

ORANGE



COUNTY
FLORIDA

Public Hearing

After-the-Fact SADF-23-09-022-MOD

Applicants: Eric and Rhonda Powell

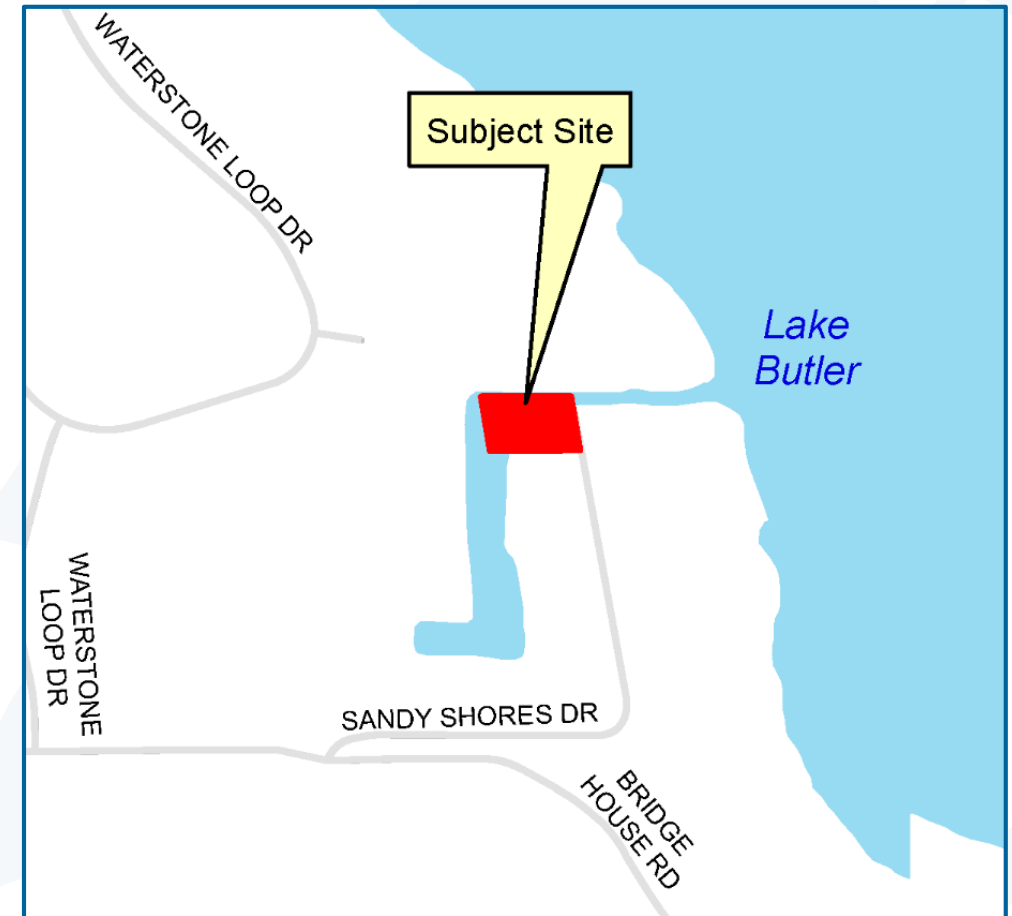
June 2, 2026

Board of County Commissioners

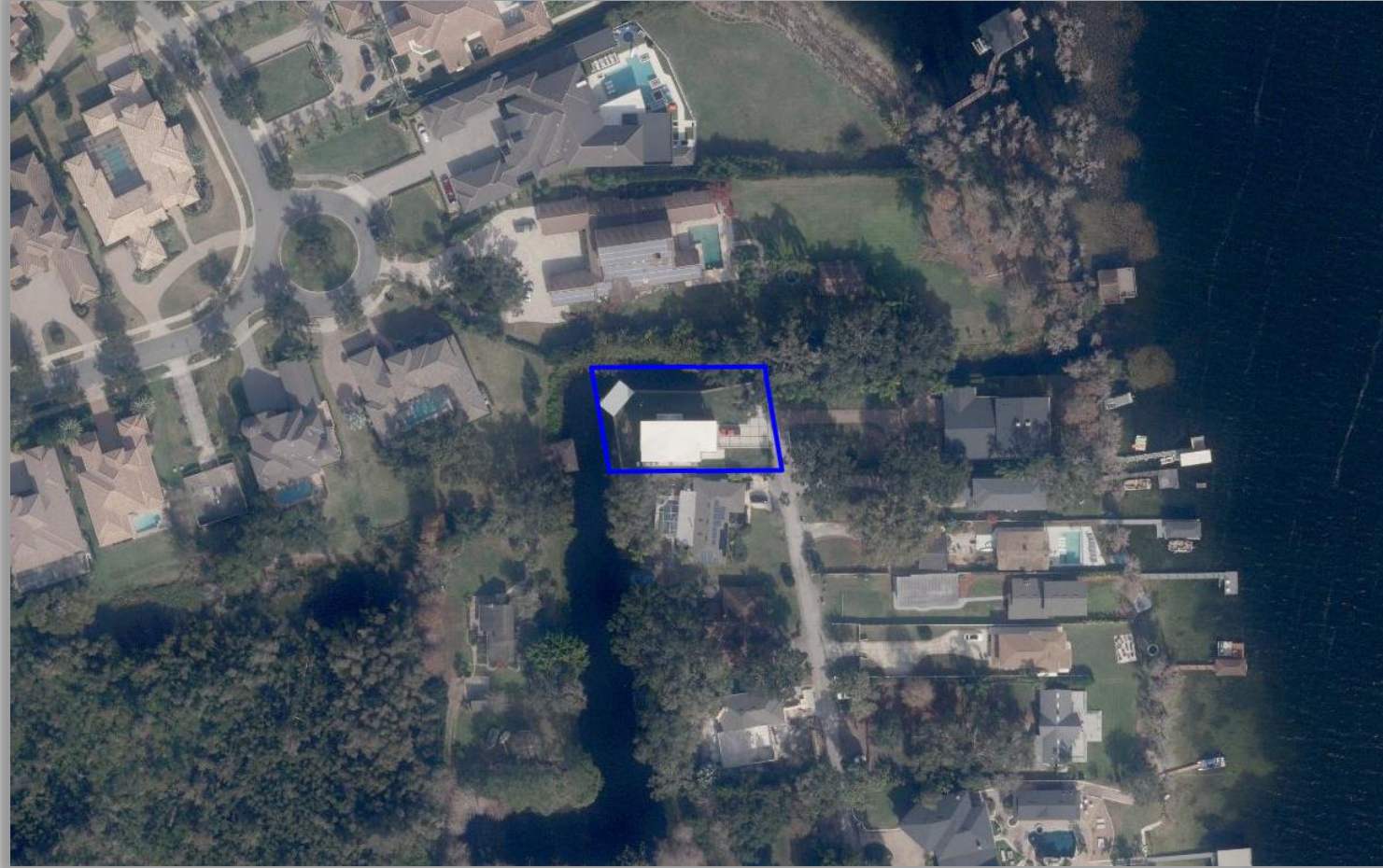
LOCATION MAP

12023 Sandy Shores Drive
Windermere, FL 34786

Parcel ID No. 24-23-27-7808-00-083



AERIAL PHOTO



SITE CONDITIONS



SITE CONDITIONS

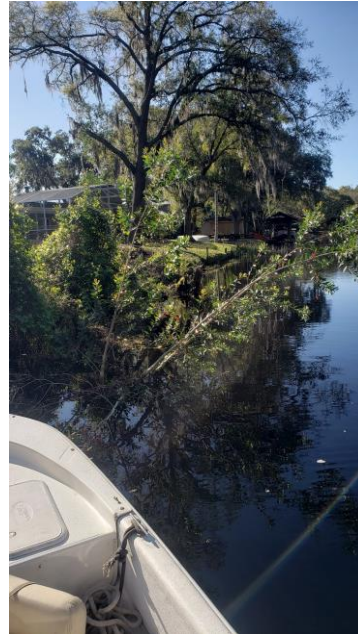


BACKGROUND – ENFORCEMENT CASE

- March 25, 2021: Based on a complaint from a resident, EPD issued a Warning Letter for shoreline clearing to the applicants, who purchased the property in December 2020.



Before



After

BACKGROUND – ENFORCEMENT CASE

- July 12, 2023: EPD received a complaint about unauthorized shoreline clearing. Shoreline vegetation, including trees, were cleared without the required permit; no sediment and erosion controls were installed, heavy equipment and resulting turbidity was observed in the canal.



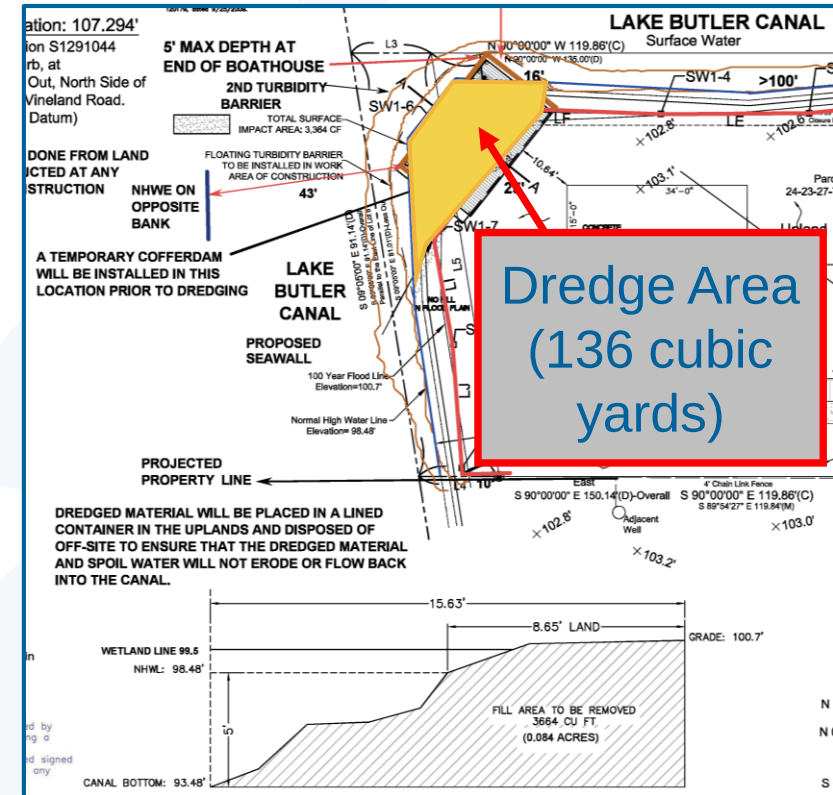
BACKGROUND – ENFORCEMENT CASE

- August 2, 2023: EPD issued a Notice of Violation (Enforcement Case #23-625669) to the applicants.
- August 7, 2023: EPD follow-up inspection of the property; clearing activities were ceased, shoreline was stabilized with a silt fence.
- September 11, 2023: Applicants submitted a Shoreline Alteration/Dredge and Fill Permit Application (SADF-23-09-022) to construct a seawall.
- January 10, 2024: Applicants remitted \$4,998.75 penalty payment to the Conservation Trust Fund for the violations.
- April 24, 2024: EPD closed the enforcement case.

BACKGROUND – SADF PERMIT

- SADF-23-09-022 requested:
 - Authorization to construct 180 feet of new vinyl seawall along the shoreline of the Sandy Shores Canal, with a 10-foot return on both ends.
 - Authorization to excavate 136 cubic yards of material (above and below the Normal High Water Elevation) in the northwest corner of the site to construct a boat dock.
- No riprap or plantings were required due to navigational concerns in the canal.
- April 9, 2024: The Board unanimously approved SADF-23-09-022 at a public hearing.
- April 25, 2024: EPD issued SADF-23-09-022 to the applicants.

ORANGE COUNTY
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BACKGROUND – BOAT DOCK PERMIT

- While the SADF application was under review, the applicants submitted Dock Construction Permit Application BD-23-09-122.
- The proposed dock was to attach to the seawall and be located within the area to be dredged at the northwestern corner of the applicants' property.

BACKGROUND



BACKGROUND – BOAT DOCK PERMIT

- The dock permit application met the criteria and design standards in Chapter 15, Article IX.
- December 18, 2023: EPD issued Dock Construction Permit BD-23-09-122 to the applicants, contingent upon approval of the SADF Permit.
- February 17, 2025: EPD issued a time extension for construction of the dock, No. BD-23-09-122-EXT.
- May 8, 2025: An as-built survey for the boat dock was received by EPD, on which the seawall (now constructed) was also depicted.

BACKGROUND – COMPLIANCE REVIEW

- EPD staff determined that neither the seawall nor the boat dock were built according to approved plans:
 - The dock location is approximately 4.7 feet further waterward than permitted.
 - The seawall was not constructed as approved in two areas; the northwest section is 2.5 feet waterward and the northeast end is one foot waterward and 12.5 feet longer than permitted.
 - EPD also determined that weepholes in the seawall had not been installed as required by permit.
- Other issues documented during and after seawall construction:
 - No water quality monitoring reports received by EPD.
 - Turbidity barriers were placed across canal at both ends of seawall during construction, blocking navigation completely.
 - Orange County Building Permit (B24013212) inspection for seawall footers was failed. Deadmen anchors were not inspected.

BACKGROUND – COMPLIANCE REVIEW

Blocked canal with
turbidity curtain



ALL OUR
PANELS ARE ALMOST
IN.



BE ABLE TO
RAISE THIS WHOLE
YARD UP AND
GAIN
SOME
EXTRA REAL



ESTATE.

Blocked canal with
turbidity curtain



PLANS TO PUT
A POOL BACK HERE
AS WELL.



AND

No weepholes or
deadmen

Unauthorized
canal impact

BACKGROUND – COMPLIANCE REVIEW

- May 14, 2025: EPD issued a Notice of Non-Compliance (NONC) for the seawall and boat dock:
 - The applicants were provided the option to either rebuild in accordance with approved plans or submit a request for a permit modification to attempt to receive after-the-fact approval for the changes.
 - The NONC stated that the dock permit modification may not be approved if the dock location was deemed a navigational hazard.
 - The NONC included a penalty of \$375 pursuant to Chapter 15, Article IX, Section 15-353, for failure to obtain a permit prior to modifying the dock.
- November 6, 2025: The applicants remitted the \$375 dock penalty to the Conservation Trust Fund.

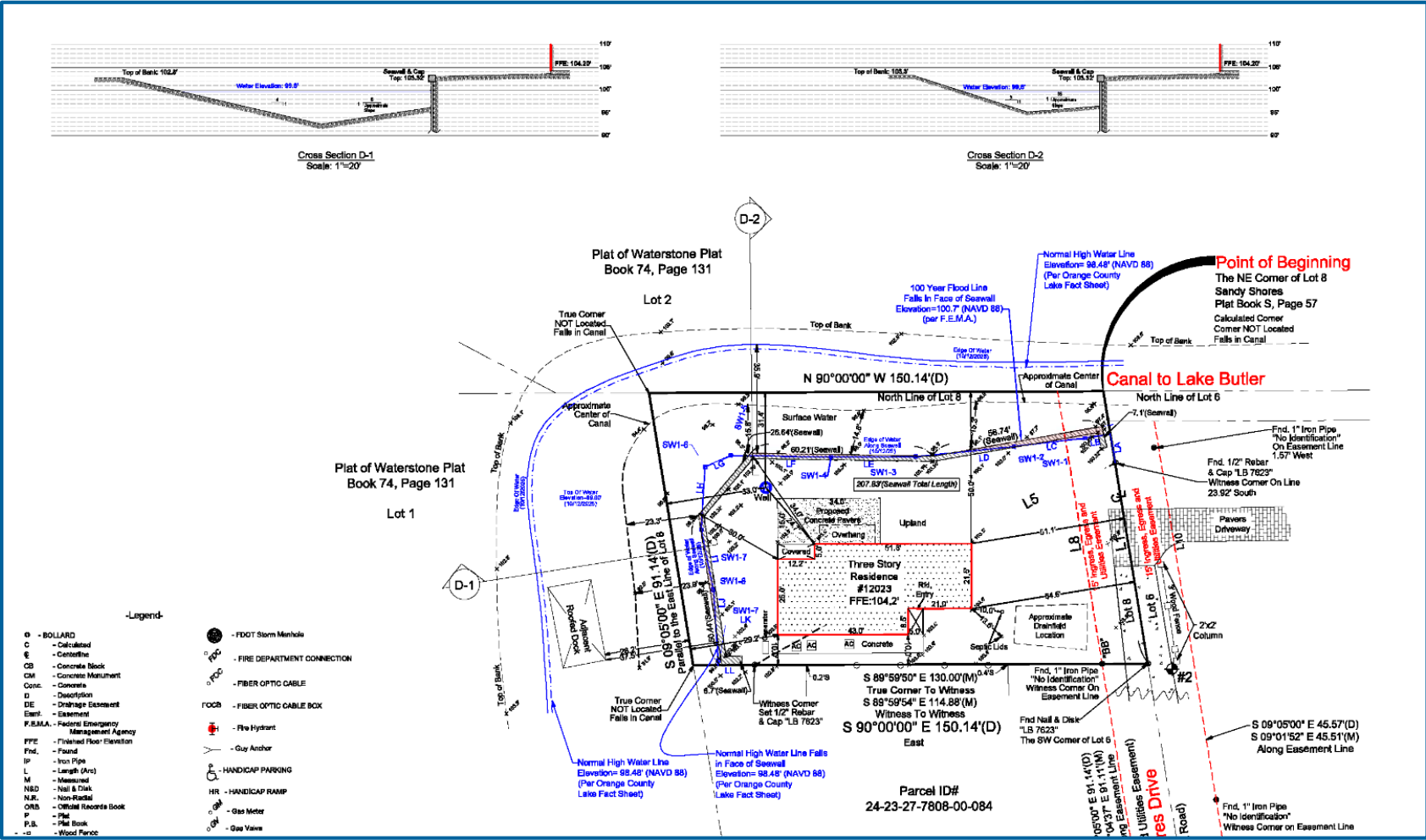
BACKGROUND – COMPLIANCE REVIEW

- June 19, 2025: The applicants submitted an after-the-fact permit modification application for the seawall seeking authorization to keep the seawall as constructed.
- June 19, 2025: The applicants submitted an after-the-fact permit modification application for the boat dock to attempt to keep the boat dock as constructed (BD-23-09-122-MOD).
- August 28, 2025: EPD assessed a penalty of \$4,998.75 for failure to complete seawall construction activities in accordance with the approved plans in SADF-23-09-022.
- August 29, 2025: The applicants requested that the penalty be reduced. The penalty has neither been paid nor has a penalty reduction been granted to date.

CURRENT REQUEST

- The applicants are seeking after the fact approval for a new location for two sections of the existing seawall:
 - The northeast end of the seawall, which is approximately one foot (on average) further waterward than permitted and extends approximately 12.5 feet further along the shoreline than permitted.
 - A section of the northwest portion of the seawall was constructed approximately 2.5 feet further waterward than permitted.

SITE PLAN



ORANGE COUNTY
FLORIDA

Section of seawall ~27ft in length located ~2.5 feet further waterward than permitted.

25.8'

N 90°00'00" W

Surface Water

26.64' (Seawall)

60.21' (Seawall)

Edge of Water Along Beach (10/12/20)

SW1-6

SW1-4

207.63' (Seawall)

Proposed Concrete Pavers

Overhang

D)

Approximate Center of Canal

Section of seawall ~12.5 feet in length not included in original permit.

58.74' (Seawall)

LD

LC

SW1-1

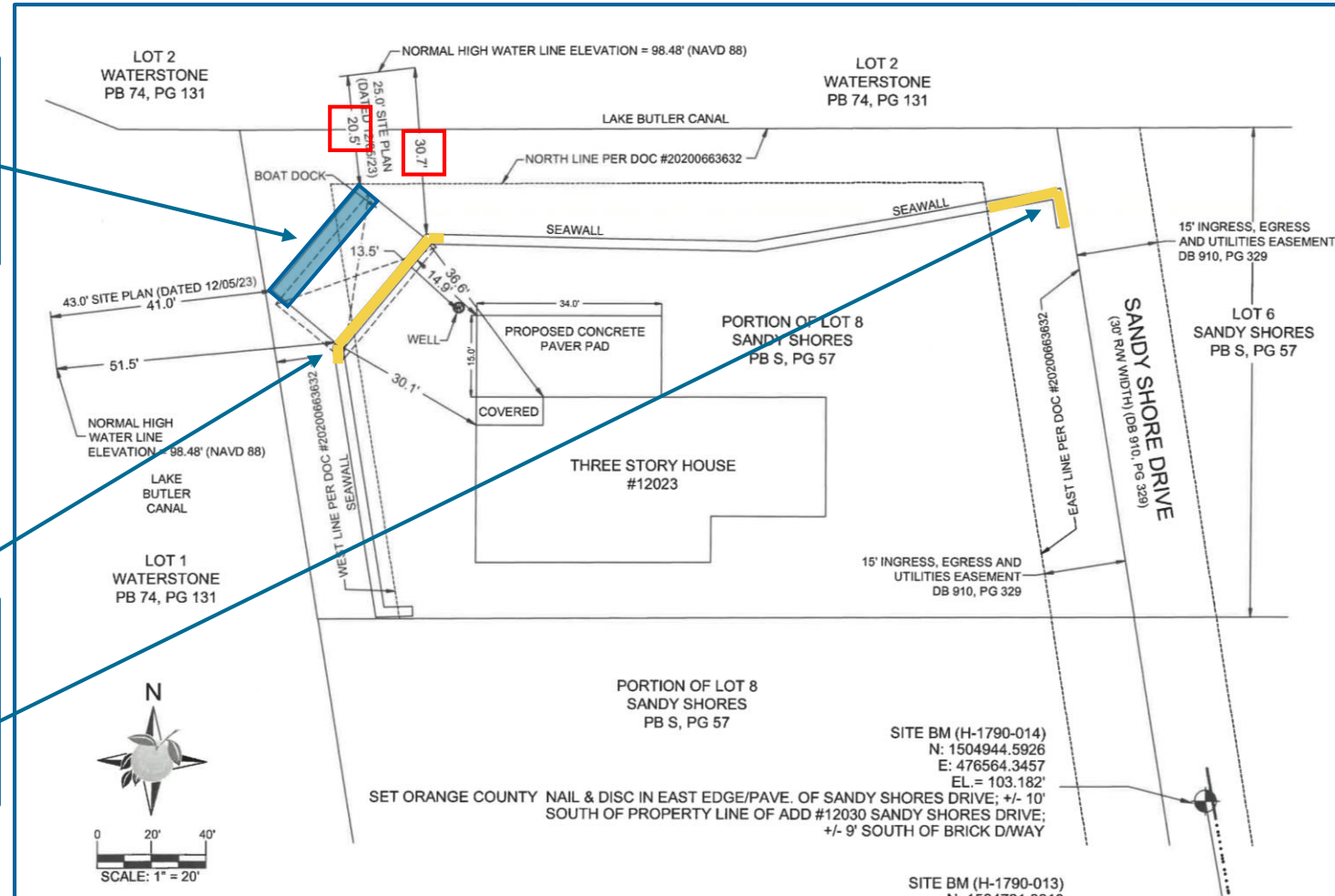
SW1-2

Section of wall ~1 foot further waterward than permitted.

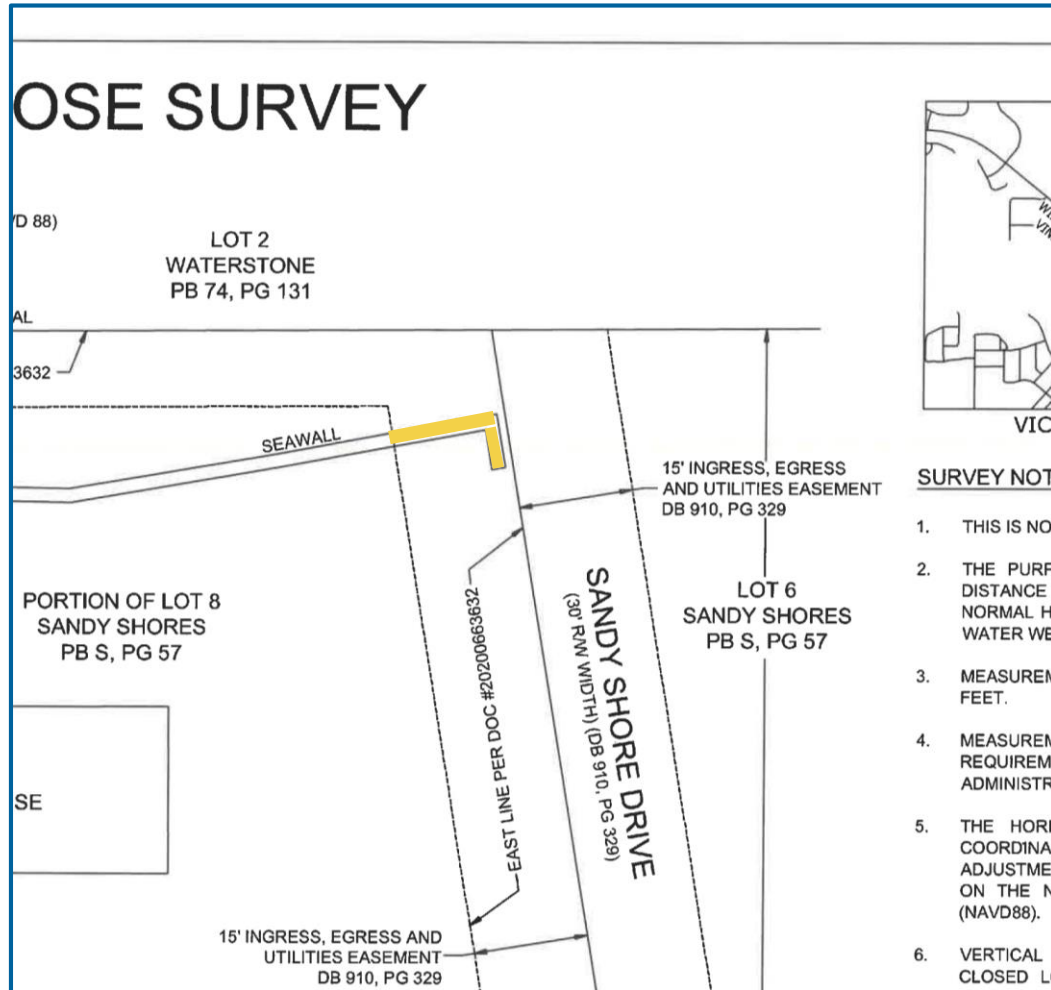
ORANGE COUNTY SURVEY

Area where boat dock extends further waterward than currently permitted

Seawall sections included in after-the-fact seawall permit modification request



STAFF ANALYSIS – SEAWALL (NORTHEAST SECTION)

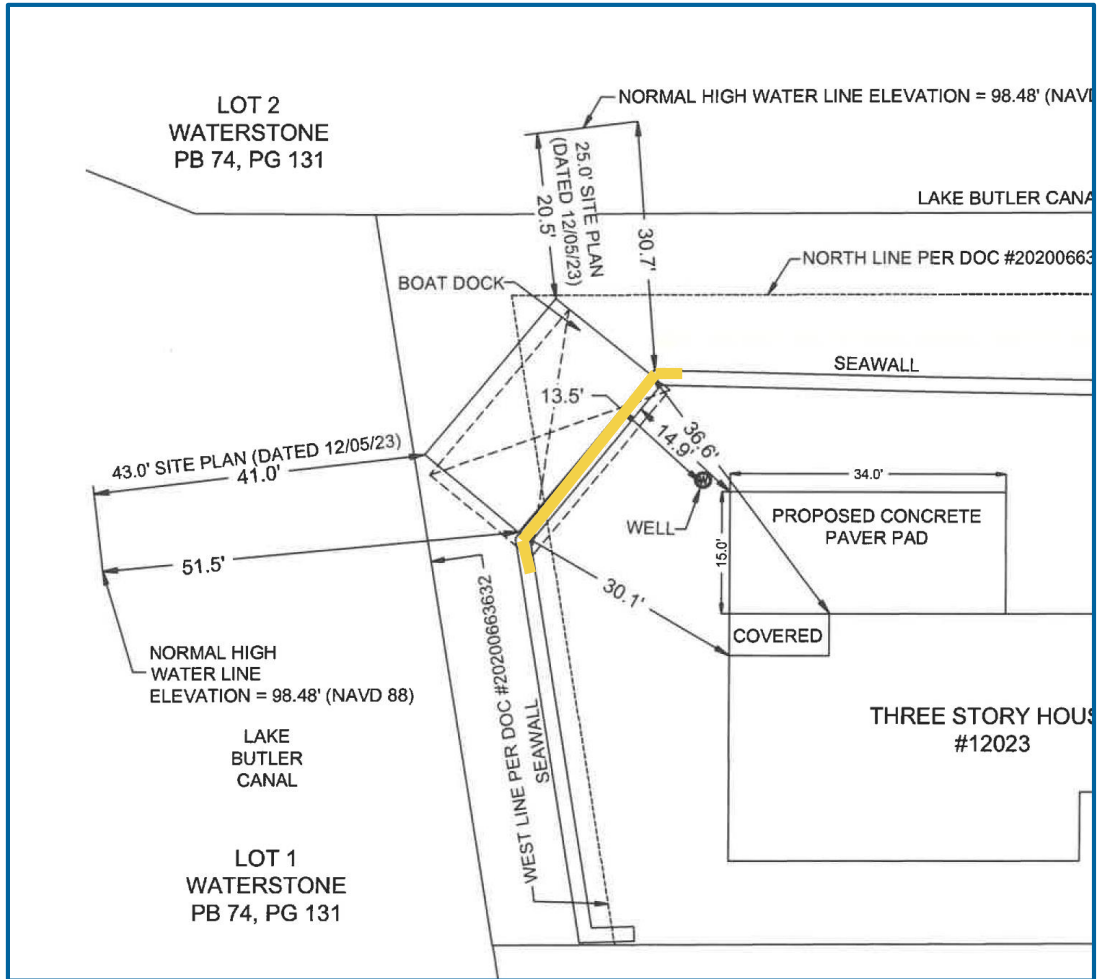


STAFF ANALYSIS – SEAWALL

(NORTHEAST SECTION)

- The applicants seek authorization to allow the additional 12.5-foot section of the seawall at the northeast end of the property to remain.
- The seawall was permitted to be built along the wetland line, ending at the western boundary of a private utility easement.
- The seawall was constructed one foot waterward of the wetland line and extends approximately 12.5 feet into the utility easement.
- Orange County Utilities has no concerns with this encroachment.
- Wetland impacts from the seawall at the eastern end of the property were calculated to be de minimis. No mitigation is required.
- EPD staff have no concerns regarding navigation related to this wall extension.

STAFF ANALYSIS – SEAWALL (NORTHWEST SECTION)



STAFF ANALYSIS – SEAWALL

(NORTHWEST SECTION)

- The applicants seek authorization to allow a section approximately 27 feet in length at the northwest end of the property to remain as constructed 2.5 feet more waterward than permitted .
- SADF-23-09-022 authorized the excavation of 136 cubic yards of land. The seawall was constructed further waterward than authorized on the approved plans.
- EPD finds that the northwest section of the seawall, adjacent to the boat dock, was constructed in a location that contributes to the restriction of navigation through the canal.

STAFF ANALYSIS – SEAWALL

(NORTHWEST SECTION)

- Additionally, EPD staff finds that the applicants have failed to demonstrate that the structure does not affect the public's use of the waterways.
- Several objections to the seawall permit modification have been received, citing navigational and safety issues resulting from the compound effects of the seawall and dock placement on the corner of the subject property further waterward than authorized.

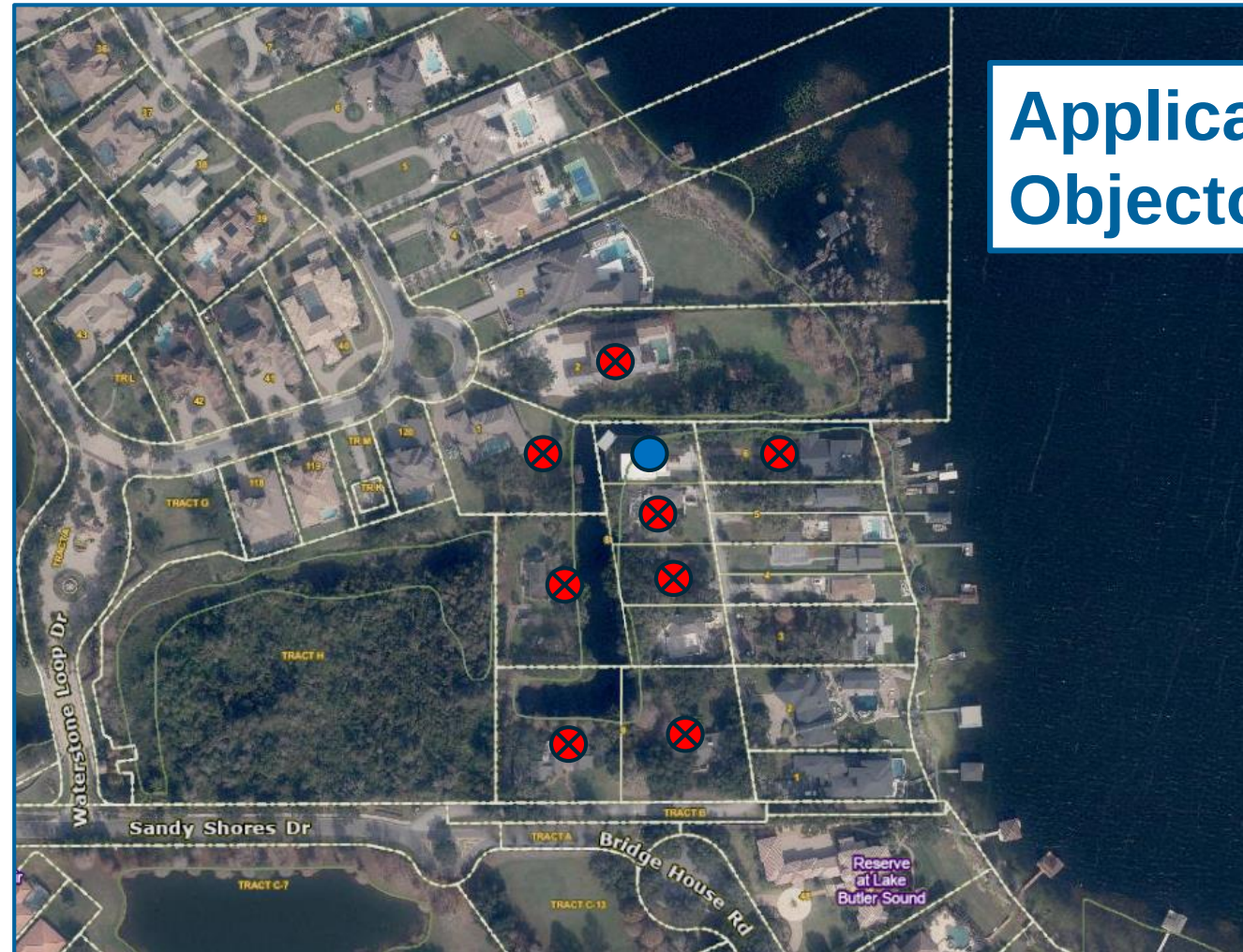
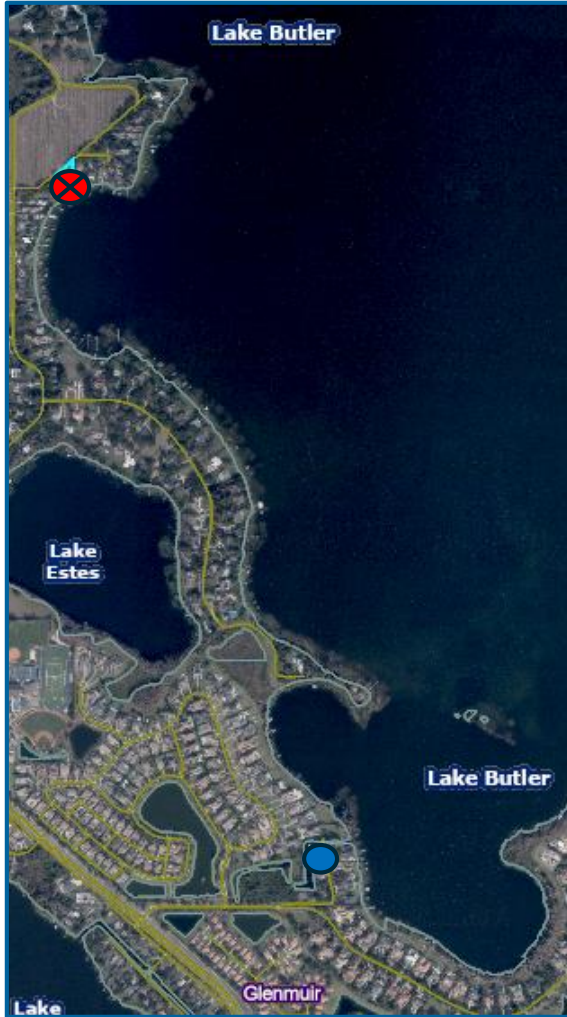
STAFF ANALYSIS – SEAWALL

- Based on a review of the application and supplemental information provided, EPD staff have determined that the seawall modification cannot be supported pursuant to the criteria listed in Chapter 33, Article IV, Section 33-129(e):
 1. *Section 33-129(e)(1), “The effect of the proposed plan or development on the use of said waters in said district for transportation and recreational or other public purposes and public conveniences.”*
 2. *Section 33-129(e)(2), “The effect of the proposed plan or development on the free use of waters and waterways within the district.”*
- On March 30, 2026, the applicants were sent a notification letter that informed them of EPD’s intent to recommend denial at the public hearing.

NOTIFICATIONS AND RESPONSES

- Notification of the public hearing was sent to property owners within 500 feet of the project site.
- EPD has received multiple objections to the request citing concerns:
 - The seawall and dock extend farther into the canal than permitted, thereby creating a navigation hazard and reducing visibility for boaters.
 - Placement of the structures near the bend in the canal limits maneuverability and restricts access for larger vessels.
 - Safety concerns tied to the dock's location and the narrow width of the canal.
- EPD received a letter of opposition from the Butler Chain of Lakes Advisory Board, citing navigation and safety concerns caused by the seawall and dock.

NOTIFICATIONS AND RESPONSES



STAFF ANALYSIS – BOAT DOCK

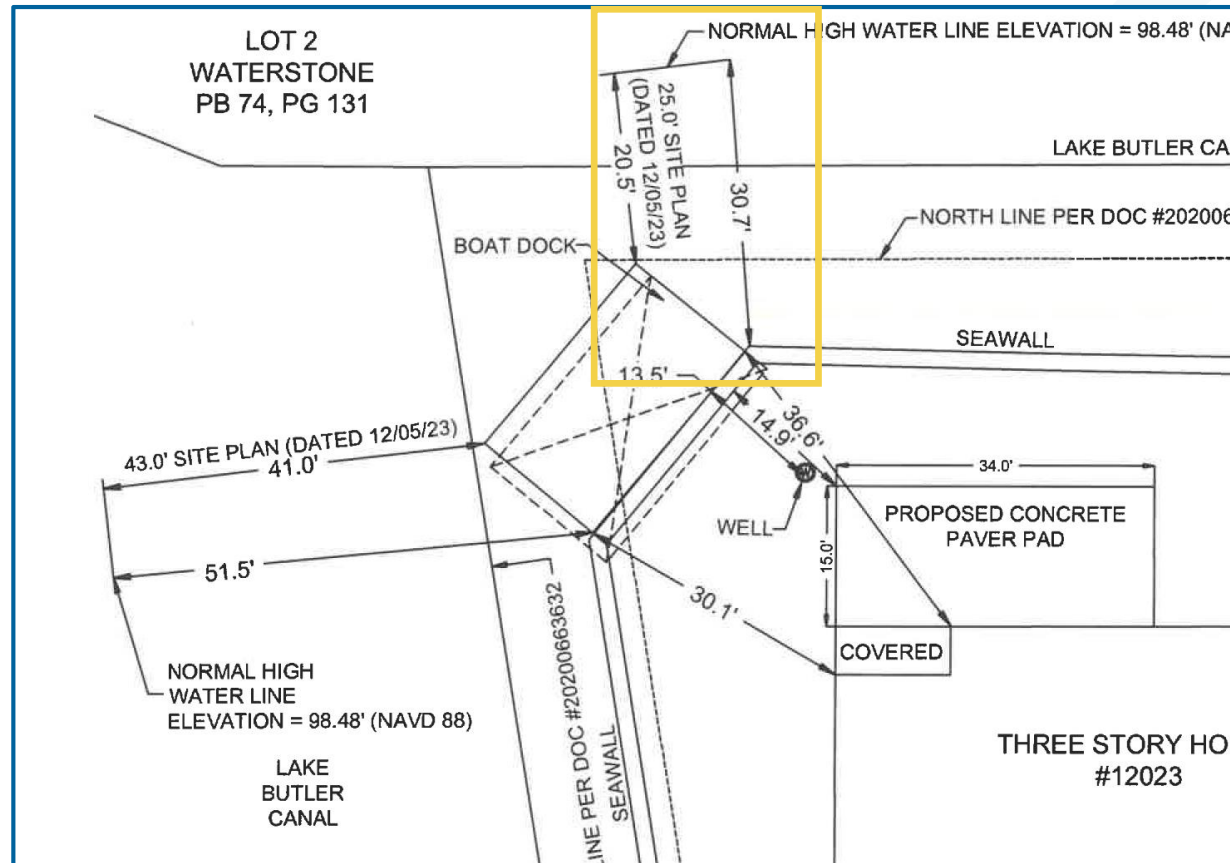
- During review of BD-23-09-122, EPD determined that the dock as proposed, did not pose any navigational concerns, as the property owner was to remove several feet of uplands from their property.
- Current condition: Dock extends 4.7 feet more waterward than permitted in BD-23-09-122.
- BD-23-09-122-MOD seeks authorization to allow the dock to remain as constructed and is currently under review by EPD.

STAFF ANALYSIS – BOAT DOCK

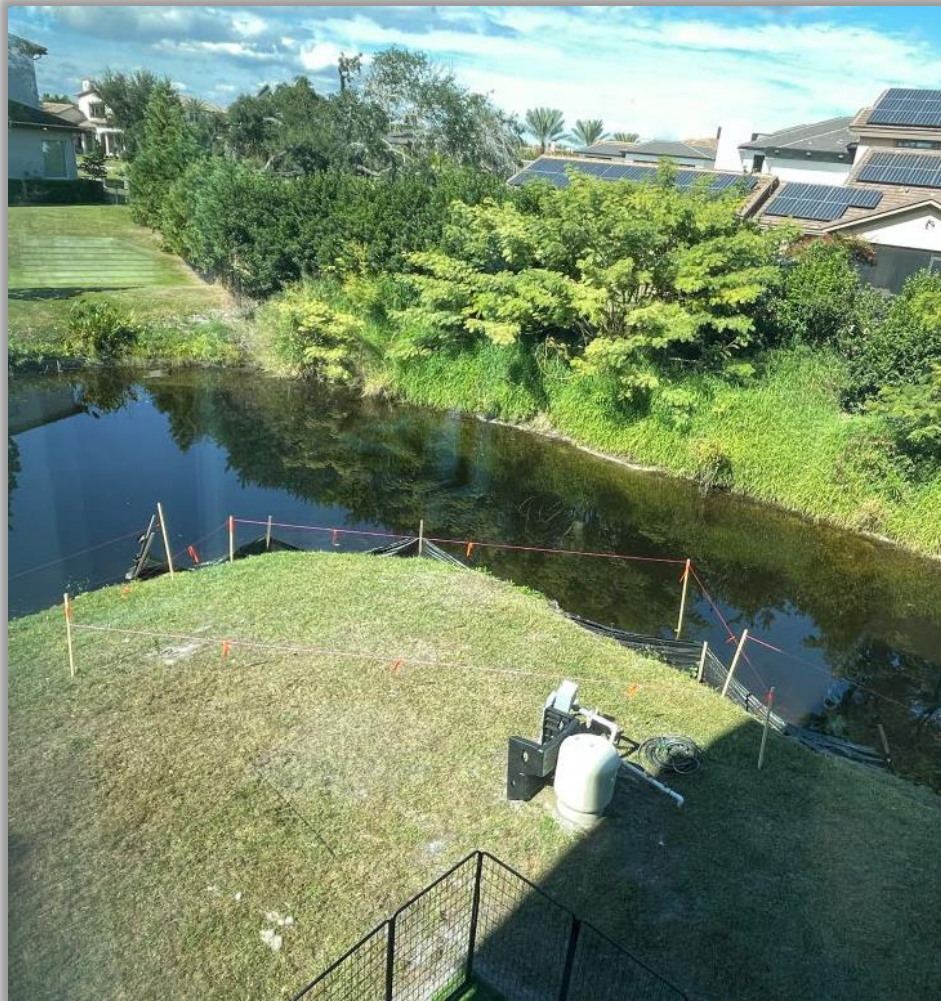
- EPD requested supplemental information from the Orange County Public Works Department Survey Section, who provided distances from the outer corners of the boat dock to the NHWE on the opposite banks of the canal.
- To assess a structure's potential impact on navigation, EPD staff referred to EPD Work Instruction No. EPD-WI-2000-47.
- A primary factor in determining potential navigation impacts is an assessment of the width of any canal on which a structure is proposed, and how far a proposed structure extends into a canal.
- No dock shall extend more than one-third ($1/3$) of the width of any canal.

STAFF ANALYSIS – BOAT DOCK

ORANGE COUNTY SURVEY



STAFF ANALYSIS – BOAT DOCK



[illegible]

LOT 2
WATERSTONE
PB 74, PG 131

LAKE BUTLER CA

NORTH LINE PER DOC #202006

SEAWALL

BOAT DOCK

25.0' SITE PLAN
(DATED 12/05/23)

20.5'

30.7'

13.5'

14.9'

36.6'

41.0'

51.5'

34.0'

15.0'

30.1'

WELL

PROPOSED CONCRETE
PAVER PAD

COVERED

31.4ft

DOC #20200663632

LAKE BUTLER

THREE STORY HO
#12023

NORMAL HIGH WATER LINE ELEVATION = 98.48' (NAVD 88)

LAKE BUTLER



ORANGE COUNTY
FLORIDA

STAFF ANALYSIS – BOAT DOCK

- Pursuant to Ch. 15, Article IX, Sec. 15-322. - Policy, purpose, intent and scope. *(e) A purpose of this article is to regulate the construction of docks such that the navigation of surface waters is not unreasonably impeded.*
- Additionally, Sec. 15-342. - Conditions for issuance of dock construction permits states, *(a) To obtain a dock construction permit, the following criteria must be satisfied: (3) The dock must not adversely affect the rights of other persons or other property owner's use of, and access to, the surface water or constitute a navigation hazard, as determined by EPD or law enforcement. No work should be done within areas that constitute easements for ingress or egress or for drainage unless authorized by the county.*

STAFF ANALYSIS – BOAT DOCK

- EPD does not support the current location of the dock due to navigational concerns.
- Accordingly, if the Board agrees with staff's recommendation and denies SADF-23-09-022-MOD, the application to modify the dock will be denied by staff and the applicants will be required to move the dock landward, concurrent with the seawall.
- If the Board decides to approve SADF-23-09-022-MOD, EPD will require the applicant to make modifications to the waterward portion of the dock to reduce potential impacts to navigation.

CONSIDERATIONS - SEAWALL

- Project reviewed in accordance with Chapter 33, Article IV, Section 33-129 and the review criteria and conditions of issuance therein.
- EPD cannot support the seawall modification pursuant to the criteria listed in Chapter 33, Article IV, Section 33-129(e).
- EPD has received multiple objections from residents who reside along the canal and the Butler Chain of Lakes Advisory Board.

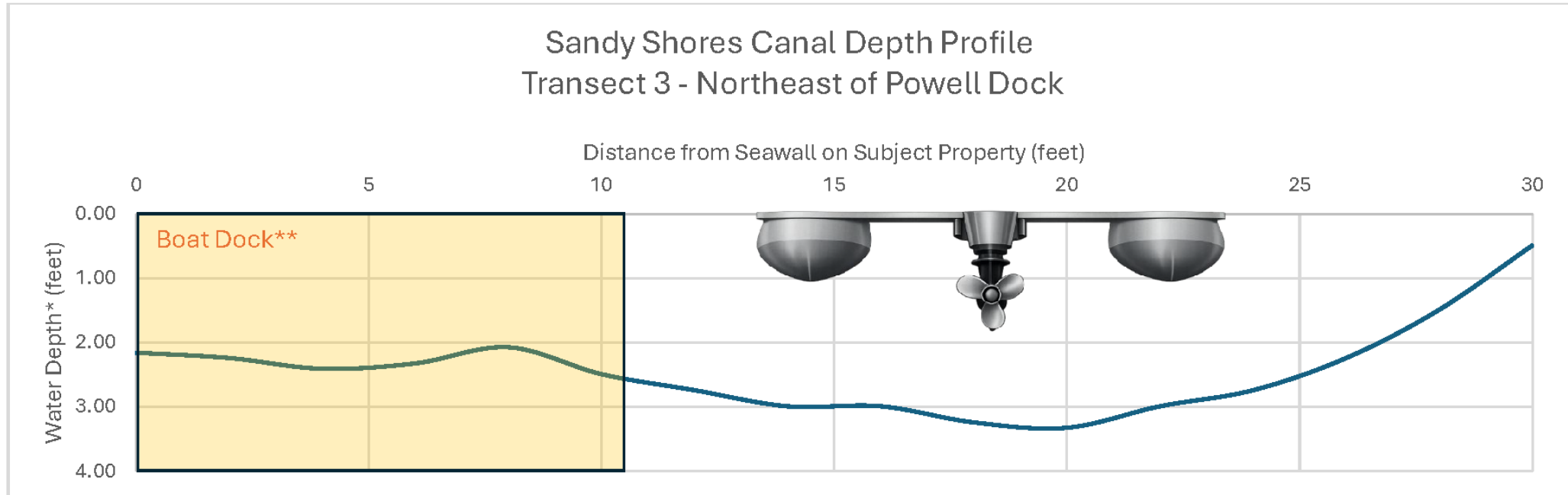
FINDING

- Pursuant to Orange County Code, Chapter 33, Article IV, EPD has evaluated the proposed After-the-Fact SADF Permit Modification and required documents and has made a finding that the request is inconsistent with Section 33-129.

ACTION REQUESTED

- Acceptance of the findings and recommendation of the Environmental Protection Division staff and denial of the After-the-Fact Shoreline Alteration/Dredge and Fill Permit Modification, SADF-23-09-022-MOD, for Eric and Rhonda Powell, District 1.

STAFF ANALYSIS – BOAT DOCK

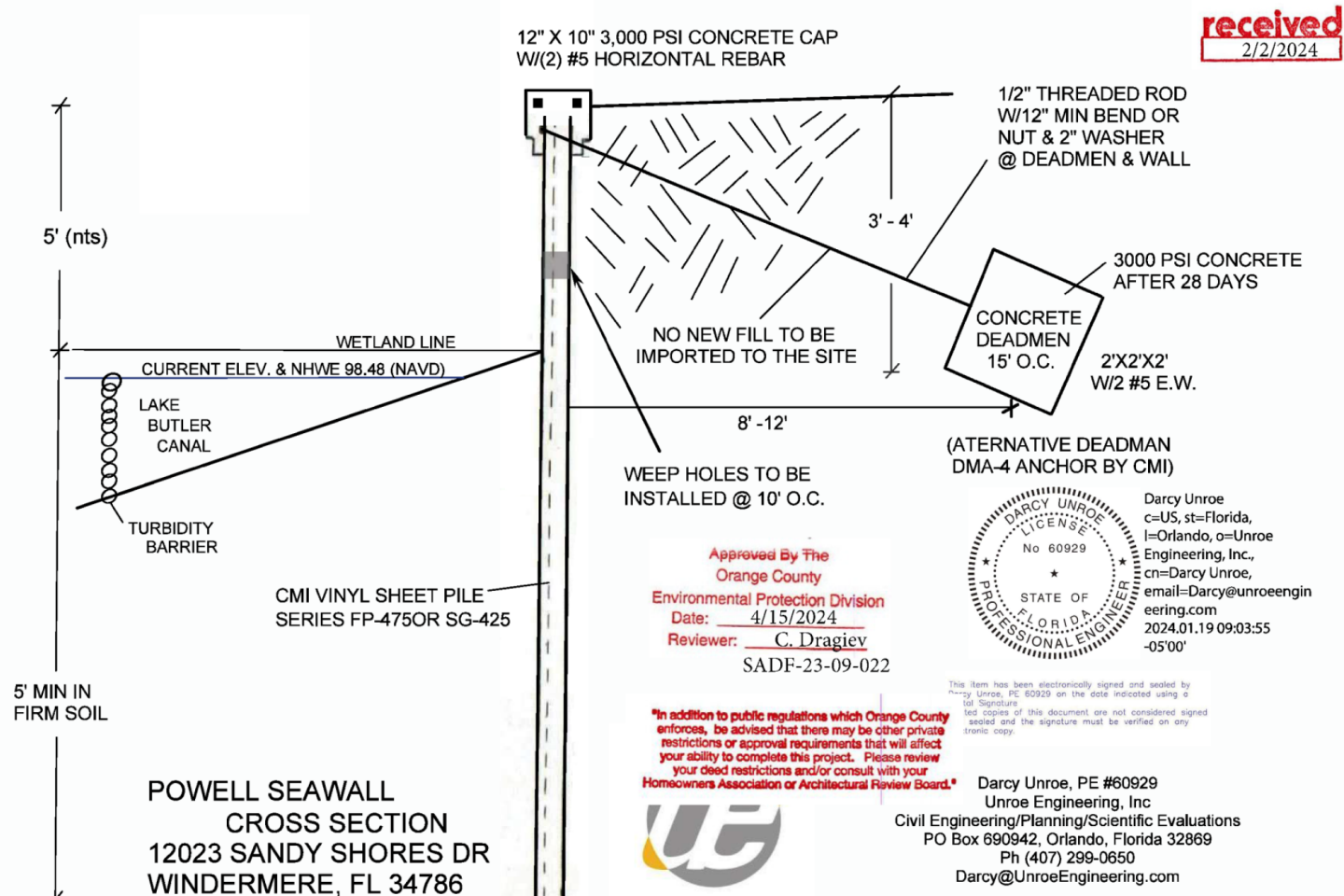


*Water depth measurements collected by EPD staff on May 20, 2025, have been normalized to the Normal High Water Elevation of 98.48ft NAVD88 for Lake Butler.

**Based on the Orange County survey completed on February 19, 2026, the dock as constructed extends approximately 10.2 feet from the seawall in this area.

CROSS-SECTION

180' VINYL SEAWALL W/(2) 10' RETURNS INSTALLED AT THE WETLAND LINE



9 of 15

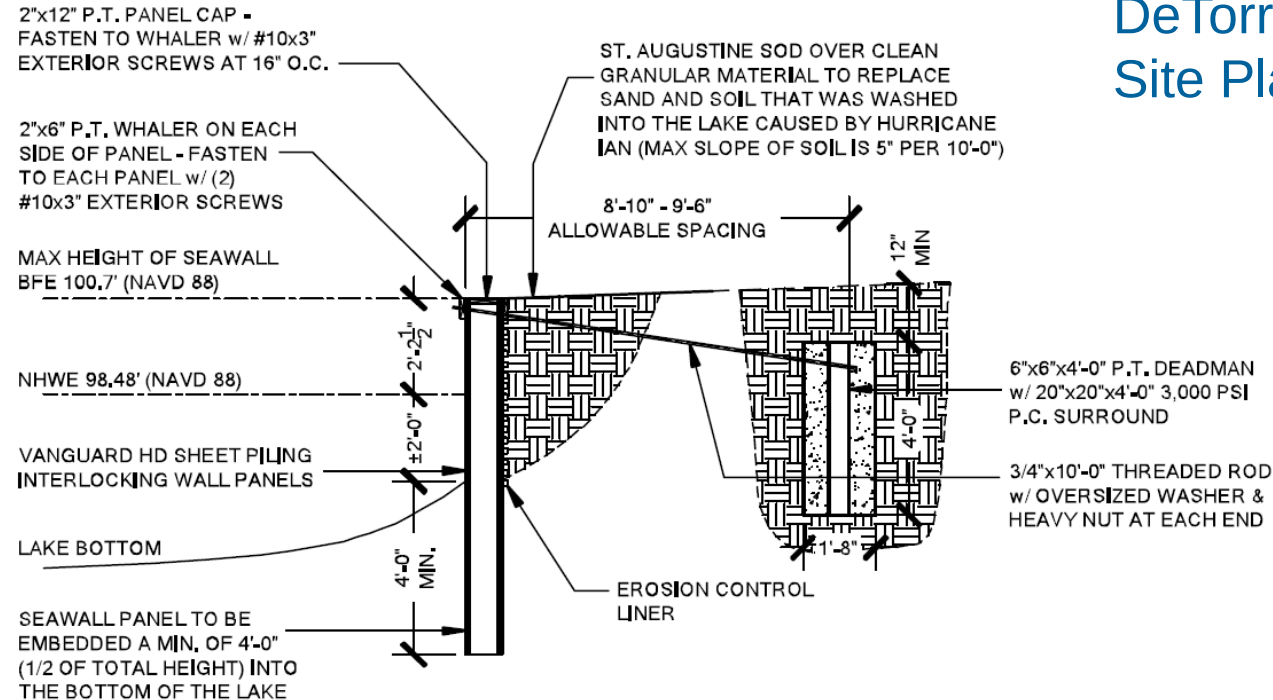
PHOTO



View North from Property to South

PHOTO

DeTorres Seawall Application Site Plan



NOTES:

- SEAWALL MAY BE INSTALLED IN FRONT OF AN EXISTING SEAWALL A MAX OF 12" - EXISTING SEAWALL MUST BE CUT DOWN A MIN OF 16" BELOW FINAL GRADE
- ALL CONNECTORS MUST BE HDG OR STAINLESS
- ALL SOIL MUST BE COMPACTED TO 95% OF THE MODIFIED PROCTOR BEFORE POURING OF CONCRETE
- ALL CONCRETE SHALL BE 3,000PSI U.N.O. - FIBER REINFORCEMENT IS RECOMMENDED IN THE MIX

VIDEO

