



Interoffice Memorandum

January 21, 2021

TO: Mayor Jerry L. Demings
-AND-
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: February 23, 2021 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
Dancat Investments, LLC (SADF-20-12-023)

The applicant, Dancat Investments, LLC, is requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a replacement seawall with riprap and plantings along the shoreline of Lake Tibet, for the property located at 9138 Bay Point Drive, Orlando, FL 32819. The Parcel ID for the site is 28-23-28-0600-00-200. The subject property is located in District 1.

There is an existing, unpermitted seawall on the property that was constructed sometime in the early 1980s and is in disrepair. The applicant is proposing to replace the old wall with a new vinyl seawall in order to stabilize the shoreline and prevent erosion of the property. The replacement wall will be approximately 160 feet in length and installed immediately waterward of the existing wall. The seawall will tie in to adjacent seawalls on both adjoining properties. The proposed wall will include returns along an existing, grandfathered boat ramp that pre-dates the current property owner. Based on prior Board direction, riprap and plantings are normally required for new seawalls and replacement seawalls; therefore, the applicant will be required to install riprap and plantings waterward of the new seawall.

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. The Environmental Protection Division (EPD) has received no objections to the request.

Pursuant to Orange County Code, Chapter 33, Article IV, Environmental Protection Division (EPD) staff 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 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 signed and sealed by Pavol Stankay, P.E., received by the Environmental Protection Division (EPD) on January 8, 2021. The permitted activity must commence within six months and be 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 shall be void and a new permit application will be required.
3. Riprap shall be installed waterward of the new seawall in accordance with the engineered plans signed and sealed by Pavol Stankay, P.E., received by EPD on January 8, 2021. The riprap shall be installed at a two (horizontal) to one (vertical) slope, extend at least halfway up the face of the seawall, and measure between 12 inches to three feet in diameter. The installation of riprap must commence within 30 days and be completed within 60 days from the date of completion of construction of the seawall.
4. The installation of aquatic plantings as detailed on the plans signed and sealed by Pavol Stankay, P.E., received by EPD on January 8, 2021, must be initiated within 30 days and be completed within 60 days of the installation of the riprap. After one year, if 80 percent areal coverage of native, emergent or aquatic plant species is not established, additional replanting may be required.
5. The permittee may maintain a clear access corridor below the Normal High Water Elevation of 98.52 feet (NAVD 88) above mean sea level for Lake Tibet, not to exceed 30 feet in width, 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.
6. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.
7. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall and riprap.

General Conditions:

8. 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.
9. 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 holders and/or agent promptly thereafter.

10. 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.
11. 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.
12. 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.
13. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location of the seawall.
14. 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.
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 owner's riparian or other property rights, the permittee agrees to either obtain written consent or remove the offending structure or encroachment within 60 days from the date of 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 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.
17. 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.

18. 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.
19. 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.
20. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
21. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
22. 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.
23. 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.
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. 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.
27. 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.
28. 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-20-12-023 for Dancat Investments, LLC, subject to the conditions listed in the staff report. District 1

DDJ/JW: mg

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



**Shoreline Alteration/Dredge
and Fill Permit Request
SADF-20-12-023
District #1**

Applicants: Dancat Investments LLC

Address: 9138 Bay Point Drive

Parcel ID: 28-23-28-0600-00-200

Project Site 

Property Location 



BERTO SEAWALL SITE PLAN

9138 BAY POINT DRIVE
ORLANDO, FLORIDA 32819

DESCRIPTION:

LOT 20, BAY POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 49, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

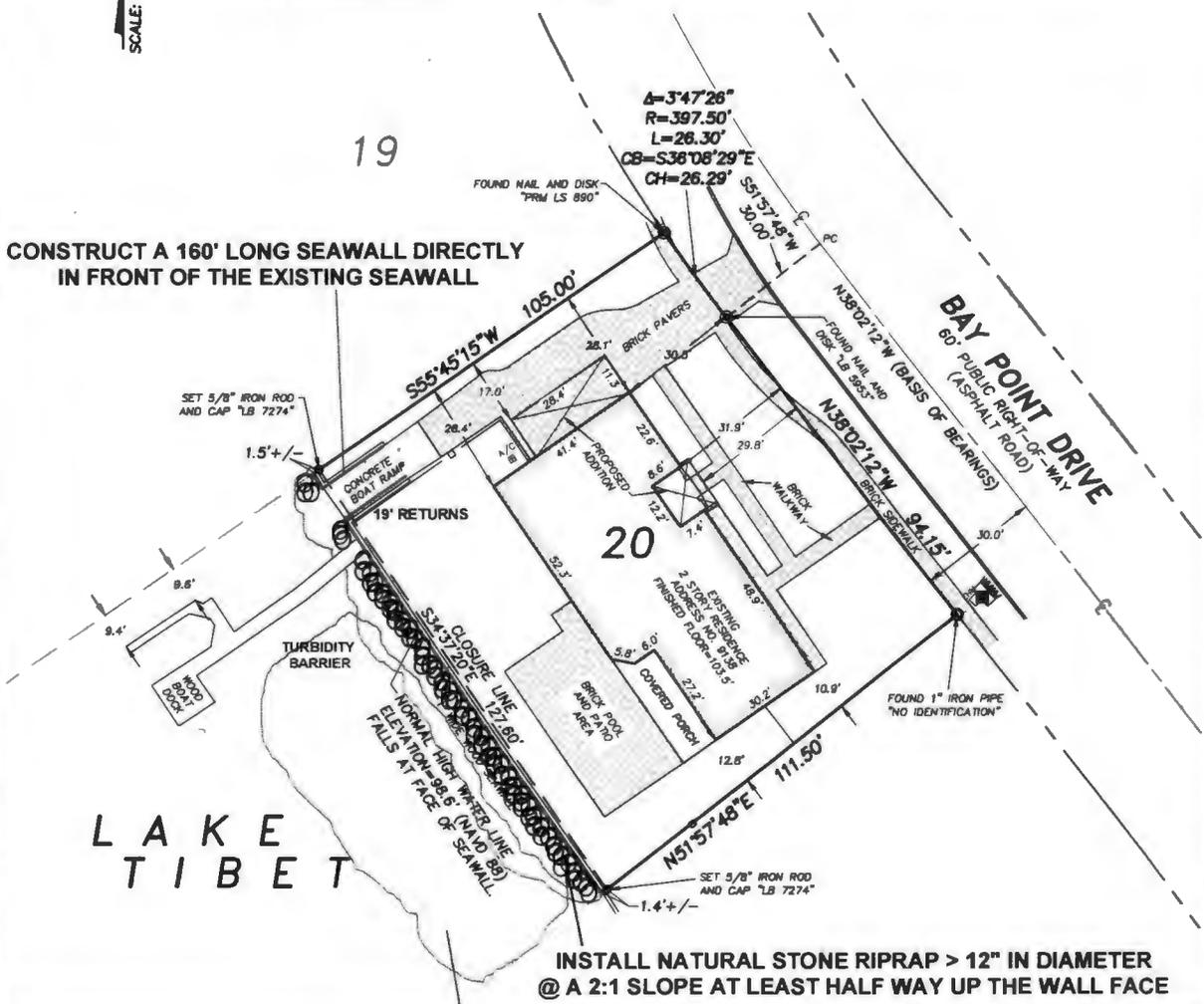
LEGEND/ABBREVIATIONS:

- P.C. POINT OF CURVATURE
 - R RADIUS
 - △ CENTRAL ANGLE
 - L LENGTH
 - CH CHORD
 - CB CHORD BEARING
 - IRON ROD & CAP
 - ⊙ NAIL & DISC
 - 4"x4" CONCRETE MONUMENT
 - IRON PIPE
 - WOOD FENCE
 - ⊕ CENTERLINE
 - LB LICENSED BUSINESS
 - ⊞ WATER METER
 - ⊞ ELECTRIC HAND HOLE
 - LIGHT POLE
- NAVD 1988 NORTH AMERICAN VERTICAL DATUM OF 1988



SURVEYORS NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
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 RECERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
4. BEARINGS SHOWN HEREON ARE BASED ON THE FOLLOWING: CENTERLINE OF BAY POINT DRIVE AS BEING N38°02'12"W (ASSUMED).
5. THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.
6. UNDERGROUND IMPROVEMENTS AND INSTALLATIONS HAVE NOT BEEN LOCATED.
7. THE LANDS SHOWN HEREON LIE PARTIALLY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) WITH PORTIONS LYING WITHIN ZONE AE, (AREAS OF 100 YEAR FLOOD) AS SHOWN HEREON, ACCORDING TO "FIRM" MAP NO. 12095C0385 F, DATED SEPTEMBER 25, 2009.
8. THE ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 1988 DATUM PER ORANGE COUNTY BENCH MARK NUMBER C1147040, ELEVATION = 102.042'
9. 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.
10. THE ELECTRONIC FILE FOR THIS PROJECT IS THE PROPERTY OF BISHMAN SURVEYING AND MAPPING, INC. AND IS NOT THE PROPERTY OF THE CLIENT.



ENGINEER'S SEAL AS TO SITE PLAN ONLY

COMBINATION OF DUCK POTATO, PICKERELWEED, CANNA FLACCIDA AND BLUE IRIS WILL BE PLANTED ON 2' CENTERS IN THIS AREA



Pavol Stankay
c=US, o=Unaffiliated,
ou=A01410C00000170C
1228EDE00008BFDB,
cn=Pavol Stankay
2021.01.08 07:54:03
-05'00'

160' VINYL SEAWALL INSTALLED DIRECTLY IN FRONT OF THE EXISTING SEAWALL

Pavol Stankay
 PE # 29059
 2227 Mercator Drive
 Orlando, FL 32807
 (407) 701-2145
 Pavol@segco.net

ALTERNATIVE CAP DETAIL
 2X8 P.T. SIDE BRACING
 W/ (1) 1/2" THRU BOLTS 2' O.C. &
 1X6 CAP W/ (2) 2" SCREWS 1' O.C.



12" X 10" 3,000 PSI CONCRETE CAP
 W/(2) #5 HORIZONTAL REBAR

received
 1/8/2021

1/2" THREADED ROD
 W/12" MIN BEND OR
 NUT & 2" WASHER
 @ DEADMEN & WALL

NATURAL STONE RIPRAP
 > 12" IN DIAMETER INSTALLED
 @ A 2:1 SLOPE COVERING AT
 LEAST 50% OF THE WALL FACE

3000 PSI CONCRETE
 AFTER 28 DAYS

NO NEW FILL TO BE
 IMPORTED TO THE SITE

CONCRETE
 DEADMEN
 15' O.C.

2'X2'X2'
 W/2 #5 E.W.

(ALTERNATIVE DEADMAN
 DMA-4 ANCHOR BY CMI)

EXISTING WOOD SEAWALL
 TO REMAIN - ONLY THE
 CAP WILL BE REMOVED



Pavol Stankay
 c=US, o=Unaffiliated,
 ou=A01410C00000170C12
 28EDE0000BFDB, cn=Pavol
 Stankay
 2021.01.08 07:55:03 -05'00'

CMI VINYL SHEET
 PILE SERIES FP-475
 OR SG-425

4' MIN IN
 FIRM SOIL

BERTO SEAWALL
 CROSS SECTION
 9138 BAY POINT DRIVE
 ORLANDO, FL 32819

THIS STRUCTURE HAS BEEN DESIGNED TO
 MEET OR EXCEED THE WIND LOAD REQUIREMENTS
 OF THE 2020 FLORIDA BUILDING CODE RESIDENTIAL
 EDITION SECTION R301 DESIGN CRITERIA AND
 ASCE 7- 16 AND 2014 NEC.

1. BASIC WIND SPEED= 140 MPH ULTIMATE WIND SPEED (VuIt) AND 116 MPH (Vasd)
2. IMPORTANCE FACTOR: I = 1.0
3. WIND EXPOSURE = CATEGORY D
4. RISK CATEGORY II - TABLE 1604.5

