



Interoffice Memorandum

February 8, 2024

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

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

CONTACT PERSON: **Renée H. Parker, LEP, Manager** *RHP*
Environmental Protection Division
(407) 836-1420

SUBJECT: February 20, 2024 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
Fernando and Rosa Maria Gonzales-Portillo (SADF-23-02-002)

The applicants, Fernando and Rosa Maria Gonzales-Portillo, are requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a replacement seawall along the majority of their property, with a new seawall along a smaller portion of the shoreline, faced with riprap and plantings, along the Normal High Water Elevation (NHWE) of Lake Tibet-Butler. The property is located at 8993 Crichton Wood Drive, Orlando, FL, 32819 (Parcel ID No. 28-23-28-0534-01-900) in District 1.

The applicants are proposing to construct approximately 145 feet of seawall, including 100 feet of replacement vinyl seawall directly in front of an existing concrete wall that is in poor condition, approximately 25 feet of new vinyl seawall across an existing upland-cut boathouse, and approximately 15 feet of new vinyl seawall along an undisturbed portion of the eastern end of the shoreline with an upland return. There is a seawall on the adjacent parcel to the west that is in disrepair; therefore, the new seawall will be constructed with a return on the western end. Based on prior Board direction, riprap and plantings are required for new seawalls and replacement seawalls; therefore, the applicants will be required to install these features waterward of the new seawall.

Along with the proposed seawall, the applicants have proposed to fill in the boat slips within an existing upland-cut boathouse, resulting in about 600 square feet of surface water impacts. To offset the impacts, the applicants have proposed to purchase 0.01 mitigation credits from the Twin Oaks Mitigation Bank.

Enforcement History

Environmental Protection Division (EPD) staff were unable to find a permit for the existing concrete wall but have determined that the structure was likely constructed sometime between 1971 to 1975 (when the original house was constructed) and prior to the applicants' purchase of the property in 2017. Due to the fact that the unpermitted, existing concrete seawall was constructed by a previous owner decades ago, no enforcement action has been taken on that issue.

A portion of the shoreline also includes an additional, existing, wooden seawall with fill material located waterward of the concrete wall. Based on aerial imagery, the wooden wall and fill material were installed in approximately 2018, after the applicants' purchase of the property. No permits were obtained for the addition. Therefore, on March 8, 2023, EPD issued a Notice of Violation (Enforcement Case No. 23-619197) to the property owners for the unauthorized shoreline impacts. An administrative penalty in the amount of \$4,998.75 was assessed, which the applicants remitted to the Conservation Trust Fund on August 11, 2023. Removal of the unauthorized wooden wall and associated fill material is included as part of the scope of work on the proposed plans.

Staff Recommendation

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. EPD has received no objections to the request.

Pursuant to Orange County Code, Chapter 33, Article IV, EPD has evaluated the proposed SADF Permit Application and required documents and has made a finding that the request is consistent with Orange County Code, Chapter 33, Article IV, Section 33-129.

Approval of the SADF permit is 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 William F. Stuhrke, P.E., received by EPD on December 13, 2023 and January 3, 2024. The permitted activity must commence within one year and be completed within two years from the date of issuance of the permit. In the event that the project has not commenced within one year or been completed within two years 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 two years, 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. Mitigation for the direct impact to approximately 600 square feet of Lake Tibet-Butler includes the purchase of 0.01 Uniform Mitigation Assessment Method mitigation credits from the Twin Oaks Mitigation Bank.
6. In the event that the permittees do not successfully complete the transaction to obtain the requisite 0.01 credit from the Twin Oaks Mitigation Bank, the permittees shall obtain a permit modification from the Environmental Protection Officer to provide alternative mitigation for the wetland impacts prior to construction plan approval.

7. Riprap shall be installed waterward of the new, vinyl seawall in accordance with the engineered plans signed and sealed by William F. Stuhrke, P.E., received by EPD on December 13, 2023 and January 3, 2024. The riprap shall be installed at a slope no steeper than two (horizontal) to one (vertical), extend at least halfway up the face of the seawall, and measure between 12 inches to three feet in diameter. 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.
8. Installation of plantings must be initiated within 30 days and be completed within 60 days of installation of the riprap in accordance with the 'Site Plan' signed and sealed by William F. Stuhrke, P.E., received by EPD on January 3, 2024. After one year, if 80 percent areal coverage of native emergent or aquatic plant species is not established, additional plantings may be required.
9. The unauthorized wooden seawall and associated fill material must be completely removed from the shoreline of Lake Tibet-Butler in accordance with the 'Site Plan' signed and sealed by William F. Stuhrke, P.E., received by EPD on January 3, 2024. Removal of the wooden wall and fill material must be completed prior to construction of the new seawall.
10. The permittees may maintain a clear access corridor below the NHWE of 98.52 feet (NAVD88) above mean sea level for Lake Tibet-Butler, not to exceed 30 feet in width, 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.
11. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall, riprap, and native vegetation plantings, as depicted on the approved plans.
12. 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).
13. 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:

14. 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.
15. 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.
16. 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.
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 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.
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 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.
19. The permittees are 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 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.
20. 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.

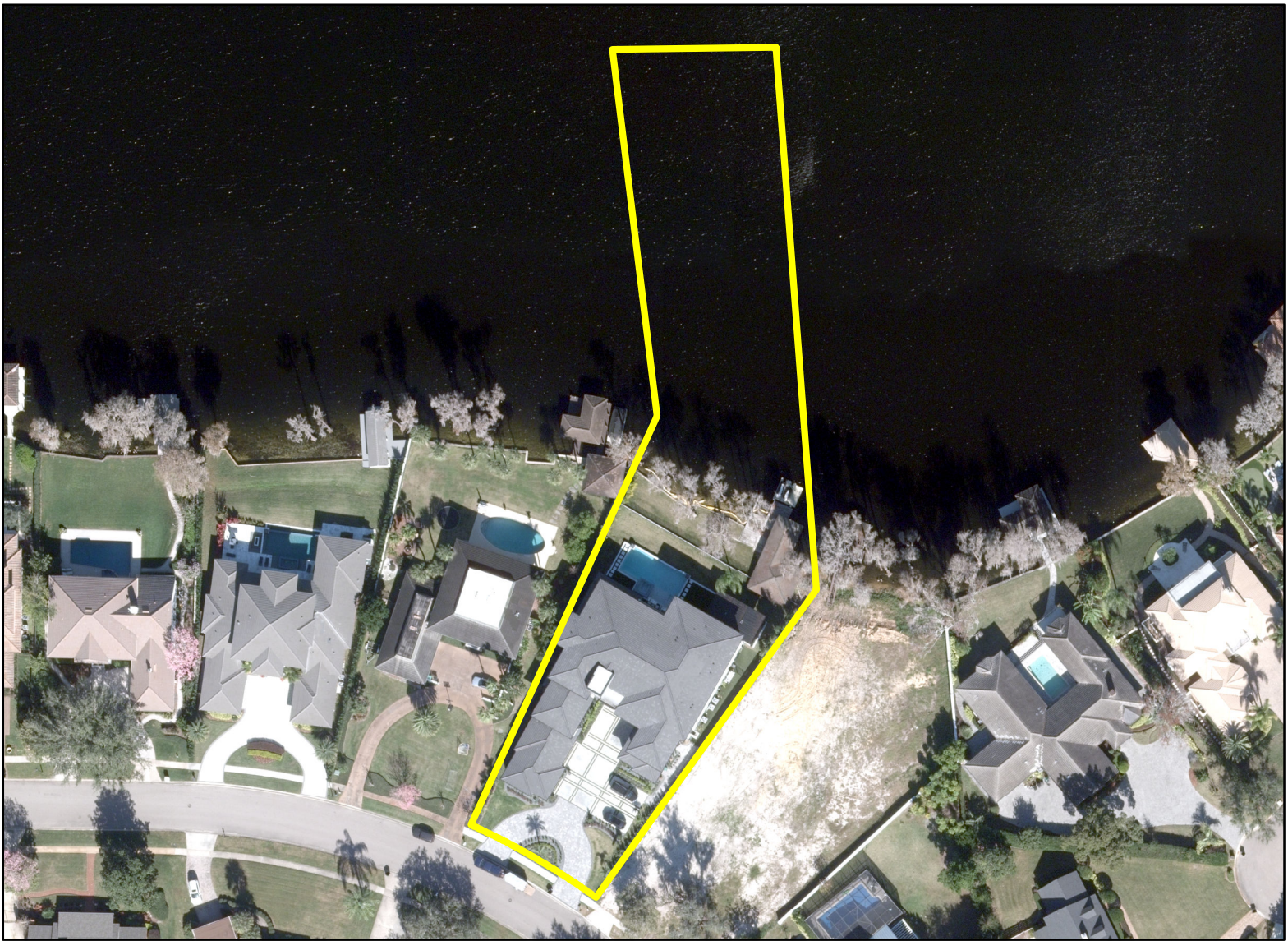
21. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
22. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that the project 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.
23. 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.
24. 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.
25. 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.
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. 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 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.
29. 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 Shoreline Alteration/Dredge and Fill Permit SADF-23-02-002 for Fernando and Rosa Maria Gonzales-Portillo, subject to the conditions listed in the staff report. District 1**

TW/RHP/js

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



Shoreline Alteration/Dredge and Fill Permit Request SADF-23-02-002 District #1

Applicants: Fernando and Rosa Maria
Gonzales-Portillo

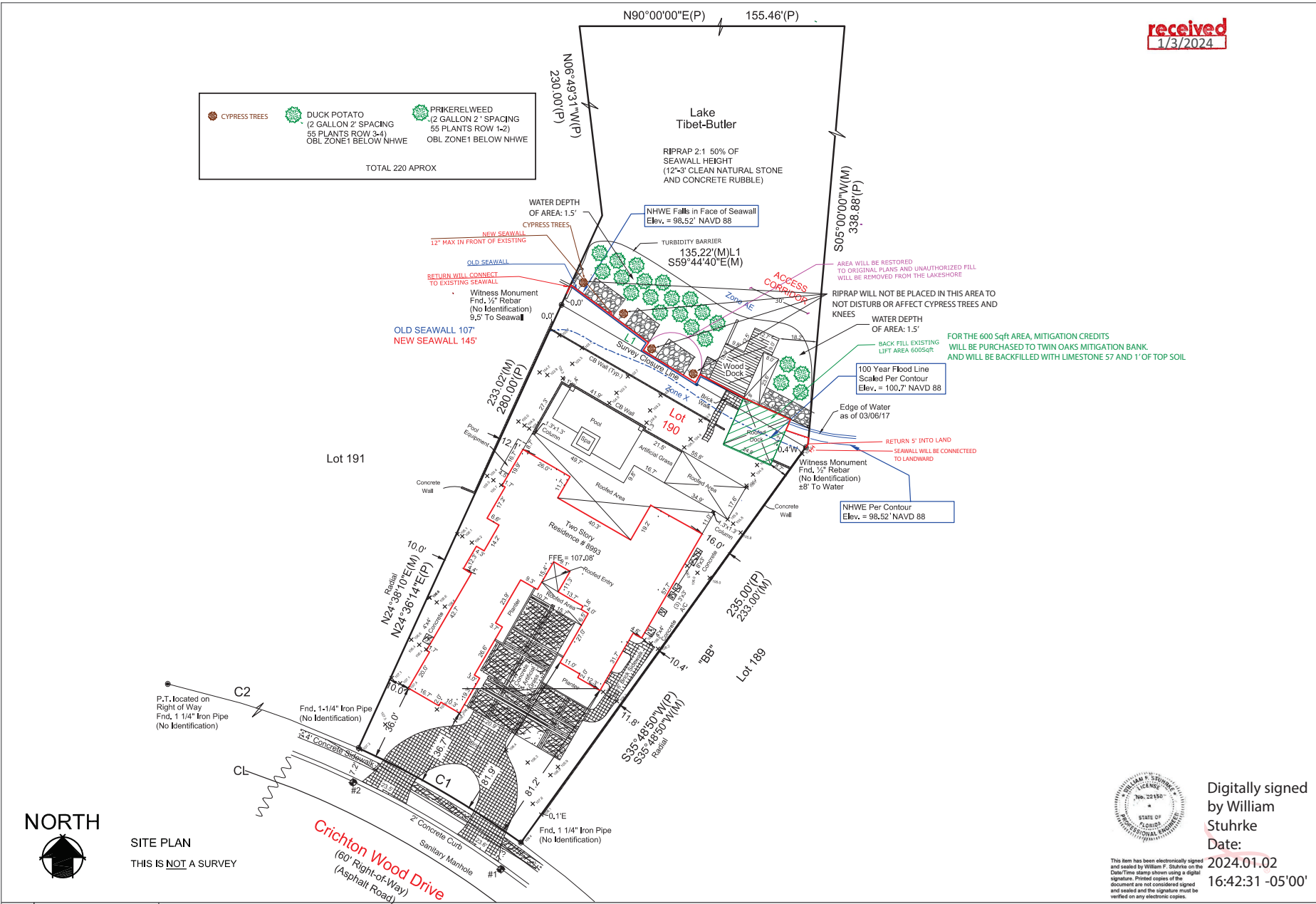
Address: 8993 Crichton Wood Drive

Parcel ID: 28-23-28-0534-01-900

Project Site 

Property Location 





Sunrise Deck and Dock
Kissimmee FL 34758
www.sunrisedeckanddock.com
(407) 530-7796
(407) 530-7880

FERNANDO GONZALES
8993 CRICHTON WOOD DR
ORLANDO FL, 32819

ENGINEERING
William F. Stuhke, PhD, PE
State of Florida PE # 22150
12215 Rebeccas Run Dr.
Winter Garden, FL 34787
(407) 920-3119
wfstuhke@gmail.com

PLANS

RELEASE: PERMIT
REVISION 22-SEP -2023
PROJECT: 23-0824

Digitally signed
by William
Stuhke
Date: 2024.01.02
16:42:31 -05'00'



This item has been electronically signed and sealed by William F. Stuhke on the Date/Time stamp shown using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

01 / 01

CAP DETAIL

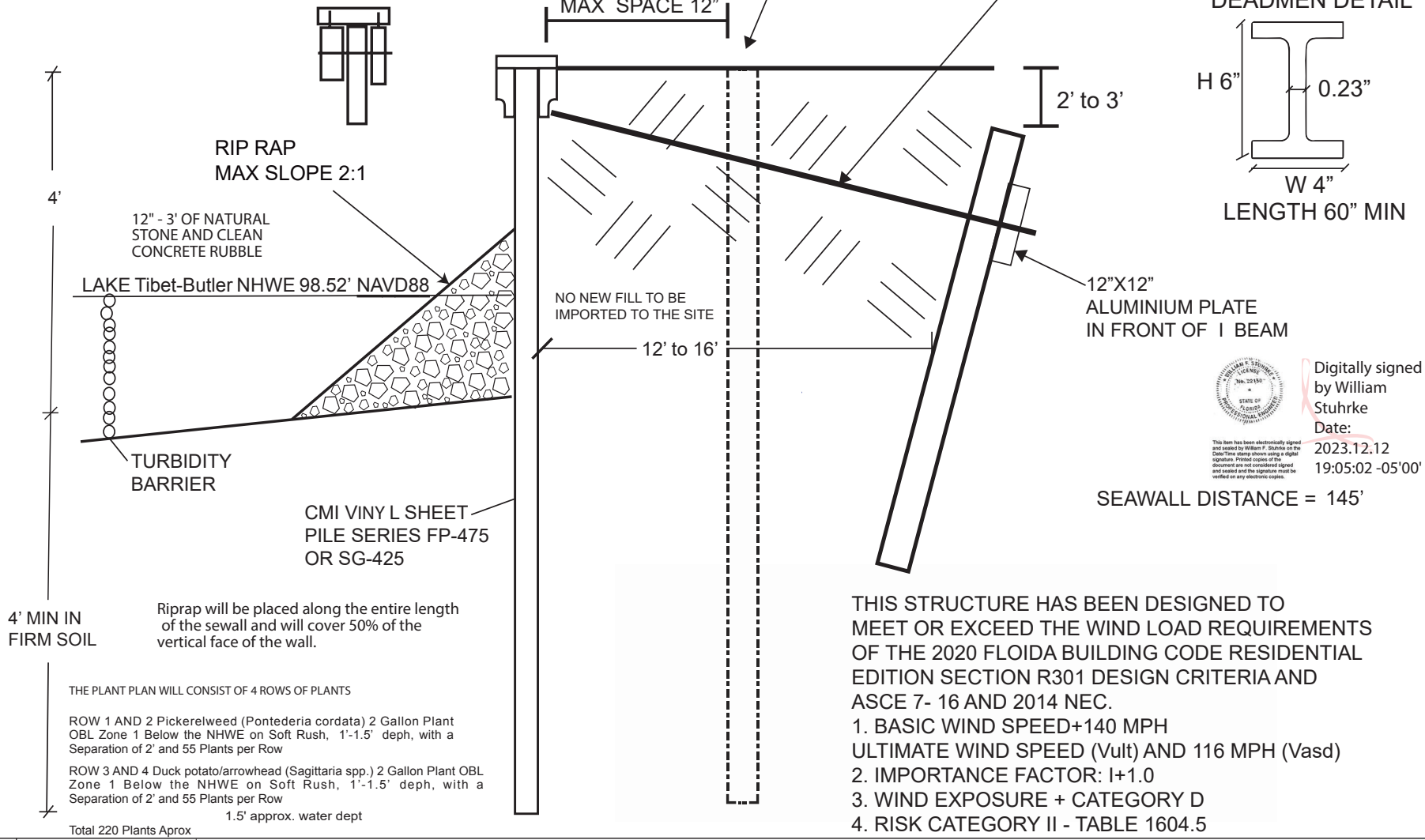
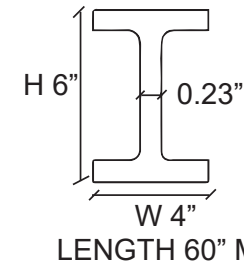
2X6 P.T. BRACING ON ONE SIDE
4X6 P.T. BRACING ON THE OTHER
W/ (1) 1/2" THRU BOLTS 4' O.C. &
1X6 CAP W/ (2) 3" SCREWS EACH END

VINYL SEAWALL INSTALLED

1/2" THREADED ROD
W/12" MIN BEND OR
NUT & 2" WASHER
@DEADMEN & WALL

received
12/13/2023

DEADMEN DETAIL

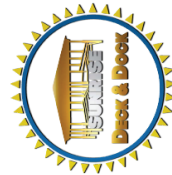


Digitally signed
by William
Stuhrke
Date:
2023.12.12
19:05:02 -05'00'

SEAWALL DISTANCE = 145'

THIS STRUCTURE HAS BEEN DESIGNED TO
MEET OR EXCEED THE WIND LOAD REQUIREMENTS
OF THE 2020 FLOIDA BUILDING CODE RESIDENTIAL
EDITION SECTION R301 DESIGN CRITERIA AND
ASCE 7- 16 AND 2014 NEC.

1. BASIC WIND SPEED+140 MPH
ULTIMATE WIND SPEED (Vult) AND 116 MPH (Vasd)
2. IMPORTANCE FACTOR: I+1.0
3. WIND EXPOSURE + CATEGORY D
4. RISK CATEGORY II - TABLE 1604.5



Sunrise Deck and Dock
Kissimmee FL 34758
www.sunrisedeckanddock.com
(407) 530-7796
(407) 530-7880

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Winter Garden, FL 34787
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wfstuhrke@gmail.com

DETAILS

RELEASE: PERMIT
REVISION:
PROJECT:

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