



Interoffice Memorandum

August 23, 2023

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

FROM: Andres J. Salcedo, P.E., Acting Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **Elizabeth R. Johnson, CEP, PWS, MPA, Interim Manager** 
Environmental Protection Division
(407) 836-1511

SUBJECT: September 26, 2023 – Public Hearing
After-the-Fact Shoreline Alteration/Dredge and Fill Permit
Application for Dayne and Stephanie Williams (SADF-23-06-017)

The applicants, Dayne and Stephanie Williams, are requesting an after-the-fact Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a riprap revetment along the shoreline of Lake Fairview. The property is located at 39 Interlaken Road, Orlando, FL, 32804 (Parcel ID No. 10-22-29-3840-00-161) in District 2.

On October 12, 2022, Environmental Protection Division (EPD) staff conducted a routine compliance inspection for Boat Dock permit BD-21-03-034 and noted that a large amount of lakeshore vegetation had been removed and hardening material (riprap) had been installed along the shoreline. No permits had been obtained for the vegetation removal or shoreline hardening. Therefore, on January 26, 2023, EPD issued a Notice of Violation (Enforcement Case No. 22-615498) to the property owners for the unauthorized work. An administrative penalty in the amount of \$4,070 was assessed, which was remitted to the Conservation Trust Fund on July 11, 2023 for the unauthorized impacts to the lakeshore.

On June 20, 2023, EPD received Permit Application SADF-23-06-017 to authorize the existing riprap revetment. The riprap revetment is approximately 145 feet in length and made of natural stone. There is an existing seawall on the parcel to the south (Parcel ID No. 10-22-29-3840-00-162) and there are other shoreline hardening structures on other properties on Lake Fairview.

Based on prior Board direction, plantings are normally required for shoreline hardening projects, including riprap revetments. Therefore, the applicants will be required to install plantings waterward of the riprap.

In accordance with Orange County Code, Chapter 15, Article VI, Section 15-218(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 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 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 approved in accordance with the plans submitted by Karina Lakefront Maintenance, received by EPD on June 20, 2023 and July 18, 2023.
3. Installation of plantings must be initiated within 30 days and be completed within 60 days of permit issuance in accordance with the plans submitted by Karina Lakefront Maintenance and received by EPD on July 18, 2023. After one year, if 80 percent areal coverage of native emergent or aquatic plant species is not established, additional plantings may be required.
4. The permittees may maintain a clear access corridor below the Normal High Water Elevation of 87.49 feet (NAVD88) above mean sea level for Lake Fairview, not to exceed 30 percent of the total shoreline length in width, 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. This permit does not authorize any dredging or filling except that which is necessary for the installation of the riprap and native vegetation plantings as depicted on the approved plans.

General Conditions:

6. Subject to the terms and conditions herein, the permittees are 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.
7. The permittees bind 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.
8. 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. For further information, please contact the OCZD at (407) 836-5525.
9. 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.

10. Prior to construction, the permittees shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
11. 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.
12. The permittees 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 permittees 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.
13. Issuance of this permit does not warrant in any way that the permittees have riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittees. 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 permittees agree 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.
14. This permit does not release the permittees 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 permittees or create in the permittees 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 permittees, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code.
15. If these permit conditions conflict with those of any other regulatory agency, the permittees shall comply with the most stringent conditions. The permittees shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
16. The permittees are 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 permittees are 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 permittees 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 permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
20. 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.
21. The permittees shall hold and save the County harmless from all damages, claims or liabilities, which may arise because of the activities authorized by the permit.
22. 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 permittees.
23. The permittees agree that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
24. 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 permittees shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
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 permittees 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 permittees fail 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.
26. Pursuant to Section 125.022 FS, the permittees 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 the After-the-Fact Shoreline Alteration/Dredge and Fill Permit SADF-23-06-017 for Dayne and Stephanie Williams, subject to the conditions listed in the staff report. District 2**

ERJ/AS: jk

Attachments

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



After-the-Fact Shoreline Alteration/Dredge and Fill Permit Request SADF-23-06-017 District #2

Applicants: Dayne and Stephanie
Williams

Address: 39 Interlaken Road

Parcel ID: 10-22-29-3840-00-161

Project Site 

Property Location 








received
7/18/2023

Top View Natural Stone Revetment

Lake Fairview

Dayne Williams
10-22-29-3840-00-161
39 Interlake Rd.
Orlando Fl 32804

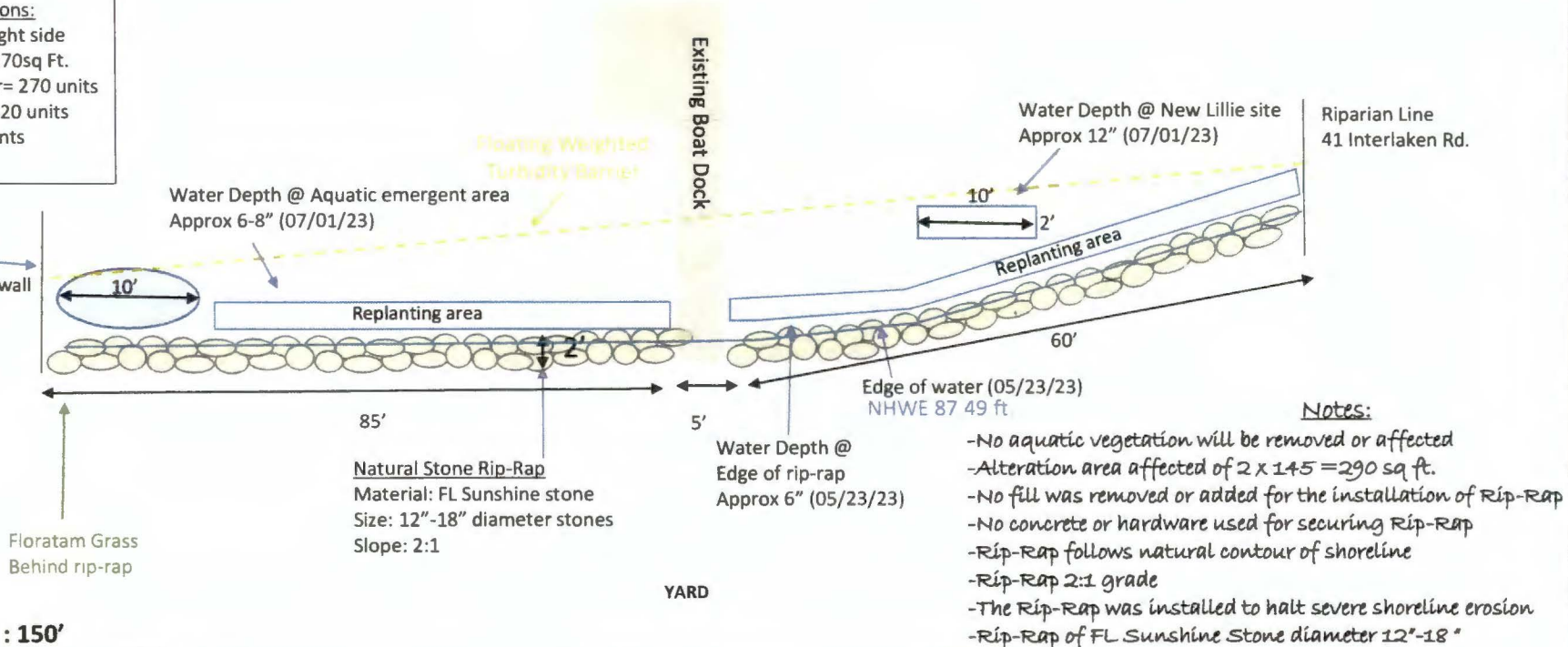
*After the fact permit
Incident No.: 22-615498

-  Existing pad of Duck potatoes & Pickerelweed
-  New vegetation of Duck potatoes, Pickerelweed, Soft Rush, Bullrush
-  New lilies

Replanting Calculations:

75' left side & 60' right side
 135' x 2' outward: 270sq Ft.
 1 plant, 1' on center= 270 units
 Lillie pad= 20 sq ft= 20 units
 Total units= 290 plants

Riparian Line
 Neighboring fence
 37 Interlaken Rd.
 *Existing concrete seawall



Total Shoreline : 150'

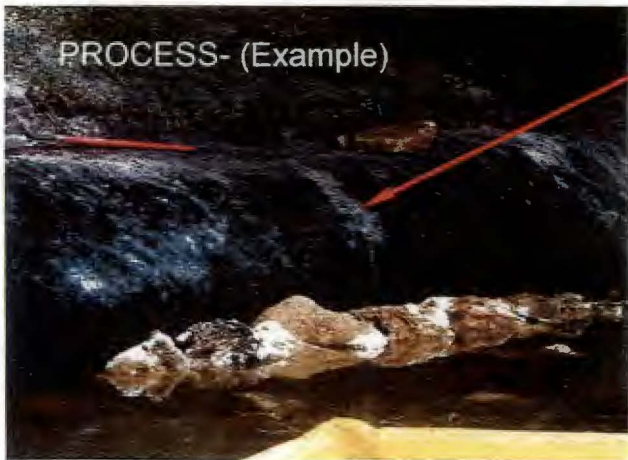
Notes:

- No aquatic vegetation will be removed or affected
- Alteration area affected of $2 \times 145 = 290$ sq ft.
- No fill was removed or added for the installation of Rip-Rap
- No concrete or hardware used for securing Rip-Rap
- Rip-Rap follows natural contour of shoreline
- Rip-Rap 2:1 grade
- The Rip-Rap was installed to halt severe shoreline erosion
- Rip-Rap of FL Sunshine Stone diameter 12"-18"

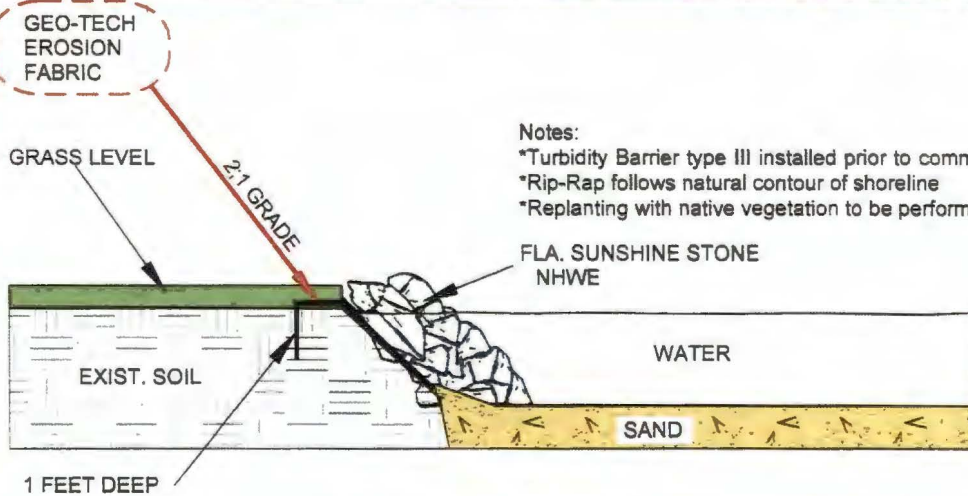
received
6/20/2023



Existing Rip-Rap 2:1 Slope



PROCESS- (Example)



Notes:
*Turbidity Barrier type III installed prior to commencement of work
*Rip-Rap follows natural contour of shoreline
*Replanting with native vegetation to be performed

CLIENT
Dayne Williams
39 Interlaken Rd. Orlando FL 32789

PROJECT
Installation of Natural Stone
Rip-Rap to halt severe erosion
of shoreline

PROJECT NO.
Incident No.: 22-615498

Date
05/22/2023





