

## Interoffice Memorandum

**DATE:** June 17, 2024

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services Department

**CONTACT:** Renée H. Parker, LEP, Manager, Environmental Protection Officer

**PHONE:** (407) 836-1420

**DIVISION:** Environmental Protection Division

### **ACTION REQUESTED:**

Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Shoreline Alteration/Dredge and Fill Permit SADF-24-04-010 for Russell Family Revocable Trust, Christina Kay Russell, Trustee, subject to the conditions listed in the staff report. District 3.

**PROJECT:** Request for Shoreline Alteration/Dredge and Fill Permit for Russell Family Revocable Trust, Christina Kay Russell, Trustee (SADF-24-04-010)

**PURPOSE:** The applicant, Russell Family Revocable Trust, Christina Kay Russell, Trustee, is requesting a Shoreline Alteration/Dredge and Fill permit to authorize construction of a new vinyl seawall, along the shoreline of Barby Canal, leading to Lake Conway. The property is located at 7021 Barby Lane, Belle Isle, Florida, 32812, Parcel ID No. 20-23-30-8860-00-120. District 3

The applicant is proposing to construct approximately 130 feet of a new vinyl seawall. The proposed seawall will have a 6-foot return at the northern end, and an 8-foot return on the southern end. Additionally, the applicant is proposing to backfill approximately 100 square feet of historically dredged area in the center section of the proposed seawall. There is sparse vegetation within this area and it is low quality habitat. No mitigation will be required as the functional loss has been determined to be de minimis. The neighboring property to the northeast has a seawall and there are several other seawalls on other properties along the canal. Riprap and plantings are not being requested as these measures could cause navigational concerns within the canal.

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. Pursuant

to Orange County Code, Chapter 33, Article II, EPD has evaluated the proposed SADF permit 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 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 effective upon the completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the engineered plans signed and sealed by Darcy Unroe, P.E., received by the Environmental Protection Division (EPD) on May 27, 2024. The permitted activity must commence within six months and be completed within one year from the date of issuance of the permit. In the event that the project has not commenced within six months or been completed within one year or extended, this permit shall be void and a new permit application with fee will be required.
4. In the event that the permitted activity has not been completed within one year, the Environmental Protection Officer may grant a permit extension of up to one additional year. Requests for permit extension must be submitted to EPD prior to the expiration date. No changes to the approved plans will be authorized with a permit extension.
5. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall, as depicted on the approved plans.
6. 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 permittee 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).

7. Discharge of groundwater from dewatering operations requires approval from the Florida Department of Environmental Protection (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:

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 prior to applying for a Building Permit. For further information, please contact the OCZD at (407) 836-5525.

9. 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.

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. 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 approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds 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 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 owners' 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.

13. 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 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 permittee 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 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 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. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.

17. The permittee 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 permittee 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 permittee 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 permittee 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 permittee.

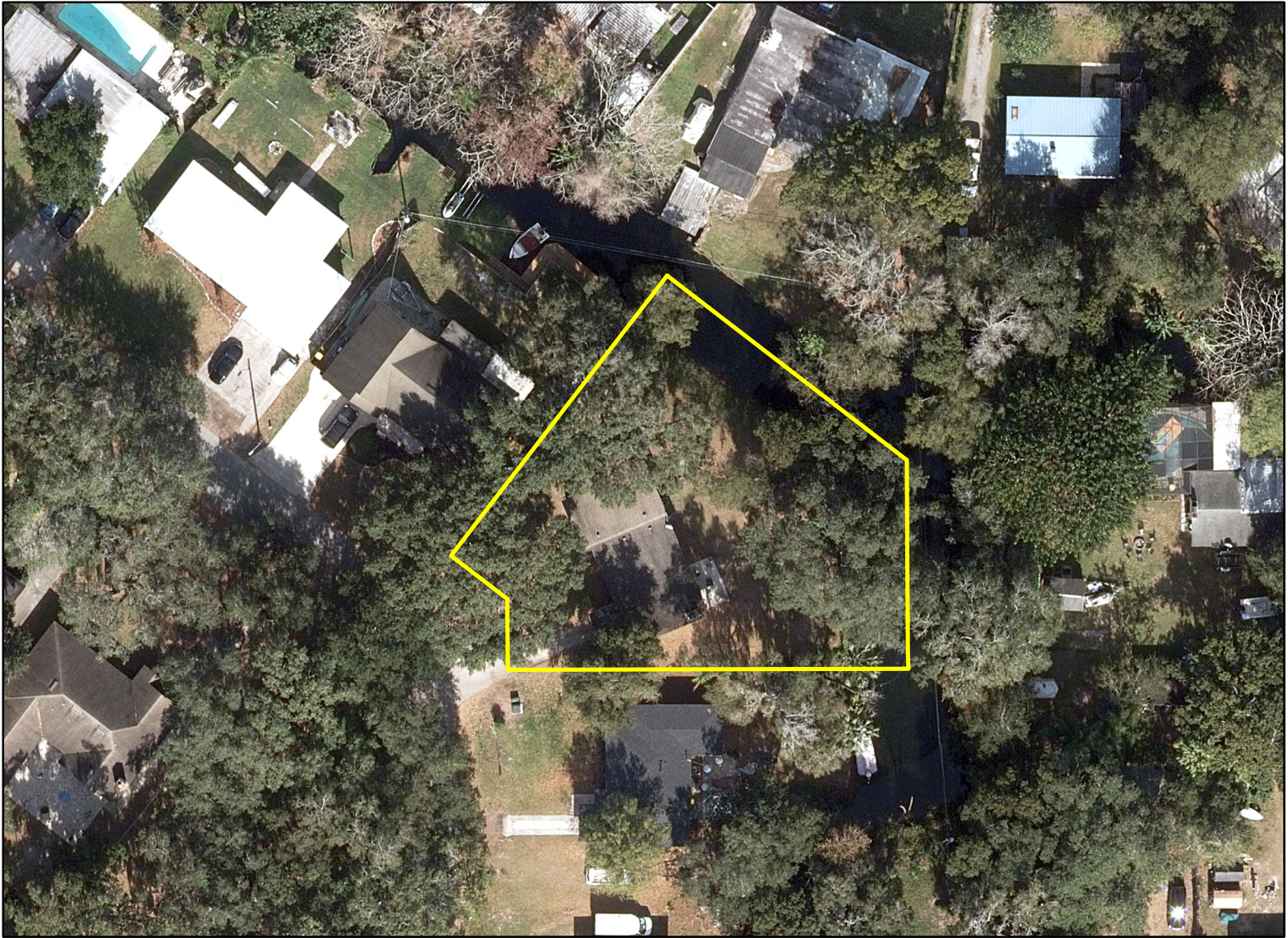
22. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida and initiated only in Orange County.

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 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 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 applicant shall obtain all other applicable state or federal permits before commencement of construction.

**BUDGET: N/A**

# Shoreline Alteration/Dredge and Fill Permit Request



## Shoreline Alteration/Dredge and Fill Permit Request SADF-24-04-010

District #3

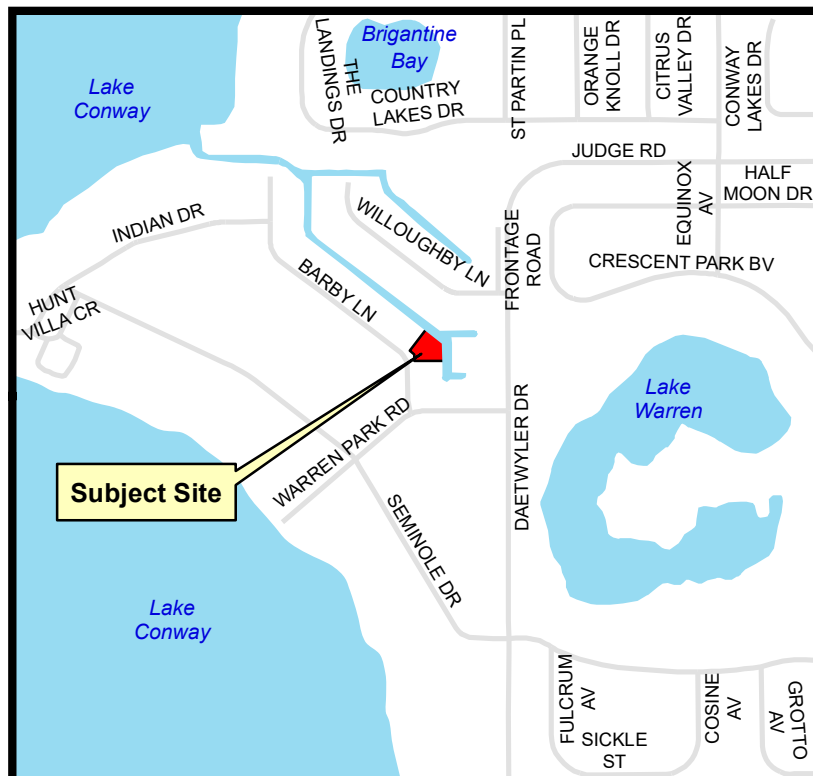
Applicant: Russell Family Revocable Trust;  
Christina Kay Russell, Trustee

Address: 7021 Barby Lane

Parcel ID: 20-23-30-8860-00-120

Project Site: 

Property Location: 





WILER - RUSSELL SEAWALL SITE PLAN - 7021 BARBY LANE, BELLE ISLE, FL 32812

RECEIVED

Legal Description:

May 27, 2024

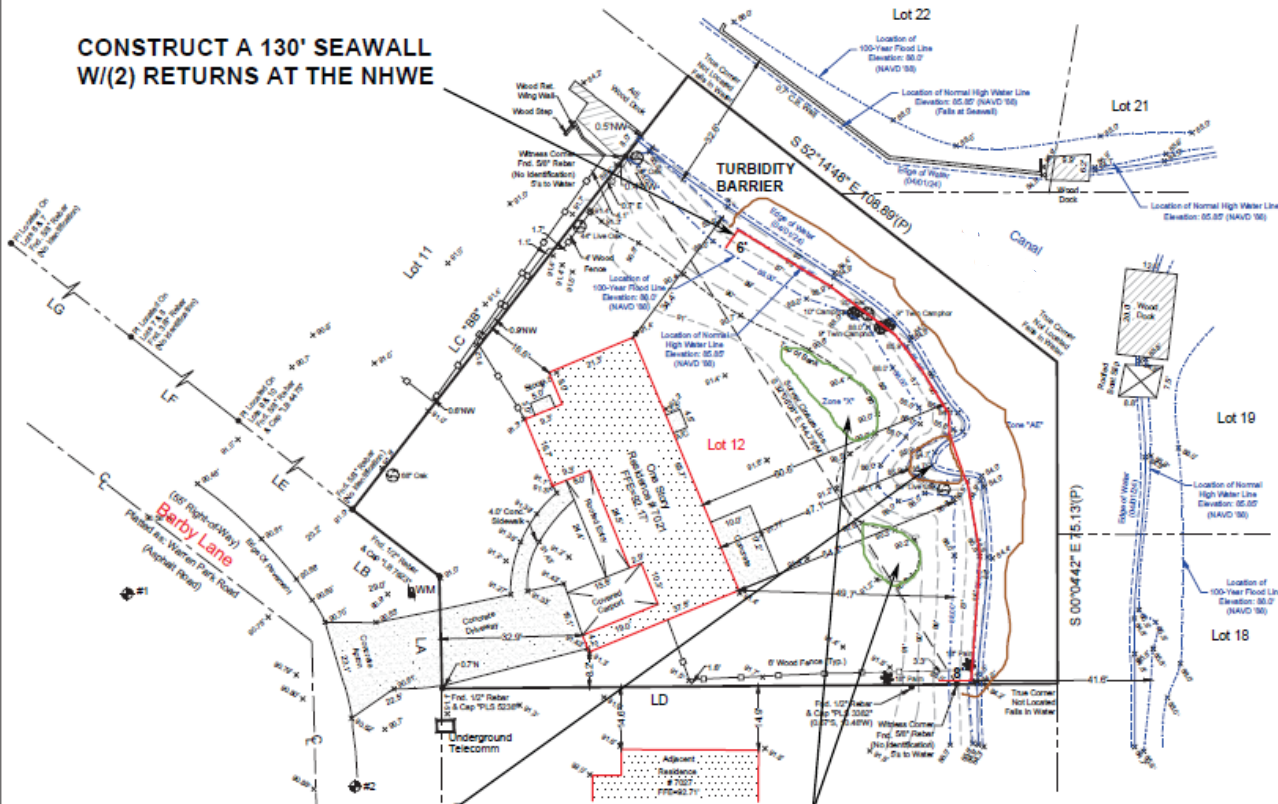
LOT 12, VENETIAN VILLAS ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK S, PAGE 69 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BY: ...E.P.D. ....

FLOOD DISCLAIMER: BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, AE. THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 09-25-2009.

CERTIFIED TO: STREAMLINE PERMITTING.

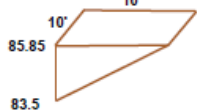
CONSTRUCT A 130' SEAWALL W/(2) RETURNS AT THE NHWE



SOIL TO BE GRADED FROM THESE AREAS TO FILL BEHIND THE PROPOSED SEAWALL

- LA N 00°24'38" W 25.43'(P)  
N 01°34'49" W 26.07'(M)
- LE N 52°14'48" W 170.00'(P)  
N 52°03'25" W 170.11'(M)
- LB N 52°14'48" W 25.43'(P)  
N 52°32'50" W 25.42'(M)
- LF N 52°14'48" W 170.00'(P)  
N 52°10'22" W 170.24'(M)
- LC N 37°45'12" E 127.50'(P)  
N 37°45'12" E 103.79'(M) To Witness
- LG N 52°14'48" W 85.00'(P)  
N 52°20'43" W 84.87'(M)
- LD S 89°50'38" W 143.70'(P)  
S 89°33'38" W 119.60'(M) To Witness

DREDGED AREA TO BE RESTORED:



2.35' X 10' X 10' X .5 = 117.5 CU.FT. = 4.35 YARDS

FILL WILL BE HARVESTED FROM THE YARD IN THE AREAS NOTED IN GREEN NO NEW FILL WILL BE IMPORTED TO THE SITE

-Site Benchmark Information-

- #1  
Set Nail & Disk "LB 7623" in Asphalt.  
Elevation: 80.39
- #2  
Set Nail & Disk "LB 7623" in Asphalt.  
Elevation: 80.85

-Benchmark Information-

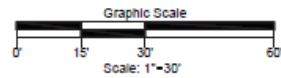
- Orange County Benchmark  
Benchmark No.: L1500034  
Benchmark Elevation: 92.175  
(Elevations are based upon NAVD 88 Datum)



Darcy Unroe  
c=US, st=Florida,  
l=Orlando, o=Unroe  
Engineering, Inc.,  
cn=Darcy Unroe,  
email=Darcy@unroee  
ngineering.com  
2024.05.27 10:57:41  
-0400'

This item has been electronically signed and sealed by Darcy Unroe, PE 60929 on the date indicated using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copy.

SURVEYOR'S NOTE  
NORMAL HIGH WATER LINE AND 100-YEAR FLOOD LINE SHOWN HEREON ARE BASED ON THE ORANGE COUNTY LAKE INFORMATION SHEET FOR LAKE COUNTY.



Field Date: 03/31/24 Date Completed: 04/04/24  
Drawn By: GS File Number: IS-128497

-Legend-

CC - Calculated	PC - Point of Curvature
CL - Centerline	PL - Page
CB - Concrete Block	PI - Point of Intersection
CM - Concrete Monument	P.O.B. - Point of Beginning
Conc. - Concrete	P.O.L. - Point on Line
DE - Description	PP - Power Pole
DE - Drainage Easement	PRM - Permanent Reference Monument
Easmt. - Easement	PT - Point of Tangency
F.E.M.A. - Federal Emergency Management Agency	R - Radius
FFE - Finished Floor Elevation	Rad. - Radial
Flnd. - Found	R&C - Ribbar & Cap
FP - Iron Pipe	Rec. - Recovered
L - Length (Arc)	RR - Rooked
M - Measured	Set - Set by Stake & Rebar
MSD - Nail & Disk	Typ. - Typical
N.R. - Non-Radial	UE - Utility Easement
ORB - Official Records Book	WM - Water Meter
P - Plat	WA - Delta (Central Angle)
P.B. - Plat Book	CL - Chain Link Fence
W - Wood Fence	

-Notes-

- >Survey is Based upon the Legal Description Supplied by Client.
- >Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Inclusions.
- >Subject to any Easements and/or Restrictions of Record.
- >Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "B".
- >Siding Ties are NOT to be used to reconstruct Property Lines.
- >Fence Ownership is NOT determined.
- >Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
- >Septic Tanks and/or Drained Locations are approximate and MUST be verified by appropriate Utility Location Companies.
- >Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be construed to give ANY Rights or Benefits to Anyone other than those Certified.
- >Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endorsement. Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.

Revisions

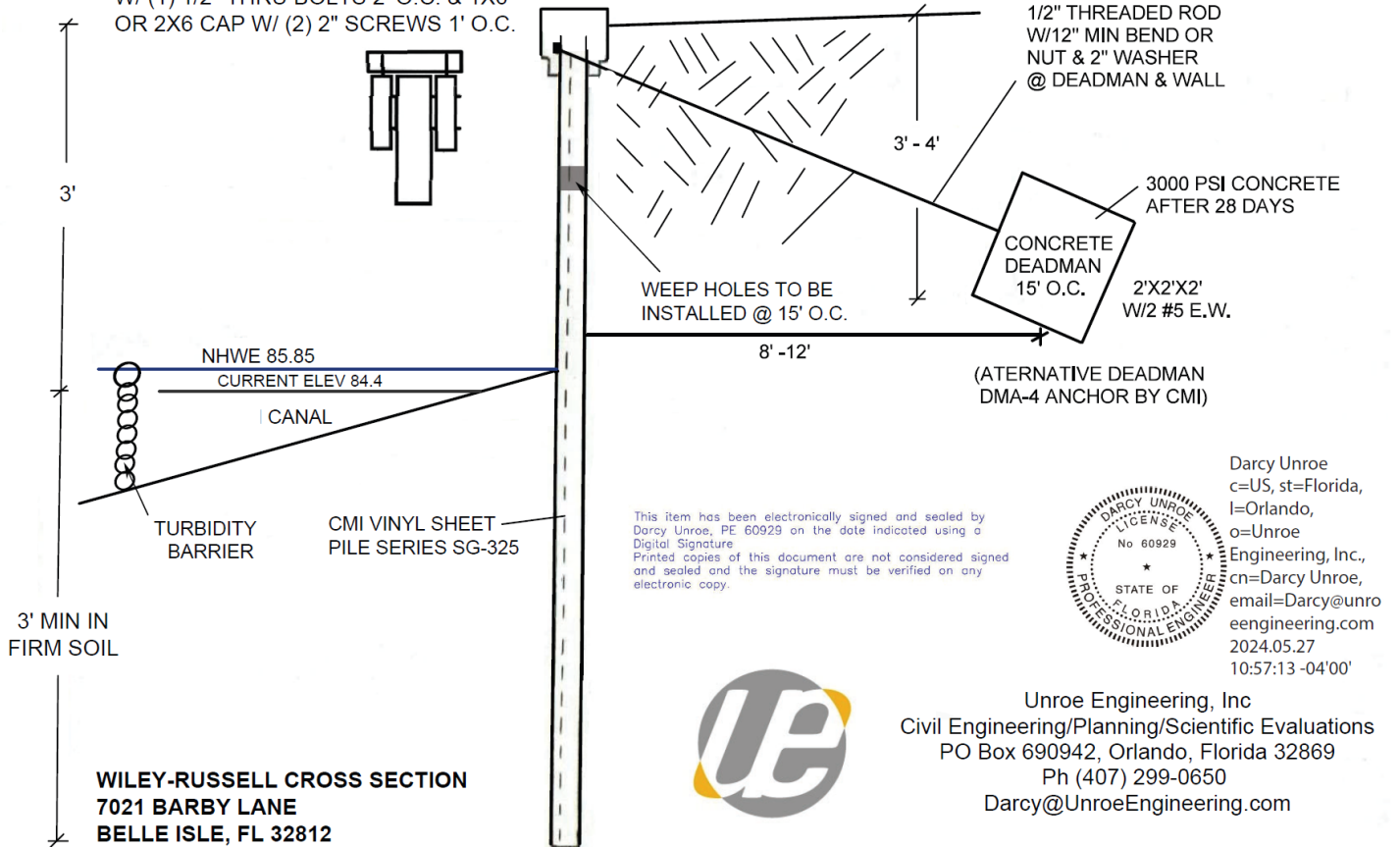

Ireland & Associates Surveying, Inc.  
800 Currency Circle Suite 1020  
Lake Mary, Florida 32746  
www.Irelandsurveying.com  
Office-407.678.3366 Fax-407.320.8185

Patrick K. Ireland, P.S. 76637, LB 7623  
This Survey is intended for the use of Said Certified Parties.  
The Survey NOT VALID for use and Endorsement with Surveyor's Seal.

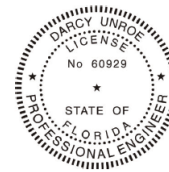


# INSTALL 130' VINYL SEAWALL WITH (2) RETURNS @ THE NHWE

CAP DETAIL - 2X8 P.T. SIDE BRACING  
 W/ (1) 1/2" THRU BOLTS 2' O.C. & 1X6  
 OR 2X6 CAP W/ (2) 2" SCREWS 1' O.C.



Darcy Unroe  
 c=US, st=Florida,  
 l=Orlando,  
 o=Unroe  
 Engineering, Inc.,  
 cn=Darcy Unroe,  
 email=Darcy@unro  
 eengineering.com  
 2024.05.27  
 10:57:13 -04'00'



Unroe Engineering, Inc  
 Civil Engineering/Planning/Scientific Evaluations  
 PO Box 690942, Orlando, Florida 32869  
 Ph (407) 299-0650  
 Darcy@UnroeEngineering.com

