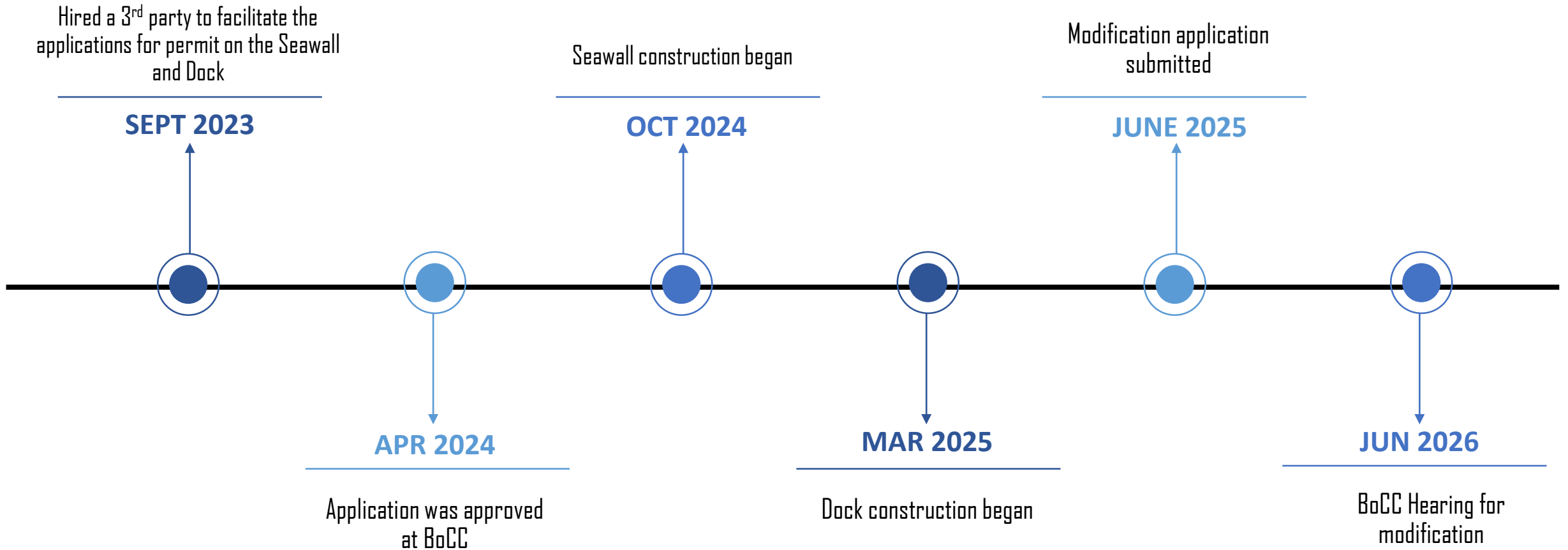


SADF-23-09-022-MOD

After-The-Fact Shoreline Alteration/Dredge and Fill Permit
12023 Sandy Shores Drive

BACKGROUND



Complaints

EPD

1. Seawall at Northeast section of property extends beyond original permit
2. Seawall at Northwest section of property extends further into canal than approved plans
3. Boat dock constructed at Northwest section of property abutting seawall extends further into canal than approved plans

Neighbors

1. Dock extends further into the canal than originally expected
2. Dock is a navigational hazard, obstructing view, difficult to navigate around

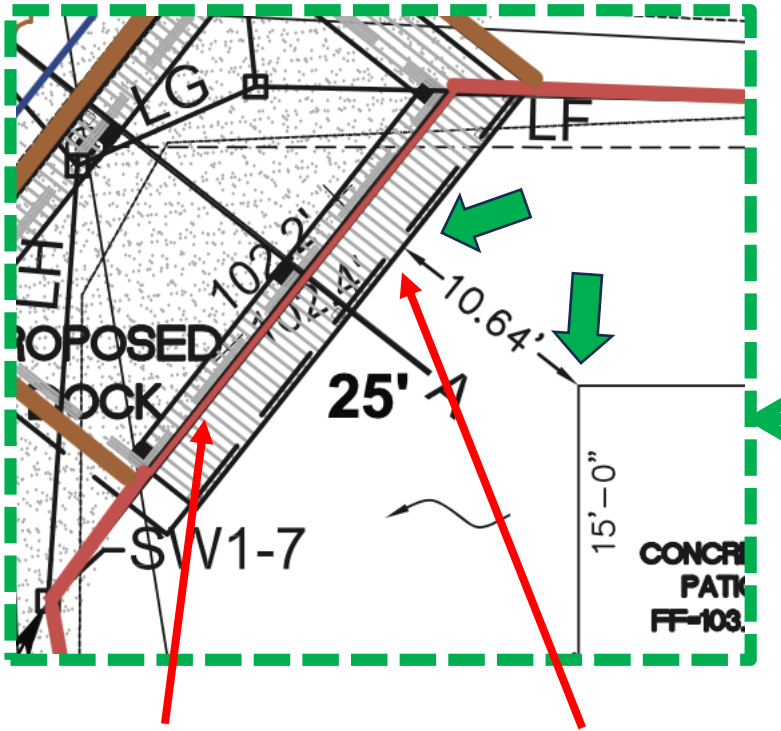
1. Northeast Seawall

- Original site plan submitted with application visually showed the seawall ending at the utility easement.
- Homeowner intended seawall to extend to the property line and assumed 3rd party hired to facilitate permit had submitted correctly.
- Seawall was constructed ending at the property line and during construction, was modified in that specific area to approximately 1ft waterward of the wetland line to avoid removal of existing oak trees
- During post-construction consultation with Tim Hull at EPD, it was indicated that deviation from the wetland line would be considered a reasonable alteration to protect the trees as there was no impact to navigation
- Code does allow for constructing a seawall up to the property line
- A modification permit has been submitted to allow the seawall to remain in its current location, protecting both shoreline erosion and existing oak trees

2. Northwest Seawall

- Site plan submitted during permit application indicated a 10.64ft measurement to the edge of the dock walkway that is landward of the seawall, not to the seawall itself.
- Walkway was planned at 4ft wide total, and 3.5ft wide landward from the edge of the seawall indicating true measurement to seawall in submitted plan is 14.14ft ($10.64 + 3.5$)
- As-built measurement is noted at 14.9ft, however, the angle of measurement is not the same
- Mathematically adjusting for the difference in angle, the true as-built measurement would be 13.96ft indicating the northwest seawall is built to plan as-is

Site Plan



Seawall is at Red line,

Measurement is to edge of deck

.01 feet to the Southwest corner of Lot 4; thence West 15.14 feet; thence North 9 degrees .05 minutes West 81.01 feet; thence East 15.14 feet to the Point of Beginning, which is served by the grantors for road purposes. Being a portion of L 8 of Sandy Shores.

LOOD INFORMATION:

performing a search with the local governing municipality or www.texas.gov, a property appears to be located in the K.A.E. This Property was found in the "County" community number 0179, dated 8/25/2008.

MAX DEPTH AT
ND OF BOATHOUSE

2ND TURBIDITY
BARRIER

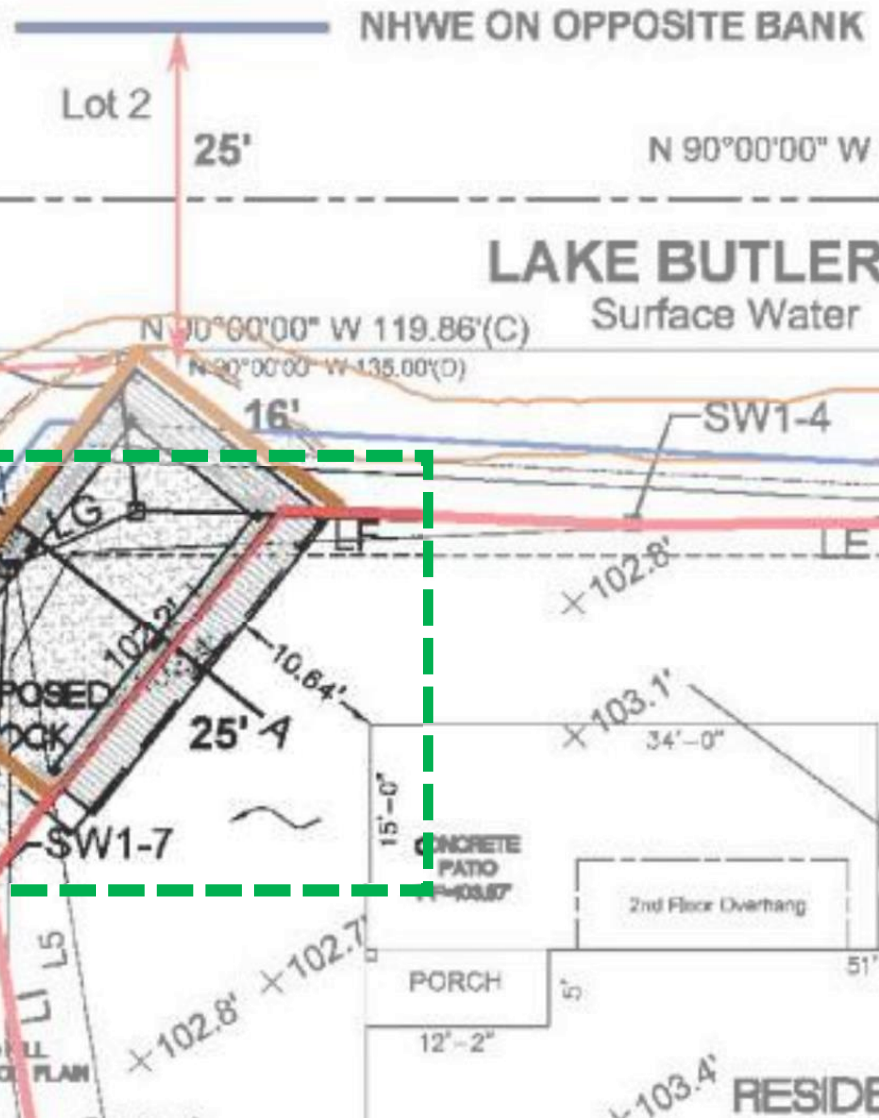
TOTAL SURFACE
IMPACT AREA: 3,384 CF

FLOATING TURBIDITY BARRIER
TO BE INSTALLED IN WORK
AREA OF CONSTRUCTION

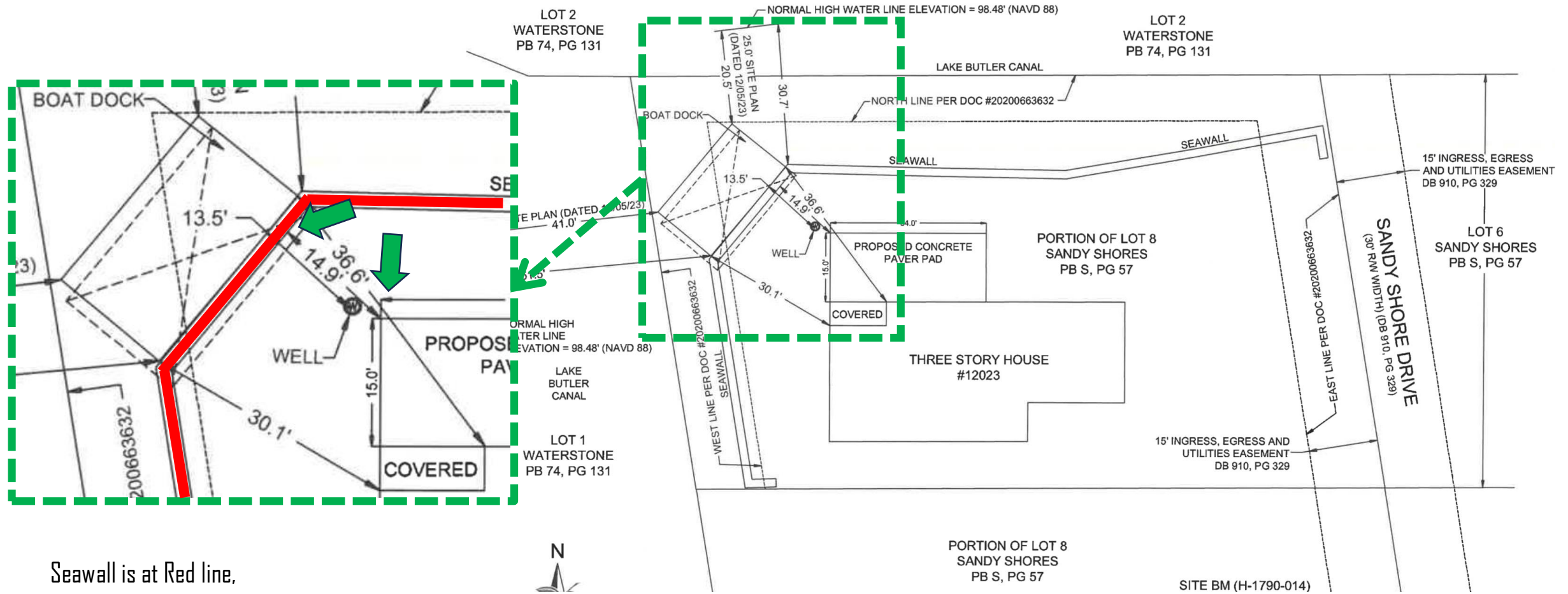
ON SITE

ERDAM
IN THIS
DREDGING

LAKE
BUTLER
CANAL



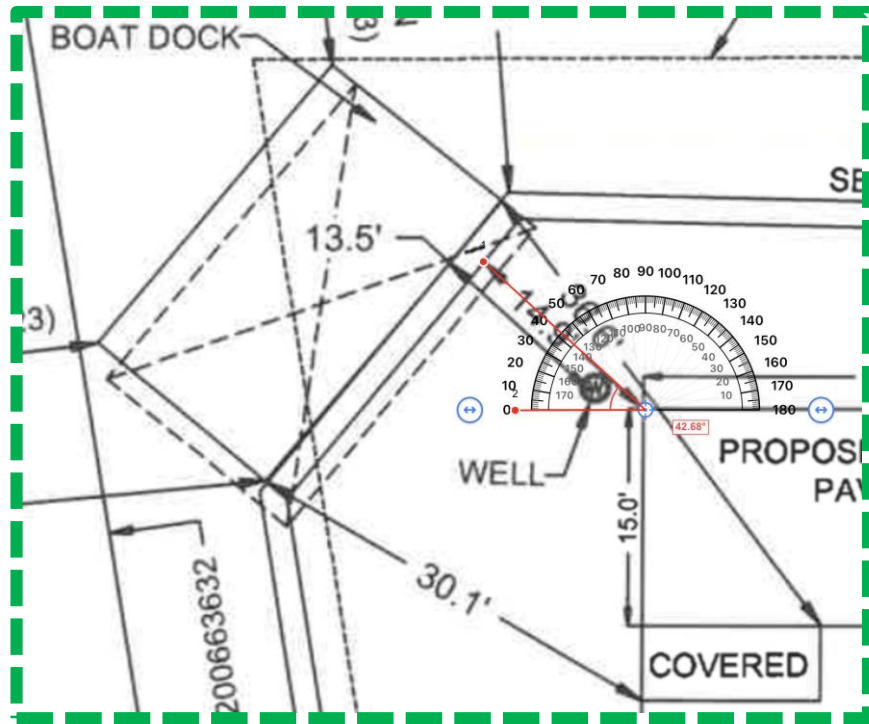
Specific Purpose Survey per Orange County



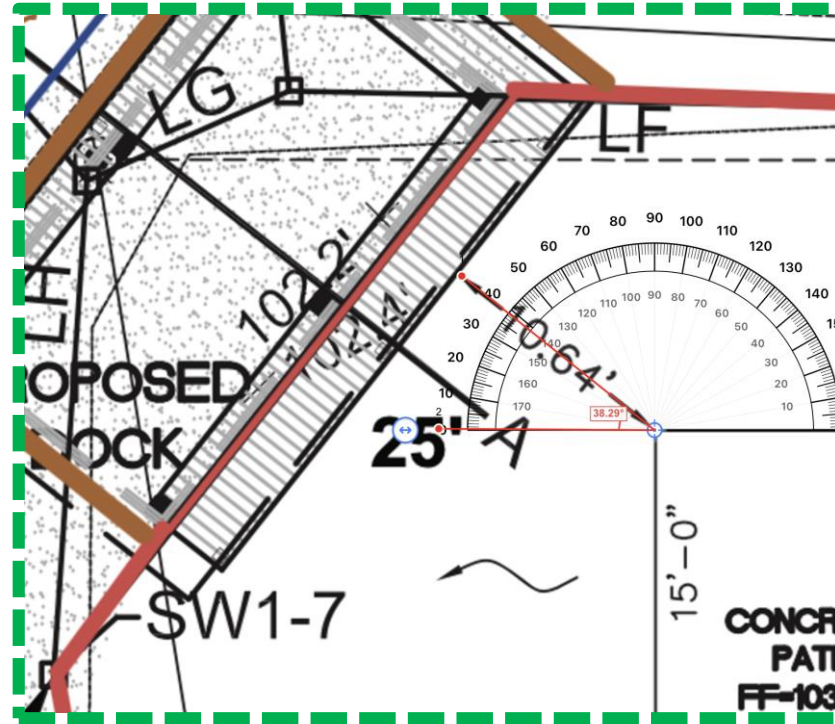
Seawall is at Red line,
Measurement of 14.9ft is to seawall, decking on land has
not been built yet

Side by Side Comparison

- Angle of measurement is not the same between the two impacting accurate comparison
- Orange County Survey is at 42.68° and Submitted plan at 38.29°



Orange County Survey



Original Submitted Plan

Converting measurement

$$= \frac{\text{distance} \times \cos(\text{angle})}{\cos(\text{new angle})}$$

$$= \frac{14.9\text{ft} \times \cos(42.68^\circ)}{\cos(38.29^\circ)}$$

$$= 13.96 \text{ ft} < 14.14\text{ft}$$

3. Boat Dock at Northwest Seawall

- Boat dock abuts the seawall in the Northwest corner of the property, specifically selected to reduce impact to navigation on the canal.
- Site plan submitted during permit application was for a 16ft x 25ft boat dock
- An Engineering adjustment was made pre-construction to account for structural cross bracing, ultimately reducing the dimensions from 16ft to 15ft from the seawall into the canal
- With the seawall proven to be in the correct location, and the dock built 1ft smaller than original plan into the canal, then ultimately the dock is built in the correct location
- Final inspection passed but was rescinded due to the outstanding EPD complaint

Canal Navigation – Aerial 2026 Prelim

- Aerial measurement shows 7.7ft intrusion into the North canal and 22.5ft from corner of dock to opposing shore



*Measurements are approximate using the Measurement tool on the DCPA GIS Map. These measurements do not supersede licensed survey measurements

Canal Navigation – Aerial 2023

- Same measurement from aerial shot prior to construction shows where shoreline existed prior to homeowner cutting into property for the dock



*Measurements are approximate using the Measurement tool on the OCPA GIS Map. These measurements do not supersede licensed survey measurements

Canal Navigation – Aerial 2022

- Larger vegetation in the area limiting visibility around the corner



*Measurements are approximate using the Measurement tool on the DCPA GIS Map. These measurements do not supersede licensed survey measurements

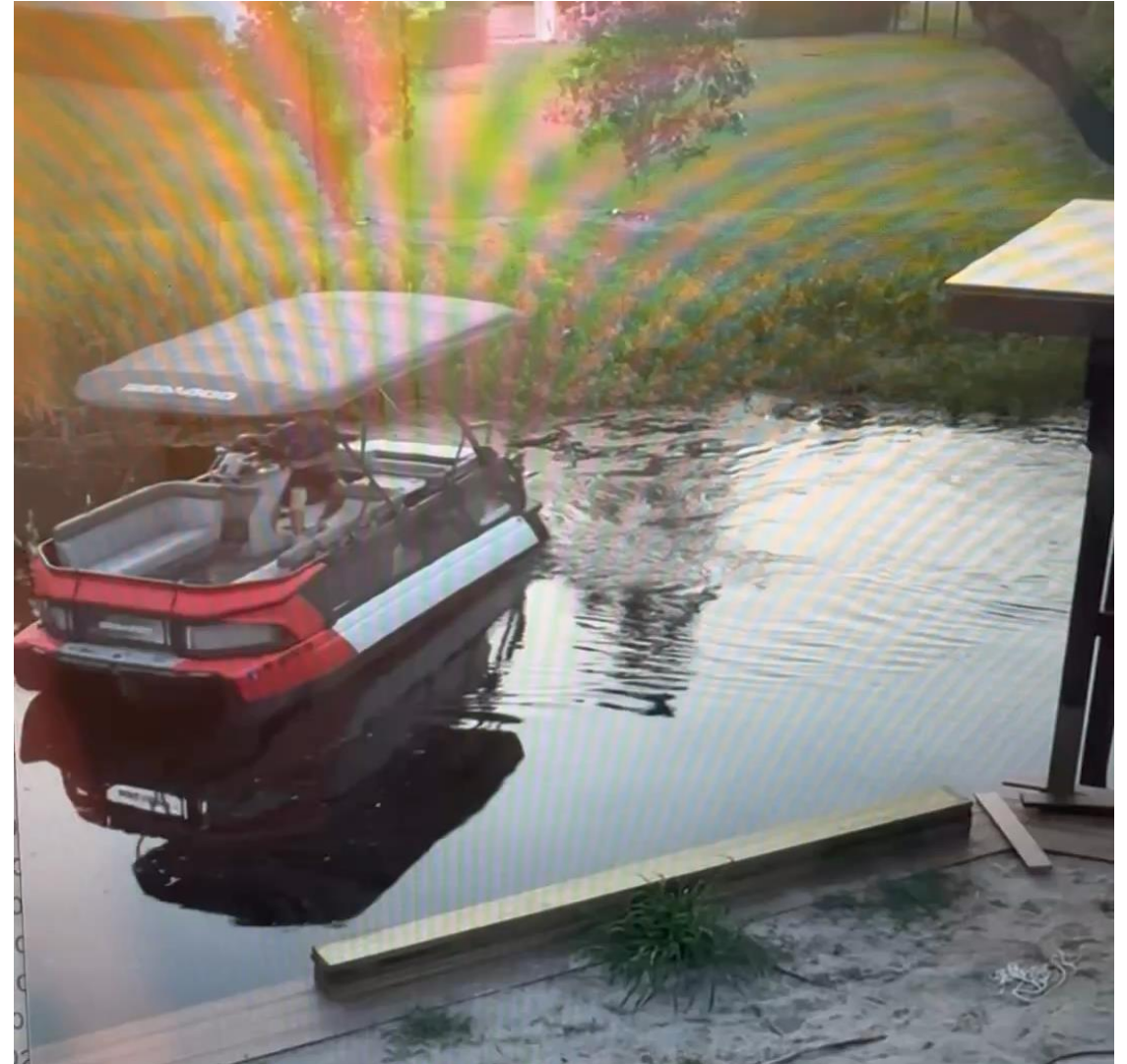
Video of Navigation in the canal

It is possible to do a 360° turn in the canal by Mr. Powell's dock

AND

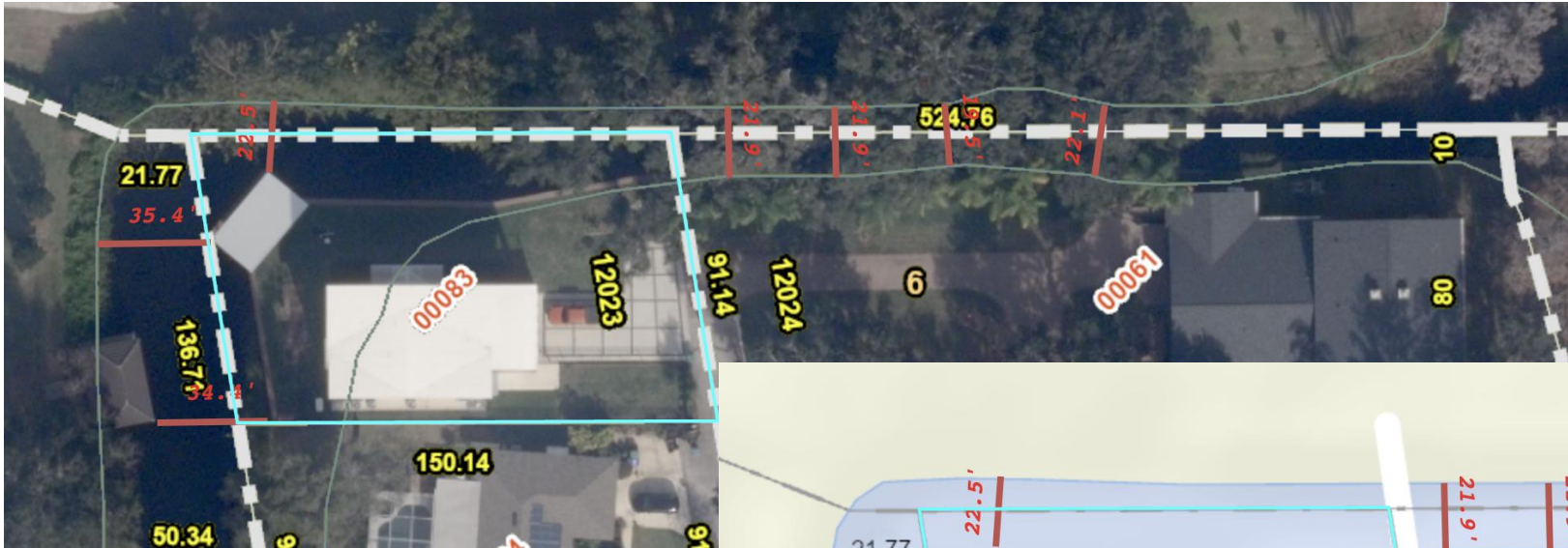
Navigate around the dock without grounding the boat or hitting the dock with several feet of clearance on both sides

****Video at 2x playback speed for presentation purposes****



Canal Navigation

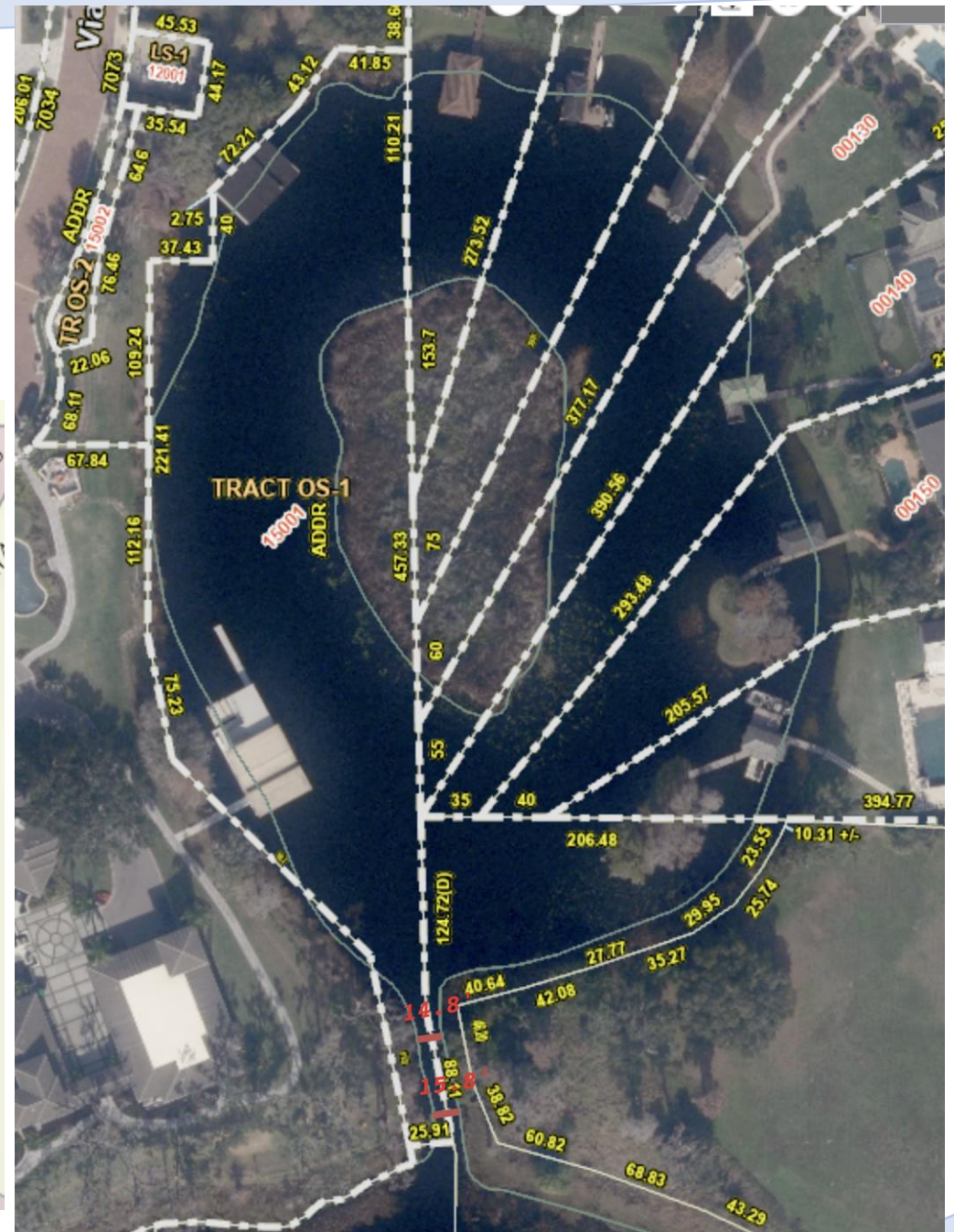
- Width at multiple points is more narrow than at the point of contention at Mr. Powell's dock.



*Measurements are approximate using the Measurement tool on the OCPA GIS Map. These measurements do not supersede licensed survey measurements

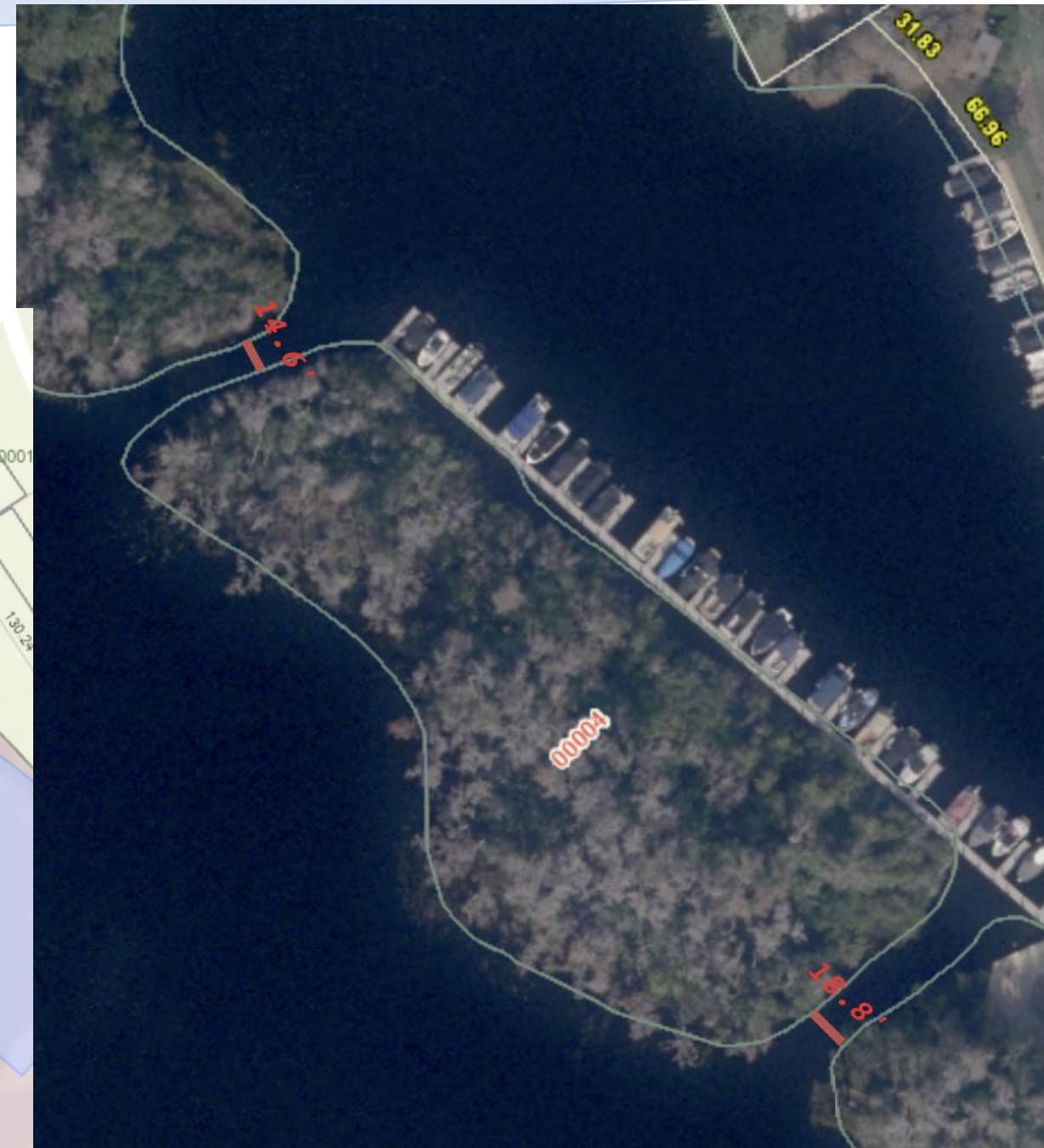
Canals on Butler Chain

- Canal off Lake Tibet is 14.8ft wide leading to a larger canal with several boat docks



Canals on Butler Chain

- Canal leading into Bay Hill marina at 14.6ft

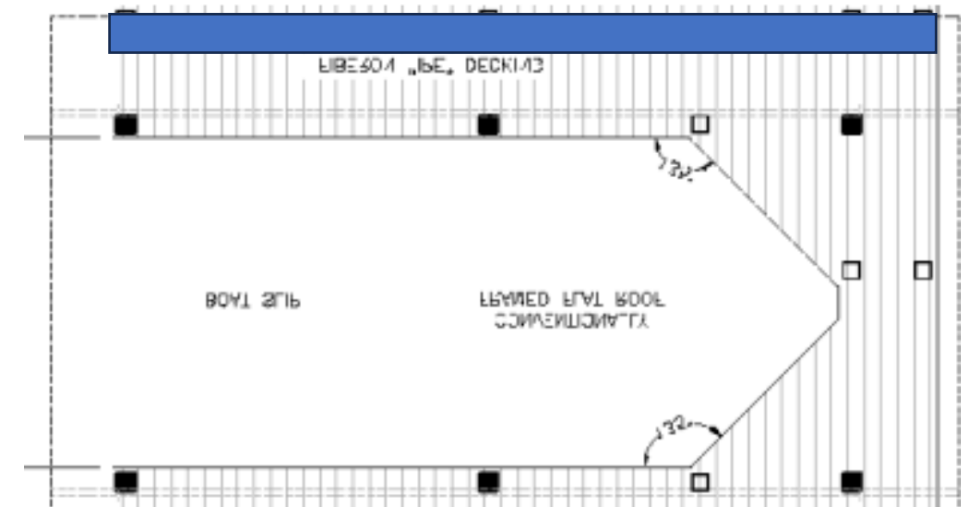
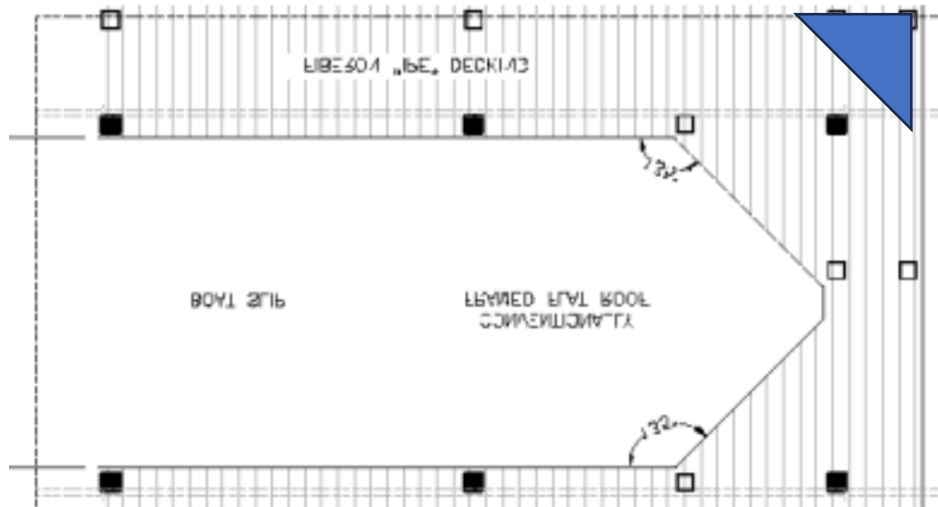


Intrusion into Canal

- Sec 15-342 (a) states "The dock must only extend to the point where reasonable water depth for vessel mooring and access to navigable water is achieved. A reasonable water depth may be defined by a determination that the dock does not extend further than the nearest permitted docks (within three hundred (300) feet or three (3) abutting lots) or a maximum of five (5) feet of water depth as measured from the NHWE"
- Property across canal to the west at 11425 Waterstone Loop Drive received approval for a boat dock in 2021 after OCSO conducted a navigational review
- Boat dock extends 19.5ft from NHWE into canal or 39.7% into Canal
- Subject property boat dock extends 7.7ft into canal on North side (25.5%) and 6.8ft into canal on West side (16.1%) compared to property line prior to construction due to the homeowner cutting into property to construct the dock
- Water depth at the end of the boat dock is currently 2.5ft
- Mr. Powell's dock is well within reasonable standards set by precedent in the canal.

Attempts to appease complaints

- Even though the seawall and dock on the Northwest corner are built to plan, the homeowner attempted to work with the neighbors in good faith to assuage concerns on navigating the corner including:
 - Removing the North corner triangle section of terminal platform
 - Reducing the canal side catwalk by 1ft



- Neighbors have declined both proposals, electing instead to issue complaints through EPD for full removal

Windermere Water & Navigation Control District

- Article 4, Section 33 is the section of code that governs this area
- Sec 33-134 (a) states "The aforementioned provisions of section 14 [section 33-129] shall not deny the right of any upland owner to construct a dock or wharf in front of his upland as provided by the laws of the state, but said district may make reasonable rules and regulations for the construction thereof in order to carry out the provisions and intent of this act [article]"
- Sec 33-124 (a) states "The board shall build, construct and repair canals and locks within the said district as may be necessary to render the waters navigable and to carry out the purposes of this act [article]"

Summary

1. Requesting approval of a modification to the plans to allow the additional 15ft of seawall on the Northeast section of the property to remain as-is, which is 1ft waterward of the wetland line, to mitigate shoreline erosion and protect the oak trees as there is no impact to navigation
2. Requesting a decision by the board regarding the Northwest section of seawall and dock as listed in the EPD complaint; that both the Northwest section and the dock are built according to the approved plan using the appropriate comparison measurements, and no modification is therefore required.