



## Interoffice Memorandum

June 11, 2024

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

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

**CONTACT PERSON: Renée H. Parker, LEP, Manager  
Environmental Protection Division  
(407) 836-1420**

SUBJECT: July 9, 2024 – Public Hearing  
After-the-Fact Shoreline Alteration/Dredge and Fill Permit  
Application for David Sherer (SADF-24-02-006)

The applicant, David Sherer, is requesting an After-the-Fact Shoreline Alteration/Dredge and Fill permit to authorize installation of an approximately 85-foot natural stone riprap revetment with plantings along the shoreline of Lake Holden. The property is located at 831 Springwood Drive, Orlando, Florida, 32839 (Parcel ID No. 11-23-29-9592-04-050) in District 3.

The existing concrete bag stabilization will be removed prior to installation of the proposed riprap revetment. Environmental Protection Division (EPD) staff did not find a permit for the existing shoreline stabilization. Historical aerial photographs suggest that a previous property owner partially installed the concrete bag stabilization around 2009. Additional concrete bags were installed in 2023 by the current property owner. EPD became aware of the shoreline hardening on October 15, 2023, during a routine compliance inspection for Boat Dock Permit #BD-21-08-110. A Notice of Violation (NOV) was sent to the applicant on February 8, 2024, for unauthorized work (Enforcement Case No. 24-634948), which included a requirement to remove the concrete bag stabilization and restore the shoreline with native plantings, and an administrative penalty in the amount of \$5,872.75. Upon the applicant's request, EPD agreed to reduce the penalty to \$4,060.75, based on the applicant's quick response and work towards bringing the property into compliance. EPD received the penalty payment, designated for use in the Conservation Trust Fund, on May 16, 2024.

The neighboring properties both have shoreline stabilizations in place, and there are seawalls and other shoreline stabilizations present on Lake Holden. Based on prior Board direction, plantings are normally required for shoreline hardening projects. Therefore, the applicant has proposed to install native plantings waterward of the proposed riprap revetment.

In accordance with Orange County Code, Chapter 15, Article VI, Section 15-218(d), notification of the public hearing was sent to all 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 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 plans submitted by Streamline Permitting, Inc. and received by EPD on April 1, 2024 and April 15, 2024. The permitted activity must commence within six months and be completed within one year from the date of issuance of the permit. In the event that the project has not commenced within six months or been completed within one year or extended, this permit shall be void and a new permit application with fee will be required.
4. 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.
5. The riprap revetment will be installed in accordance with the site plans submitted by Streamline Permitting, Inc., and received by EPD on April 1, 2024, and April 15, 2024. The slope of the riprap shall be no steeper than two (horizontal) to one (vertical), and the stone materials shall measure between 12 inches to three feet in diameter.
6. 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 plans submitted by Streamline Permitting, Inc., and received by EPD on April 1, 2024. After one year, if 80 percent areal coverage of native emergent or aquatic plant species is not established, additional plantings may be required.
7. The permittee may maintain a clear access corridor below the NHWE of 89.97 feet (NAVD88) above mean sea level for Lake Holden, 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 riprap revetment, 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 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.
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 15, Article VI 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.

**ACTION REQUESTED:**      **Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of After-the-Fact Shoreline Alteration/Dredge and Fill Permit SADF-24-02-006 for David Sherer, subject to the conditions listed in the staff report. District 3**

RHP/TW:kh

Attachments



# Application for Shoreline Alteration/Dredge and Fill



**Shoreline Alteration Dredge and Fill  
Permit Request  
SADF-24-02-006  
District 3**

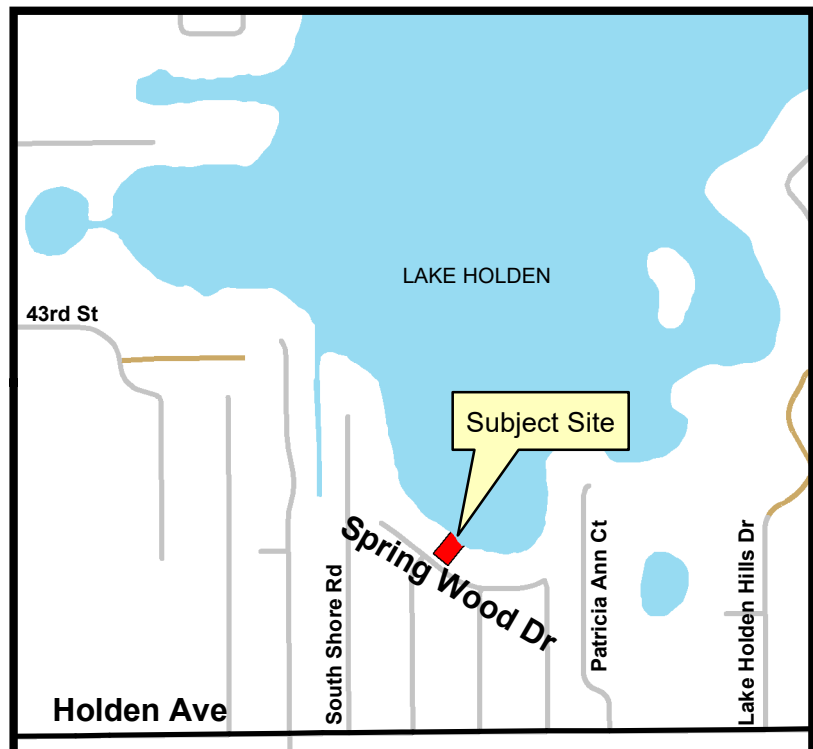
**Applicant:** David Sherer

**Address:** 831 Springwood Drive

**Parcel ID:** 11-23-29-9592-04-050

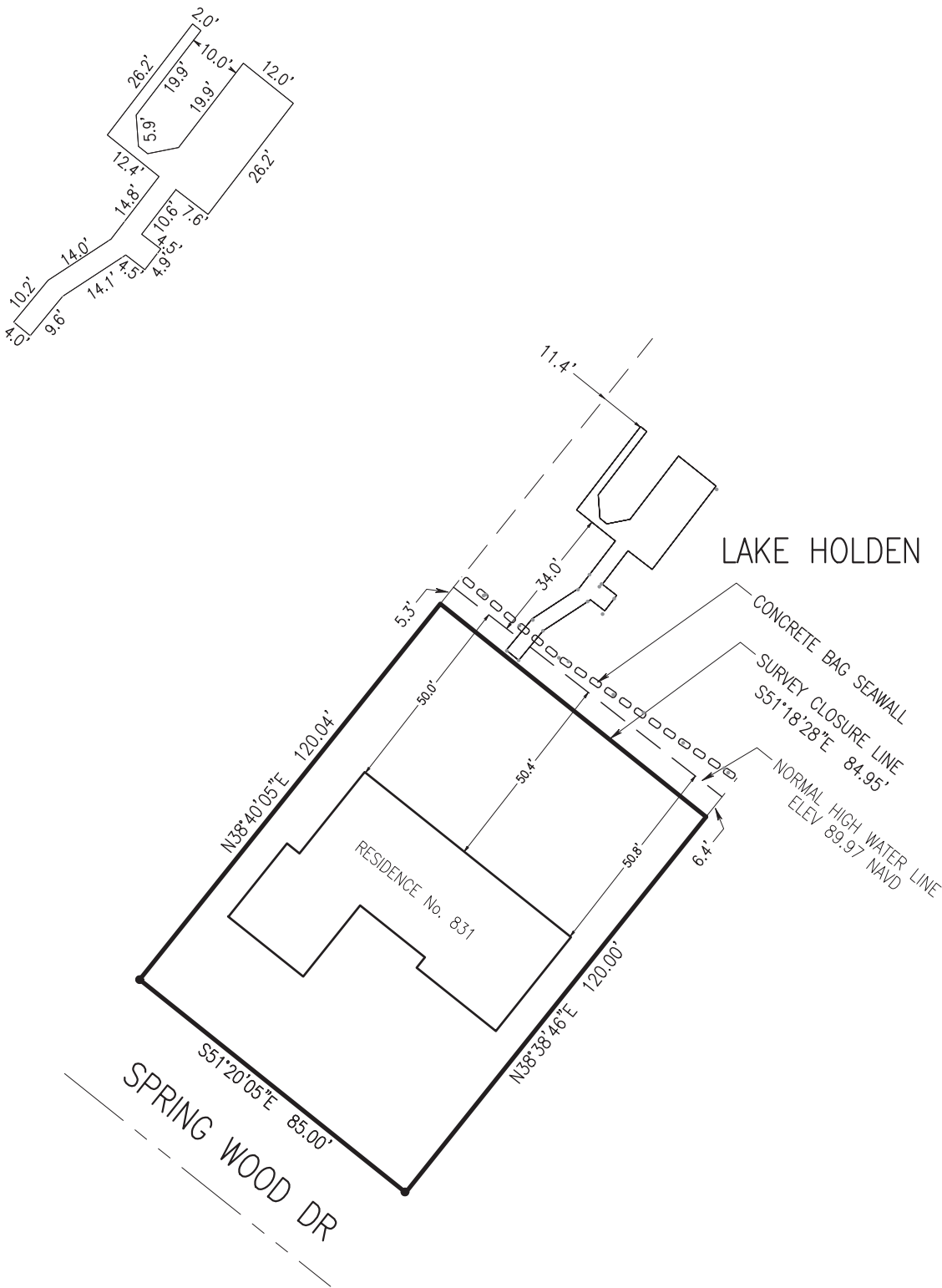
**Project Site** 

**Property Location** 

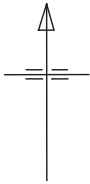


DOCK DETAIL 1" = 30'  
LAKE BOTTOM FROM NHWL = 4.5'  
DECK AND WALKWAY ELEV = 92.3' NAVD  
NHWE = 89.971" NAVD  
ROOF HEIGHT 10.4'

received  
3/07/2024



NOTE:  
AREA BETWEEN NHWL AS SHOWN ON THIS SURVEY AND  
THE NEW CONCRETE BAG SEAWALL IS 179.2 SQ.FT.



GRAPHIC SCALE 1"=30'

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED UNDER MY  
DIRECTION AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE  
WITH THE ADOPTED "MINIMUM TECHNICAL STANDARDS" AS REQUIRED  
BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO  
SECTION 472.027, FLORIDA STATE STATUTES.

Digitally signed by edward  
mizo  
Date: 2024.02.29 13:46:15  
-05'00'

EDWARD J. MIZO  
PROFESSIONAL SURVEYOR AND MAPPER NO. 3376  
NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC  
SIGNATURE AND SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER.

SURVEYORS NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE CO-ORDINATES  
FLORIDA EAST ZONE
- ALL DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS NOTED.
- THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE  
ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA  
ADMINISTRATIVE CODE 5J-17.

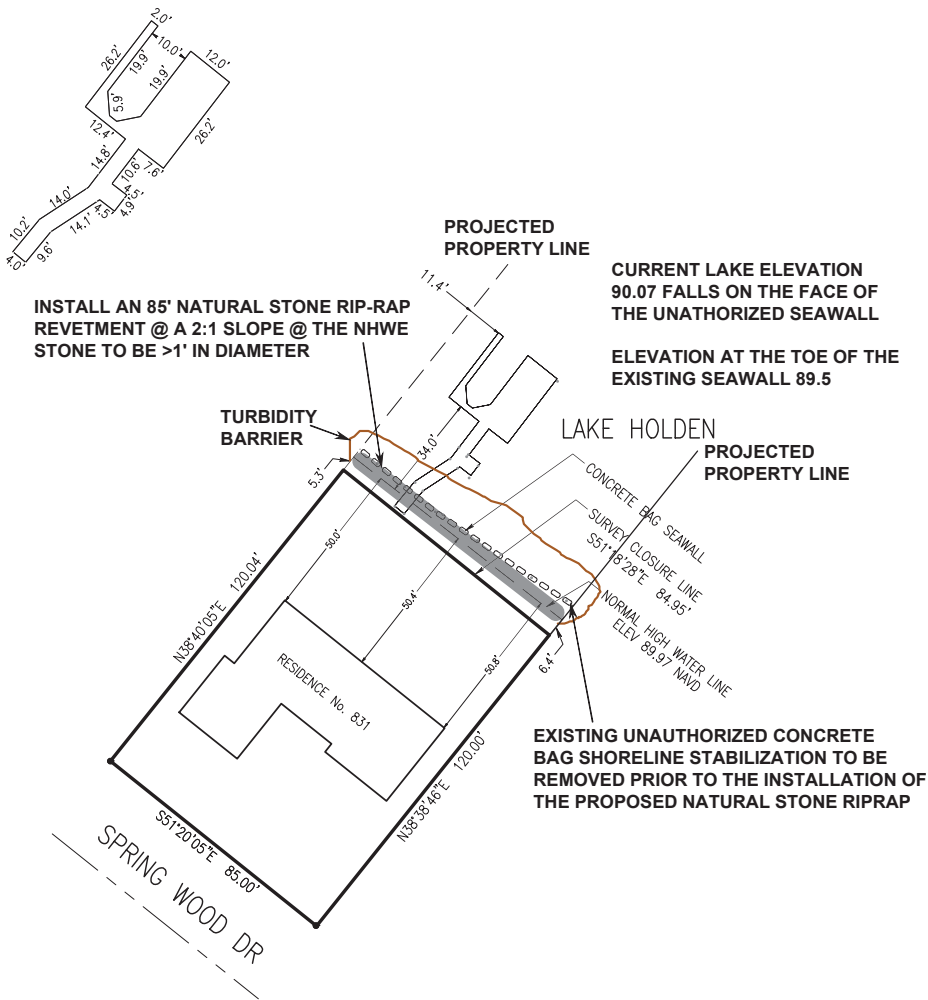
EDWARD MIZO PLS PROFESSIONAL LAND SURVEYOR  175 ANCONA DR DEBARY, FL 32713 321-436-9391	DOCK AS-BUILT SURVEY DOCK AS-BUILT 831 SPRINWOOD DR ORLANDO, FL 32839	AS-BUILT 2/10/2023	
		ADDED SEAWALL	2/29/24



SHERER RIP-RAP SITE PLAN  
831 SPRINGWOOD DRIVE  
ORLANDO, FL 32839

DOCK DETAIL 1" = 30'  
LAKE BOTTOM FROM NHWL = 4.5'  
DECK AND WALKWAY ELEV = 92.3' NAVD  
NHWE = 89.971" NAVD  
ROOF HEIGHT 10.4'

received  
4/15/2024



NOTE:  
AREA BETWEEN NHWL AS SHOWN ON THIS SURVEY AND  
THE NEW CONCRETE BAG SEAWALL IS 179.2 SQ.FT.



GRAPHIC SCALE 1"=30'

- SURVEYORS NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE CO-ORDINATES FLORIDA EAST ZONE
  2. ALL DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS NOTED.
  3. THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 5J-17.

EDWARD MIZO PLS  
PROFESSIONAL LAND SURVEYOR  
175 ANCONA DR  
DEBARY, FL 32713  
321-436-9391

DOCK AS-BUILT SURVEY  
DOCK AS-BUILT  
831 SPRINGWOOD DR  
ORLANDO, FL 32839

AS-BUILT 2/10/2023

ADDED SEAWALL

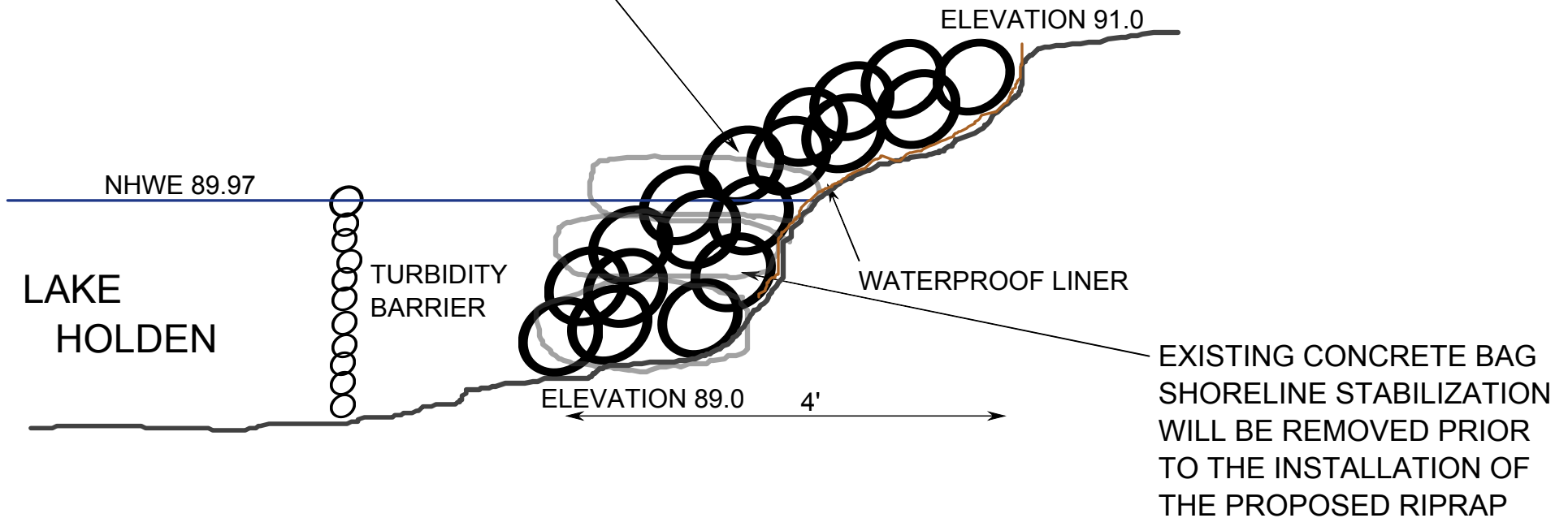
2/29/24



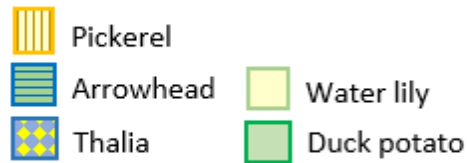
received  
4/01/2024

**SHERER RIP-RAP CROSS SECTION  
831 SPRINGWOOD DRIVE  
ORLANDO, FL 32839**

PROPOSED NATURAL STONE RIP-RAP REVETMENT  
TO BE INSTALLED @ A 2:1 SLOPE @ THE NHWE  
STONE TO BE >1' IN DIAMETER



## Re-planting plan



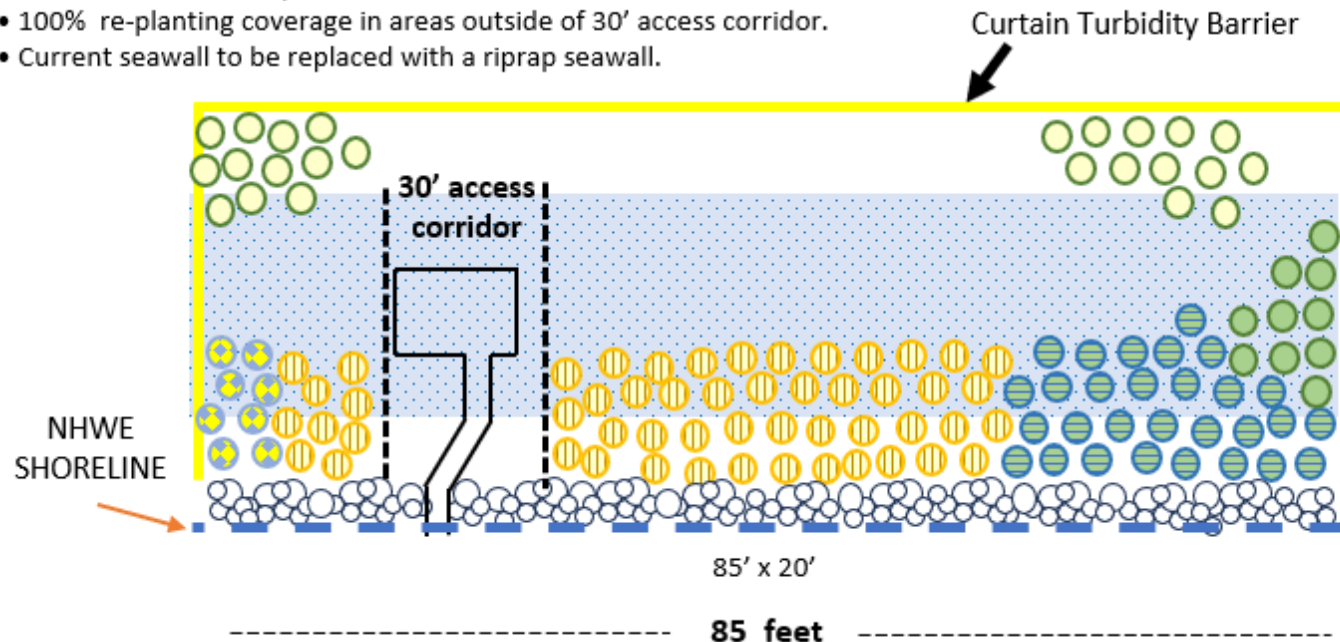
Lake Holden  
NHWE 89.97

David Sherer  
831 Springwood Drive  
Orlando, FL. 32839  
[sherer.david@gmail.com](mailto:sherer.david@gmail.com)  
Parcel ID No.: 11-23-29-9592-04-050  
Incident No.: 24-634948

— NHWE is at Seawall

### Replanting Area Notes:

- Estimated removed vegetation is 1,700 sqft feet. (85' X 20')
- Plants to be installed at 1' centers
- Total Plants to be re-planted outside corridor: 1100
- Plant size: 1–3-gallon bare root.
- The total amount of species to meet code: 5
- 100% re-planting coverage in areas outside of 30' access corridor.
- Current seawall to be replaced with a riprap seawall.



\* Drawing not to scale



