

Interoffice Memorandum

DATE: February 13, 2026

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

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

CONTACT: Elizabeth R. Johnson, MPA, CEP, PWS, Acting Manager, Environmental Protection Officer



Elizabeth R. Johnson

PHONE: (407) 836-1511

DIVISION: Environmental Protection Division

ACTION REQUESTED:

Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of the After-the-Fact Shoreline Alteration/Dredge and Fill Permit SADF-25-08-024 for Simon Living Trust subject to the conditions listed in the staff report. District 2 (Environmental Protection Division)

PROJECT: March 24, 2026, Public Hearing - Request for an After-the-Fact Shoreline Alteration/Dredge and Fill Permit for Simon Living Trust (SADF-25-08-024)

PURPOSE: The applicant, Simon Living Trust, is requesting an After-the-Fact Shoreline Alteration/Dredge and Fill permit for a vinyl seawall constructed less than one foot waterward of an existing concrete wall along the shoreline of Lake Ola including riprap and native plantings at 7012 Lake Ola Drive, Mount Dora, FL, 32757; Parcel ID No. 08-20-27-4706-00-040; District 2.

On April 2, 2025, EPD received a complaint concerning clearing of shoreline vegetation and unauthorized shoreline alteration at the subject property. Upon investigation, EPD confirmed that shoreline vegetation was being cleared and maintained outside the allowable access corridor and that a replacement vinyl seawall had been constructed without a permit. An enforcement case was initiated (25-652945) and a Notice of Violation (NOV) was issued to the property owner on June 12, 2025. The NOV informed the applicant that a permit was required for the replacement seawall, to cease clearing vegetation; allow the shoreline plants regrow and finally, submit an After-the-Fact SADF Permit Application. The NOV also included a penalty of \$1,499 for the unauthorized activities. On August 27, 2025, the applicant submitted an After-the-Fact SADF Permit

Application, and penalty payment of the \$1,499 penalty was received on September 10, 2025.

The new vinyl seawall is 124 feet and 6 inches in length, with 8-foot returns on either side of the wall. The wall was installed less than one foot waterward of the pre-existing concrete seawall. EPD could not find a permit for the pre-existing concrete wall, but it appears on aerial photos as early as 1987, as well as on a property survey dated December 28, 1990, which was submitted with an application for building permit #B95002121. The newly constructed replacement wall includes two sets of stairs which extend below the NHWE of Lake Ola, one on either side of the boat dock. The applicant will keep one set of stairs for access to the water, but one set will be removed. The applicant will also install riprap and native plantings along the waterward face of the seawall. There is a seawall on the property to the east, but the property to the west does not have a seawall.

In accordance with Orange County Code, Chapter 15, Article VI, Section 15-218(d), notification of the public hearing was sent to property owners within 500 feet of the project site. EPD has received no objections to the request.

Pursuant to Orange County Code, Chapter 15, Article VI, EPD has evaluated the proposed SADF permit application and required documents and has made a finding that the request is consistent with Section 15-218.

Staff Recommendation

Approval of the After-the-Fact SADF permit, subject to the following conditions:

Specific Conditions

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the Board's decision approving the permit unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of construction and continues in perpetuity.
3. Installation of native plantings must be initiated within 30 days and completed within 60 days of installation of the riprap in accordance in accordance with Page 3 of the site plans signed and sealed by Richard E. Walker, P.E., and received by EPD on January 27, 2026. After one year, if 80 percent areal coverage of native emergent or

aquatic species is not established outside of the access corridor, additional plantings may be required.

4. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of Lake Ola, not to exceed 30 feet in width, or sufficient length waterward from the shoreline to allow access to open water. The existing boat dock must be located within the access corridor.
5. Riprap shall be installed waterward of the existing seawall in accordance with the approved site plans, signed and sealed by Richard E. Walker, P.E., and received by EPD on January 27, 2026. The riprap shall be installed at a two (horizontal) to one (vertical) slope, extend at least halfway up the face of the seawall, and measure between twelve inches to three feet in diameter. The installation of riprap must commence within 30 days of issuance of this permit and be completed within 60 days.
6. The After-the-Fact seawall was constructed with two sets of stairs below the NHWE of Lake Ola. Only one set of stairs below the NHWE for access to the water is permitted. Accordingly, one set of stairs must be removed from below the NHWE of Lake Ola prior to the placement of the riprap, in accordance with Page 2 of the approved site plans, signed and sealed by Richard E. Walker, P.E., and received by EPD on January 27, 2026.
7. Construction activities shall be completed in accordance with the site plan and cross-sections signed and sealed by Richard E. Walker, P.E., and received by EPD on January 27, 2026. The permitted activity must be completed within one year from the date of issuance of the permit. In the event that the project has not been completed within one year or extended, this permit shall be void and a new permit application with fee will be required.
8. In the event that the permitted activity has not been completed within one year, the Environmental Protection Officer may grant a permit extension of up to one additional year. Requests for permit extension must be submitted to EPD prior to the expiration date. No changes to the approved plans will be authorized with a permit extension.
9. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall as depicted on the approved plans.
10. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530(70), and 62-4.242, Florida Administrative Code (F.A.C.). Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment,

turbidity, or other pollutants into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 Nephelometric Turbidity Units (NTUs) over background for Class III waters and their tributaries or 0 NTUs over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFWs).

11. Discharge of groundwater from dewatering operations requires approval from the Florida Department of Environmental Protection (FDEP) and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of Chapters 62-621.300(2)(a) and 62-620, F.A.C., and Chapter 403 Florida Statutes (FS). Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.

General Conditions:

12. 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 review prior to applying for a Building Permit. For further information, please contact the OCZD at (407) 836-5525.
13. 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.
14. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee 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.
15. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds 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.

16. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owners' riparian or other property rights, the permittee agrees 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.
17. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code.
18. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
19. The permittee is hereby advised that Section 253.77 FS, states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
20. Should any other regulatory agency require changes to the property or permitted activities, the permittee 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.

21. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
22. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that may cause pollution to water bodies, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the traditional use and enjoyment of the waterbody by the public.
23. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
24. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
25. The permittee 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.
26. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
27. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.
28. 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 the 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.
29. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of construction.

BUDGET: N/A