



Interoffice Memorandum

May 27, 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
Celeste Anita Hall (SADF-20-03-007)

The applicant, Celeste Anita Hall, 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 1413 Kelso Boulevard, Windermere, FL 34786, on Lake Butler. The Parcel ID for the site is 13-23-27-4110-00-150. The subject property is located in District 1.

The applicant is experiencing moderate to severe erosion along the shoreline and is proposing to construct a new vinyl seawall 142 feet in length at the Normal High Water Elevation of Lake Butler. The applicant will install riprap and plantings waterward of the proposed seawall. The owner of the adjacent parcel to the north is also requesting a new seawall permit (#SADF-20-03-006), which is tracking concurrently with this application. Currently, there is an existing seawall on the adjacent lot to the south.

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 (EPD) staff has evaluated the proposed SADF 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 Sheila Cichra and received by the Environmental Protection Division (EPD) on March 12, 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 or create any property rights to the permittee, 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-20-03-007 for Celeste Anita Hall, subject to the conditions listed in the staff report. District 1

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



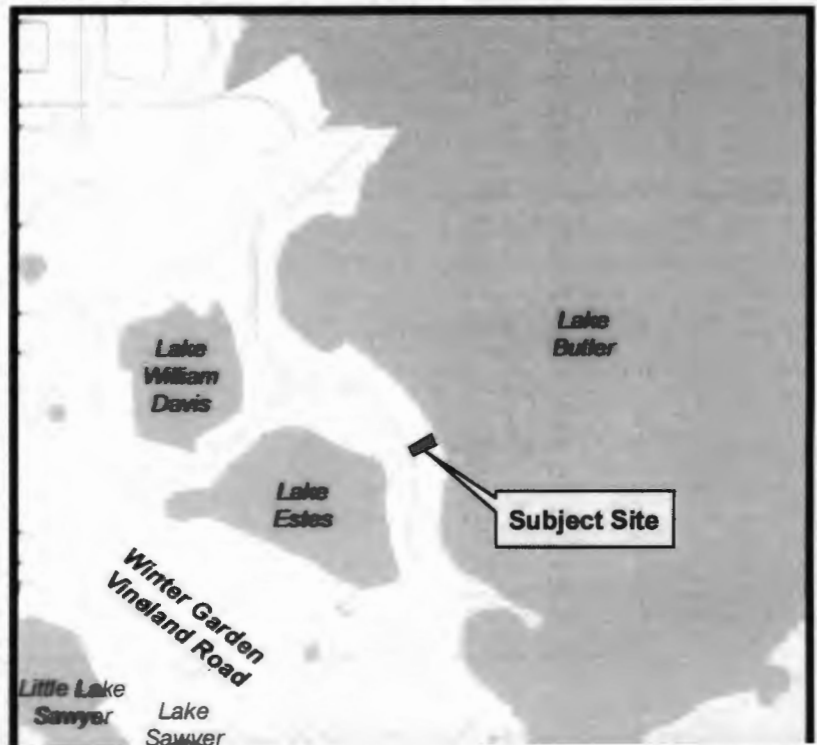
**Shoreline Alteration/Dredge
and Fill Permit Request
SADF-20-03-007
District #1**

**Applicant: Celeste Anita Hall
Address: 1413 Kelso Blvd.
Parcel ID: 13-23-27-4110-00-150**

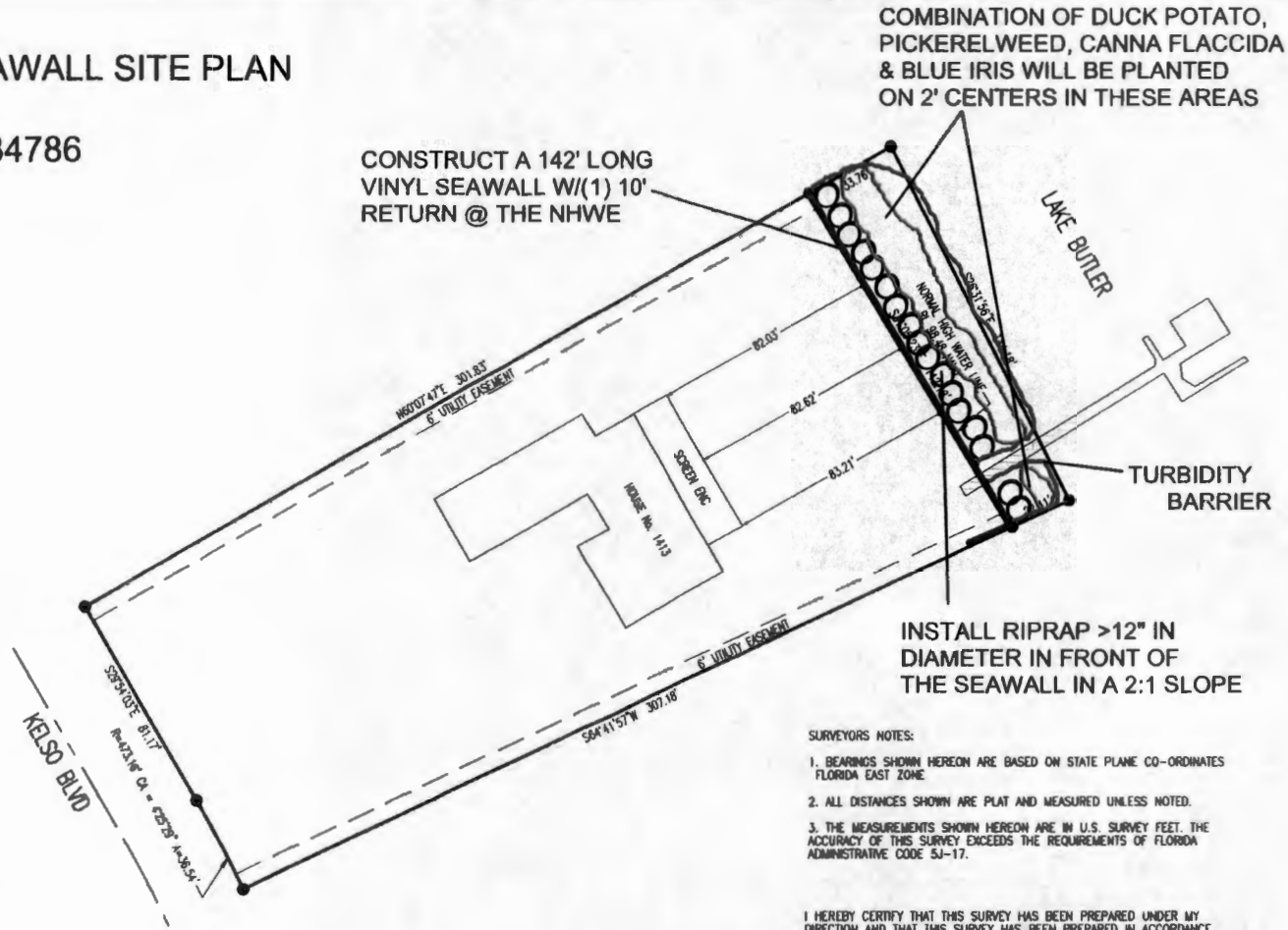
Project Site



Property Location



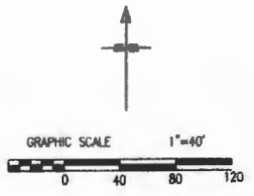
CELESTE HALL SEAWALL SITE PLAN
1413 KELSO BLVD
WINDERMERE, FL 34786



COMBINATION OF DUCK POTATO, PICKERELWEED, CANNA FLACCIDA & BLUE IRIS WILL BE PLANTED ON 2' CENTERS IN THESE AREAS

CONSTRUCT A 142' LONG VINYL SEAWALL W/(1) 10' RETURN @ THE NHWE

INSTALL RIPRAP >12" IN DIAMETER IN FRONT OF THE SEAWALL IN A 2:1 SLOPE



- SURVEYORS NOTES:**
1. BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE CO-ORDINATES FLORIDA EAST ZONE.
 2. ALL DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS NOTED.
 3. THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 5J-17.

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED UNDER MY DIRECTION AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES.

Edward Mizo, Jr.
 PLS
 Digitally signed by Edward Mizo, Jr.
 Date: 2018.04.10 10:50:10 -0500

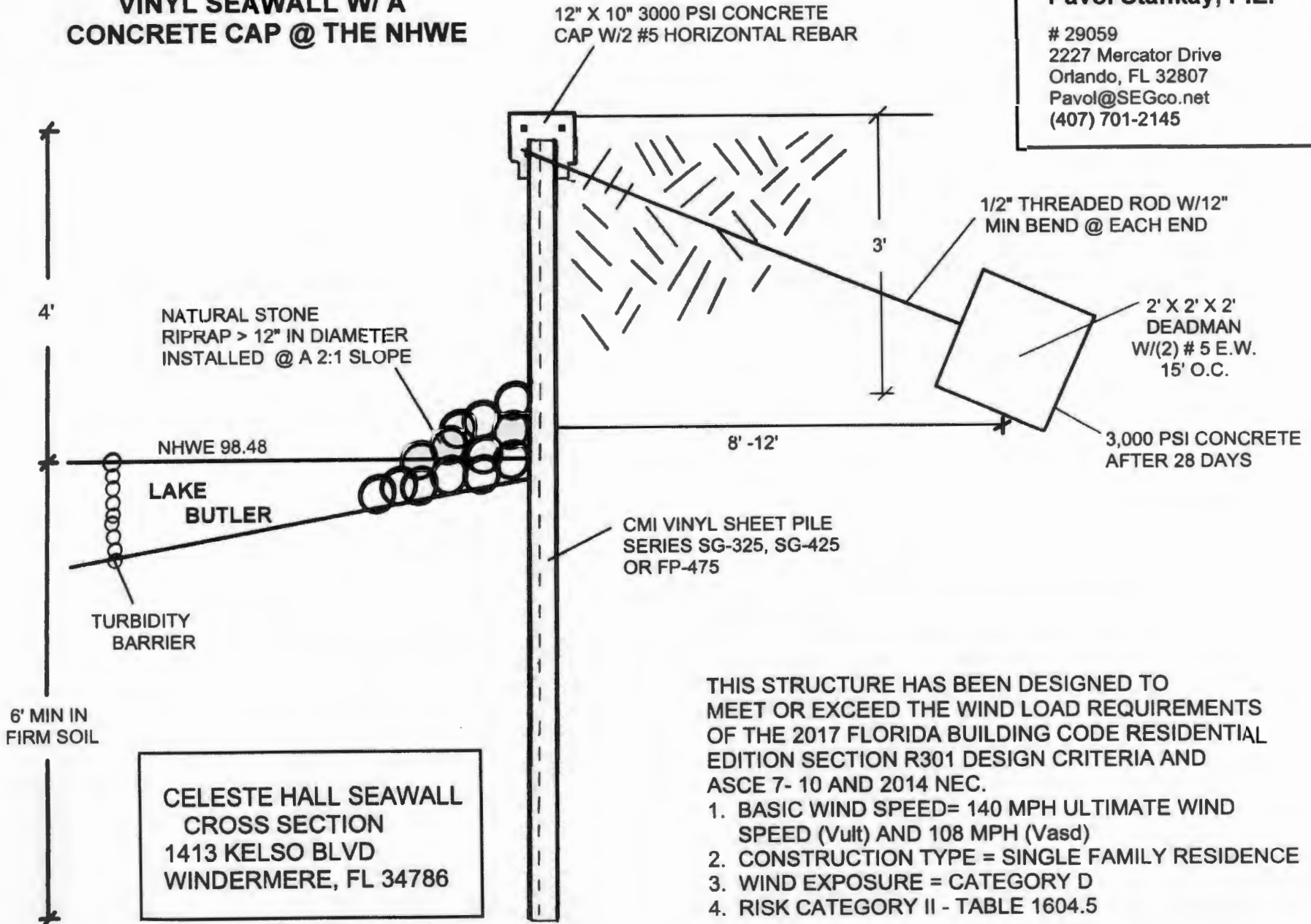


EDWARD J MIZO
 PROFESSIONAL SURVEYOR AND MAPPER NO. 3376
 NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC
 SIGNATURE AND SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER.

OCTOBER 21, 2018	
FIELD SURVEY	
SPECIAL PURPOSE SURVEY OF 1413 KELSO BLVD	
EDWARD MIZO PLS PROFESSIONAL LAND SURVEYOR	2625 LEGACY WILKES DR WINDERMERE, FL 34786 351-4-836-8391

**CONSTRUCT A 142' LONG
VINYL SEAWALL W/ A
CONCRETE CAP @ THE NHWE**

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



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 108 MPH (Vasd)
2. CONSTRUCTION TYPE = SINGLE FAMILY RESIDENCE
3. WIND EXPOSURE = CATEGORY D
4. RISK CATEGORY II - TABLE 1604.5