Interoffice Memorandum



June 19, 2023

TO: Mayor Jerry L. Demings

-AND-

County Commissioners

FROM: Timothy L. Boldig, Interim Director

Planning, Environmental, and Development

Services Department

CONTACT PERSON: David D. Jones, P.E., CEP, Manager

Environmental Protection Division

(407) 836-1406

SUBJECT: July 25, 2023 – Consent Item

Request for Modification to Shoreline Alteration/Dredge and

Fill Permit SADF-21-03-009 for Brian Stehli and Kimberly

Ann Sterling

On October 12, 2021, the Board approved Shoreline Alteration/Dredge and Fill (SADF) Permit No. SADF-21-03-009 (Permit) for construction of a new, vertical seawall with riprap and plantings along the shoreline of Lake Conway on the applicants' property located at 2816 Montmart Drive, Belle Isle, FL 32812. Based on prior Board direction, riprap and plantings are required for new or replacement seawalls; therefore, as a condition of the Permit, the applicants' were required to install riprap and plantings waterward of the new seawall.

On November 4, 2022 the applicants' agent submitted a request to modify Specific Condition No. 2 of the Permit to remove the requirement for installation of riprap due to the property being located on a canal and the potential for the riprap to pose a navigation hazard. However, the applicants will still install plantings as the plants are not anticipated to affect navigation.

Specific Condition No. 2 of the Permit states, "... Riprap shall be installed at a two (horizontal) to one (vertical) slope, extend at least halfway up the face of the seawall, and measure between 12 inches to three feet in diameter. ..." As justification for the request, the applicants' agent states, "... It is on a rim canal in a cove with zero wave action."

The Environmental Protection Division (EPD) reviewed the request and determined that this portion of Lake Conway is comprised of several semi-permanent islands of emergent vegetation which create a canal-like situation. The canal narrows to only 59 feet wide between the shoreline vegetation line on each side at the applicants' property.

Staff also conducted an analysis of recently issued permits and found that on May 23, 2023, the Board authorized a seawall (SADF-23-02-001) for the adjacent property to the

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south without riprap due to the potential for riprap to pose a navigation hazard along the canal.

Finally, on May 11, 2023, the applicants' agent submitted a State of Emergency Permit Extension request to extend the expiration date of the Permit. Pursuant to Section 252.363(1)(a), Florida Statutes, on June 7, 2023, a time extension was issued, and the Permit is valid until July 6, 2024.

Pursuant to Orange County Code, Chapter 33, Article II, the Environmental Protection Division (EPD) has evaluated the proposed SADF Permit Application and required documents and has made a finding that due to the seawall being located on a canal and that in such situations riprap may pose a navigation hazard, the permit modification request is consistent with Section 33-37.

ACTION REQUESTED: Approval of the Request for Permit Modification to

remove the requirement for rip-rap for Shoreline Alteration/Dredge and Fill Permit SADF-21-03-009 for

Brian Stehli and Kimberly Ann Sterling. District 3

TLB/DDJ:ik

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



Shoreline Alteration/Dredge and Fill Permit Request SADF-21-03-009

District #3

Applicants: Brian Stehli &

Kimberly Sterling

Address: 2816 Montmart Drive

Parcel ID: 18-23-30-4391-04-550

Project Site:

. 0,000 0.101

Property Location:





Environmental Protection Division

SHORELINE ALTERATION/DREDGE & FILL PERMIT

Permit No: SADF-21-03-009

Date Issued: November 29, 2021 **Date Expires:** November 29, 2022

A Permit Authorizing:

The construction of a new 103-foot long vertical seawall with riprap and plantings at the Normal High-Water Elevation (NHWE), along the shoreline of the subject property on Lake Conway.

Environmental Protection Division (EPD) staff has evaluated the proposed activity and has made a finding that the request is consistent with Orange County Code, Chapter 33, Lake Conway Water and Navigation Control District, Section 33-37 and is subject to the permit conditions provided on the following pages:

Activity Location:

2816 Montmart Dr., Belle Isle, FL 32812 Parcel ID No.: 18-23-30-4391-04-550 Orange County Commission District: 3 Lake Conway

Permittees / Authorized Entity:

Brian Stehli and Kimberly Ann Sterling c/o Sheila Cichra
Streamline Permitting, Inc.

E-mail: sheilacichra@gmail.com

The Board of County Commissioners (BCC) authorized this permit on October 12, 2021, 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 signed and sealed by Pavol Stankay, P.E. received by the Environmental Protection Division (EPD) on July 20, 2021 and the "Sterling Stehli Seawall Site Plan" submitted by Streamline Permitting, Inc., received by EPD on August 18, 2021. Riprap shall be installed at a two (horizontal) to one (vertical) slope, extend at least halfway up the face of the seawall, and measure between 12 inches to three feet in diameter. 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, this permit shall be void and a new permit application with fee will be required.
- 3. This permit does not authorize any dredging or filling except that which is necessary for the installation of the new seawall and riprap.
- 4. Existing cypress trees will not be harmed or impacted with construction of the new vertical seawall.
- 5. Installation of aquatic plantings must be initiated within 30 days and be completed within 60 days of the installation of the riprap in accordance with the "Sterling Stehli Seawall Site Plan" received by EPD on August 18, 2021. After one year, if 80 percent areal coverage of native, emergent, or aquatic plants species is not established, additional plantings may be required.
- 6. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.

General Conditions:

- 7. 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 the approved drawings, plans, and other documents attached hereto or on file with EPD.
- 8. 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, including without limitation the performance of the required mitigation, 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 holders and/or agent promptly thereafter.
- 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 approval. For further information, please contact the OCZD at (407) 836-5525.
- 10. 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.

- 11. Prior to construction, the permittees shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
- 12. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location of the seawall.
- 13. The permittees 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 permittees 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.
- 14. 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 owner's riparian or other property rights, the permittees agree 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.
- 15. 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 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 permittees, or convey any rights or privileges other than those specified in the permit and Chapter 33, Article II of the Orange County Code.
- 16. 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.
- 17. 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.
- 18. 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.
- 19. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
- 20. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.

- 21. 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.
- 22. The permittees shall hold and save the County harmless from all damages, claims or liabilities, which may arise because of the activities authorized by the permit.
- 23. 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.
- 24. 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.
- 25. 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 permittees shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
- 26. 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 permittees 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 permittees fail 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.
- 27. Pursuant to Section 125.022 FS, the permittees shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

If you should have any questions concerning this permit, please contact Edward Rysak at 407-836-1526 or Edward.Rysak@ocfl.net.

Project Manager:

E. M.L

Edward Rysak, Senior Environmental Specialist

Bawara Teysaic, Selliot Elletholimental Specialist

Elizabeth R. Johnson

Authorized for the Orange County Environmental Protection Division by:

for

David D. Jones, P.E., CEP, Environmental Protection Officer

ER/NT/TMIH/ERJ/DJ: gfdjr

Enclosure(s): Construction Notice

Board of County Commissioners Decision Letter

Approved Site Plans

c: Brian Stehli and Kimberly Ann Sterling – 2816 Montmart Drive, Belle Isle, FL 32812 Florida Department of Environmental Protection – <u>DEP_CD@dep.state.fl.us</u>



ORANGE Construction Notice

OUNTY VERNMENT L O R I D A	 □ BEGINNING OF CONSTRUCTION □ COMPLETION OF CONSTRUCTION
Mail to:	Orange County Environmental Protection Division 3165 McCrory Place, Suite 200 Orlando, FL 32803 Attn: Edward Rysak
Permit Number a Montmart Drive	and Name: SADF-21-03-009, Stehli and Sterling - 2816
Permit Type: Sho	oreline Alteration/Dredge and Fill .
Approximate Sta	rting Date:
Approximate Completion Date:	
Remarks or any additional information:	
Orange County terms of such pe	permittee / Authorized Entity of the above permit issued by the Environmental Protection Division and in accordance with the ermit will begin or have completed the actual construction ribed in the permit.
Signature of Permittee:	
Printed name of Permittee:	
Date:	



Orange County Government

Orange County
Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393

Decision Letter

Board of County Commissioners

Tuesday, October 12, 2021

2:00 PM

County Commission Chambers

21-1119

Case # SADF-21-03-009

Kimberly Ann Sterling and Brian Stehli. Lake Conway, permit; District 3

Consideration: Request for a Shoreline Alteration/Dredge and Fill Permit SADF # 21-03-009 to construct a new seawall with riprap and backfill along the shoreline of Lake Conway; pursuant to Orange County Code, Chapter 33, Article II, Lake Conway Water and Navigation Control District Location: District 3; on property located adjacent to Lake Conway. located at 2816 Montmart Drive, Orlando, FL 32812; Orange County, Florida (legal property description on file in Environmental Protection Division)

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the Shoreline Alteration/Dredge and Fill Permit (SADF-21-03-009) subject to the twenty seven (27) conditions of approval listed in the Staff Report dated September 20. 2021. The motion carried by the following vote:

Aye:

7 - Mayor Demings, Commissioner Wilson, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin



THE FOREGOING DECISION HAS BEEN FILED WITH ME THIS 29TH DAY OF OCTOBER 2021.

DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If. upon the Board's subsequent review and approval of its minutes. an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.

Orange County Comptroller

Page 1

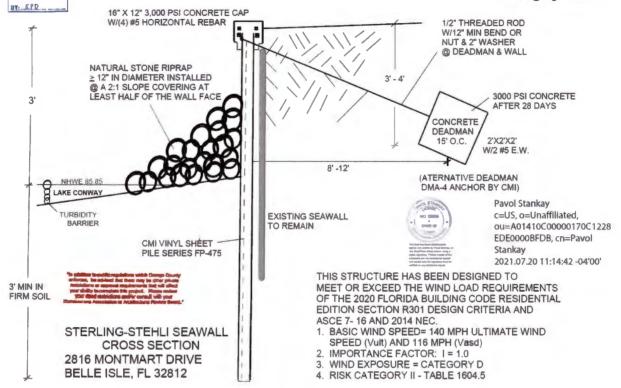
Approved by The Colony County County

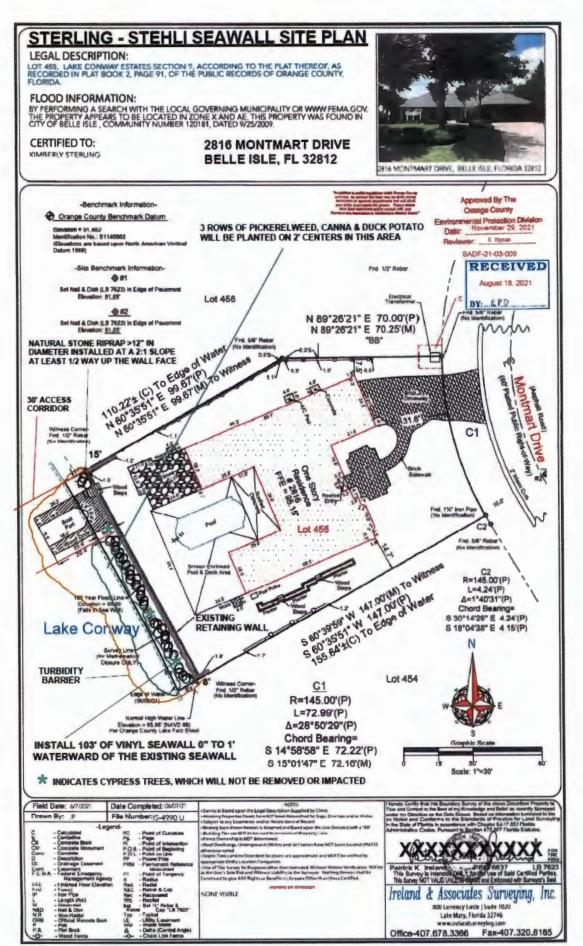
RECEIVED

August 18, 2021

103' VINYL SEAWALL W/(2) RETURNS CONSTRUCTED 1' TO 2' WATERWARD OF THE EXISTING SEAWALL

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





STERLING - STEHLI SEAWALL SITE PLAN LEGAL DESCRIPTION: LOT 455, LAKE CONWAY ESTATES SECTION 9, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 91, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLOOD INFORMATION: BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X AND AE. THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 9/25/2009. CERTIFIED TO: 2816 MONTMART DRIVE KIMBERLY STERLING **BELLE ISLE, FL 32812** 2816 MONTMART DRIVE, BELLE ISLE, FLORIDA 32812 RECEIVED -Benchmark Information-April 12 2023 Orange County Benchmark Datum 3 ROWS OF PICKERELWEED, CANNA & DUCK POTATO Elevation = 91.483 BY: EPD WILL BE PLANTED ON 2' CENTERS IN THIS AREA lification No.: \$1140002 ons are based upon North American Vertica ** -Site Benchmark Information-Fnd. 1/2" Reber **4**#1 10'x10' Set Nail & Disk (LB 7623) in Edge of Pavement ort: 91,69° Lot 456 **+**#2 N 89°26'21" E 70.00'(P) Set Neil & Disk (LB 7623) in Edge of Paverne 140.22'± (C) To Edge of Water (No lites 140.22'± (C) To Edge of (N) To Witness 140.23'55' E 99.57 (N) To Witness N 89°26'21" E 70.25'(M) Elevation: 91.05 "BB" Fnd. 5/8" Reba CD 0.93 Montmart Drive 30' ACCESS CORRIDOR Fnd. 1%" (ron Pi S. C2 Lot 455 Frid. 5/8" Rebai (No identification \$ 60°39'59" W 147.00'(M) TO Withess \$ 60°39'59" W 147.00'(F) Water \$ 60°35'51" W 70 Edge of Water C2 R=145.00'(P) L=4.24'(P) Δ=1°40'31"(P) Chord Bearing= EXISTING S 30°14'28" E 4.24'(P) Lake Conway **RETAINING WALL** S 18°04'38" E 4.15'(P) TURBIDITY BARRIER Lot 454 Mitness Corner-Ind. 1/2" Rebar C1 dge of Water R=145.00'(P) L=72.99'(P) Δ=28°50'29"(P) Chord Bearing= INSTALL 103' OF VINYL SEAWALL 0" TO 1' S 14°58'58" E 72.22'(P) WATERWARD OF THE EXISTING SEAWALL S 15°01'47" E 72.16'(M) Scale: 1"=30" * INDICATES CYPRESS TREES, WHICH WILL NOT BE REMOVED OR IMPACTED Field Date: 6/7/2021 Date Completed: 06/07/21 by Cortify that this Boundary Survey of the ab and Correct to the Best of my Knowledge and -Survey is Based upon the Legal Description Supplied by Client. Abuting Properties Deeds have NUT been Researched for Caps. On Subject to any Examents and or Restrictions of Record Record Resemble State of Restrictions of Record Record Besting basis shown hereon, is Assumed and Based upon the Line O Belliding Tes are NUT to be used to reconstruct Property Lines. Drawn By: P File Number: |S-4990 U rwise noted. His Tanks and/or Drainfield locations are approximate and MUST be verified by Septic Tanks and/or Drambeld locations on insurance of proposition Unity Location Companies. Use of This Survey for Purposes other than Intended. Without Write to the Surveyor. Nothing on the Lack 3 Gold Risk and Without Liability to the Surveyor. Nothing on the Lack 3 Gold Risk and Without Liability to the Surveyor. Nothing on the Lack 3 Gold Risk and Without Liability to the Surveyor. RAC Rec. Rfd. Set Reb. Typ. UE WM PORTS OF INTEREST Ireland & Associates Surveying, Inc. NONE VISIBLE

800 Currency Circle | Suite 1020 Lake Mary, Florida 32746 www.irelandsurveying.com

Office-407.678.3366

Fax-407,320,8165



103' VINYL SEAWALL W/(2) RETURNS CONSTRUCTED 1' TO 2' WATERWARD OF THE EXISTING SEAWALL

