



## Interoffice Memorandum

### AGENDA ITEM

October 22, 2018

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

FROM: Jon V. Weiss, P.E., Director  
Community, Environmental and Development  
Services Department

CONTACT PERSON: David D. Jones, P.E., CEP, Manager  
Environmental Protection Division  
(407) 836-1405

SUBJECT: December 4, 2018 – Consent Item  
Environmental Protection Commission Recommendation for a  
an After-the-Fact Request for Waiver for the Gregory Moore  
Dock Construction Permit BD-17-08-083

Gregory Moore is requesting approval of an after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) (side setback). The project site is located at 3788 North Econlockhatchee Trail on Lake Irma. The Parcel ID number is 01-22-30-4948-00-321. The subject property is located in District 5.

On September 6, 2017, the Environmental Protection Division (EPD) issued Dock Construction Permit BD-17-08-083. On February 20, 2018, EPD received the as-built survey for the constructed dock. During review of the as-built survey, staff noted that the side setback distance from the dock to the south projected property line was 24.01 feet instead of 25 feet as required by Orange County Code (Code). In order to keep the dock as constructed, an after-the-fact waiver is required. On February 26, 2018, EPD received an Application for Waiver in order to attempt to permit the dock in the constructed location.

Chapter 15, Article IX, Section 15-343(b) of the Code states, "On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver which shall be reviewed by the environmental protection division." The shoreline measures 77 feet; therefore, the side setback requirement is 25 feet from the projected property lines.

Pursuant to Section 15-350(a)(2), "the applicant shall also 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 agent for the applicant states, *"The side setback being 24.01' from the adjacent property owner to the south instead of 25' is not negatively impacting the environment or the adjacent property owner."*

To address Section 15-350(a)(2)(2), the agent for the applicant states, *"This boat dock is not affecting the adjacent abutting shoreline owners on either side. The side setback on the south shore side is 32' and it is 38' on the north side at the shore."*

A Notice of Application for Waiver was sent to the affected property owners to the south, Eloida and Jose Rivas of 3778 North Econlockhatchee Trail, Orlando, Florida 32817, on June 20, 2018. On July 27, 2018, EPD received a written objection from Mr. and Mrs. Rivas. The letter states that the dock, *"blocks the North side view of the Lake from my backyard as we use to have."* The letter also states, *"It depreciates our property value."* On July 30, 2018, EPD also received an objection letter from Sanchez Law Group, P.A., who represents Mr. and Mrs. Rivas. The letter from the Rivas' counsel states, *"the 24-foot side setback will negatively affect not only their view of the lake, but the value of the home they intend to retire in...In addition to the obstruction of our Client's view to the lake, our Clients were considering constructing a dock of their own, and if they were to agree to Mr. Moore's Waiver, our Clients would be forced to offset their dock, resulting in possible issues with the adjacent home."*

EPD staff presented the proposed waiver request to the Environmental Protection Commission (EPC) during the September 26, 2018 public hearing. The dock only encroaches into the required setback by 0.99 foot, and staff would have typically recommended approval for such a *de minimis* encroachment; however, since EPD received an objection from the adjacent neighbor, the recommendation of the Environmental Protection Officer (EPO) was to deny the after-the-fact request for waiver to Section 15-343(b) (side setback).

At the hearing, the EPC members agreed that the dock contractor was to blame for the dock being constructed almost one foot into the required 25-foot setback. After seeing photos of the constructed dock and after hearing testimony from the Rivas' counsel and Mr. Moore, the EPC decided the impact to the neighboring property owner was minor. A motion was made to reverse the decision of the EPO and approve the request. All members present voted to approve the after-the-fact waiver for side setback.

**ACTION REQUESTED:**            **Acceptance of recommendation of the Environmental Protection Commission to approve the after-the-fact request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b) (side setback) for the Gregory Moore Dock Construction Permit BD-17-08-083. District 5**

# Dock Construction Application for Waiver



## Dock Construction Application for Waiver BD-17-08-083 District #5

**Applicant:** Gregory Moore

**Address:** 3788 N. Econlockhatchee Tr.

**Parcel ID:** 01-22-30-4948-00-321

**Project Site**

**Property Location**



Certified to:  
 Gregory R. Moore; Leading Edge Title Partners of Central Florida,  
 LTD; Fidelity National Title Insurance Company; Navy Federal Credit  
 Union, its successors and/or assigns.

Received

AUG 18 2017

Orange County

Environmental Protection Division

LOCATION SKETCH  
 NOT TO SCALE

TURBIDITY  
 BARRIER

Minimum Side Setbacks - (1) 25' (2) 25'  
 Maximum Terminal Platform size - 760 sq. ft.  
 Maximum Water Depth - 5 feet  
 Maximum Roof Height above floor - 12 feet  
 Minimum Dock Height above the NHWE - 1 foot  
 Minimum Deck Height above Conserv. Area - min. 3 feet  
 Maximum width of walkway - 5 feet

PARCEL ID:  
 22-30-4948-00-310

LOT 31

ONE STORY  
 RESIDENCE

LOT 32

NORTH (ASSUMED) 77.00'(D)  
 77.08'(M)

PARCEL ID:  
 01-22-30-4948-00-332

APPROVED BY THE  
 ORANGE COUNTY  
 ENVIRONMENTAL PROTECTION DIVISION  
 DATE: 9/5/2017  
 INITIAL: AK

BD-17-08-083

Property Address:  
 3788 North Econlockhatchee Trail  
 Orlando, FL 32817

Survey number: SL 139148

NORTH ECONLOCKHATCHEE TRAIL

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.

# LEGEND

4" Chain Link Fence	C.M.	Concrete Monument	O.R.B.	Official Records Book
6" Chain Link Fence	D.	Description or Deed	P.G.	Page
4" PVC Fence	D.B.	Deed Book	P.V.M.T.	Pavement
6" PVC Fence	D.E.	Drainage Easement	P.C.P.	Permanent Control Point
4" Wood Fence	D.H.	Drill Hole	P.R.M.	Permanent Reference Monument
6" Wood Fence	D.U.E.	Drainage & Utility Easement	P.	Point
Overhead Utilities	D/W	Driveway	P.B.	Plot Book
Power Pole	E.B.M.T.	Easement	P.O.B.	Point of Beginning
Water Meter	E.O.P.	Edge of Pavement	P.O.C.	Point of Commencement
Asphalt	E.O.W.	Edge of Water	P.C.C.	Point of Compound Curve
Block Wall	ENCR	Encroachment	P.C.	Point of Curvature
Brick	EXIST	Existing Elevation	P.I.	Point of Intersection
Centerline	F	Field	P.R.C.	Point of Reverse Curvature
Central Angle/Delta	FD	Found	P.T.	Point of Tangency
Concrete	FD N&D	Found Nail & Disk	P.O.L.	Point on Line
Covered Area	F.C.M.	Found Concrete Monument	Rad	Radius (Rectified)
Line Break Not to Scale	F.I.P.	Found Iron Pipe	R	Record
Air Conditioning	F.L.R.	Found Iron Rod	R/W	Right of Way
Bearing Reference	L	Length	S.J.R.	Set Iron Rod & Cap
B.M.	L.B.	Licensed Business	S/W	Sidewalk
CATV	M	Field Measured	TEL	Telephone Facilities
C	N.H.	Manhole	T.O.B.	Top of Bank
C.L.F.	N&D	Nail & Disk	TX	Transformer
Chain Link Fences	N.R.	Non Rectified	TYP.	Typical
Ch	N.T.S.	Not to Scale	U.E.	Utility Easement
C.B.	O.R.	Official Records	W.C.	Witness Corner
CONC.				

# GENERAL NOTES

- Legal description provided by others.
- The lands shown herein were not abstracted for easements or other recorded encumbrances not shown on the plat.
- Underground portions of footings, foundations or other improvements were not located.
- Well ties are to the face of the well.
- Only visible encroachments located.
- No identification found on property corners unless noted.
- Dimensions shown are plat and measured unless otherwise noted.
- This is a BOUNDARY SURVEY.
- Not valid unless sealed and signed by the surveyors embodied seal.
- Where plat or deed bearing is referred to measured, this shall govern the basis of bearings, unless noted otherwise.
- All lines are not radii unless otherwise noted.
- Recertification does not apply to this survey.
- Unless otherwise noted, flood zone information provided by others.
- Septic tank and/or drainfield locations are approximate and MUST be verified by appropriate utility location companies.
- The closure of structures may not be precise due to imperfections and decorative floras.
- Poles and/or poles may be drawn as an approximation and not fully dimensioned due to irregular shape.
- The location, extent or existence of riparian rights is not addressed herein.
- Survey is for reference only unless signed and sealed by a Registered Land Surveyor.
- The survey meets all applicable accuracy standards.
- This survey is in accordance with the minimum technical standards promulgated by the Board of Professional Land Surveyors, State of Florida Administrative Code, Section 12C-2.00, Florida Statutes.

I hereby certify that this survey was made and reduced to horizontal position under my direction.

Ralph Swarthoff


Registered Land Surveyor No. 3411  
 L.S. 7132



## Interoffice Memorandum

**September 13, 2018**

**To:** Environmental Protection Commission

**From:** David D. Jones, P.E., CEP, Manager  
Environmental Protection Division 

**Subject:** **Gregory Moore Request for an After-the-Fact Waiver for Dock Construction Permit BD-17-08-083**

### **Reason for Public Hearing**

Gregory Moore is requesting approval of an after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b), side setback.

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

The project site is located at 3788 North Econlockhatchee Trail, Orlando, Florida 32817. The Parcel ID number is 01-22-30-4948-00-321. The subject property is located on Lake Irma in District 5.

### **Public Notifications**

The applicant, agent, and objectors were notified of the September 26, 2018 meeting of the Environmental Protection Commission in accordance with the requirements of Orange County Code, Chapter 15, Article IX.

### **History**

On September 6, 2017, EPD issued Dock Construction Permit BD-17-08-083. On February 20, 2018, EPD received the as-built survey of the constructed dock. During review of the as-built survey, staff noted that the side setback distance from the dock to the south projected property line was 24.01 feet instead of 25 feet as required by Orange County Code (Code). In order to keep the dock as constructed, an after-the-fact waiver is required. On February 26, 2018, EPD received an Application for Waiver in order to permit the dock in the constructed location.

### **Side Setback Waiver**

Chapter 15, Article IX, Section 15-343(b) of the Code states, "On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver which shall be reviewed by the environmental protection division." The shoreline measures 77 feet; therefore, the side setback requirement is 25 feet from the projected property lines. The as-built survey that was received depicts the side setback distance to the south projected property line at 24.01 feet.

Pursuant to Section 15-350(a)(2), "the applicant shall also 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 agent for the applicant states, "*The side setback being 24.01' from the adjacent property owner to the south instead of 25' is not negatively impacting the environment or the adjacent property owner.*"

To address Section 15-350(a)(2)(2), the agent for the applicant states, "*This boat dock is not affecting the adjacent abutting shoreline owners on either side. The side setback on the south shore side is 32' and it is 38' on the north side at the shore.*"

### **Objection**

A Notice of Application for Waiver was sent to the affected property owners to the south, Eloida and Jose Rivas of 3778 North Econlockhatchee Trail, Orlando Florida 32817, on June 20, 2018. On July 27, 2018, EPD received a written objection from Mr. and Mrs. Rivas. The letter states that the dock, "*blocks the north side view of the lake from my backyard as we used to have.*" The letter also states, "*It depreciates our property value.*" On July 30, 2018, EPD also received an objection letter from Sanchez Law Group, P.A., who represents Mr. and Mrs. Rivas. The letter from the Rivas' counsel states, "*the 24-foot side setback will negatively affect not only their view of the lake, but the value of the home they intend to retire in...In addition to the obstruction of our Client's view to the lake, our Clients were considering constructing a dock of their own, and if they were to agree to Mr. Moore's Waiver, our Clients would be forced to offset their dock, resulting in possible issues with the adjacent home.*"

### **Enforcement Action**

A \$200 penalty has been assessed for the dock not being constructed according to the permit specifications.

### **Staff Recommendation**

The dock is only encroaching into the required setback by 0.99 foot, and staff would typically recommend approval for such a *de minimis* encroachment; however, since EPD has received an objection from the adjacent neighbor, the recommendation of the Environmental Protection Officer is to deny the after-the-fact request for waiver to Section 15-343(b) (side setback).

**ACTION REQUESTED:** Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(b), deny the after-the-fact request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-343(b), for the Moore Dock Construction Permit BD-17-08-083.

JR/NT/TMH/ERJ/DJ: gfdjr/mg

Attachments



**AFFECTED ADJACENT PROPERTY OWNER  
NOTARIZED STATEMENT OF  
NO OBJECTION TO BOAT DOCK**

As required by Section 15-343 of Orange County Code, the Environmental Protection Officer shall send notices by certified mail to the owners of the shoreline properties abutting the property on which the proposed boat dock is to be located. In cases where the nature of the shoreline is such that additional property owners will be affected, the environmental protection officer may send notices to those property owners as well. In the alternative, the applicant, at his option, may supply notarized letters of no objection from each of the affected adjacent property owners.

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code.

I, Eloida Rivas or Jose Rivas Sr., residing at 3778 N ECONLOCKHATCHEE TRL, on  
(Affected Adjacent Property Owner Name) (Address)

Lake Lake Irma, have reviewed my adjacent property owner's proposed  
(Name of Lake)  
boat dock construction plan and have no objection to the project. Request to reduce side setback from 25' to 24'.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print Name)

NEVER SIGNED.

**ACKNOWLEDGEMENT:**

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 01, by  
\_\_\_\_\_.

(NOTARY SEAL)

\_\_\_\_\_  
(Signature of Notary Public – State of Florida)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_



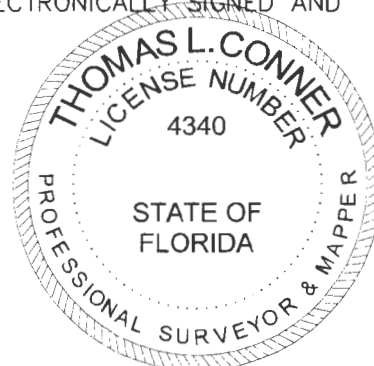
# LEGAL DESCRIPTION

THE NORTH 77.00 FEET OF LOT 32, LAKEWOOD PARK, AS RECORDED IN PLAT BOOK "Q", PAGE 88, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

## SURVEY REPORT

1. THIS ASBUILT SURVEY WAS PREPARED BY THOMAS L. CONNER, 5424 SOUTH BRACKEN COURT, WINTER PARK, FLORIDA, FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THIS SURVEY IS FOR THE SPECIFIC PURPOSE OF REFLECTING THE ASBUILT LOCATION AND ELEVATION OF A NEWLY CONSTRUCTED BOAT DOCK. THIS SURVEY IS BASED ON SURVEY BY OTHERS AS RECOVERED IN THE FIELD. NO EXISTING IMPROVEMENTS HAVE BEEN LOCATED OR SHOWN.
3. NOT A BOUNDARY SURVEY, ASBUILT SURVEY ONLY. ALL BOUNDARY INFORMATION SHOWN HEREON IS TAKEN FROM A BOUNDARY SURVEY BY SWERDLOFF & PERRY SURVEYING, INC. DATED 04/09/14 AS PROVIDED TO THE UNDERSIGNED AND RELIED UPON IN ITS ENTIRETY AS RECOVERED IN THE FIELD. THE BOUNDARY DIMENSIONS SHOWN ARE THE "MEASURED" DIMENSIONS REPORTED BY SAID SURVEY.
4. NO UNDERGROUND FEATURES, INCLUDING UTILITIES AND FOOTERS HAVE BEEN SHOWN.
5. BEARINGS ARE BASED ON THE NORTH LINE OF THIS PARCEL AS BEING ASSUMED S90°00'00"E. THE REMAINING BOUNDARY BEARINGS ARE DERIVED FROM THE INTERIOR ANGLES SHOWN ON THE BOUNDARY SURVEY REFERENCED ABOVE.
6. ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AS PERPETUATED BY ORANGE COUNTY BENCHMARK A1575011 HAVING A PUBLISHED ELEVATION OF 56.44 (NAVD88).
7. THE LAST DAY IN THE FIELD WAS FEBRUARY 16, 2018.
8. THE NORMAL HIGH WATER LINE FOR LAKE IRMA WAS TAKEN FROM THE ORANGE COUNTY, FLORIDA "LAKE FACT SHEET" FOR LAKE IRMA FOUND IN THE COUNTY ON-LINE DATABASE.
9. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN FLORIDA ADMINISTRATIVE CODE RULE 5J-17.05 PURSUANT TO FLORIDA STATUTE 472, FOR AN AS ASBUILT OR RECORD SURVEY.
10. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (EXCEPT WHERE ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH STATE STATUTE).

THOMAS L. CONNER  
FLORIDA LICENSED SURVEYOR AND MAPPER NUMBER LS4340



This item has been electronically signed & sealed by Thomas L. Conner Florida Licensed Surveyor and Mapper on the date and time shown. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

The seal appearing on this document was authorized by Thomas L. Conner.

SEE SHEET 2 OF 2 FOR MAP OF SURVEY.

DATE 2/19/18  
SCALE 1" = 20'  
DRAWING 20679AB  
PROJECT 20679  
1 OF 2  
SHEET NUMBER

ASBUILT SURVEY  
BOAT DOCK / LAKE IRMA  
3788 NORTH ECONLOCKHATCHEE TRAIL  
ORLANDO, FLORIDA  
PREPARED FOR  
GREGORY R. MOORE

THOMAS L. CONNER, PSM  
SURVEY AND MAPPING CONSULTANT  
5424 SOUTH BRACKEN COURT  
WINTER PARK, FLORIDA 32792-9405  
TELEPHONE: (407) 538-9137  
FLORIDA LICENSED SURVEYOR AND MAPPER  
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS  
LICENSE NUMBER LS0004340



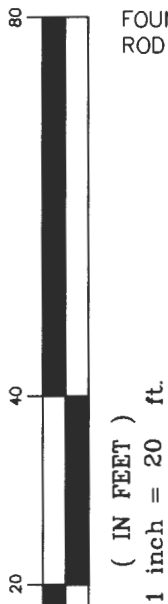
NORTH

WOOD DOCK STRUCTURE WITH  
COMPOSITE DECK AND SHINGLED ROOF  
- TOP OF DECK IS 1.06 ABOVE NHWE  
- HEIGHT OF LOWEST ROOF EAVE  
STRUCTURE IS 7.03' ABOVE TOP OF DECK  
- TOP PEAK OF ROOF IS 11.98' ABOVE DECK

LAKE IRMA

WATER ELEVATION =  
52.43 2/16/18  
NORMAL HIGH WATER  
ELEVATION = 54.74 (NAVD88)  
(PER ORANGE COUNTY LAKE FACT SHEET)

REFERENCE POINT 1  
MAGNETIC NAIL SET  
IN CONCRETE RAMP  
ELEVATION = 54.24 (NAVD88)



FOUND 1/2" IRON  
ROD NO NUMBER

N89°53'09"W

N00°07'48"W

121.23'  
REFERENCE LINE

117.44'

CORNER OF HOUSE

58.14

CONC PATIO FOUNDATION  
ELEVATION =  
58.47 (NAVD88)

ORANGE COUNTY TAX PARCEL  
NUMBER 01-22-30-4948-00-321

EXISTING IMPROVEMENTS  
NOT LOCATED OR SHOWN

REFERENCE POINT 2  
MAGNETIC NAIL SET  
IN CONCRETE DRIVE  
ELEVATION = 57.85 (NAVD88)

S00°09'59"E 77.08'

S90°00'00"E 107.40'

CONCRETE WALL  
ON CORNER

FOUND 1/2" IRON  
ROD NO NUMBER

LEGEND:

NHWE = NORMAL HIGH WATER  
ELEVATION  
NAVD88 = NORTH AMERICAN VERTICAL  
DATUM OF 1988

ECONLOCKHATCHEE TRAIL

DATE 2/19/18  
SCALE 1" = 20'  
DRAWING 20679AB  
PROJECT 20679  
2 OF 2  
SHEET NUMBER

ASBUILT SURVEY  
BOAT DOCK / LAKE IRMA  
3788 NORTH ECONLOCKHATCHEE TRAIL  
ORLANDO, FLORIDA  
PREPARED FOR  
GREGORY R. MOORE

THOMAS L. CONNER, PSM  
SURVEY AND MAPPING CONSULTANT  
5424 SOUTH BRACKEN COURT  
WINTER PARK, FLORIDA 32792-9405  
TELEPHONE: (407) 538-9137  
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BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS  
LICENSE NUMBER LS0004340



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## APPLICATION TO CONSTRUCT A BOAT DOCK APPLICATION FOR WAIVER

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

**Mail or** Orange County Environmental Protection Division  
**Deliver To:** 800 Mercy Drive, Suite 4  
Orlando, Florida 32808  
(407) 836-1400, Fax (407) 836-1499

I Heidi Nezu on behalf of Greg Moore (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:

The Side Setback being 24.01' from the adjacent property owner to the South instead of 25' is not negatively impacting the environment or the adjacent property owner.

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

This boat dock is not affecting the adjacent abutting shoreline owners on either side. The Side setback on the South shore side is 32' and it is 38' on the North side at the shore.

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: Heidi Nezu  
Signature of Applicant/Agent Heidi Nezu Date: 02/26/2018  
Corporate Title (if applicable): \_\_\_\_\_



**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](http://www.ocfl.net)

**CERTIFIED MAIL: 91 7199 9991 7037 1901**

June 20, 2018

Eloida and Jose Rivas  
8944 Lake Irma Point  
Orlando, FL 32817-1661

**NOTICE OF APPLICATION**  
**FOR WAIVER**

In accordance with the rules and regulations that have been adopted by Orange County, the Environmental Protection Division (EPD) hereby notifies you that an application to construct a dock has been received for the following property:

**Applicant: Gregory Moore**  
**Subject Site Address: 3788 N Econlockhatchee Trail**  
**Dock Construction Permit: BD-17-08-083**  
**Lake Name: Irma**  
**Orange County Commission District: 5**

The applicant, Gregory Moore, is requesting an after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-343 (b) (side setback). He is requesting approval to keep his dock constructed with a 24 foot side setback instead of 25 feet as required by the permit.

Any objections must be in writing and must be received by the Orange County EPD located at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, within thirty-five (35) calendar days of receipt of this notice.

All permits and permit applications are public documents that are available for examination by citizens. You are welcome to view any of these records during regular business hours at EPD or you can view these records online at <https://fasttrack.ocfl.net>. If you choose to come to the EPD office to view records it may be convenient to call in advance to arrange an appointment.

If you should have any questions concerning this review, please contact me at (407) 836-1496.

Sincerely,

A handwritten signature in black ink, appearing to read "Aimee Krivan".

Aimee Krivan  
Senior Environmental Specialist

AK/NT/IN/ERJ gfdjr

C: Albert Cichra Builders, [cichra@bellsouth.net](mailto:cichra@bellsouth.net)

RECEIVED  
O.C. ENVIRONMENTAL  
PROTECTION DIVISION

2018 JUL 27 PM 12: 05

JOSE & ELOILDA RIVAS

July 23, 2018

Orange County EPD  
3165 McCrory Place  
Suite 200, Orlando  
Florida 32803

**Re: NOTICE OF APPLICATION FOR WAIVER**

This letter is in response to your Certified Mail dated June 20, 2018; my husband and me are the owners of the property located at 3778 N. Econlockhatchee Trail, Orlando 32817. **"Affected Adjacent Property Owners"**.

Our property is next to the residence of the Applicant Gregory Moore, Dock Construction Permit: BD-17-08-083. He is requesting an after-the- fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-343 (b) (side setback). He is requesting **APPROVAL** to keep his dock constructed with a 24-foot side setback instead of 25 feet as required by the permit.

We have a reasonable objection to this **APPROVAL**, and the reason is that it blocks the North side view of the Lake from my backyard as we use to have. (Pictures of views you have on record were not taken from my property because she said had no permission to go in. She never asked either, the backyard has no fence, and it was a testimony of an officer from your department when I inquired about the pictures.

Its depreciates our property value.

**We have already discuss with the Applicant about our OBJECTION when REFUSED to sign THE AFFIDAVIT OF AFFECTED ADJACENT PROPERTY OWNER NOTARIZED STATEMENT OF NO OBJECTION TO BOAT DOCK.**

We bought this property 14 years ago as a project for our retirement home. Actually we are working on it.

Enclosed is a copy of the **APPLICATION TO CONSTRUCT A BOAT DOCK, APPLICATION FOR WAIVER**, filled on February 26, 2018, from a person named Heidi Nezu, where she testifies that the difference of the South side Setback is not negatively impacting the environment or the adjacent property owner.

**Could you investigate this APPLICATION FOR WAIVER?**

How could a person that understand that knowingly making any false statements or representation in this application is a violation of Section 15-341 & 15-342, Orange County Code. And even after the applicant Gregory Moore came to my house forcing me to sign the **NOTARIZED STATEMENT OF NO OBJECTION TO BOAT DOCK**.

We will really appreciate your prompt assistance in this case, do not hesitate to contact me with any further information you might have. Thanks (407) 9271104 Sonabuc5@aol.com

Sincerely,  
Eloilda Rivas

**ATTORNEYS**  
Desiree Sanchez  
*Admitted in New York & Florida*

Daniel C. De Liguori  
Vanessa Thomas



**SANCHEZ**  
**LAW GROUP, P.A.**

**ORLANDO (MAIN OFFICE)**  
**REPLY TO THIS ADDRESS**  
605 East Robinson St, Suite 650  
Orlando, FL 32801  
Telephone: (407) 236-0502  
Fax: (407) 236-0444

**KISSIMMEE**  
417 Bryan Street  
Kissimmee, FL 34741  
Telephone: (407) 933-4357  
Fax: (888) 224-0664

July 24, 2018

**VIA USPS PRIORITY MAIL**

Orange County EPD  
3165 McCrory Place, Suite 200  
Orlando, Florida 32817

**RE:                    Objection to Application for Waiver**

Dear Sir or Madam:

Our firm represents the interests of Mr. Jose Rivas, and Mrs. Elaida Rivas, hereinafter ("Clients"), in regards Mr. Gregory Moore's, ("Mr. Moore"), Application for Waiver as it pertains to the above-mentioned property. Our office is in receipt of the Orange County Environmental Protection Division, ("Orange County EPD"), letter dated June 20, 2018. The letter from Orange County EPD's office was received by our Client's on June 30, 2018, thus receipt of our Client's objection to the Application for Waiver is timely. A copy of the letter has been enclosed.

As you are aware our Client's are the owners of the property located at 3778 N. Econlockhatchee Trail, Orlando, Florida 32817. Please allow this letter to serve as our Client's formal objection to Mr. Moore's Application for an after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-343 (b) (side setback). Though Mr. Moore is only requesting approval to keep his dock constructed with a 24-foot side setback instead of the required 25 feet, our Clients feel that the 24-foot setback will negatively affect not only their view of the lake, but the value of the home they intend to retire in.

In addition to the obstruction of our Clients' view to the lake, our Clients were considering constructing a dock of their own, and if they were to agree to Mr. Moore's Waiver, our Clients would be forced to offset their dock, resulting in possible issues with the adjacent home. Therefore, Mr. & Mrs. Rivas respectfully object to Mr. Moore's Request for Waiver, and request that Mr. Moore be ordered to comply with the Orange County Code, Chapter 15, Article IX, Section 15-343 (b) (side setback).

If you have any questions in regards to this matter, please contact our office. **Please govern yourself according.**

Best Regards,



Daniel C. De Liguori, Esquire



**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](http://www.ocfl.net)

**CERTIFIED MAIL: 91 7199 9991 7037 1901**

June 20, 2018

Elaida and Jose Rivas  
8944 Lake Irma Point  
Orlando, FL 32817-1661

**NOTICE OF APPLICATION**  
**FOR WAIVER**

In accordance with the rules and regulations that have been adopted by Orange County, the Environmental Protection Division (EPD) hereby notifies you that an application to construct a dock has been received for the following property:

**Applicant: Gregory Moore**  
**Subject Site Address: 3788 N Econlockhatchee Trail**  
**Dock Construction Permit: BD-17-08-083**  
**Lake Name: Irma**  
**Orange County Commission District: 5**

The applicant, Gregory Moore, is requesting an after-the-fact waiver to Orange County Code, Chapter 15, Article IX, Section 15-343 (b) (side setback). He is requesting approval to keep his dock constructed with a 24 foot side setback instead of 25 feet as required by the permit.

Any objections must be in writing and must be received by the Orange County EPD located at 3165 McCrory Place, Suite 200, Orlando, Florida 32803, within thirty-five (35) calendar days of receipt of this notice.

All permits and permit applications are public documents that are available for examination by citizens. You are welcome to view any of these records during regular business hours at EPD or you can view these records online at <https://fasttrack.ocfl.net>. If you choose to come to the EPD office to view records it may be convenient to call in advance to arrange an appointment.

If you should have any questions concerning this review, please contact me at (407) 836-1496.

Sincerely,

Aimee Krivan  
Senior Environmental Specialist

AK/NT/TN/ERJ gfdjr

C: Albert Cichra Builders, [cichra@bellsouth.net](mailto:cichra@bellsouth.net)



# OCPA Web Map

	Major Roads		Residential		Parks	6	Lot Number
	Public Roads		Agriculture		Lakes and Rivers	06060	Parcel Number
	Gated Roads		Commercial/Institutional		Building	3106	Parcel Address
	Road Under Construction		Governmental/Institutional/Misc		Block Number	111.9	Parcel Dimension

