

## Interoffice Memorandum

**DATE:** March 5, 2025

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

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

**CONTACT:** Renée H. Parker, LEP, Manager, Environmental Protection Officer

**PHONE:** (407) 836-1420

**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-24-11-025 for Drogosch Family Revocable Trust, subject to the conditions listed in the staff report. District 1 (Environmental Protection Division)

**PROJECT:** April 8, 2025 – Public Hearing Request for After-the-Fact Shoreline Alteration/Dredge and Fill Permit for Drogosch Family Revocable Trust (SADF-24-11-025)

**PURPOSE:** The applicant, Drogosch Family Revocable Trust, is requesting an After-the-Fact Shoreline Alteration/Dredge and Fill permit to construct a replacement vinyl seawall and authorize an After-the-Fact portion of concrete seawall on the shoreline of Davis Canal off Lake Down at 57 Oakdale Street, Windermere, FL 34786, Parcel ID No. 08-23-28-1948-02-070 in District 1.

The applicant is requesting authorization for the installation of approximately 66 feet of replacement vinyl seawall and 35 feet of after-the-fact concrete seawall at the Normal High Water Elevation (NHWE) of Lake Down. Environmental Protection Division (EPD) staff did not find a permit for the previous seawall, which has been partially removed along the northern portion of the shoreline; however, the existing southern portion has been in place since at least 2009 and was installed by a previous property owner. EPD staff was not able to determine the history of the previous seawall on the northern part of the property, however, the property was sold in 2024 and any previous seawall would have been installed by prior owners. Therefore, EPD is not pursuing any enforcement for the seawall.

There will be a six-foot return constructed on the northern end of the seawall, and there is an existing return on the southern end. No seawall is present on the property to the south; however, the property to the north has a seawall, and there are seawalls on several other properties on Lake Down and within Davis Canal.

Based on prior Board direction, riprap and plantings are normally required for new and replacement seawalls. However, because the proposed seawall is on a canal, EPD is not requiring riprap or additional native plantings so as not to create a navigational concern.

There is a shoreline wetland present on the northern part of the shoreline. The proposed replacement seawall would be placed at the NHWE, resulting in approximately 589 square feet of impacts to the shoreline wetland. No mitigation is required for these impacts as the functional loss was calculated to be de minimis, as determined by the Uniform Mitigation Assessment Method.

In accordance with Orange County Code, Chapter 33, Article IV, Section 33-129(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 33, Article IV, EPD has evaluated the proposed SADF permit application and required documents and has made a finding that the request is consistent with Section 33-129.

#### Staff Recommendation

Approval of the 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. Construction activities shall be completed in accordance with the site plan signed and sealed by Aron Bishman, P.S.M., and received by EPD on February 10, 2025, and

the cross-section plan signed and sealed by Tirlochan Chehal, P.E., and received by EPD on February 4, 2025. The permitted activity must be completed within two years from the date of issuance of the permit. In the event that the project has not been completed within two years or extended, this permit shall be void and a new permit application with fee will be required.

4. The permittees may maintain a clear access corridor below the NHWE of 98.52 feet (NAVD88) above mean sea level for Lake Down, not to exceed 30 feet or 20 percent of the total shoreline length in width, whichever is greater, and of sufficient length waterward from the shoreline to allow access to open water. Any existing or future structures, such as a boat dock, must be located within this corridor.
5. In the event that the permitted activity has not been completed within two years, 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.
6. 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.
7. 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 (NTU) over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFWs).
8. 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:

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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 33, Article IV of the Orange County Code.

15. 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.
16. 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.
17. 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.
18. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. 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.
20. 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.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of construction.

**BUDGET: N/A**

# After-the-Fact Shoreline Alteration/Dredge and Fill Permit Request



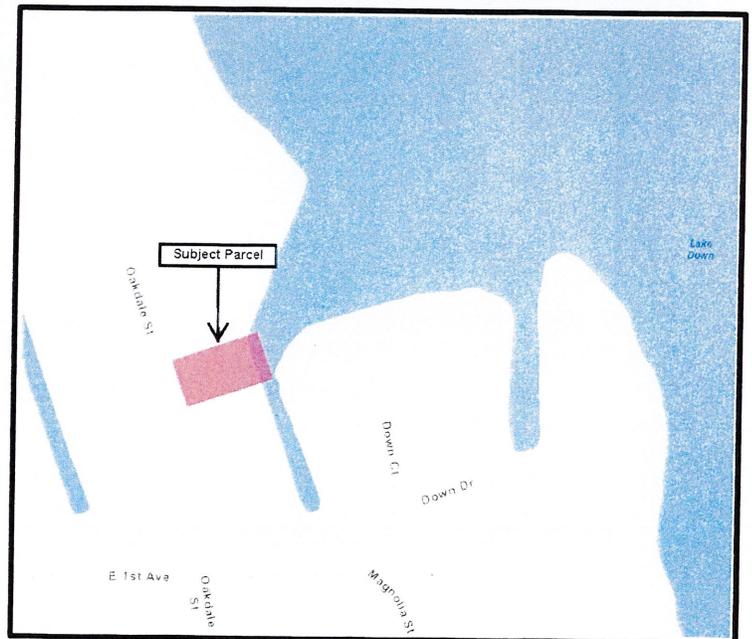
After-the-Fact Shoreline Alteration /  
Dredge and Fill Permit Request  
SADF-24-11-025  
District #1  
Applicant: Drogosch Family  
Revocable Trust

Address: 57 Oakdale Street  
Parcel ID: 08-23-28-1948-02-070

Project Site



Property Location



**received**  
2/10/2025

# BOUNDARY SURVEY

57 OAKDALE ST. WINDERMERE, FL 34786

PROPERTY OWNER  
PAUL DROGOSCH

**DESCRIPTION:**

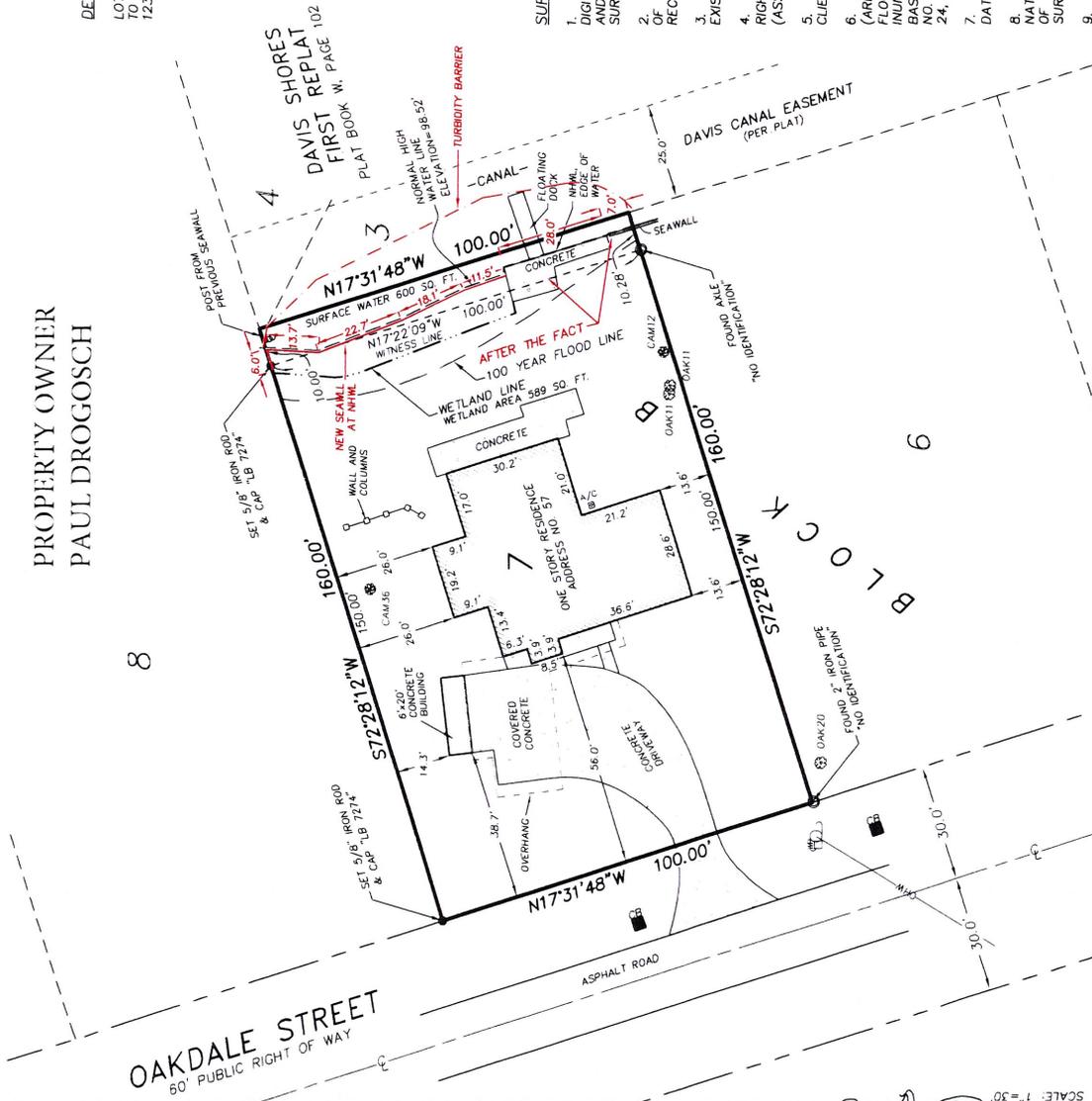
LOT 7, WEST OF CANAL, BLOCK "B", DAVIS SHORES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK S, PAGE 123, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

**LEGEND/ABBREVIATIONS:**

- IRON ROD & CAP
- IRON PIPE
- ⊕ CENTERLINE
- ⊕ LICENSED BUSINESS
- NHML NORMAL HIGH WATER LINE
- 50 FT. SQUARE FEET
- A/Z AIR CONDITIONER
- WB WIRING PULL BOX
- ⊕ CATCH BASIN
- BOLLARD
- WOODEN UTILITY POLE
- OHW — OVERHEAD UTILITY WIRES
- WOOD FENCE
- ⊕ OAK11 1" OAK TREE
- ⊕ CAM36 36" CAMPHOR TREE

**SURVEYOR'S NOTES:**

1. NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL, OR DIGITAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. PRINTED COPIES OF A DIGITAL SIGNED AND SEALED SURVEY ARE NOT VALID.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. REVISIONS DO NOT CONSTITUTE A RE-CERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
4. BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY RIGHT OF WAY LINE OF OAKDALE STREET AS BEING 17°31'38" (ASSUMED).
5. THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.
6. THE LANDS SHOWN HEREON LIE PARTIALLY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD) WITH PORTIONS LYING WITHIN ZONE AE. (SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD EVENT, WITH A BASE FLOOD ELEVATION OF 100.7'). ACCORDING TO "FIRM" MAP NO. 12095C0220 H, COMMUNITY NO. 120381, DATED SEPTEMBER 24, 2021.
7. THE ELEVATIONS SHOWN HEREON ARE BASED ON NAVD88 DATUM PER NGS BENCHMARK NUMBER "N627", ELEVATION=104.86'.
8. THE WATER BOUNDARY IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND MAY NOT REPRESENT THE ACTUAL LIMITS OF TITLE. RIPARIAN RIGHTS HAVE NOT BEEN DETERMINED BY THIS SURVEY.
9. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE SET FORTH IN RULE 5J-17.052 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.



**BISHMAN**  
Surveying & Mapping, Inc.  
CERTIFICATE OF AUTHORIZATION LB 7274  
301 N TUBB STREET, SUITE 106  
OAKLAND, FLORIDA 34760  
Phone No. 407.905.8877

FLORIDA REGISTRATION NO. 5668  
ARON D. BISHMAN, P.S.M.  
Digitally signed by Aron D. Bishman  
Date: 2025.02.07 14:31:08 -05'00'  
2/07/2025 - ADDED PROPOSED SEAWALL

JOB NUMBER:	24100.000
SURVEY DATE:	10-24-2024
FIELD BOOK:	2405
PAGES:	4-5
FIELD FILE:	24100.000
DRAWING FILE:	24100.DWG

SCALE: 1" = 30'



