



Interoffice Memorandum

September 14, 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: October 13, 2020 – Public Hearing  
Shoreline Alteration/Dredge and Fill Permit Application for  
James and Kathy Zimmerman (SADF-20-08-018)

The applicants, James and Kathy Zimmerman, are requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a replacement seawall with riprap along the shoreline of Lake Tibet on the property located on 9210 Bay Point Drive, Orlando, FL 32819. The Parcel ID for this site is 28-23-28-0600-00-290 and the subject property is located in District 1.

The existing, unpermitted seawall (constructed in the early 1980s) is in disrepair. The applicants are proposing to construct a new vinyl seawall approximately 100 feet in length immediately adjacent to the existing seawall along the shoreline of Lake Tibet in order to stabilize the shoreline and prevent erosion on their property. Both adjoining properties have seawalls. However, due to the condition of the adjacent seawall and evidence of flooding to the south at 9216 Bay Point Drive, the replacement wall will not tie into that wall, but will instead be constructed with a 160 foot return. Due to the unique shape of the shoreline, the new seawall will have a 40 foot return at the northern end where it will meet and tie into that existing adjacent seawall.

Based on prior Board direction, riprap and plantings are normally required for new seawalls and replacement seawalls; therefore, the applicants will be required to install riprap waterward of the new seawall. However, due to an abundance of existing aquatic vegetation along the shoreline, additional plantings are not being required.

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. and received by the Environmental Protection Division (EPD) on August 17, 2020 and August 28, 2020. 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 with fee will be required.
3. Riprap shall be installed waterward of the new seawall in accordance with the plans signed and sealed by Pavol Stankay, P.E., received by EPD on August 17, 2020 and August 28, 2020.
4. 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.
5. 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.
6. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall and riprap.
7. The permittees 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.
8. Native vegetation may not be removed from the shoreline outside of the access corridor without authorization from EPD. An application to remove and replace invasive exotic shoreline vegetation outside the access corridor may be approved if the following conditions are satisfied:
  - a. Native plantings must be installed within 30 days of completion of removal of invasive exotic vegetation;
  - b. After one year, the shoreline must contain at least 80 percent areal coverage of appropriate wetland/aquatic species; and
  - c. Any vegetation to be planted must be comprised of appropriate species that will abate wave action energy, promote community functionality and provide habitat for wildlife species that would normally utilize the shoreline.

9. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.

General Conditions:

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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 owner's 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.
18. 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 33, Article IV of the Orange County Code.

19. 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.
20. 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.
21. 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.
22. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
23. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.

29. 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.
30. Pursuant to Section 125.022 FS, the permittees shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

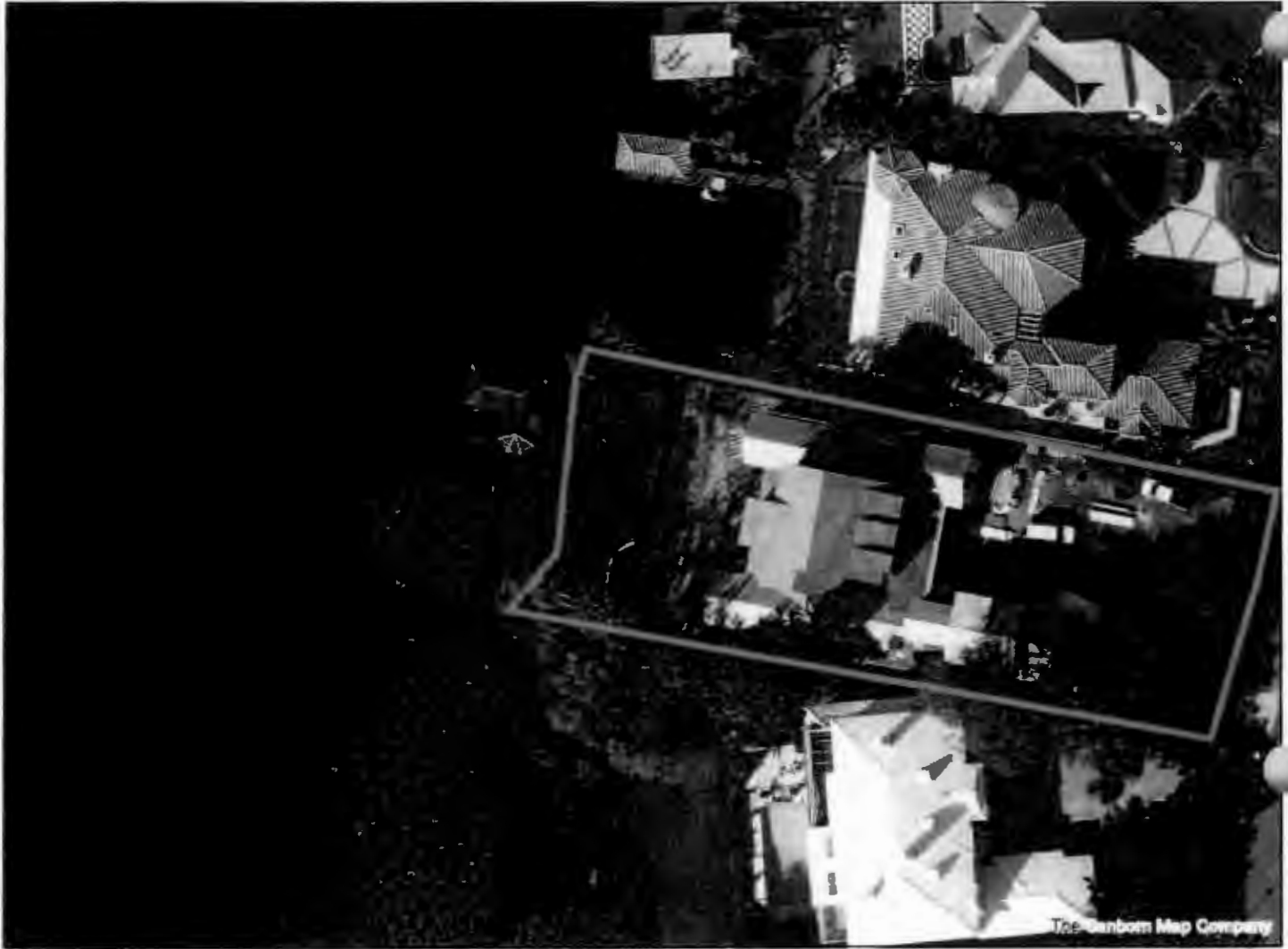
**ACTION REQUESTED: Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of the Shoreline Alteration/Dredge and Fill Permit SADF-20-08-018 for James and Kathy Zimmerman, subject to the conditions listed in the staff report. District 1**

DDJ/JW: mg

Attachments



# Shoreline Alteration/Dredge and Fill Permit Request



**Shoreline Alteration/Dredge  
and Fill Permit Request  
SADF-20-08-018  
District #1**

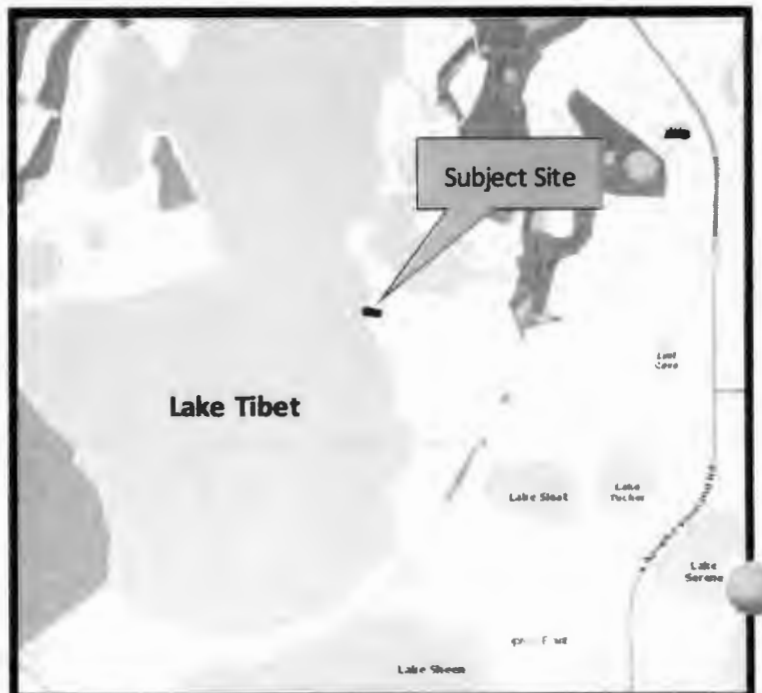
**Applicants:** James and Kathy  
Zimmerman

**Address:** 9210 Bay Point Drive

**Parcel ID:** 28-23-28-0600-00-290

**Project Site** 

**Property Location** 



received  
8/28/2020

DESCRIPTION:

LOT 29, BAY POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 49, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ZIMMERMAN SEAWALL SITE PLAN  
9210 BAY POINT DRIVE  
ORLANDO, FL 32803

SEAL AS TO SITE PLAN ONLY

INSTALL 100' VINYL SEAWALL DIRECTLY  
IN FRONT OF THE EXISTING SEAWALL  
WITH (1) 40' RETURN & (1) 160' RETURN

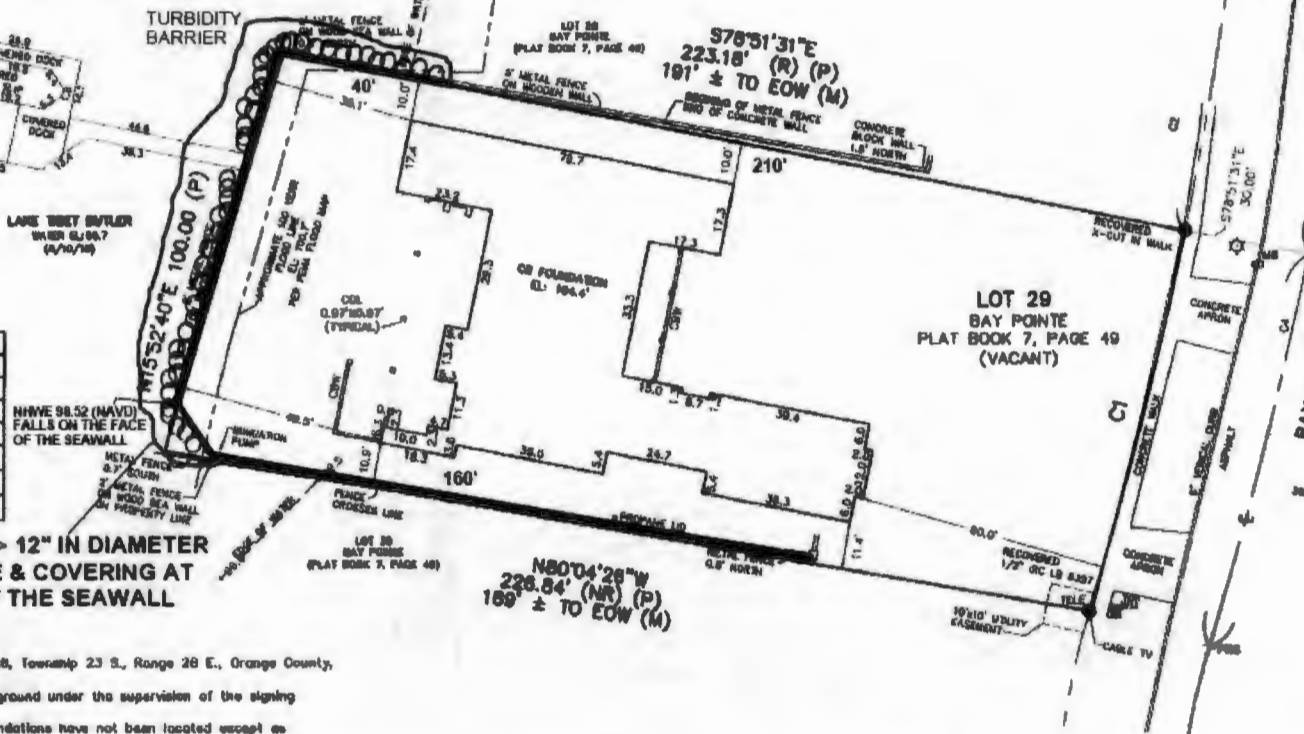
LEGEND:

- BM BENCHMARK
- CB CONCRETE BLOCK
- CBW CONCRETE BLOCK WALL
- COL COLUMN
- EOW EDGE OF WATER
- EL ELEVATION
- ID IDENTIFICATION
- IRC IRON ROD & CAP
- LB LICENSED BUSINESS
- LP LIGHT POLE
- M MEASURED
- N&D NAIL & DISK
- NR NON RADIAL
- P PLAT
- PRC POINT OF REVERSE CURVATURE
- RAD. RADIAL
- TELE TELEPHONE ROSEN
- WM WATER METER
- CL CENTERLINE
- LP LIGHT POLE
- MB MAIL BOX

CURVE DATA

CURVE	RADIUS	DELTA	LENGTH
C1 (P)	970.00'	5°36'57"	95.00'
C1 (M)	970.00'	5°36'41"	95.08'
C2 (P)	970.00'	13°35'08"	230.00'
C2 (M)	970.00'	13°35'04"	229.98'
C3 (P)	1000.0'	10°35'00"	184.71'
C4 (C)	1000.0'	5°36'41"	97.94'
C5 (C)	1000.0'	4°58'19"	86.78'

NATURAL STONE RIPRAP > 12" IN DIAMETER  
INSTALLED @ A 2:1 SLOPE & COVERING AT  
LEAST HALF THE FACE OF THE SEAWALL



Pavol Stankay  
c=US, o=Unaffiliated,  
ou=A01410C00000170C12  
28EDE000BFDB, cn=Pavol  
Stankay  
2020.08.27 16:59:03 -04'00'

SURVEYOR'S NOTES:

1. The lands as shown herein lie within Section 28, Township 23 S., Range 28 E., Orange County, Florida.
2. This survey represents a survey made on the ground under the supervision of the signing surveyor, unless otherwise noted.
3. Underground improvements or underground foundations have not been located except as noted.
4. This survey does not reflect or determine ownership.
5. All easements of which the surveyor has knowledge of, or has been furnished, have been noted on this map.
6. No title data has been provided to this surveyor unless otherwise noted.
7. Bearings shown herein are assumed relative to the South line of Lot 27; bearing N85°56'48"W per plat.
8. According to the Federal Insurance Rate Map, this property lies in Zones "AE" and "X", Community Panel number 12065C0380 F, Dated 9/25/2008. Base Flood Elevation = 180.7
9. Deviations shown herein are based on Orange County benchmark UB-5, having an elevation of 107.31 feet relative to NAVD 88.

REVISIONS

Rev. REMOVED APPROXIMATE	Date: 2/12/20
Rev. FOUNDATION	Date: 9/18/19
Rev. BUILDING STAKE OUT	Date: 8/13/19
Rev. 100 YEAR FLOOD LINE	Date: 06/27/19

HLSM, LLC

Henrich-Luka-Swaggerty-Menard  
Professional Surveyors & Mappers  
Licensed Business No. 7276  
302 Live Oaks Boulevard  
Casselberry, Florida 32707  
P. (407) 847-7346  
F. (407) 882-7166  
Survey@HLSM.US

Job No: J-808  
Field Date: 8-10-18  
Drawn By: BM  
Field By: WKP/OR  
Scale: 1"=30'

THIS SURVEY MAP AND REPORT OR THE  
COPIES THEREOF ARE NOT VALID WITHOUT THE  
SIGNATURE AND THE ORIGINAL BARRED SEAL OF  
A FLORIDA LICENSED SURVEYOR AND MAPPER.

William F. Menard Date  
Professional Surveyor & Mapper  
Florida Registration #5625

received  
8/17/2020

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

### 100' VINYL SEAWALL W/RETURNS @ EA END

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

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

CONCRETE  
DEADMEN  
15' O.C.

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

(ALTERNATIVE DEADMAN  
DMA-4 ANCHOR BY CMI)

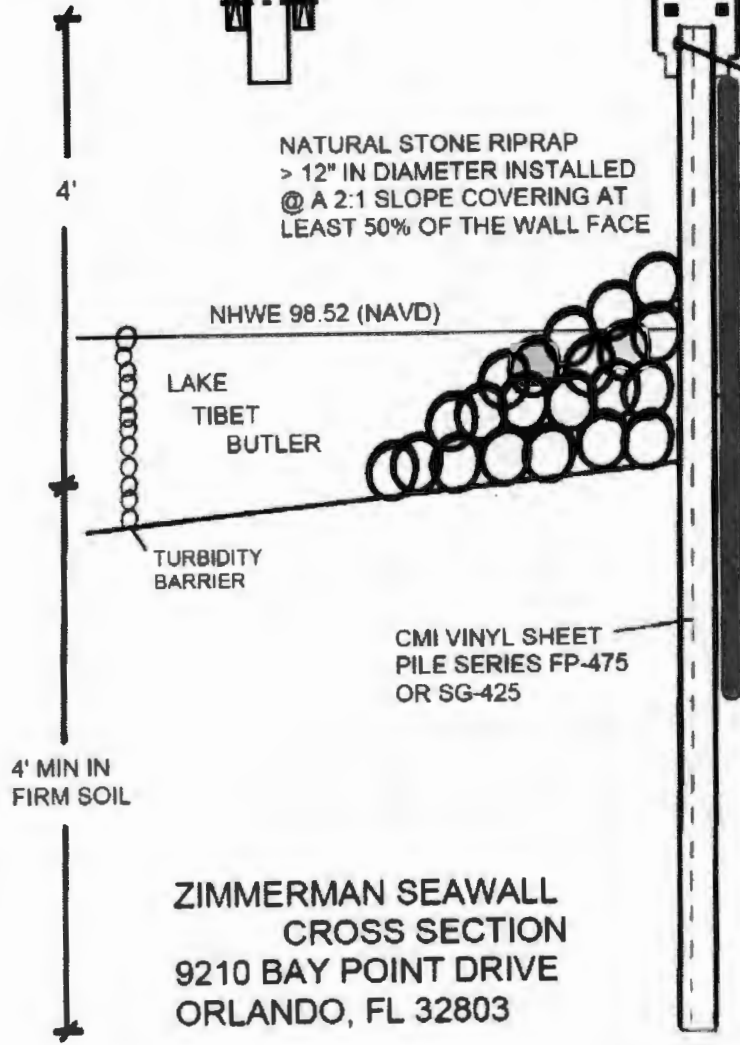
EXISTING WOOD SEAWALL  
TO REMAIN - ONLY THE  
CAP WILL BE REMOVED



Pavol Stankay  
c=US, o=Unaffiliated,  
ou=A01410C00000170C12  
28EDE0000BFDB, cn=Pavol  
Stankay  
2020.08.17 12:51:26 -04'00'

THIS STRUCTURE HAS BEEN DESIGNED TO  
MEET OR EXCEED THE WIND LOAD REQUIREMENTS  
OF THE 2017 FLORIDA BUILDING CODE RESIDENTIAL  
EDITION SECTION R301 DESIGN CRITERIA AND  
ASCE 7- 10 AND 2014 NEC.

1. BASIC WIND SPEED= 140 MPH ULTIMATE WIND SPEED (Vult) AND 116 MPH (Vasd)
2. CONSTRUCTION TYPE = SINGLE FAMILY RESIDENCE
3. WIND EXPOSURE = CATEGORY D
4. RISK CATEGORY II - TABLE 1604.5



ZIMMERMAN SEAWALL  
CROSS SECTION  
9210 BAY POINT DRIVE  
ORLANDO, FL 32803



