



Interoffice Memorandum

August 10, 2023

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

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

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

SUBJECT: September 12, 2023 – Public Hearing
After-the-Fact Shoreline Alteration/Dredge and Fill Permit
Application for Mukesh and Rhonda Mehra (SADF-22-02-002)

The applicants, Mukesh and Rhonda Mehra, 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 Big Sand Lake. The property is located at 8755 Southern Breeze Drive, Orlando, FL, 32836 (Parcel ID No. 34-23-28-2489-00-450) in District 1.

According to aerial imagery, the shoreline along the subject parcel was altered in approximately 2007 with the installation of a riprap revetment. EPD was unable to locate permits for the alteration. The alteration was conducted by a previous property owner, as the applicants purchased the parcel in 2011.

In October 2021, EPD became aware that a Building Permit (B21022378) had been issued for the subject parcel authorizing the construction of a seawall. EPD neither reviewed nor approved the plans prior to permit issuance. On October 29, 2021, EPD coordinated with the Orange County Building and Safety Division and put a stop-work order on B21022378 as work had not yet begun on the seawall.

On February 8, 2022, EPD received an SADF Permit Application (SADF-22-02-002) for the construction of the seawall. EPD met with the applicants' agent (Sheila Cichra) on June 15, 2022 and explained that EPD would not support the placement of a seawall in the location depicted on the plans, as the proposed wall was waterward of the existing riprap revetment. On October 27, 2022, Ms. Cichra requested EPD close the SADF application. EPD then issued a Notice of Non-Compliance (Enforcement Case No. 22-615197) on November 30, 2022, requiring the applicants to remove the unpermitted riprap revetment and restore the shoreline. No penalty was assessed, as the alteration occurred prior to the applicants' purchase of the parcel.

On May 16, 2023, EPD met with the applicants onsite to discuss re-opening SADF-22-02-002 and permitting of the existing riprap revetment. On June 26, 2023 and July 5, 2023, EPD received the final plans for the existing riprap revetment. The wall that had previously been proposed waterward of the riprap revetment was removed from the plans. The riprap revetment is approximately 111 feet in length and made of natural stone, with approximately 20 and 10-foot returns on the north and south ends, respectively. Based on prior Board direction, plantings are normally required for riprap revetments. However, due to an

abundance of existing vegetation along the shoreline, no additional plantings are being required on the subject site.

The riprap comprises approximately 0.026 acre of area that was formerly shoreline wetland. The impacts were evaluated utilizing the Uniform Mitigation Assessment Method to calculate the functional loss, and the applicants have agreed to remit a mitigation payment of \$1,875 to the Conservation Trust Fund.

There is a wall on the shoreline of the adjacent HOA tract to the north that was permitted in 2006 as a retaining wall, and there are proposed seawalls on the two adjacent parcels to the south (8761 Southern Breeze Drive, owned by Janak and Jaimini Marolia, and 8767 Southern Breeze Drive, owned by Ashok and Daksha Patel).

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 After-the-Fact 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 hereby effective and continues in perpetuity.
3. Construction activities are hereby approved in accordance with the plans signed submitted by Sheila Cichra and received by EPD on June 26, 2023 and July 5, 2023.
4. The permittees may maintain a clear access corridor below the Normal High Water Elevation of 89.03 feet (NAVD88) above mean sea level for Big Sand Lake, 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.
5. This permit does not authorize any dredging or filling except that which is necessary for the installation of the riprap as depicted on the approved plans.
6. Within 30 days of the Board's decision, the applicants will remit a mitigation payment of \$1,875 to the Conservation Trust Fund to offset the impacts to 0.026 acre of wetlands.
7. 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 permittees 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).

8. Discharge of groundwater from dewatering operations requires approval from 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:

9. 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.
10. 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.
11. 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 approved drawings, plans, and other documents attached hereto or on file with EPD. 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 holder promptly thereafter.
12. 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 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.
13. 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 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 permittees, 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 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.

14. 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.
15. 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.
16. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittees 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.
18. 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.
19. The permittees 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 permittees shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
20. The permittees 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.
21. 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.
22. 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.
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 applicants 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 applicants fail 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.

24. Pursuant to Section 125.022 FS, the applicants 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 the After-the-Fact Shoreline Alteration/Dredge and Fill Permit SADF-22-02-002 for Mukesh and Rhonda Mehra, subject to the conditions listed in the staff report. District 1**

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-22-02-002
District #1**

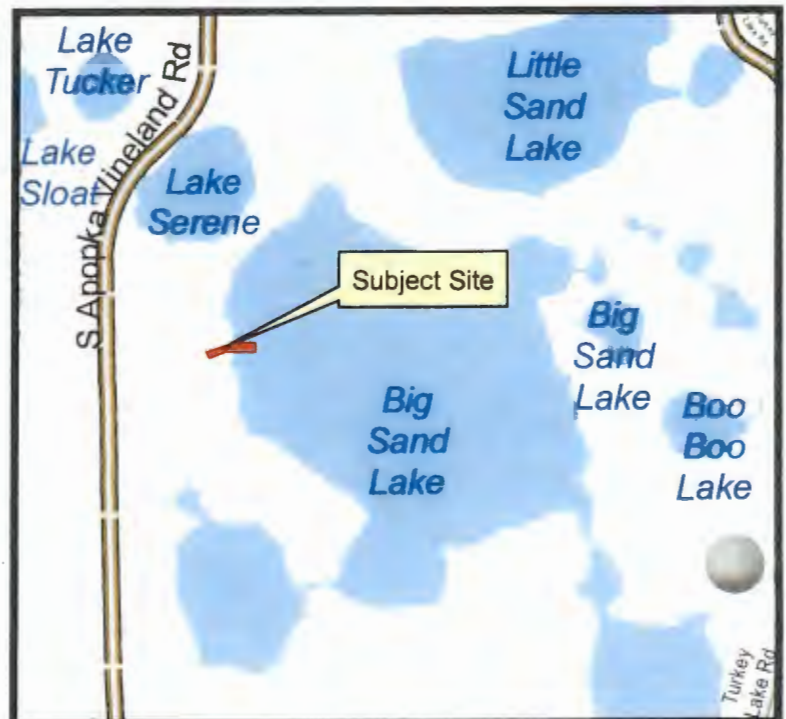
Applicants: Mukesh and Rhonda Mehra

Address: 8755 Southern Breeze Dr.

Parcel ID: 34-23-28-2489-00-450

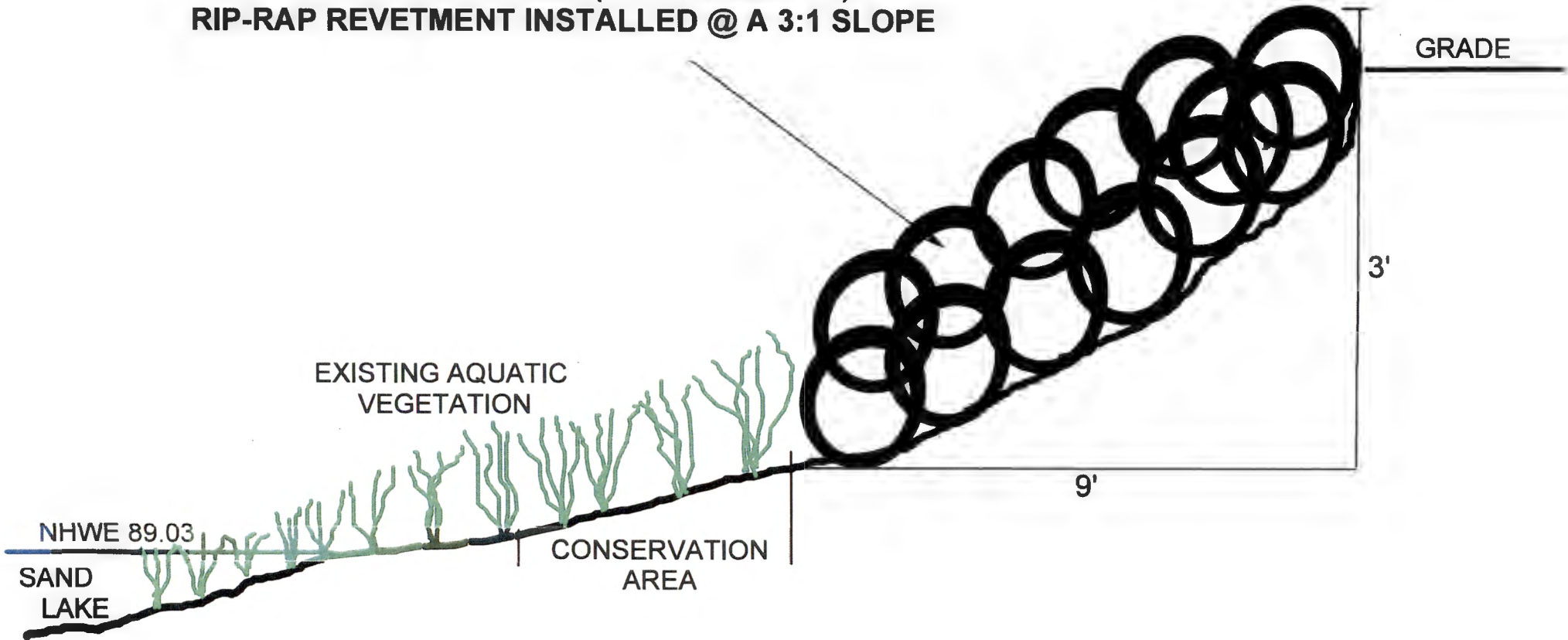
Project Site 

Property Location 



9' X 111' NATURAL STONE (>12" DIAMETER)
RIP-RAP REVETMENT INSTALLED @ A 3:1 SLOPE

received
7/5/2023



**MEHRA REVETMENT CROSS SECTION
8755 SOUTHERN BREEZE DRIVE
ORLANDO, FL 32836**



