

Interoffice Memorandum

DATE: April 10, 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 Shoreline Alteration/Dredge and Fill Permit SADF-24-01-002 for 2023-011-803W2ndAve Florida Land Trust, subject to the conditions listed in the staff report. District 1. (Environmental Protection Division)

PROJECT: Request for Shoreline Alteration/Dredge and Fill Permit for 2023-011-803W2ndAve Florida Land Trust (SADF-24-01-002).

PURPOSE: The applicant, 2023-011-803W2ndAve Florida Land Trust, is requesting a Shoreline Alteration/Dredge and Fill permit to authorize the installation of a new vinyl seawall along a portion of the shoreline of Lake Butler. The property is located at 803 W 2nd Avenue, Windermere, FL 34786 (Parcel ID No. 07-23-28-0044-00-061) in District 1. Note: This item was continued from the March 11, 2025 Board meeting.

There is an existing, unpermitted concrete seawall located along the shoreline. EPD was unable to determine if the seawall pre-dates implementation of Chapter 33, Article IV, however, it has been in place for more than 20 years and was installed by previous owners of the property, so no enforcement action was pursued. Portions of the seawall that outline an upland-cut boat slip (underneath an existing boathouse) are in disrepair, although the existing seawall north of the boathouse appears to be in good condition. The neighboring property to the north has a seawall and there are also other seawalls present on Lake Butler.

Previously, the applicant proposed to install a new vinyl seawall across the upland-cut boat slip, fill in the boat slip area (impacting approximately 580 square feet of the surface

water), and construct a return along the southeastern parcel boundary. However, at the March 11, 2025 public hearing, the applicant requested a continuance in order to revise their plans to meet design standards for the Town of Windermere. The continuance was unanimously approved.

EPD received revised plans on April 9, 2025 that propose to reconstruct the approximately 76 feet of failing seawall that outlines the boathouse and a 24-foot return on the southeastern parcel boundary. Since the upland-cut boat slips within the boathouse are no longer proposed to be filled in, the applicant plans to reconstruct the boathouse, which is in disrepair. The applicant's contractor is currently unable to determine the extent of damage to the existing failing seawall, which is beneath the walls of the boathouse; therefore, the proposed plans include the flexibility to either remove and replace the failing seawall within the same footprint, or place the new seawall a maximum of one foot inside of the footprint of the existing wall to remain, whichever is required based on site conditions. Additionally, the applicant proposes to install four feet of new seawall under the boat dock access walkway at the entrance to the boathouse.

Based on prior Board direction, native plantings and riprap are normally required for new and replacement seawalls. Therefore, the applicant is proposing to install both riprap and native plantings in front of the existing seawall. Riprap and plantings will not be installed in front of the boat slips, as riprap may cause a navigational hazard and the area is within the allowed access corridor (that may remain free of vegetation).

In accordance with Orange County Code, Chapter 33, Article IV, Section 33-129(d), notification of the public hearing was sent to all property owners within 500 feet of the project site for both the original plan request and the April 9, 2025 revised plans. 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 and cross sections signed and sealed by Robert DeWitt, P.E., received by EPD on April 9, 2025. The permitted activity must commence within one year and be completed within two years from the date of issuance of the permit. In the event that the project has not commenced within one year or been completed within two years or extended, this permit shall be void and a new permit application with applicable fee will be required.
4. Riprap shall be installed waterward of the seawall in accordance with the site plan and cross section (Exhibit B) signed and sealed by Robert DeWitt, P.E., received by EPD on April 9, 2025. The riprap shall be installed at a slope no steeper than two (horizontal) to one (vertical), extend at least halfway up the face of the seawall, and measure between 12 inches to three feet in diameter. The installation of the riprap must commence within 30 days and be completed within 60 days from the date of completion of construction of the seawall.
5. Installation of plantings must be initiated within 30 days and be completed within 60 days of installation of the riprap in accordance with the site plan and cross section (Exhibit B) signed and sealed by Robert DeWitt, P.E., received by EPD on April 9, 2025. After one year, if 80 percent areal coverage of native emergent or aquatic plant species is not established, additional plantings may be required.
6. 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.
7. The permittee may maintain a clear access corridor below the NHWE of 98.48 feet (NAVD88) above mean sea level for Lake Butler, 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.
8. This permit does not authorize any dredging or filling except that which is necessary for the installation of the replacement seawall, riprap, and native plantings as depicted on the approved plans.

9. 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).
10. 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 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

11. A copy of this permit, along with EPD stamped and approved drawings, should be provided 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.
12. 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.
13. 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.
14. 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.

15. 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.
16. 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. 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.
17. 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.
18. 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.

19. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of construction.

BUDGET: N/A

Application for Shoreline Alteration/Dredge and Fill



Application for Shoreline Alteration/Dredge and Fill SADF-24-01-002 District #1

2023-011-803W2ndAve

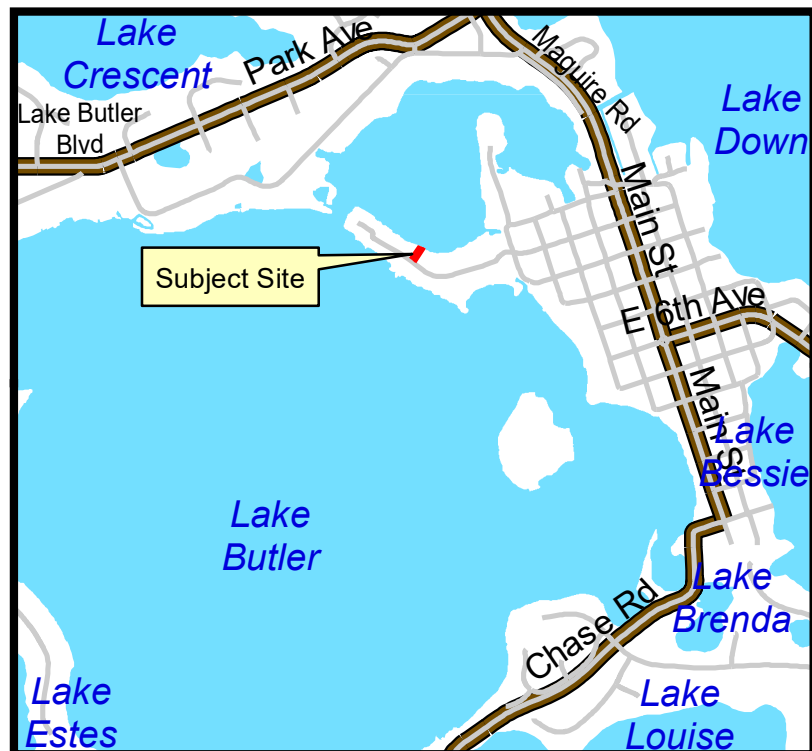
Applicant: Florida Land Trust

Address: 803 W 2nd Avenue

Parcel ID: 07-23-28-0044-00-061

Project Site 

Property Location 



Legal Description:
THE EAST 54 FEET OF LOT 8 AND THE WEST 46 FEET OF LOT 6 AND THE WESTERLY HALF OF THE EAST 50 FEET OF LOT 6, ALADAR-ON-LAKE-BUTLER, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 47, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

FLOOD DISCLAIMER:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, AE (WITH A BASE FLOOD ELEVATION OF 100.7). THIS PROPERTY WAS FOUND IN TOWN OF WINDERMERE, COMMUNITY NUMBER 120381, DATED 9/25/2009.

CERTIFIED TO:
CARRIE EVANS




- Surveyor's Notes -

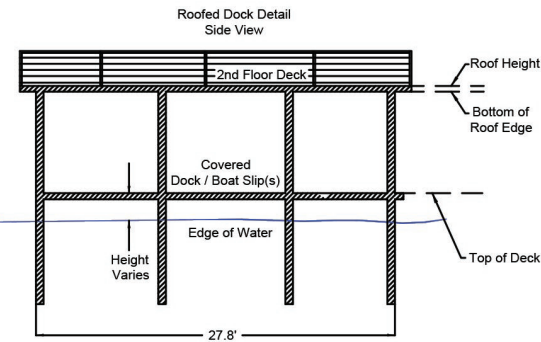
- > The purpose of this Specific Purpose Survey is to show the As-built Condition of the Dock shown hereon in relation to the boundary as Established.
- > Due to the discrepancies between the recorded plat distances and the distances between monumentation found on the date of 02/27/23, the property boundary has been pro-rated to match found monumentation, and is subject to change, if or when, any preeminent information is discovered and determined to affect subject property. Said change is without hesitation, consultation, or notification.
- > Additional interior improvements were not located per the contracted scope of work.

-Benchmark Information-

Orange County Benchmark Datum
Designation : UB-6
Elevation : 107.31'(NAVD '88)

-Site Benchmark Information-

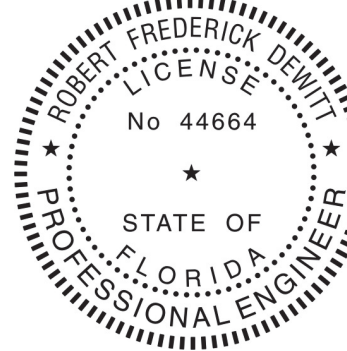
-  **#1**
Set Nail & Disk ("LB # 7623") In Asphalt
Elevation: 105.87'
-  **#2**
Set Nail & Disk ("LB # 7623") In Asphalt
Elevation: 105.70'
-  **#3**
Set Nail in 60" Oak Tree Root.
Elevation: 104.31'



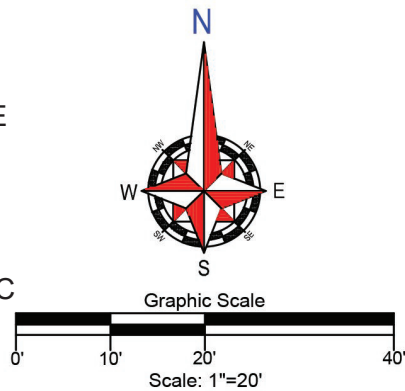
Elevation Information for Dock:
 Water Elevation: 99.1'
 Lowest Electrical: 103.11'
 FFE of 1st Floor Deck: 100.81'
 Highest Point of 1st Floor: 100.82'
 Lowest Point of 1st Floor: 100.80'
 Highest Elevation of 2nd Floor Deck/Roof: 109.81'

ROBERT
DEWITT

Digitally signed by
ROBERT DEWITT
Date: 2025.04.09
12:48:55 -04'00'

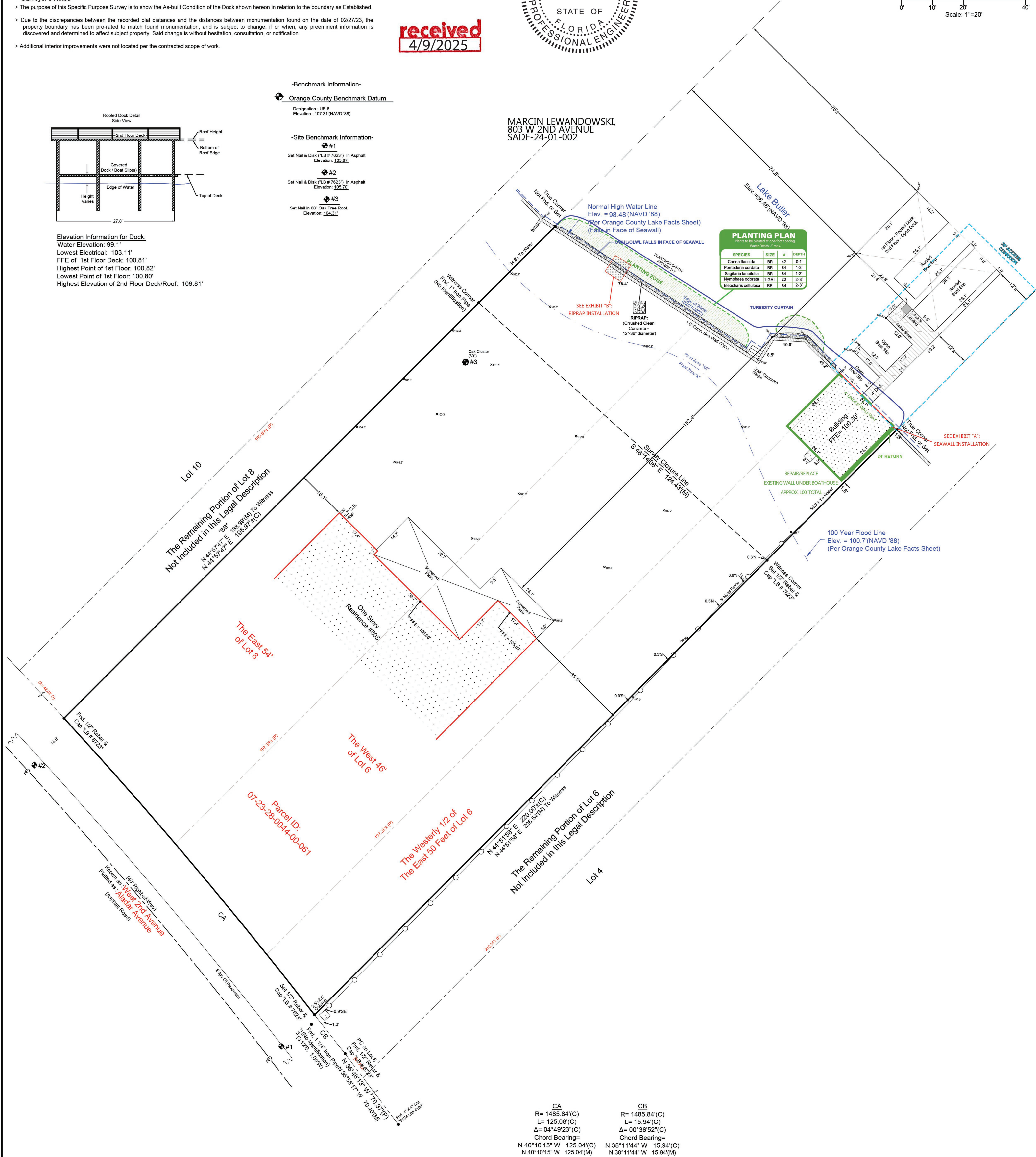


THIS ITEM HAS BEEN ELECTRONICALLY SIGNED BY
ROBERT F. DEWITT, PE USING A DIGITAL SIGNATURE
AND DATE.



PRINTED COPIES OF THIS DOCUMENT ARE NOT
CONSIDERED SIGNED AND SEALED AND THE
SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC
COPIES.

MARCIN LEWANDOWSKI,
803 W 2ND AVENUE
SADF-24-01-002



Field Date: 02/27/23	Date Completed: 03/07/23	-Notes-	Revisions
Drawn By: PP	File Number: IS-115039	<ul style="list-style-type: none">-Survey is Based upon the Legal Description Supplied by Client.-Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hints.-Subject to any Easements and/or Restrictions of Record.-Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".-Building Ties are NOT to be used to reconstruct Property Lines.-Fence Ownership is NOT determined.-Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.-Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.-Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and without Liability to the Surveyor. Nothing Heron is to be Construed to give ANY Rights or Benefits to Anyone other than the Client.-Flood Zone Determination Shown Heron is Given as a Courtesy, and is Subject to Final Approval by the User's Authority. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor.-Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.	<p>herby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and belief as recently Surveyed under my Direction on the Date Shown. Based on information furnished to Me and Noted and Conforms to the Standard of Practice for Land Surveying in the State of Florida in accordance with Chapter 54-17.052 Florida Administrative Code, Pursuant to Section 474.07 Florida Statutes.</p> <p><i>Patrick H. Ireland</i></p> <p>Patrick K. Ireland, PLS#6637, LB 7766 This Survey is Intended Only for the use of Said Certified Parties. This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.</p> <p><i>Ireland & Associates Surveying, Inc.</i></p> <p>800 Century Circle Suite 1020 Lake Mary, Florida 32746 www.irelandsurveying.com Office-407.678.3366 Fax-407.320.8165</p>
C - Calculated CB - Centerline CM - Concrete Monument Conc. - Concrete D - Description Drainage - Drainage Easement E.F.M.A. - Federal Emergency Management Agency FFE - Finished Floor Elevation Fnd. - Foundation L - Length L - Length (Arc) M&D - Measured N&D - Noted N.R. - Not Records P - Plat P - Plat W - Wood Fence	-Legend- PC - Point of Curvature P - Page PI - Point of Intersection P.O.B. - Point of Beginning P.O.L. - Point on Line P - Power Pole PRM - Permanent Reference Monument PT - Point of Tangency R - Radius Rad. - Radius R&C - Rebar & Cap R - Rebar R - Roofed S - Set S - Set T - Typical U - Utility Easement WM - Water Meter W - West (Central Angle) - Chain Link Fence		

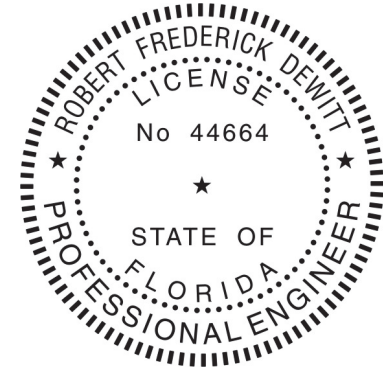
MARCIN LEWANDOWSKI,
803 W 2ND AVENUE
SADF-24-01-002

received
4/9/2025

EXHIBIT 'A' - SEAWALL INSTALLATION

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED BY
ROBERT F. DEWITT, PE USING A DIGITAL
SIGNATURE AND DATE.

PRINTED COPIES OF THIS DOCUMENT ARE NOT
CONSIDERED SIGNED AND SEALED AND THE
SIGNATURE MUST BE VERIFIED ON ANY
ELECTRONIC COPIES.



VINYL SEAWALL
TOP OF WALL ELEV: 100.48'

OLD WALL TO
BE REMOVED

*NEW WALL TO BE PLACED
MAX 1' IN FRONT OR BEHIND
OF EXISTING WALL AS REQUIRED BY
THE NEEDS OF THE STRUCTURAL
INTEGRITY OF EXISTING BOATHOUSE

ROBERT
DEWITT

Digitally signed by
ROBERT DEWITT
Date: 2025.04.09
12:50:15 -04'00'

DEPTH AT WALL: APPROX 36"
DEPTH TO NOT BE IMPACTED POST-CONSTRUCTION

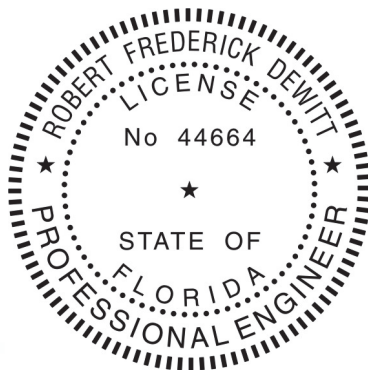
NHWE: 98.48' (NAVD 88)

LAKE
BOTTOM

MARCIN LEWANDOWSKI,
803 W 2ND AVENUE
SADF-24-01-002

received
4/9/2025

EXHIBIT "B" - RIPRAP INSTALLATION PLAN



THIS ITEM HAS BEEN ELECTRONICALLY SIGNED BY
ROBERT F. DEWITT, PE USING A DIGITAL
SIGNATURE AND DATE.

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CONSIDERED SIGNED AND SEALED AND THE
SIGNATURE MUST BE VERIFIED ON ANY
ELECTRONIC COPIES.

ROBERT
DEWITT

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ROBERT DEWITT
Date: 2025.04.09
12:49:42 -04'00'

PLANTINGS

