




Interoffice Memorandum

August 6, 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: September 1, 2020 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
David Harding (SADF-20-05-010)

The applicant, David Harding, is requesting a Shoreline Alteration/Dredge and Fill Permit (SADF) to authorize a new stone seawall with plantings along the shoreline of Lake Conway, located at 4843 Backacre Lane, Orlando, FL 32806. The Parcel ID for the site is 13-23-29-2964-00-696. The subject property is located in District 3.

The shoreline is experiencing erosion; therefore, the homeowner is proposing to construct a new 120-foot natural stone seawall along the length of the shoreline adjacent to Lake Conway. The seawall will be located at the Normal High Water Elevation of Lake Conway and will not extend into the Conway Canal located to the southwest. Riprap will not be required as the seawall will be made of natural, stacked-stone at a slope of 2:1 (the typical required slope for riprap). Plantings will be installed waterward of the new seawall. The new seawall will tie into an existing seawall on the property to the northeast. The neighboring property to the southwest, across the canal, also has an existing seawall.

In accordance with Orange County Code, Chapter 33, Article II, Section 33-37(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 II, EPD staff has evaluated the proposed SADF application and required documents and has made a finding that the request is consistent with Section 33-37.

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. Plantings shall be installed waterward of the new seawall in accordance with the plans submitted by Streamlined Permitting, received by the Environmental Protection Division (EPD) on May 4, 2020 and as modified on June 9, 2020 and on July 17, 2020.
3. Riprap will not be required as the seawall will be made of natural stacked-stone and installed at a 2 (horizontal):1 (vertical) slope.
4. Installation of aquatic plantings must be initiated within 30 days of completion of the construction of the seawall. After one year, if 80 percent areal coverage of native, emergent or aquatic plant species is not established, additional replanting may be required.
5. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall.
6. The permittee may maintain a clear access corridor below the Normal High Water Elevation of 85.85 feet (NAVD 88) above mean sea level for Lake Conway, 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.
7. Native vegetation may not be removed from the shoreline outside of the access corridor.
8. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.

General Conditions:

9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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 II of the Orange County Code.
15. 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.
16. 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 of the Internal Improvement Trust Fund 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 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.
18. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. The permittee 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 project for conformity with the plans and specifications approved by the permit.
21. 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.

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 permittee.
23. 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.
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 permittee 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 applicant 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 applicant fails to obtain 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.
26. Pursuant to Section 125.022, FS, the applicant 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-20-05-010 for David Harding, subject to the conditions listed in the staff report. District 3

DDJ/JW: mg

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



Shoreline Alteration/Dredge and Fill Permit Request

District #3

Permit No.: SADF-20-05-010

Applicant: David Harding

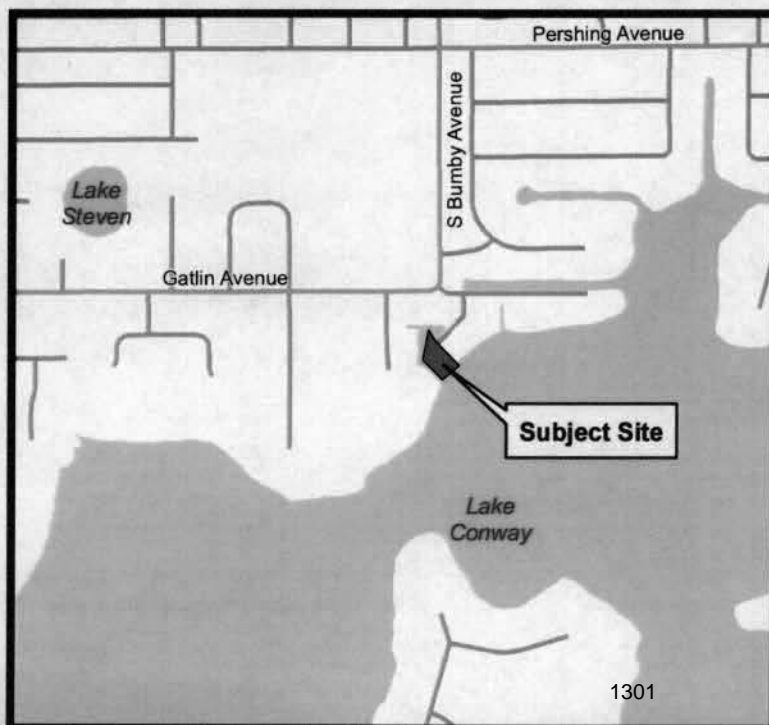
Address: 4843 Backacre Lane

Parcel ID: 13-23-29-2964-00-696

Project Site



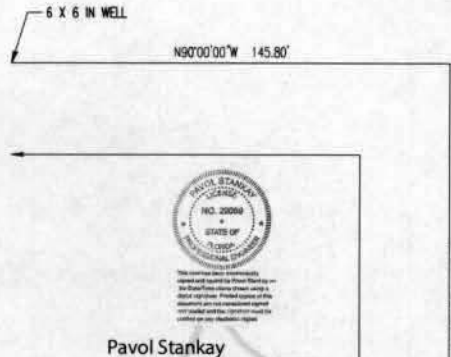
Property Location



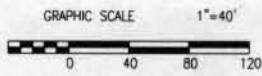
LEGAL DESCRIPTION

COMMENCE AT THE NORTH ONE-QUARTER CORNER OF SECTION 18, TOWNSHIP 23 SOUTH, RANGE 30 EAST; THENCE SOUTH 90°00'00" EAST, A DISTANCE OF 145.80 FEET; THENCE SOUTH 00°00'00" WEST, 156.17 FEET; THENCE SOUTH 48°00'00" WEST, 107.70 FEET; THENCE SOUTH 45°00'00" WEST, 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 44°50'08" EAST, A DISTANCE OF 204.27 FEET; THENCE SOUTH 47°25'00" WEST, 98.09 FEET; THENCE SOUTH 25°45'00" WEST, 29.16 FEET; THENCE NORTH 44°48'00" WEST, 212.57 FEET; THENCE NORTH 11°41'00" EAST, 172.67 FEET; THENCE SOUTH 29°27'00" EAST, 70.23 FEET; THENCE SOUTH 44°50'00" EAST, 30.00 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN ORANGE COUNTY, FLORIDA, CONTAINING 0.72 ACRES.

HARDING NATURAL STONE SEAWALL SITE PLAN
4843 BACKACRE LANE
ORLANDO, FL 32806



Pavol Stankay
 c=US, o=Unaffiliated,
 ou=A01410C0000170C12
 28EDE0000BFDB, cn=Pavol
 Stankay
 2020.07.17 11:44:07 -04'00'



COMBINATION OF PICKERELWEED, CANNA FLACCIDA AND BLUE IRIS WILL BE PLANTED ON 2' CENTERS ON THE SHORELINE AREA NOTED BY THE GREEN OUTLINE

THE ENDS OF THE WALL WILL ALSO BE SLOPED @ 2:1

INSTALL 120' OF NATURAL STONE SEAWALL @ A 2:1 SLOPE

SURVEYOR'S NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE REFERENCED PLAT.
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 J. MIZO
 PROFESSIONAL SURVEYOR AND MAPPER NO. 33796
 NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC
 SIGNATURE AND SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER.



BOUNDARY SURVEY
 4843 BACKACRE LN
 ORLANDO, FLORIDA
 SECTION 18, TOWNSHIP 23 SOUTH,
 RANGE 30 EAST

EDWARD MIZO PLS
 PROFESSIONAL LAND SURVEYOR
 2625 LEGACY VILLAS DRIVE
 MAITLAND, FL. 32751
 SUITE 200(321) 436-9391

SURVEY	APRIL 15, 2020

HARDING NATURAL STONE SEAWALL CROSS SECTION
4843 BACKACRE LANE, ORLANDO, FL 32806

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

