



Interoffice Memorandum

May 28, 2020

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

FROM: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development  
Services Department

CONTACT PERSON: David D. Jones, P.E., CEP, Manager  
Environmental Protection Division  
(407) 836-1406

SUBJECT: June 23, 2020 – Public Hearing  
Shoreline Alteration/Dredge and Fill Permit Application for  
Ashley Walker (SADF-20-04-009)

Ashley Walker (applicant) is requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to construct a new seawall along the shoreline of her property. The project site is located at 11 Main Street, Windermere, FL 34786, on the Fischer Canal. The Fischer Canal leads to the Down-Wauseon Bay Canal, which leads to Wauseon Bay and Lake Down. The Parcel ID for the site is 08-23-28-1948-01-080. The subject property is located in District 1.

The property is experiencing some erosion along the canal. The applicant is proposing to construct approximately 96 feet of new aluminum seawall along the canal at the Normal High Water Elevation. There is an existing seawall on the property to the north, where a very large tree is located near the property line. The proposed seawall will stop short of this large tree. The adjacent property to the south does not have a seawall. In order to protect the adjacent southern property from potential erosion after the wall is constructed, the applicant will place rip rap at that end of the wall. The seawall will be located slightly landward of the current waterline in this area, so the rip rap will not extend any further into the canal than the existing shoreline. Since the proposed seawall is on a canal, no additional riprap or plantings are being requested due to navigational concerns.

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.

Pursuant to Orange County Code, Chapter 33, Article IV, the Environmental Protection Division staff has evaluated the 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 Shoreline Alteration/Dredge and Fill Permit, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 30 calendar-day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until all appeals are resolved.
2. Construction activities shall be completed in accordance with the engineered plans submitted by Wayne Block, P.E. and received by the Environmental Protection Division (EPD) on May 8, 2020. The permitted activity must be commenced within six months and completed within two years from the date of issuance of the permit. In the event that the project has not commenced within six months or been completed within two years this permit may be revoked.
3. No filling is authorized except in the actual construction of the seawall.
4. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.

General Conditions:

5. 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 the approved drawings, plans, and other documents attached hereto or on file with EPD.
6. The permittee binds themselves and their 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 and/or agent promptly thereafter.
7. 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 approval. For further information, please contact the OCZD at (407) 836-5525.
8. After approval by the 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.
9. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. 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.

11. 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 owner's 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.
12. 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 rights, 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.
13. 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.
14. The permittee is hereby advised that Section 253.77, Florida Statutes (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.
15. 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.
16. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
18. EPD staff shall have permission to enter the site at any reasonable time to inspect the property for conformity with the plans and specifications approved by the permit.

19. The permittee shall hold and save the County harmless from all damages, claims or liabilities, which may arise because of the activities authorized by the permit.
20. 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.
21. 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.
22. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters may occur due to the permitted activity. If site specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
23. 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 permittee 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 permittee fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.
24. Pursuant to Section 125.022, FS, the permittee shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

**ACTION REQUESTED:**      **Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Shoreline Alteration/Dredge and Fill Permit SADF-20-04-009 for Ashley Walker, subject to the conditions listed in the staff report. District 1**

# Shoreline Alteration/Dredge and Fill Permit Request



## Shoreline Alteration/Dredge and Fill Permit Request

SADF-20-04-009

District #1

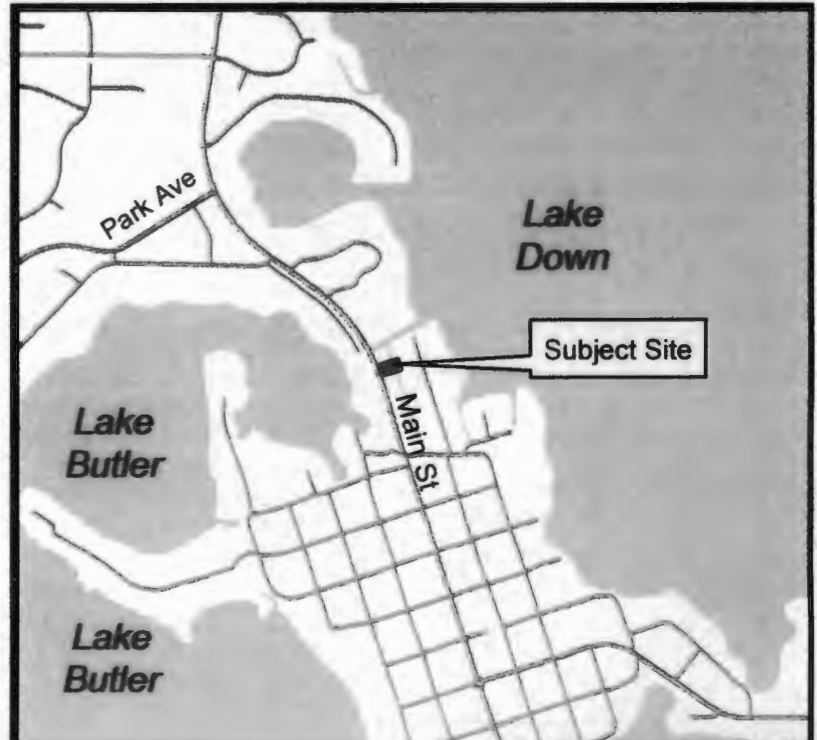
**Applicant:** Ashley Walker

**Address:** 11 Main Street

**Parcel ID:** 08-23-28-1948-01-080

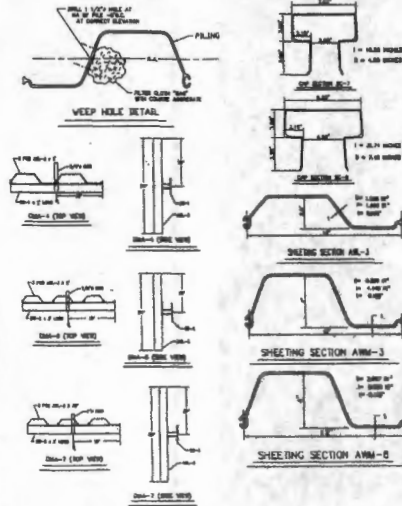
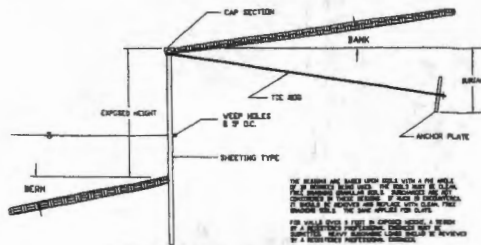
● Project Site

■ Property Location



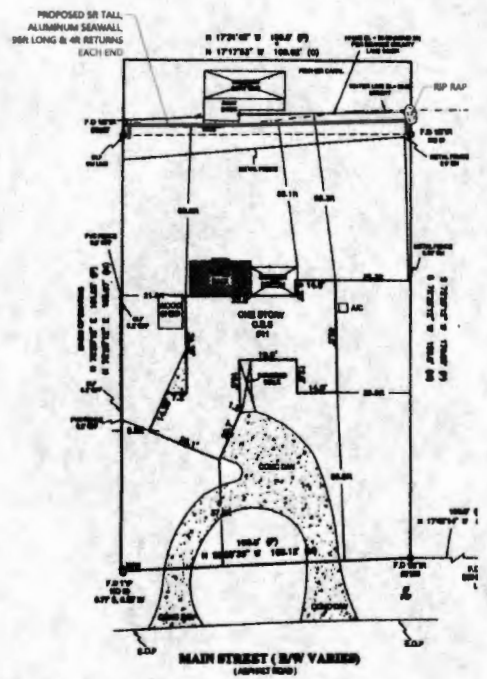
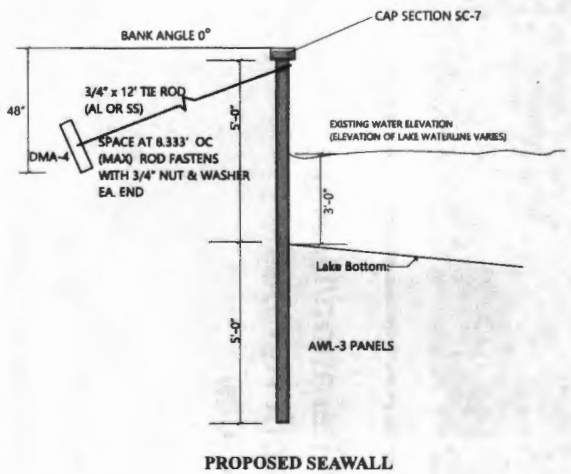
ENGINEERING MEETS OR EXCEEDS 2017 FLORIDA BUILDING CODE, 8th EDITION, CH. 16.

SOIL PROPERTIES:  
 $\phi = 35^\circ$   
 $\rho = 110 \text{ pcf}$   
 $C = 0$



TYPICAL DESIGN SECTION

EXPOSED HEIGHT	BANK ANGLE	BERM ANGLE	SHEETING TYPE	SHEET LENGTH	ANCHOR ROD DIA. & LENGTH	ANCHOR PLATE TYPE & BURIAL	ANCHOR SPACING
3'	0	0	AW-3	9'	3/4" x 10'	DMA-4 2.5'	8.333'
	10	10	AW-3	6'	3/4" x 10'	DMA-4 2.5'	8.333'
4'	0	0	AW-3	8'	3/4" x 14'	DMA-4 4.5'	8.333'
	10	10	AW-3	7'	3/4" x 14'	DMA-4 4.5'	8.333'
5'	0	0	AW-3	9'	3/4" x 18'	DMA-4 4.5'	8.333'
	10	10	AW-3	8'	3/4" x 18'	DMA-4 4.5'	8.333'
6'	0	0	AW-3	10'	3/4" x 14'	DMA-4 4.5'	8.333'
	10	10	AW-3	12'	3/4" x 14'	DMA-4 4.5'	8.333'
7'	0	0	AW-3	14'	3/4" x 14'	DMA-4 4.5'	8.333'
	10	0	AW-3	18'	3/4" x 14'	DMA-4 4.5'	8.333'
8'	0	0	AW-5	13.33'	7/8" x 16'	DMA-6 4.5'	6.25'
	10	0	AW-5	15'	7/8" x 16'	DMA-6 4.5'	6.25'
9'	0	0	AW-8	15'	1" x 18'	DMA-7 4.5'	6.25'
	10	10	AW-8	18'	1" x 18'	DMA-7 4.5'	5.00'



SITE PLAN  
 1" = 20'-0"

SEAWALL FOR:  
 ASHLEY WALKER  
 11 MAIN ST.  
 WINDERMERE, FL 34786

PAGE 1 OF 1

Lidon Engineering Company, Inc.  
 920 Sunset Shores Dr  
 Minnetonka, Florida 34715  
 (352) 394-2590 Ph. & FAX  
 Cert. Auth. #2898

Wayne Block  
 Digitally signed by Wayne Block  
 DN: cn=US, st=FL, o=Wayne Block, ou=Wayne Block, email=wblock@wayneblock.com, c=STATE OF FLORIDA  
 Date: 2020.05.07 09:56:36 -0400

May 7, 2020  
 Wayne A. Block, PE#52583