





Interoffice Memorandum

December 22, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Tim Boldig, Interim Director 
Planning, Environmental, and Development
Services Department

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

SUBJECT: January 24, 2023 — Consent Item
Environmental Protection Commission Recommendation for
Request for Waiver for Ronald and Elizabeth Schenk for Dock
Construction Permit BD-22-10-167

The applicants, Ronald and Elizabeth Schenk, are requesting a dock construction permit with approval of a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size). The project site is located at 6211 Greatwater Drive, Windermere, FL 34786 (Parcel ID number 29-23-28-4075-03-980) on Lake Tibet in District 1.

On October 4, 2022, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property and an Application for a Waiver to Section 15-342(b) to increase the allowed terminal platform size from 1,000 to 1,626 square feet. This permit application is being reviewed under the ordinance in effect at the time the application was received, prior to the effective date of the new ordinance on January 1, 2023.

The proposed dock will replace an existing dock, which was approved under Permit #00-176. The existing walkway will be retained, and the terminal platform will be removed and replaced. Based on aerial photographs, the existing dock has an estimated terminal platform size of 870 square feet.

Terminal Platform Size Waiver

Chapter 15, Article IX, Section 15-342(b) of the Code states, "the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of 1,000 square feet." The applicants have a shoreline that measures approximately 151.3 linear feet at the Normal High Water Elevation, allowing for a maximum terminal platform size of 1,000 square feet. The applicants are requesting to construct a new dock with a terminal platform size of 1,626 square feet (626 square feet larger than allowed).

Waiver Criteria

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

To address Section 15-350(a)(2)(1), the applicants' agent (Mr. Kyle Goonen) states, "Requesting a waiver to allow terminal platform square footage up to 1626 sq. ft. Planned boat dock construction will not expand any further into the lake than the current boat dock constructed on property causing no navigational hazard or impacts to current lake users enjoyment rights. There is no vegetation that will be removed or disturbed during construction of the proposed dock."

To address Section 15-350(a)(2)(2), the applicants' agent states, "Side setback minimum requirement of 25ft will be maintained. Dock will not encroach on surrounding property owners land or enjoyment rights and does not impede navigation of others on Lake Tibet. The adjoining property owners have agreed that this does not impact their property rights and are in favor of the proposed dock."

The shading impacts were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicants have agreed to provide mitigation for the additional shading impacts from the oversized terminal platform with a payment of \$1,087 to the Conservation Trust Fund (CTF) if the waiver is approved.

Public Notification and Objection

On October 30, 2022, a Notice of Application for Waiver was sent to all shoreline property owners within a 300-foot radius of the property. Due to delivery issues with United States Postal Service certified mail, EPD was unable to confirm whether one of the notices was received. Accordingly, the notice for which the delivery was unconfirmed was also posted onsite at the neighbor's residence by EPD staff on November 8, 2022.

No objections to the waiver request for terminal platform size have been received from neighboring property owners. However, on November 25, 2022, an objection to the increased roof height was received from an adjacent property owner. The objector, Nicholas Lenoci, Jr. (6227 Greatwater Drive) stated, *"As the owner of the home next door at 6227 Greatwater Dr., I'm concerned that the height of the new structure may impede my view of the lake. I'm not concerned about the size of the dock, only that the new structure appears to be taller than the existing structure. Thus, if the height is now taller than [sic] I reject the request, if its [sic] only a larger structure on the ground floor, then I'm ok."*

In response to the objector's concern, EPD requested the applicants' agent to provide the height of the roof of the existing dock, as neither the finished dock height nor an as-built survey were required to be provided when the dock was originally constructed in 2000.

The applicants' agent states *"As it stands now with the high water level currently, the dock is actually under water at the moment and comes close to this each time a storm occurs. The existing height of the terminal platform where the access walkway meets it, is currently 1" under water today. The client is proposing to build the new terminal platform at exactly 24" above existing to allow for his boat to be lifted out of the water for proper securement [sic] and safety. The roof height is currently 10.4' above the deck currently and the new 2nd story dock will be just a hair shy of the 12' requirement for Orange County at the top of the*

railing. In conclusion, the new peak height of the new dock with railing off the terminal platform, will be raised 3.6' above existing terminal platform." The site plans have a note that states, "Dock roof and 2nd story railings will not be more than 12' above the deck." Accordingly, the proposed roof height will meet the 12-foot maximum allowed by Code. Additionally, as of January 1, 2023 the maximum allowed roof height will increase to 15 feet when the update to Article IX becomes effective. This information was conveyed to Mr. Lenoci.

Further discussion regarding the roof height and design occurred between Mr. Lenoci, the applicants, and their contractor. After their discussions, the roof was redesigned from entirely platform to half tile and half platform, with the tiled section facing Mr. Lenoci's property. The roof height will remain as initially proposed to be less than the maximum allowed 12 feet. Mr. Lenoci indicated he no longer has any issues with the proposed dock plans.

On December 7, 2022, revised plans reflecting the changes to the roof were received by EPD.

On November 29, 2022, the applicants, their agent, and the interested party were sent notices to inform them of the Environmental Protection Commission meeting on December 14, 2022.

Butler Chain of Lakes Advisory Board

Pursuant to Section 15-347(b), EPD sent notice of the waiver request to the Windermere Water and Navigation Control District Advisory Board, which is also known as the Butler Chain of Lakes Advisory Board (BCLAB), on October 4, 2022.

In accordance with 15-347(e), "The Windermere Water and Navigation Control District Advisory Board...may submit to the environmental protection officer a recommendation to approve or deny applications for docks within their jurisdictions. Recommendations shall be approved by a majority of the advisory board at a public meeting, duly noticed and conducted in accordance with the Florida Sunshine Law, section 286.011, Florida Statutes, as may be transferred or amended from time to time. Advisory board recommendations shall be submitted to the environmental protection officer within thirty-five (35) calendar days of receipt of notice."

On October 18, 2022, EPD received a signed letter from the BCLAB stating "The Butler Chain of Lakes Advisory Board at their October 17, 2022 meeting approved a recommendation to oppose this dock application. The basis for this decision is described below. The Terminal Platform in this application is over the maximum size allowed. Zoning Code Article IX, Section 15-342(b) 'The maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of one thousand (1,000) square feet.'" The BCLAB letter does not elaborate on how the request does not meet the waiver criteria in Section 15-350(a)(2).

Enforcement Action

There is no current enforcement action for this property.

EPD Staff Evaluation/Recommendation

Staff evaluated the waiver request for compliance with the criteria for approval. The recommendation of the Environmental Protection Officer is to approve the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicants have demonstrated there will be no negative effects on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections to the increased terminal platform size were received. In addition, Section 15-350(a)(2)(1) was addressed by the applicants' willingness to make a mitigation payment to the CTF to address impacts to the environment due to additional shading from the larger terminal platform size.

Environmental Protection Commission (EPC) Public Hearing

EPD presented the applicants' waiver request to the EPC at their December 14, 2022 public meeting. Ms. Katie O'Neal spoke on behalf of the applicants and stated that there is precedent on the Butler Chain of Lakes for docks with terminal platforms greater than 1,600 square feet in size. Ms. O'Neal also stated that based solely on shoreline length, the allowable square footage for this lot would be approximately 1,800 square feet. EPD staff clarified this would only be true if there were no maximum for terminal platform size in the Code.

Chairman Mark Ausley noted that since there were no objections from abutting shoreline owners, the neighbor's concerns were addressed, and a mitigation payment would be required, he was supportive of the waiver request. EPC Member Peter Fleck stated that the waiver request for terminal platform size was consistent with those approved in the past and he saw no reason to recommend denial.

Based upon evidence and testimony presented at the hearing, the EPC voted unanimously to accept the findings and recommendations of the EPO, and recommended approval of the waiver to Section 15-342(b) (terminal platform size) with the condition that the applicants remit a payment in the amount of \$1,087 to the CTF as mitigation for the additional shading impacts.

ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Commission and approval of the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) to increase the maximum allowable terminal platform size from 1,000 square feet to 1,626 square feet with a mitigation payment of \$1,087 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Ronald and Elizabeth Schenk Dock Construction Permit BD-22-10-167. District 1

JVW/DDJ: jk

Attachments

Application for Dock Construction Waiver



Dock Construction Application for Waiver

BD-22-10-167

District #1

Applicants: Ronald and Elizabeth Schenk

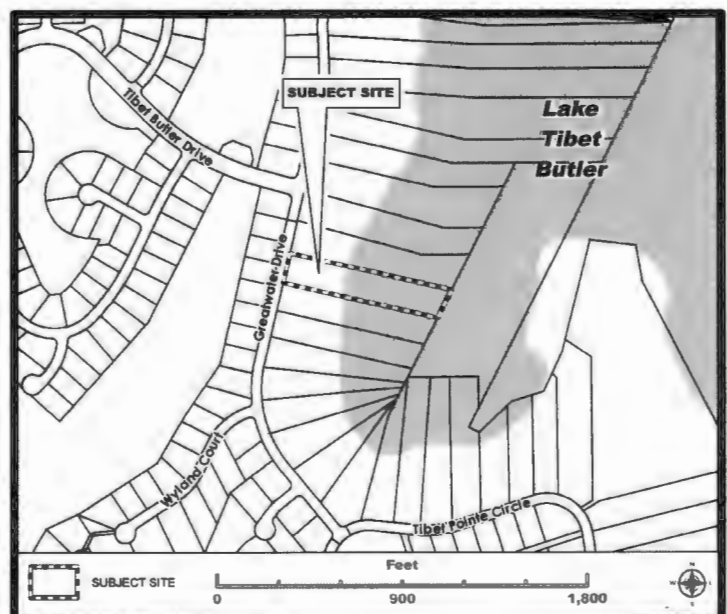
Address: 6211 Greatwater Drive

Parcel ID: 29-23-28-4075-03-980

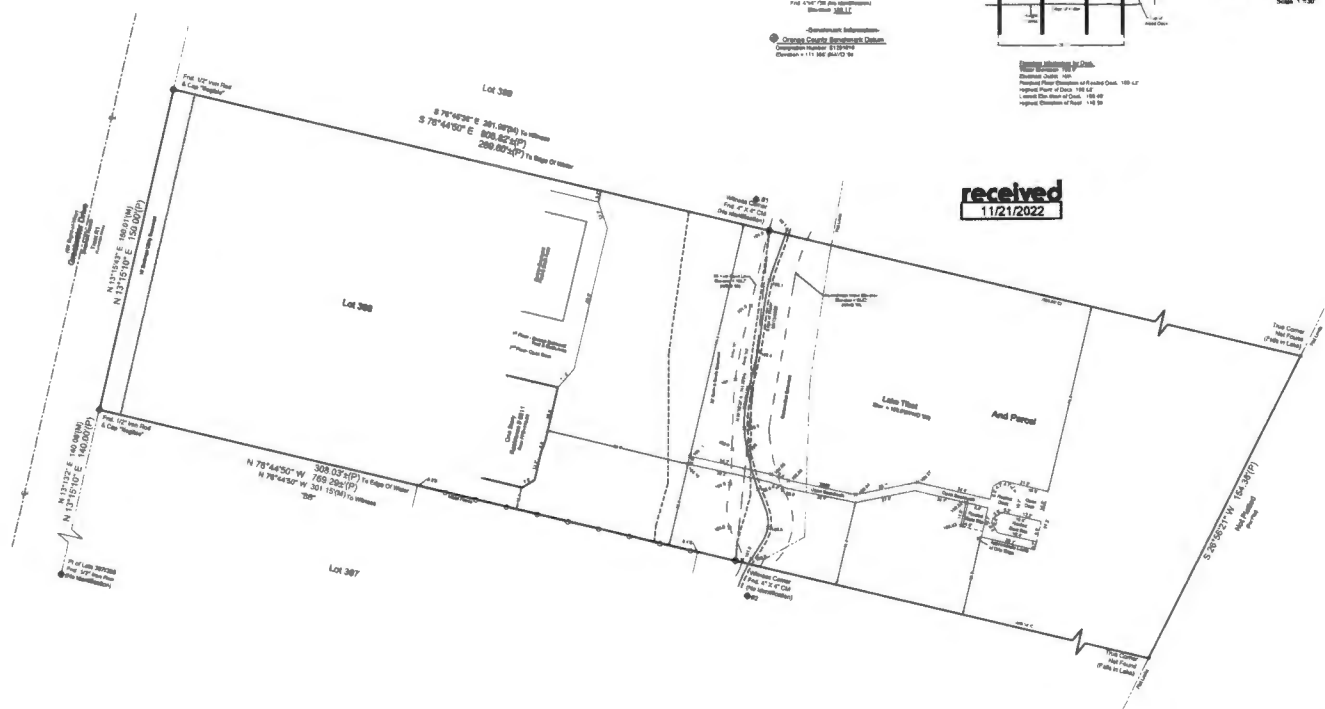
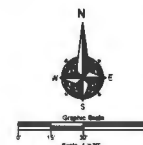
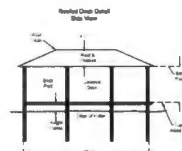
Project Site



Property Location



-**Site Specificity Indicators**
 Fwd 4'-2' Cnt (the Heteroduplex)
 Heteroduplex 100.00
 Fwd 4'-2' Cnt (the Heteroduplex)
 Heteroduplex 100.00
 -**Genomic Indicators**
 Oregon County Benchmark Data
 Construction Number: 11/20/08



received
11/21/2022

Surveyor's Note:

LOT 388, KEENE'S PONTE UNIT 2 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 42, PAGES 118 THROUGH 128 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

BEGAN AT THE NORTHWEST CORNER OF LOT 388, KEESEE'S POINT UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, PAGES 116 THROUGH 126, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE RUN SOUTH 13 DEGREES 15 MINUTES 10 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 388 FOR A DISTANCE OF 183.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 388, THENCE RUN SOUTH 77 DEGREES 44 MINUTES 40 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 388 AND THE EASTERN PROLONGATION THEREOF FOR A DISTANCE OF 790.20 FEET TO A BOUNDARY LINE OF SAID KEESEE'S POINT UNIT 2, THENCE RUN NORTH 38 DEGREES 56 MINUTES 21 SECOND EAST ALONG SAID BOUNDARY LINE FOR A DISTANCE OF 143.36 FEET TO THE EASTERN PROLONGATION OF THE NORTH LINE OF SAID LOT 388, THENCE RUN NORTH 38 DEGREES 56 MINUTES 21 SECOND WEST AND EASTERN PROLONGATION AND THE NORTH LINE OF SAID LOT 388 FOR A DISTANCE OF 248.67 FEET TO THE POINT OF BEGINNING.

FLOOD ZONING
BY REFERENCE TO A ZONING MAP THE LOCAL GOVERNMENT OF MISSISSAUGA, THE PROPERTY APPEARS TO BE LOCATED IN ZONE A2 AND C (WITH A BASE FLOOD ELEVATION OF 182.7).
THIS PROPERTY WAS PLACED IN ORANGE COUNTY COUNCIL'S ZONING MAP 128 IN DATED 2000-05-05

CERTIFIED TO PRESTIGE DECK & DOCK

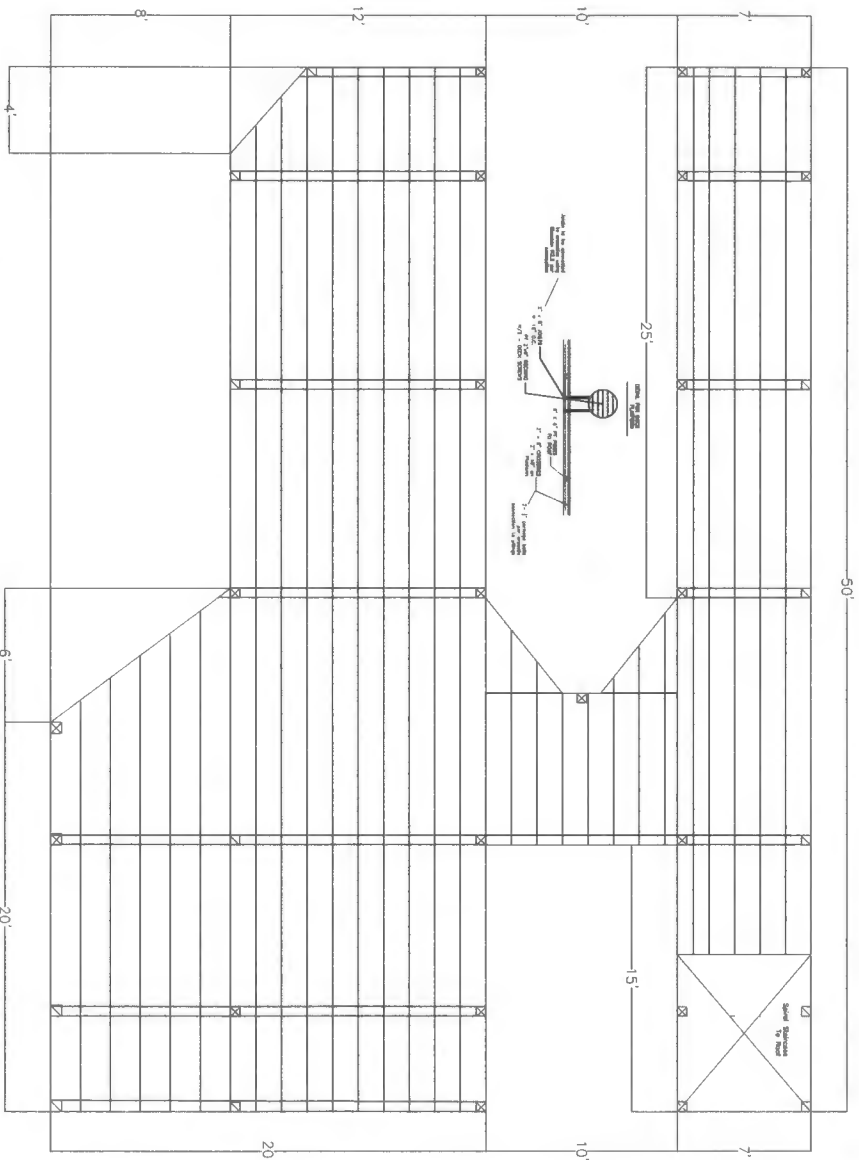
[illegible]

Revised

[illegible]

received
12/7/2022

NOT TO SCALE



PRESTIGE DECK AND DOCK
6211 Greatwater Drive
Windermere, FL 34786

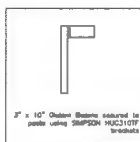
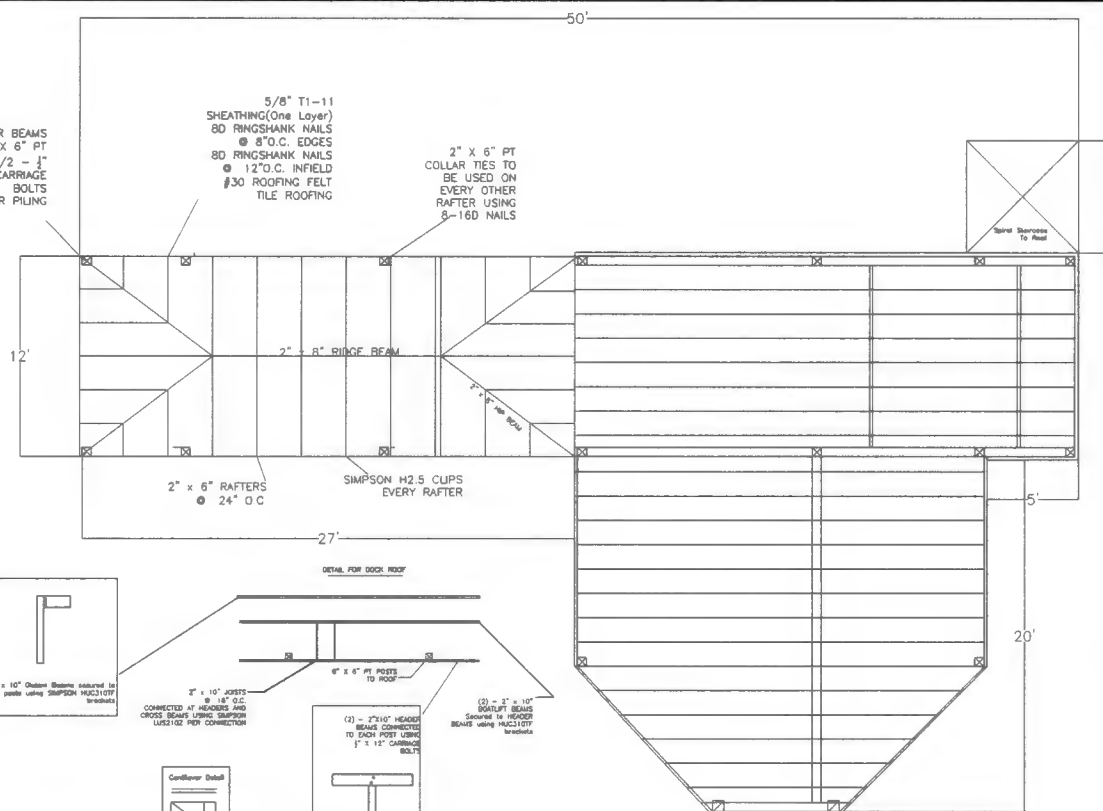
Signature of Manufacturer
6211 Greatwater Drive
Windermere, FL 34786
Phone: 407-734-1450
Fax: 407-734-1450
Certificate of Authorization No.
30560
www.homedepot.com

08/16/22
As Noted
2

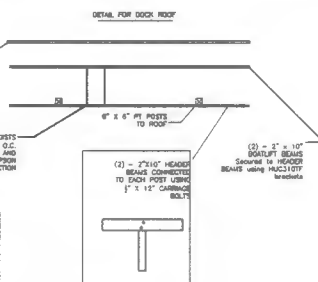
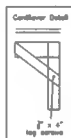
ALL HEADER BEAMS
INTO 6" X 6" PT
POSTS W/ 2 - 1"
X 12" CARRIAGE
BOLTS
PER PILING

5/8" T1-11
SHEATHING (One Layer)
80 RINGSHANK NAILS
@ 8" O.C. EDGES
80 RINGSHANK NAILS
@ 12" O.C. INFIELD
#30 ROOFING FELT
TILE ROOFING

2" X 6" PT
COLLAR TIES TO
BE USED ON
EVERY OTHER
RAFTER USING
8-16D NAILS



2" X 10" JOISTS
@ 16" O.C.
CONNECTED AT HEADERS AND
CROSS BEAMS USING SIMPSON
LUS2102 PER CONNECTION



received
12/7/2022

PRESTIGE DECK AND DOCK
6211 Greatwater Drive
Windermere, FL 34786

For more information:
Engineer: Michael Thompson,
JLS, P.E. (407)509-
1401 Windland Road, Suite A6
Orlando, Florida 32811
Ph: 407-734-1450
Fax: 407-734-1750
Certificate of Authorization No.
30060
www.thomsoneng.com

Project Name and Address

Date: 12/2/22
As Noted



APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR WAIVER

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

Mail or Orange County Environmental Protection Division
Deliver To: 3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

I Kyle Goonen on behalf of Ronald Schenk (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(2) am requesting a waiver to section (choose and circle from the following: 15-342(b), 15-343(b), 15-344(a) and 15-345(a)) of the Orange County Dock Construction Ordinance.

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

Requesting a waiver to allow terminal platform square footage up to 1626 sqft. Planned boat dock construction will not expand any further into the lake than the current boat dock constructed on property causing no navigational hazard or impacts to current lake users enjoyment rights. There is no vegetation that will be removed or disturbed during construction of the proposed dock.

2. Describe the effect of the proposed waiver on abutting shoreline owners:

Side setback minimum requirement of 25ft will be maintained. Dock will not encroach on surrounding property owners land or enjoyment rights and does not impede navigation of others on Lake Tibet. The adjoining property owners have agreed that this does not impact their property rights and are in favor of the proposed dock.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

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 is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: Kyle Goonen

Signature of Applicant/Agent 

Date: 09/11/22

Corporate Title (if applicable): Owner-Prestige Deck & Dock

Windermere Water and Navigation Board Response to Dock Permit Application

Address: 6211 Greatwater Dr, Windermere, FL 34786

Application No: BD-22-10-167

Recommendation: Deny

The Butler Chain of Lakes Advisory Board at their OCT 17, 2022 meeting approved a recommendation to oppose this dock application. The basis for this decision is described below.

1. The Terminal Platform in this application is over the maximum size allowed.
Zoning code Article IX, Sec. 15-342(b)
"The maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of one thousand (1,000) square feet."

Respectfully,



Ijaz Ahmed, Chairman Butler Chain of Lakes Advisory Board

10/17/22

Date

From: nicholaslenocijr@gmail.com
To: [Dragiev, Caroline M](#)
Cc: "[Julie Lenoci](#)"
Subject: Regarding Notice of Application for Variance/Waiver
Date: Friday, November 25, 2022 11:27:21 AM

Caroline, this letter is in regards to a Notice of Application for Variance/Waiver (Project Number BD-22-10-167) on parcel 29-23-28-4075-03-980 at 6211 Greatwater Dr., Windermere, FL 34786 on Lake Tibet-Butler

As the owner of the home next door at 6227 Greatwater Dr., I'm concerned that the height of the new structure may impede my view of the lake. I'm not concerned about the size of the dock, only that the new structure appears to be taller than the existing structure. Thus, if the height is now taller than I reject the request, if its only a larger structure on the ground floor, then I'm ok.

Thanks

Nicholas Lenoci, Jr.
6227 Greatwater Dr.
Windermere, FL 34786
407-766-8692 - cell
407-876-1211 - home







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

ENVIRONMENTAL
PROTECTION
COMMISSION

Mark Ausley
Chairman

Alan Horn
Vice Chairman

Oscar Anderson

Billy Butterfield

Peter Fleck

Elaine Imbruglia

Karin Leissing

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION
December 14, 2022

Project Name: Ronald and Elizabeth Schenk Request for Waiver for Dock Permit

Permit Application Number: BD-22-10-167

Location/Address: 6211 Greatwater Drive, Windermere, FL 34786

RECOMMENDATION: Accept the findings and recommendation of the Environmental Protection Officer, and make a finding that the waiver request is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 1,000 to 1,626 square feet with a payment of \$1,087 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Schenk Dock Construction Permit BD-22-10-167. 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:

Reject the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for waiver is not consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend denial of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 1,000 to 1,626 square feet for the Ronald and Elizabeth Schenk Dock Construction Permit BD-22-10-167. District 1

Signature of EPC Chairman: _____

Mark Ausley

DATE EPC RECOMMENDATION RENDERED: 12/14/2022

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