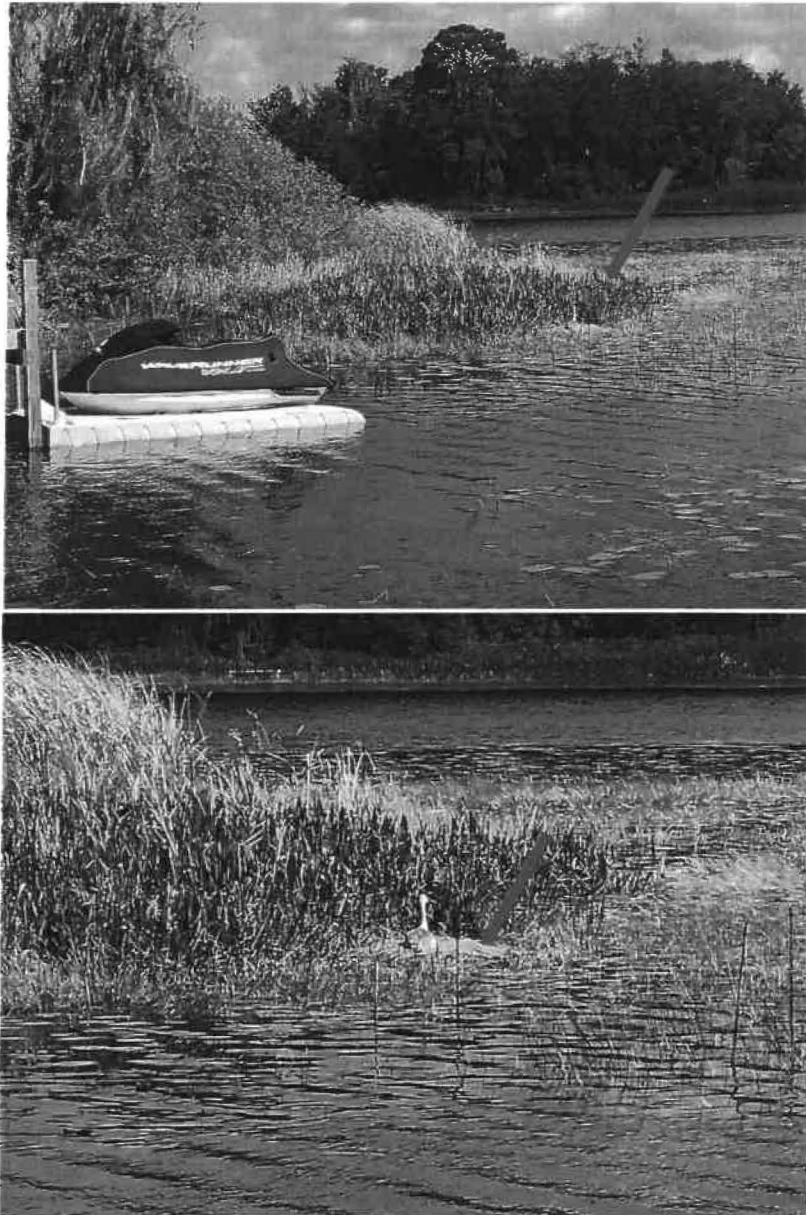
Exhibit C



Exhibit D



Exhibit E



Goldenrod Gazette Extra

HISTORY OF LAKE GEORGIA

This three-part series of the Harvey T. Warren subdivision abutting the west shore of Lake Georgia in east Orange County, Florida (west of what is now Dean Road and north of University Boulevard) was written by Brigadier General William E. Carlson (US Army, retired). The articles and pictures were originally published in the Lake Georgia Homeowners Association, Inc. monthly newsletter in late 1993 and 1994, and are republished with the author's permission in this quarterly GOLDENROD GAZETTE of the Goldenrod Historical Society, Inc.

General Carlson, wife, Nancy and son, Paul live on the southern shore of Lake Georgia. Bill's sister, Yarda, and her husband, Russ Rusterholz, live on the shore of Little Lake Georgia.

Bill Carlson was born in Goldenrod, Florida. Their family home was at the corner of Citrus Avenue and Palm Avenue (where the Goldenrod Post Office now stands). Since retirement from the U. S. Army, he has dedicated his interests and talents to many areas of the community, including leadership as President of the Goldenrod Historical Society, Goldenrod Civic Club, Goldenrod Area Chamber of Commerce, and Rotary Club of Orange County East, to name a few.

THE WAY IT HAPPENED — THE HARVEY T. WARREN SUBDIVISION

The first recorded subdivision on Lake Georgia was the Harvey T. Warren Subdivision. The next several news letters will contain the history of this subdivision based on my research. In this issue I will cover the background leading up to the subdivision.

During the Reconstruction Period after the Civil War, Florida came under federal military rule. By 1866 land in Florida was available under a favorable federal enactment, the Homestead Act of 1862, an act "To secure Homesteads to actual settlers on the Public Domain." The program offered up to 160 acres (one quarter of a section) of free land to homesteaders if they stayed five years, built a cabin and cultivated at least five acres. The first white settlers homesteading under this act began arriving in Central Florida in the 1870s. In 1891 Mr. Sherman Adams applied for a Homestead Grant under this Act and on Monday, March 23, 1891 the United States of America granted to Sherman Adams 80 acres (W 1/2 of the NE 1/4 of Section 6, Township 22 South of Range 31 East, and other lands). See Map of Original Grant.

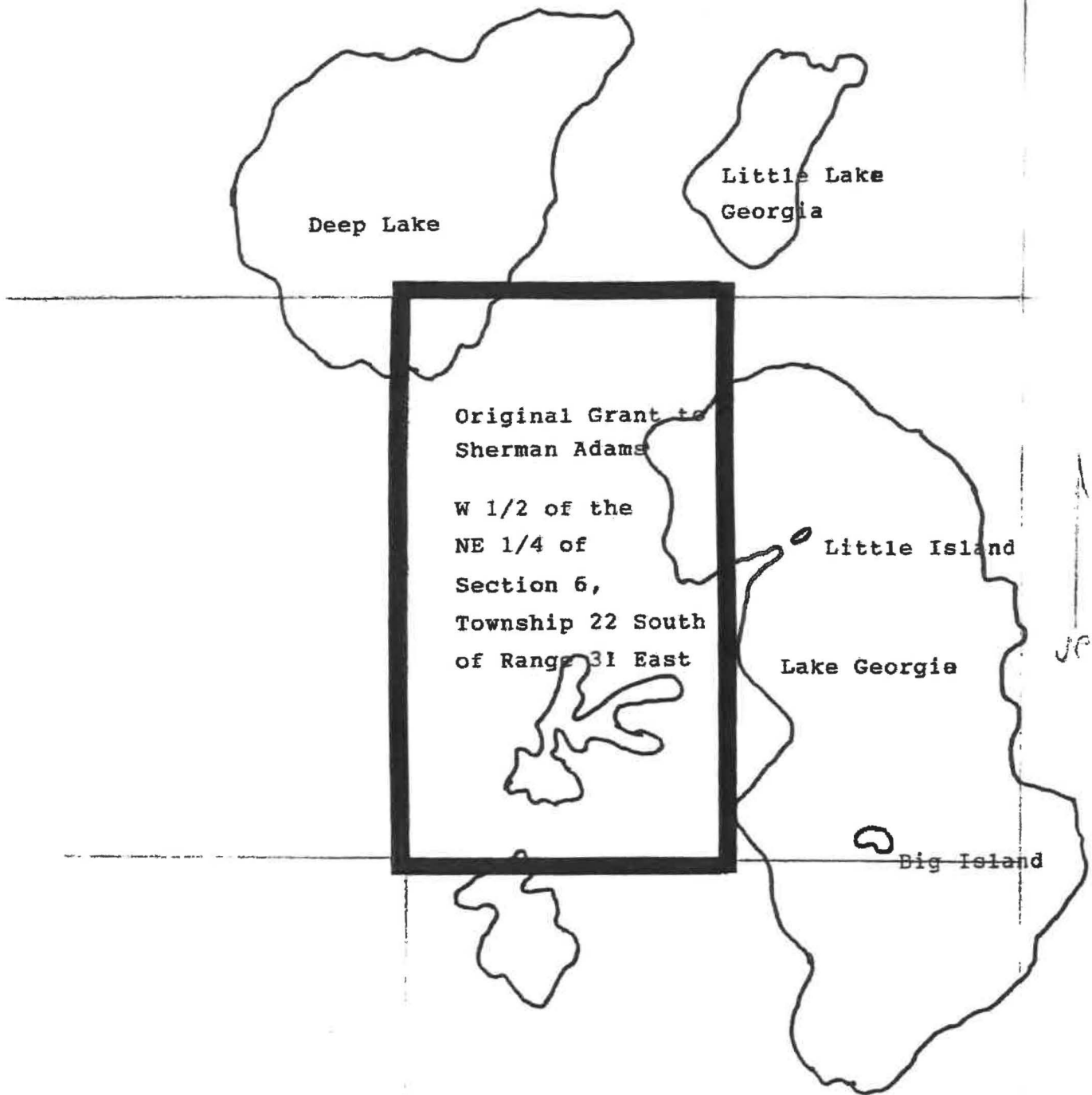
Mr. Adams lived on the land and like many others of that time was in the process clearing his land and planting a citrus grove. Not much is known about this early settler, but old timers said that because of the back-to-back killer freezes in the winter of 1894/95 which wiped out his young citrus grove and all his years of hard work, Sherman Adams died of a broken spirit and heartbreak.

Records show that Sherman Adams died at Gabriella, Florida on May 26, 1896. It is interesting to note that the place of death is listed as Gabriella which was the nearby thriving turpentine center and the nearest United States Post Office at that time. In his will, Sherman Adams left the land to his son, Alfred N. Adams. Alfred Adams never lived on the land nor did he ever pay taxes on it. Like many parcels of land after the big freeze it was abandoned.

In 1904, an astute business man, Mr. J. M. Williamson, paid \$1.40 for a tax deed to the eighty acres and received the Deed to the property on 31 August 1904.

Mr. Williamson departed his life at Gabriella, Florida on the 11th day of February 1916 and his widow Mary F. Williamson inherited the land.

Original Grant March 23, 1891



ORANGE GROVE HIGHWAY SR. 426

DIRT TRAIL TO IRO.
GROVE

GROVE

ORANGE GROVE

POND

LAKE
BAPTISM

LITTLE
LAKE
GEORGIA

DEEP LAKE

SEMINOLE COUNTY
ORANGE COUNTY

THE OLD
SHERMAN
ADAMS
GROVE

H. T. WARREN SUBDIVISION AND SURROUNDING AREA

1930s

SMALL
ISLAND

LAKE
GEORGIA

BIG
ISLAND

SACHSE GROVE

LUDDY'S
LAKE

OLD
GROVE

DEAN RD.
SEMINOLE COUNTY

In August of 1923 Mary Williamson sold the land to Colonel John N. Bradshaw. Col. Bradshaw settled in Orlando in 1883 and became deputy clerk of the Circuit Court. He was the first clerk of the Criminal Court, being appointed in July 1887. In November, 1890 he became clerk of the Circuit Court and held office for fourteen years. In 1911 he joined partnership with Mr. Charles Lord in the real estate and insurance business. He was a member of the National Guard of Florida for 19 years, serving as a Captain in the Spanish-American War. Upon his return home he became a Colonel of the 2nd Regiment of the Florida National Guard. He made friends easily, was respected by all who knew him and was a wheeler-dealer in real estate during the Florida land boom of the twenties.

Colonel Bradshaw sold the land two days after he purchased it to Harvey T. Warren. Mr. Warren moved to Florida from the State of New York. He planned to make his fortune by growing celery in the Oviedo area; however, by 1930 he had declared bankruptcy.

On January 24, 1924 Mr. Warren recorded the Harvey T. Warren Subdivision — Lots 1 through 7 - at the Orange County Court House. See Map of Plat of H. T. Warren Subdivision.

Five days later, on 29 January, Mr. Warren and his wife, Mary, sold lots 2, 4, and 7 to Jennie P. M. Baker. Also on that date an Encumber Mortgage - a lien of \$9,000 - was recorded on lots 1, 3, 5, and 6 of the subdivision. The encumbrancer was Louise B. Warren who was residing in Connecticut at the time. Her relationship to Mr. Warren was not recorded.

On April 25, 1924 an indenture was filed allowing Jennie Baker, the owner of lot 4 to use water from the water tower on lot 3, to use the garage on lot three and the road to the west of lot 3.

In 1924 when Mr. Warren recorded the H. T. Warren Subdivision there was no Lake Georgia Drive and in fact there was no road around Lake Georgia at the time. The only access to the subdivision was by a dirt road from the Oviedo Highway (State Road 426) which followed the old dirt trail to the Sherman Adams grove. You will note from the map titled "H. T. Warren Subdivision and Surrounding Area — 1930s" that the road into the subdivision branched off of Dean Road when Dean Road was still a dirt road. The data on the roads and groves on this map comes from the earliest aerial photographs taken of this area of the county and confirms my memory of the roads and groves the way I remember them.

During the remainder of the 1920s little activity in the subdivision is recorded in public records but much went on.

THE HARVEY T. WARREN SUBDIVISION — PART II THE ROARING TWENTIES AND THE ECHO OF THOSE DAYS

It was the Lord's best handiwork — a beautiful day in early December. Today we would refer to it as "Indian Summer." A time characterized by clear, mild days and calm, chilly nights. A time when the mercury in the barometer rises high. It's also a time when man should get outdoors and bask in the sun, or go tramping through the woods, or have one last fling with a fishing pole. A time to be content.

They could feel it in their bones — the old man and the boy. They wanted to get away from the daily chores of everyday life and enjoy this miracle of autumn. It was time to go fishing — to catch a mess of catfish, and what better place to go than the old iron bridge over the Little Econlochatchee. The fishing poles were loaded with care into the Model T Ford and the trot line was inspected and checked to be sure no hooks

were missing. A quick stop at Selby's store in Goldenrod for a nickels worth of "fatback" for bait and they were on their way.

They headed east on the old Oviedo Road passing by open pine woods and an orange grove here and there along the way. The road was narrow and paved with rocks the size of a man's thumb. The tires made a roaring sound going over the rocks making conversation next to impossible. As they came over the hill where the Lakes of Aloma Subdivision is located today, the road curved sharply to the north. At the beginning of this bend, a deep rutted sand road that followed the section line led straight ahead for a half a mile or so and then meandered through the palmettoes, the pine woods and the gall berry flats to the Iron Bridge. The old man headed the Model T in to the deep ruts, adjusted the gas lever on the steering wheel, and sat back in his seat to enjoy the scenery.

A couple of hundred feet up the sand road another dirt road that led to Echo Lodge intersected the section line road. At this intersection a man standing under a Turkey Oak picked up his long barrel gun which had been leaning against the tree and stepped out into the middle of the sand road as the Model T approached. The Model T lurched to a stop in the deep sand ruts. The man with the gun, a lean, lanky and toil worn man moved around to the drivers side and gave the inside of the Model T a close scrutiny. The old man knew he was a guard for the bootlegging operations going on at Echo Lodge so he quickly explained that he and the boy were headed to the Iron Bridge to catch a mess of catfish. This seemed to satisfy the guard, he wished them luck and went back to his post under the Turkey Oak which was within earshot of Echo Lodge, intent on denying anyone access to the road leading to Echo Lodge. The old man shifted the gears of the Model T with his foot pedals, set the gas lever and headed down the section line toward the Iron Bridge.

Meanwhile, a mile and a half southeast of Echo Lodge, Mr. Buck, a cattleman, who lived down a dirt trail leading east off of Dean Road (known as Buck Road today) was tending his cattle. Off in the distance he could hear the drone of an airplane engine and he soon recognized it as the sound of the large float plane that came over each week about the same time. When the plane was almost directly overhead he could hear the change in the pitch of the engine as the plane began its descent for a landing on Lake Georgia. Although they didn't talk about it much, it was common knowledge among the crackers in the area that the weekly flight of the large float plane was smuggling in booze from the islands each week. He watched as the plane approached the long axis of the lake, made a low circle over the lake, and disappeared below the tree line. As he watched he thought to himself that Saturday night would be a good time to visit the lodge. As he returned to tending his cattle he wondered what was going on at Echo Lodge right now.

On the north end of Lake Georgia Johnny Epperson and his crew waited anxiously with great apprehension at Echo Lodge for the approach of the plane with its precious cargo of whiskey smuggled from the islands. The sound of the approaching plane brought much excitement and activity in preparation for the landing. The plane made a low pass over the lake and received the signal that all was in order. The pilot knew there was danger involved and security like a sinner's hope of heaven, is never assured. The plane circled around and made a long gliding approach to the lake touching down just opposite the large island. It quickly taxied to the high narrow dock at Echo Lodge for the unloading of its illegal cargo. The waiting crew was well organized and knew exactly what to do as they had done it many times before. The souped up Hudson station wagon with reinforced rear springs was located close to the dock and was quickly and efficiently loaded. When loaded it was backed into the garage near the water tower and remained there until coordination for delivery was made. The shipment in the station wagon was to go to a "Speakeasy" on Welbourne Avenue behind R. C. Baker's Clothing store on Park Avenue in Winter Park. Johnny Epperson and his partner operated this "speakeasy." On other runs distribution was made to a speakeasy which was located on the south side of Colonial Drive just east of Herndon Avenue, a place known for its gambling and

prostitution.

The remaining load of the float plane's cargo of some fifty gallons was off loaded into Echo Lodge in preparation for Saturday night.

Even though the Constitution prohibited the manufacture, transportation and sale of intoxicating liquor, many people resented this law and drank in illegal clubs called speakeasies. Americans felt lighthearted and happy after the war. The 1920's was an "era of wonderful nonsense. Stock speculation, riotous spending, and the real estate boom sent prices skyrocketing. The people spent more on material goods. They announced their revolt from puritanism with jazz bands and a craze for sports and dances. Daring young flappers shocked their elders with short skirts, bobbed hair, and free use of cosmetics and cigarettes. It was Saturday night, a time to party and "Echo Lodge was a well known as a speak-easy with a reputation for fine imported liquors. As dusk approached the 1926 Duesenberg Phaeton turned off of Dean Road and onto the road leading into the Warren subdivision (a road that is known by the name of Twin Lakes Drive today). As it approached the area where Marie Burch's house is today, the road was blocked. There was a long narrow gate house on each side of the dirt trail. At the south end of the gate houses, there was the trunk of a 8 inch pine tree across the road barring any vehicles from entering until the gate was raised. The tree trunk was about four feet above the ground mounted on a fulcrum and had a large counter balance opposite the fulcrum so the guard could raise and lower the gate with little effort. At the gate house the Duesenberg chugged to a halt as the guard commanded. The guard scrutinized the vehicle and it's occupants and greetings were exchanged. The guard asked several questions about the car. It was the first Duesenberg he had seen close up. His curiosity satisfied he raised the gate and waved the driver through. As the driver looked to his left front Echo Lodge sat snugly under the tall live oak with it's simple grace of line. The yard was bare, spotted with sandspurs here and there and an occasional palmetto bush. He looked for an out of the way place to park for he knew that soon people would be coming and going like robins in the spring. As he was parking he noticed a number of cars around the Lodge — a Packard, a 1922 Essex but mostly Fords and Chevrolets. He knew from the cars that there would be a crowd in the Lodge and he was anticipating a good time and a fun filled evening. As he approached the entrance his sixth sense told him he was being observed very closely through the peep hole in the door. He knocked on the door and after a moments pause announced that he was a friend of Johnny's. The door was cracked slightly and more words were exchanged after which the party of four was allowed to enter.

After a night of merry making and a snoot full of booze the revelers were as exhausted as a rooster in a barn yard full of hens. As they came out of the Lodge and headed to the Duesenberg which was covered with the early morning dew, the great horned owl high overhead in the nearby tree announced a warning of their departure in a deep mellow hoot.

There were many days before and many days after just like this at Echo Lodge in the latter half of the 1920's and the beginning of the 1930's. Fortunately, every day comes with an ending and with the end of prohibition an old thread, long tangled, comes straight again.

COMMENTS BY THE AUTHOR.

Researching and writing accurate articles about past history is difficult under the best of circumstances, but to write an accurate historical article about illegal operations is almost impossible since there is little if any written material to document it. The information contained in this article was obtained from discussions with old timers who lived in this area in the 1920's and 1930's. I raised this subject at the Half Century Club (Old Timers who lived and worked in Winter Park more than fifty years ago) and was surprised

SEE LAKE GEORGIA SHORES
PLAT FILED JULY 1, 1952 PLAT
BOOK 5 PAGE 65 REPLATTING PART
OF LOT 5 & ALL OF LOTS 6 & 7

H. T. WARREN SUBDIVISION

N.W. 1/4 of N.E. 1/4 of Section 6, Twp. 22 S., Range 11 E.

State of Florida
County of Orange

Engineers Certificate

County of Orange

Personally appeared before me, E.S. White, Civil Engineer, who being duly sworn deposes and says that the plot hereon is a true and correct representation of the survey and subdivision of the land described in the caption. Subscribed and sworn to

E.S. White
Civil Engineer

before me this 24th day of January, A.D. 1927.

M.J. Hart Notary Public

My commission expires 4/11/1925.

Notarial Seal

E. C. White
Civil Engineer
Notarial Seal

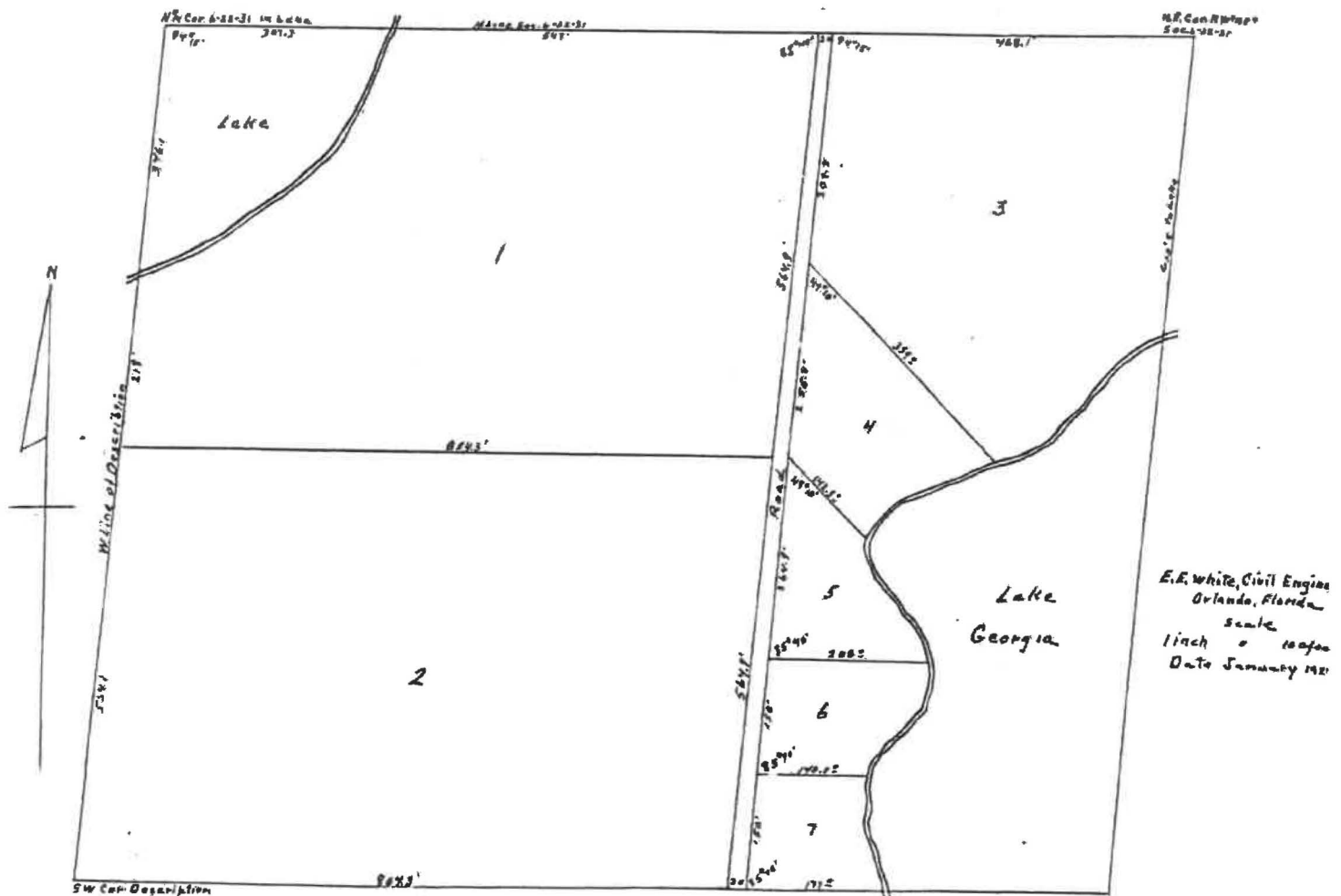
State of Florida
County of Orange

Owners Certificate

Personally appeared before me H.T. Warren
who being duly sworn deposes and says that he is
the owner of the land described in the caption and has
authorized and accepted the survey and subdivision
as shown herein. H.T. Warren
Subscribed and sworn to before me this 20 day of
Jan. A.D. 1924. L. M. Bennett Notary Public.
My commission expires 8-6-27 Notarial Seal.

H. T. Warden Clerk
me this 20 day of
ennett Notary Public
Notarial Seal.

SEE EAST WINTER PARK SECTION ONE - FILED JUNE 9 1960 IN RPT
BOOK V PAGE 48, INCLUDING A REPLAT OF THAT PART OF LOTS 1 & 2,
(WEST OF LAKE GEORGIA DRIVE)



at how many were familiar with the operation. One gentleman in his late 70s told me a rather humorous tale. As a teenager he lived in Goldenrod. One day he caught a ride into Winter Park with Mr. Epperson in his Hudson station wagon. He noticed that the back of the wagon was filled with bottles full of something. He asked Mr. Epperson what he had in the bottles and was told that the Winter Park Fire Department had run out of water and he was bringing a load of water to the Fire Department. He said he didn't think anything about it because in those days you never questioned your elders. However at the supper table that night when he told his father he said he was almost laughed out of the house.

Comments by the old timers who are in their eighties and nineties today generally agree on several things:

1. A fairly large scale "bootlegging" operation was carried on at the W. T. Warren Subdivision in the latter half of the 1920s and early 1930's. The subdivision was located in Orange County; however the only access was by dirt roads through Seminole County.
2. Echo Lodge was a "speakeasy" during this period. The east guest house, the center guest house and the east gate house were used to house the guards and workers. None had a kitchen at the time.
3. Whiskey was brought in by float plane on a weekly basis.
4. Guards were placed at three points when a shipment was coming in: one at Iron Bridge road and the intersection with Dean Road, another on Dean Road at the county line, and a third guard at the intersection of Dean Road and the trail leading into Echo Lodge.
5. There were two gate houses, one on each side of the road at the entrance into the Warren subdivision where guards controlled the approach access to Echo Lodge.

THE HARVEY T. WARREN SUBDIVISION — PART III

You will recall from Part I that in January 1924 Harvey and Mary Warren sold lots 2, 4 and 7 to Jennie Baker. During the period covered in Part II (1925 through 1933) little activity was recorded in official documents. In October 1928 Jennie Baker died, and in April 1929 title to lots 2, 4 and 7 was granted to her son Leonard Woods Baker of Oviedo when Jennie Baker's other children and heirs signed Quit Claim Deeds to the property.

Records show that in September 1930 Mr. L. P. Mills of Mills Lumber Company, Oviedo filed a materialman's lien on lots 1, 2, 3, 4, 5, 6 and 7. This lien forced Mr. Warren to declare bankruptcy in December of that year; however, by May 1934 Mr. Warren was able to buy back lots 2, 4 and 7 (the lots he had sold to Jennie Baker in 1924). Harvey and Mary Warren now again owned all the lots in the Warren Subdivision.

AN OLD THREAD, LONG TANGLED, COMES STRAIGHT AGAIN.

The Great Depression of the 1930s turned the lives of ordinary people upside down, leaving an indelible mark on all those who lived through it. The Depression spun a web of terrible uncertainty through the land at the time and as a means of escaping the harsh realities of everyday life, people drank perhaps more than they should in those heady sinful days of prohibition. Echo Lodge, hidden away in the backwoods of Florida, flourished as a popular speakeasy. As the old prohibition doggerel verse went:

"Mother's in the kitchen
washing out the jugs

Sister's in the pantry
Bottling up the suds
Father's in the cellar
Mixing up the hops: and
Johnny's at the gatehouse
watching for the cops."

The rail-like flappers and lounge lizards along with ordinary cracker folks frequented the lodge known for its fine imported bootleg gin and backseat sin was a common occurrence on the back roads and trails surrounding the lodge. However, in the early thirties as the great depression settled over the country, it brought with it the worst of times and a feeling of despair, fear and hopelessness. It was a terrible, scarring experience that changed people forever. The people wanted change and change they got.

With the passage of the 21st Amendment to the United States Constitution, the 18th Amendment was repealed in December of 1933 and the sale and manufacture of alcoholic beverages was no longer prohibited. Soon the big red beer trucks were rolling along the streets again and people were singing "Happy Days Are Here Again." Echo Lodge's days as a speakeasy were over. The old thread, long tangled, now comes straight again.

In the early months of 1934 Echo Lodge assumed a new role. It became the family home of Eugene and Ethel Duckworth and their son, Bill, who was in his early twenties. Although the Duckworths were a family of substantial means, their home, housewares, tools and lifestyle reflected the toughness of the times and rural life in the backwoods of Florida.

Mr. Eugene G. Duckworth moved to Orlando from Ohio and located in Orlando on 22 February 1885. When he was old enough to decide what business he would embark on he chose the shoe business and opened a store in the Hudnall block on Orange Avenue in 1897. But in 1913 he consolidated his store with Mr. N. P. Yowell under the firm name of Yowell, Duckworth Company. In 1919 he sold his interest in this department store to Mr. Benj Drew and went into politics (those of you who lived in Central Florida in the thirties and forties will recall the Yowell Drew Department Store, the largest department store in Orlando at the time).

Mr. Duckworth was elected Mayor of Orlando on January 1, 1920. In 1922 while he was Mayor, there was great agitation among the citizens for a municipally owned water and light company. He believed in municipal ownership of public utilities and ran for reelection for a second term as mayor in 1923 on such a platform. That same year a bond issue was passed for \$1,500,000 and the Orlando Water and Light Company was bought by the city for \$975,000. Since that time the water and light plant has gone under the name of the Orlando Utilities Commission. Mayor Duckworth was reelected for a second term in office on that platform; however, in April 1924 he resigned as Mayor and devoted his full efforts to making the Utilities a success. Mr. Duckworth was chairman of the bond trustees that handled the funds for laying the first brick sewers in Orlando.

In 1936 he was elected Justice of the Peace and held that office until his death in 1959.

The Duckworths had already settled in at Echo Lodge when Harvey and Mary Warren sold lots 1 through 7 to E. L. Cheney and Marie Hayes Cheney in June of 1934. The Cheneys moved to Lake Georgia from Winter Haven in the summer of 1934. Mr. Cheney originally came from Michigan. His family had accumulated a great deal of wealth in the lumber business in Michigan. Like so many others of that time,

the stock market crash of 1929 and the thousands of bank failures that followed brought him to ruin. During this devastating economic collapse he lost all his fortune and was left only with the emotional inheritance of the Great Depression. Salvaging what he could, he moved the family to the Warren Subdivision on Lake Georgia where he felt the family could live in "genteel poverty."

When he moved to Lake Georgia, he was married to Marie Hayes Cheney who had two daughters, Barbara and Peggy, from a previous marriage. In discussions with Barbara she indicated times were very hard for the family in the mid-thirties. Her step father was not working and the family had little income. The challenge of getting food on the table and keeping the family going during any given day took up most of the time, talent and resources of every member of the family. Finally, Mr. Cheney began raising squabs to sell to the large hotels in Winter Park where the northern industrialist spent their winters. Squab was considered a real delicacy and there was a demand for them in the winter months when the tourists were down for the winter. He had four large "pigeon coops" with over a thousand birds on the property (lot 4) where Ed and Marion Bates live today.

At that time (1934) there were four houses and a fish camp on Lake Georgia. The houses were on lots 3, and 4 of the Warren Subdivision and the fish camp was opposite the island.

In 1934 Mr. and Mrs. Cheney lived in the house on lot 4 which was also referred to as "Aunt's House" or "west guest house."

Barbara and Peggy Cheney, their teen age daughters, lived in the "center guest cottage" (Imler's House) on lot 3.

Mr. and Mrs E. G. Duckworth and their son Bill, lived in "Echo Lodge," the big house or main house which was also on lot 3.

Lot 3, in addition to the western cottages and Echo Lodge, also had an "East Guest House" which is the house where George McGuire lives today.

Lot 3 also had a water tower, a "Delco" electricity generating plant and a garage.

There was no Lake Georgia Drive in the 1930s. Access to the WARREN SUBDIVISION was by dirt road from State Road 426, which was called the Oviedo Road at that time. The dirt road generally followed Twin Lakes Drive. Just as you entered the WARREN SUBDIVISION there were two "Gate Houses," one on each side of the road. After Echo Lodge's days as a speakeasy ended, the eastern gate house (located where Marie Burch's house is today) was occupied by the Godwin family during the war years. The western gate house was never occupied as living quarters, but was used for storage.

The "fish camp" which was described as opposite the island belonged to W. D. "Bo" Randall, renowned throughout the world as the maker of fine hand crafted knives. Bo's father, W. D. Randall, Sr. purchased the "Parker 60 acres on the east side of Lake Georgia at \$125" in August 1925. W. D. Randall, Sr. was the Vice President and Mill Manager for The Champion Coated Paper Company in Hamilton, Ohio. He was buying property in Florida through his agent Mr. Joel Phillips, Winter Park, after whom Lake Phillips is named. (The "FISH CAMP" will be the subject of a future article on Lake Georgia history).

By September 1934 the Cheney's were forced to mortgage the property to the First Federal Savings and Loan Association for \$3,000. In April of 1936 Mr. and Mrs. Duckworth paid off the \$3,000 mortgage

in return for lot 3. They were at that time residing on real estate agreed to be conveyed under this contract of sale.

While researching material for this article, I had lunch with Barbara Cheney Duckworth on several occasions. I asked her about life on Lake Georgia in thirties. You could see that long ago far away look in her eyes as her mental time machine transposed her back to the days of her youth. A look of happiness radiated from her eyes as she reminisced about the gentle days of remoteness from the urban confusion of today. She was a teenager about to begin her junior year as a student at Winter Park High School when her family moved to Lake Georgia in 1934. She spoke of the natural beauty of the lake and the surrounding area, the clear water and sandy bottom of Lake Georgia, of the abundance of fish and wild life, the songs of the birds, the crystal clear skies and the bright stars at night, the sound of the wind in the trees and the sound of rain on the tin roof of their cottage. But most of all she spoke of what a wonderful and exciting time it was for her as a young girl growing up and falling in love with the boy next door — her “knight in shining armor.” She spoke of those wonderful days of the first recognition of a human love, of the joining of a person to a place and of one person to another as she and Bill Duckworth soon became man and wife in 1936.

They were the carefree days of youth. Wiener roasts over a campfire on the big island. Picnics under the large live oaks on the southern shore of the lake. Roasting marshmallows on a palmetto stick over a dying campfire. Sailing by the moonlight around the lake. Midnight swims on a hot summer night. Canoe trips through the swamp right up to the edge of Dean Road. Watching fishermen clean their catch and feed the alligators at Randall’s fish camp. Aqua planing behind the old wooden boat with an out board motor. Above all she spoke of those wonderful days of courtship by the man she loved.

Bill Duckworth and Barbara Cheney were married soon after Barbara graduated from High School in 1936 and a year later their daughter Ann was born. They lived in “Eastern Gate House” until Ann was born. After that they lived in the Eastern Guest cottage for a number of years. Meanwhile, the Senior Duckworths moved back to Orlando in the late thirties; however, they continued to spent their weekends at Echo Lodge. By the end of the thirties Bill, Barbara and daughter Ann had moved into Echo Lodge where they lived until the summer of 1951. In July of 1941 Mr. and Mrs. Cheney sold all of their remaining property in the subdivision to the Duckworths except the house and lot where they were residing at the time (lot 4 and the NW corner of lot 5).

Mr. Cheney died in December of 1946 and three months later, his wife sold lot 4 and part of lot 5 to George M. Barley and Mary Elizabeth Barley.

Mr. Barley worked for the Wheeler Fertilizer Company in Oviedo. The Barleys had four children. Two sons, Kim and George, Jr., both of whom attended Winter Park High School with me in the latter half of the forties. Kim later became the Mayor of Windermere and George became well known as a big developer in central Florida. Their third child was a daughter, Ann and their youngest was a son, David.

In October of 1950 the Barleys sold their property (the Property where Ed and Marion Bates live today) to Harold and Hattie Ringer.

In August of 1951 Bill And Barbara Duckworth sold lots 1, 2, 3, 5, 6 and 7 to F. J. Sharp and Angeline Sharp.

The blowing of an evil wind out of the north in the summer of 1950 sent a chill down the nation's spine. Soon the klaxon of war was sounded in Korea. By August of 1951 the bugler sounded that too often heard tune "Call to Arms." I donned my uniform, laced up my boots and marched off to war on the other side of the world. Man's first law, "self preservation" then totally consumed my time and energy and my thoughts and interest in Lake Georgia quickly faded away.

Today as my thoughts return to those days of yesteryear and the countless generations that "owned" the land since the original grant was made to Sherman Adams one hundred and three years ago, it becomes as obvious as sunlight — man is transitory. He cleared the land, he worked the land, he built his home upon it and he labored to bring it to fruition, taking care of the land lovingly. The land in turn gave of itself in response to man's love and tending, offering in turn its seasonal fruit and flowers according to the sundial of the seasons. It was here ahead of man and it will be here after we are gone.

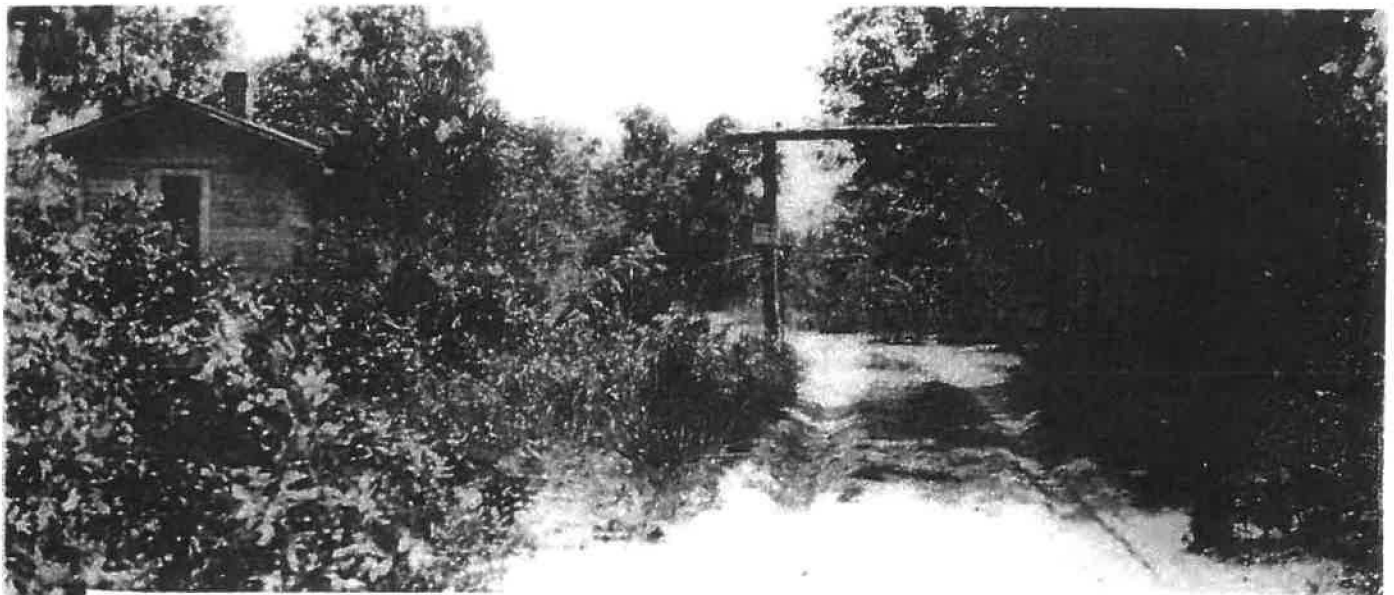
Long years ago they blazed a trail
through lovely woods unknown til then
You cannot see them as of yore,
but "round these woods they were here.
The pines sung soft their nature song
and bearded oaks stood tall and strong.
The lakes were clear with water pure
and fish and game abounded here.
The fields waved bright with goldenrod.
'Twas a place of peace and perfect joy.
The scars are healed that long ago
their ax cut deep on oak and pine.
Now other men have come and gone
and trod a path more plain to see.
They gave their trails another's name
and no one speaks or knows of them.
The woods they roamed are here no more
and they are now back home at last.
They rest in peace beneath these sands
while time and progress go their way.
Now wrapped in Florida sands where they once stood.
they rest in peace because the trail they left was good.
Mourn not for them you see no more.
Mourn not and dry your tears.
But when memories turn to days of old,
each year about this time,
we mortal souls remember them,
and toast them with our finest wine.

This poem was written by General Carlson in 1984 as a dedication to the early settlers of this area and read at the GOLDENROD SETTLERS DINNER that year.



Echo Lodge burning
to the ground.
April 1980





ENTRANCE

Looking South along dirt trail which is called Twin Lakes Drive today. There is a gate house on each side of the road; however, the one on the right is hard to see. The gate houses were long and narrow. The one on the left is located where Marie Furch's house is today. The sign says "Private Property, No Trespassing."

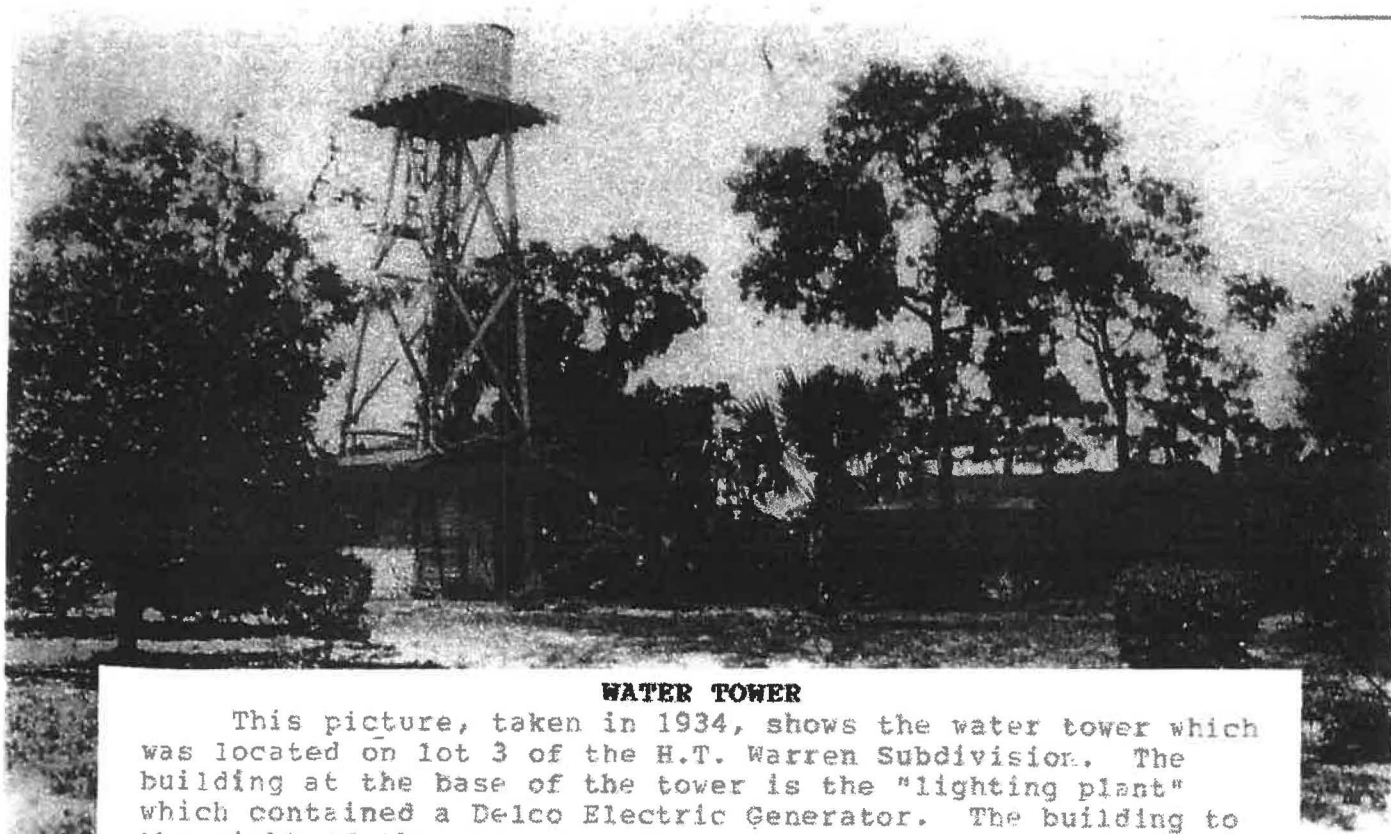


ECHO LODGE

ECHO LODGE was located on the lot owned by Mr. Raffie Ellis today. The lodge burned to the ground in the early 1980s. The live oak in the picture still stands on the property today.



Bill Duckworth and his model
boat. Lake Georgia 1934
Echo Lodge in the background



WATER TOWER

This picture, taken in 1934, shows the water tower which was located on lot 3 of the H.T. Warren Subdivision. The building at the base of the tower is the "lighting plant" which contained a Delco Electric Generator. The building to the right of the tower was the garage.



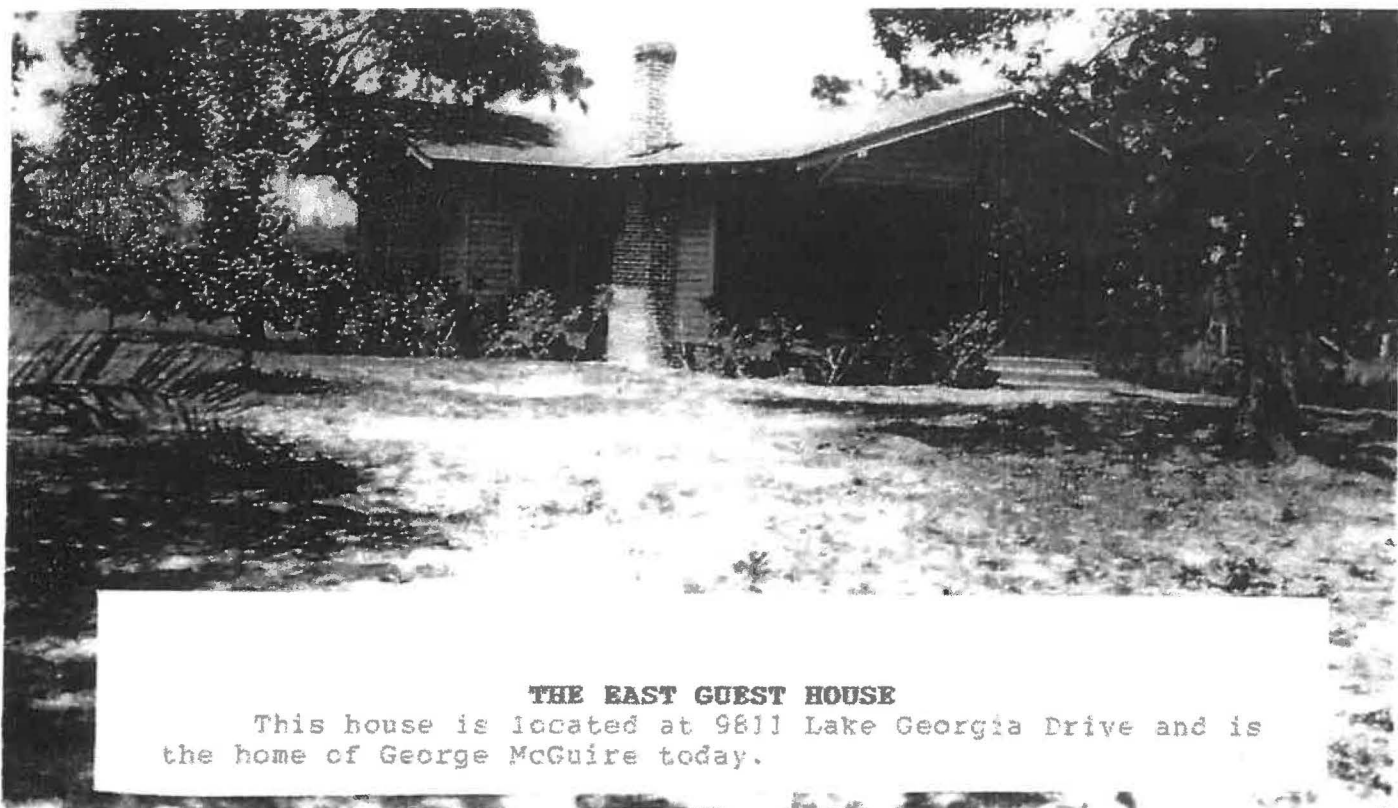
CENTER GUEST HOUSE WITH WEST GUEST HOUSE IN THE BACKGROUND

The center guest house is the house located at 9817 Lake Georgia Drive today and is the home of Mr. Jon E. Imier. The west guest house has been torn down. It was located on the lot where the Bates live today.



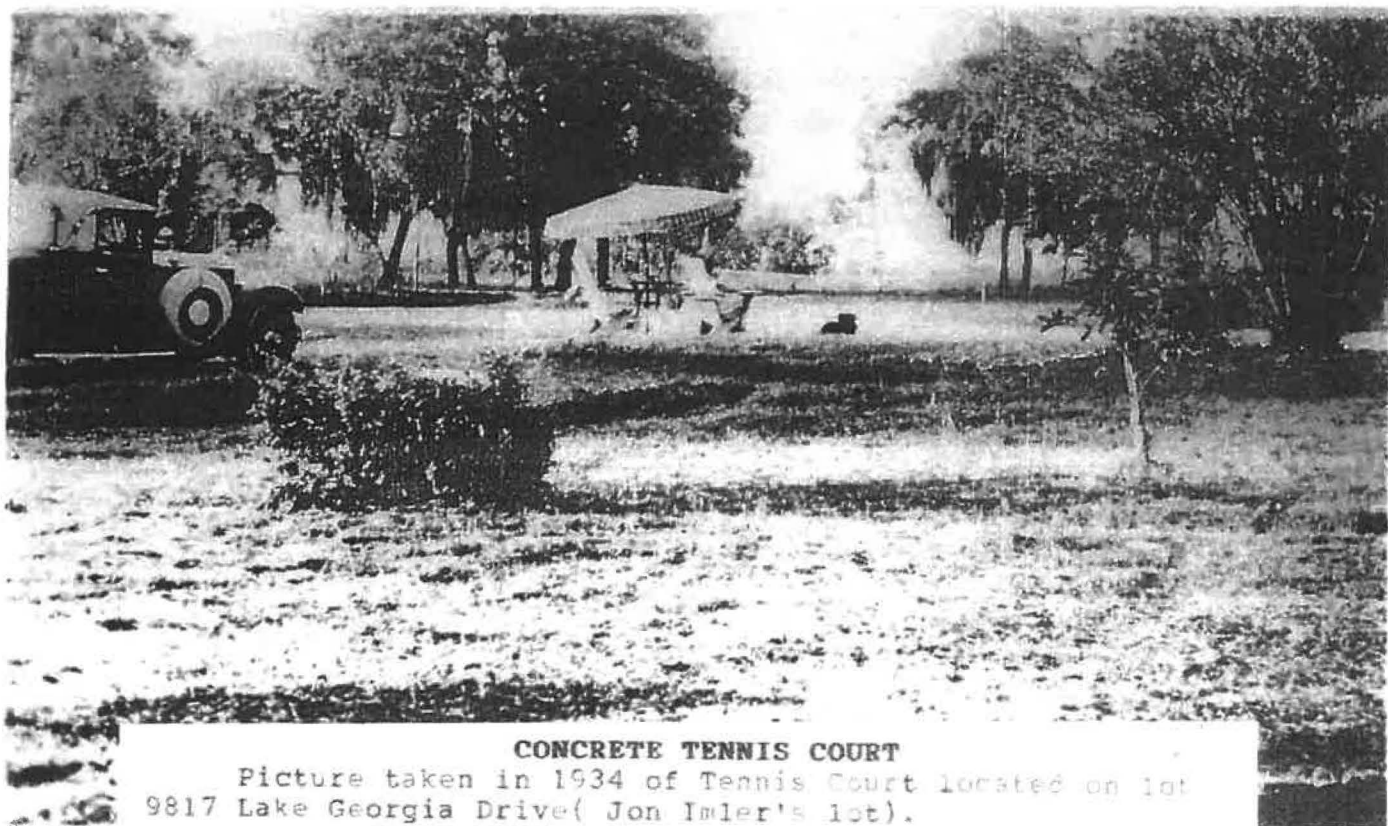
APPROACH TO WEST GUEST HOUSE

Dirt trail leading into west guest house (lot where Bates live today). House on the left is Jon Imier's house.



THE EAST GUEST HOUSE

This house is located at 9811 Lake Georgia Drive and is the home of George McGuire today.



CONCRETE TENNIS COURT

Picture taken in 1934 of Tennis Court located on lot 9817 Lake Georgia Drive(Jon Imler's lot).

Sandhill Cranes, our feathered residents

By: Halil & Dana Berisha (Applicants)
9941 Lake Georgia Drive
Orlando, FL 32817



Re: Permit # BD-21-07-093

February & March is typically the start of nesting season in Florida for Florida native Sandhill Cranes. Sandhill Cranes choose to develop a nest in shallow water approximately 2 feet in diameter on mats of grass and vegetation.

This could happen near anyone's shoreline, near anyone's boat dock. It's not exclusive to the *our* proposed dock site. In fact, in the four years we have lived on Lake Georgia, this is the first season that the Sandhill Cranes have chosen to nest in front of our shoreline. Our family has shared an abundance of joy and excitement having them as guests on our property and hope that the birds will choose to return next season.

The Sandhill Cranes typically lay 1 to 2 eggs and incubation last about 30 days. Each set of parents will only raise one brood per year. Upon hatching, the colts remain in the nest for the first day or two. They then begin to venture out under the protection of their parents and begin taking up residence in a variety of locations. It is not very long before they are away overnight. The parents continue to feed the colts until they're about 8 to 9 months old.

The risk that truly exist for Sandhill Cranes and more especially their colts are raccoons, hawks, owls and oncoming traffic of motor vehicles. Not nesting next to various boat docks around the lake. Also, a risk that is often not thought about by patrons on the lake, is that if the nest does not remain above the water, due to aggressive watercraft activities creating wakes, the embryos will drown inside the egg. Knowing this, when we became aware of our feathered guests and the nest they created within our property lines on February 24, 2022, we immediately had signage made and erected within our property the very next day to attempt to protect and preserve the nest, and to communicate to all private lake owners and their guests navigating the waters of their presence. We love being hosts to our community's beloved Sandhill Cranes.

We have included pictures in this pdf file to demonstrate when we were made aware of their presence, and the protective actions we, the Berishas, took out of an abundance of caution and concern for these beautiful birds and their eggs.


Sandhill Cranes, our feathered residents



2 of 4



Phillip Swain

Feb 24 · 

Sandhill Cranes, our feathered residents

5:19



February 25
1:30 PM

Edit



Sandhill Cranes, our feathered residents

5:19 ↗



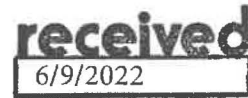
February 25
1:30 PM

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BOAT DOCKS ADD VALUE
Re: Permit BD-21-07-093

From: Halil & Dana Berisha (Applicants)



A home's value increases with the improvement of adding a dock to waterfront property, inadvertently increasing the value of neighboring properties.

As in the example of taxation, when the property appraiser reassesses the property value due to improvements, property taxes go up because the appraised property value went up, not down. Therefore when a competent State licensed Real Estate Sales Associates runs comparable values amongst a group of homes, there is an adjustment to support an increase in value to the subject property that has a boat dock compared to a property with no dock or a smaller dock. Such an increase in value typically results in a higher home sales price.

Also the collective home sales that have occurred within a defined timeframe and in a defined area according to a matrix considered by the banks to use as a factor for issuing mortgages, does attribute to the overall respective housing market value. If one house sells for far more, it increases the average values for other homes in the vicinity.

It is a great value to perspective buyers of lakefront property to buy a home with a boat dock already in existence. As it is a huge investment and task to have one built.

We could safely assume that it was a priority of the Appellants and a sizable consideration when they chose to buy their home at 9945 Lake Georgia Drive which came with a boat dock.

Just like it was a sizable consideration for the Applicants to be able to build the dock they have applied for, on a lake front property which would convey riparian rights, for which they confirmed through their due diligence and consultation with the EPD before purchasing their home at 9941 Lake Georgia Drive.

Should it be considered reasonable that the Appellant's feelings are that their dock adds value but other docks would not? Because indeed, that is not a fact. It would simply be their feeling.

Each home owner has their *feelings* and their *perspectives*, and one does not outweigh the other. Only laws, rules and regulations are enforceable. Not feelings and perspectives. Each and every one of us are free citizens and have the right as Americans to chose where to live and to chose to prosper and develop our property as we desire within the law.



ENVIRONMENTAL PROTECTION DIVISION

David D. Jones, P.E., CEP, Manager

3165 McCrory Place, Suite 200

Orlando, FL 32803

407-836-1400 • Fax 407-836-1499

www.ocfl.net

**ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
June 29, 2022**

**ENVIRONMENTAL
PROTECTION
COMMISSION**

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Peter Fleck

Elaine Imbruglia

Oscar Anderson

Appellants: Phillip and Cheri Swain
Permittees: Halil and Dana Berisha
Permit Number: BD-21-07-093
Location/Address: 9941 Lake Georgia Drive

RECOMMENDATION: Acceptance of the findings and recommendation of the Environmental Protection Officer, and make a finding that issuance of Dock Construction Permit BD-21-07-093 is consistent with Orange County Code, Chapter 15, Article IX and render a recommendation to the Board of County Commissioners of approval for the Halil and Dana Berisha Dock Construction Permit BD-21-07-093. District 5

☒ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS
MADE THE FOLLOWING RECOMMENDATION:

Signature of EPC Chairman: _____

DATE EPC RECOMMENDATION RENDERED: _____

6-29-22