Interoffice Memorandum



October 28, 2022

TO:

Mayor Jerry L. Demings

-AND-

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:

November 29, 2022 – Public Hearing

Shoreline Alteration/Dredge and Fill Permit Application for John

and Carrie Russo (SADF-22-05-017)

The applicants, John and Carrie Russo, are requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a replacement vinyl seawall, faced with riprap and plantings, along the shoreline of Lake Down. The property is located at 10844 Bayshore Drive, Windermere, FL 34786 (Parcel ID No. 05-23-28-0545-00-020) in District 1.

The applicants are proposing to construct approximately 206 feet of replacement vinyl seawall directly in front of an existing wooden wall that is in poor condition. The existing wall meanders along the shoreline and does not appear to tie into the adjacent seawall to the north. The replacement wall will be placed no further than one foot in front of the existing wall and will include two six-foot returns, one on either side of the seawall.

Environmental Protection Division (EPD) staff did not find a permit for the existing wooden wall but have determined that the structure was constructed sometime between 2010 and 2011, prior to when the applicants purchased the property in 2013. Due to the fact that the existing seawall was constructed by a previous owner, no enforcement action has been taken.

There is no seawall present on the adjacent lot to the south; however, there is a seawall present on the adjacent lot to the north and there are several other seawalls present on other properties on Lake Down. Based on prior Board direction, riprap and plantings are required for new seawalls and replacement seawalls; therefore, the applicants will install riprap and plantings waterward of the replacement seawall.

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 Section 33-129.

Staff Recommendation

Approval of the SADF permit, subject to the following conditions:

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Specific Conditions:

- 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 ('Cover Sheet', 'Site Plan', 'Seawall Plan', and 'Elevations') signed and sealed by Scott A. Santomauro, P.E. and received by the Environmental Protection Division (EPD) on October 6, 2022. The permitted activity must commence within six months and be completed within two years from the date of issuance of the permit. In the event that the project has not commenced within six months or been completed within two years, this permit shall be void and a new permit application with fee will be required.
- 3. Riprap shall be installed waterward of the new vinyl seawall in accordance with the engineered plans signed and sealed by Scott A. Santomauro, P.E. and received by EPD on October 6, 2022. The 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 installation of riprap must commence within 30 days and be completed within 60 days from the date of completion of construction of the seawall.
- 4. Installation of plantings must be initiated within 30 days and be completed within 60 days of installation of the riprap in accordance with the engineered plans signed and sealed by Scott A. Santomauro, P.E., received by EPD on October 6, 2022, and the planting plan provided by the applicants, received by EPD on September 21, 2022. After one year, if 80 percent areal coverage of native emergent or aquatic plant species is not established, additional plantings may be required.
- 5. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of 98.52 feet (NAVD88) above mean sea level for Lake Down, not to exceed 20 percent of the total shoreline length 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.
- 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.
- 7. 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.

General Conditions:

- 8. 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.
- 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 holders and/or agent promptly thereafter.

- 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.
- 11. 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.
- 12. Prior to construction, the permittees shall clearly designate the limits of construction onsite. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
- 13. 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.
- 14. 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.
- 15. 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.
- 16. 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 IV of the Orange County Code.
- 17. 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.

- 18. 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.
- 19. 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.
- 20. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
- 21. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
- 22. 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.
- 23. 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.
- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. Pursuant to Section 125.022 FS, the permittees shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

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Shoreline Alteration/Dredge and Fill Permit Application for John and Carrie Russo (SADF-22-05-017)

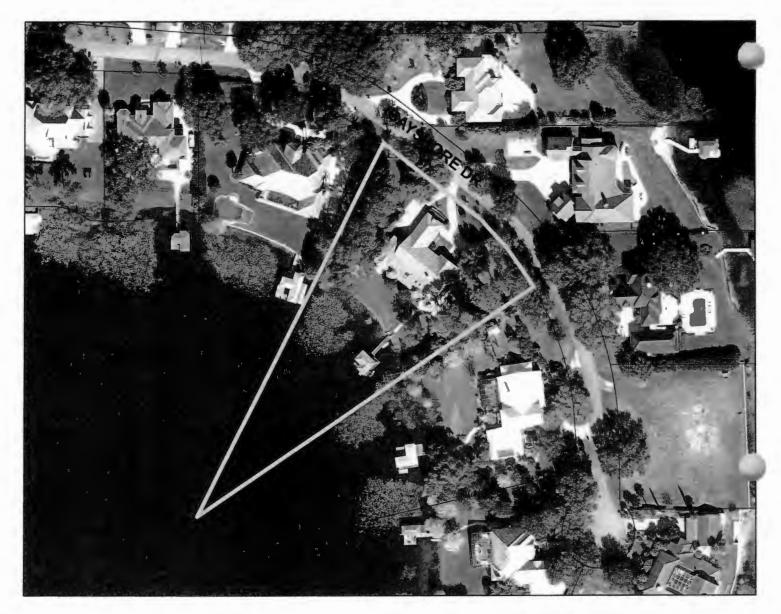
ACTION REQUESTED:

Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Shoreline Alteration/Dredge and Fill Permit SADF-22-05-017 for John and Carrie Russo, subject to the conditions listed in the staff report. District 1

DDJ/JW: jk

Attachments

Shoreline Alteration/Dredge and Fill Permit Request

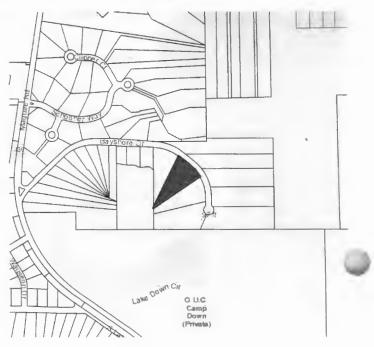


Shoreline Alteration/Dredge and Fill Permit Request SADF-22-05-017 District #1

Applicants: John and Carrie Russo Address: 10844 Bayshore Drive Parcel ID No.: 05-23-28-0545-00-020

Project Site

Property Location



Cove Points MARINE CONSTRUCTION

Sheet List				
Sheet Number	Sheet Name			
A0,1	COVER SHEET			
A0.2	SITE PLAN			
A0.3	SEAWALL PLAN			
A0.4	ELEVATIONS			
S0.1	SEAWALL DETAILS			
\$0.2	TURBIDITY BARRIER			
\$0.3				
S0.4				
S0.5				

The Russo Residence 10844 Bay Shore Drive Windermere, FL 34786 Parcel ID #052328054500020 New Seawall Build

- CONSTRUCT NEW RIGID VINYL SEAWALL
- ALL TO BE MARINE GRADE LUMBER & GALVANIZED FASTENERS

1. TURBIDITY CONTROL: A. PROVIDE TYPE III FLOATING TURBIDITY BARRIERS AROUND ALL WORK AREAS AS MANUFACTURED BY TRITON OR EQUIVALENT.

2. CONSTRUCTION REQUIREMENTS: A. MAINTAIN A SAFE AND CLEAN SITE. PROVIDE BARRICADES AS NEEDED TO ISOLATE WORK AREAS. CLEAN UP AND DISCARD TRASH AND UNUSABLE LUMBER AT THE END OF EACH WORK DAY, B. STORE MATERIALS IN LOCATIONS APPROVED BY OWNER OR MANAGEMENT, C. PLAN WORK TO PRECLUDE DISRUPTION OF ACCESS TO EXISTING AREAS. D. INSTALL TURBIDITY BARRIERS PRIOR TO INSTALLATION OR REMOVAL OF PILINGS, MONITOR AND ADJUST AS NEEDED TO PREVENT SILT LADEN WATER FROM ESCAPING INTO WATERWAY, E. DISCARD UNEVENLY CUT OR OUT OF TRUE LUMBER THAT MAY EFFECT THE QUALITY OF WORK, F. SET ALL WORK ACCURATELY TO REQUIRED LEVELS AND LINES, WITH MEMBER PLUMB AND TRUE AND ACCURATELY CUT AND FITTED. INSTALL FASTENERS WITHOUT SPLITTING OF WOOD MEMBERS, PRE-DRILL AS REQUIRED. G. ALL SURFACES RESULTING FROM FIELD CUTS OF LUMBER AND PILES, INCLUDING BOLT HOLES, SHALL BE FIELD TREATED WITH PRESERVATIVE IN ACCORDANCE WITH APWA STANDARDS FOR CARE OF TREATED WOOD H. ALL LUMBER PLACED VERTICALLY SHALL BE PLACED WITH VERTICAL CROWNS UP, AND ALL LUMBER PLACED HORIZONTALLY SHALL BE PLACED. WITH HORIZONTAL CROWNS UP (BARK SIDE UP). I. PLACE DECKING AS PER MANUFACTURERS SPECIFICATIONS. J. STAINLESS STEEL TYPICAL TO MARINE CONSTRUCTION. ALL THRU BOLTS SHALL UTILIZE A GALVANIZED STEEL NUT AND LOCK WASHER (OR STAINLESS STEEL NYLOCK WASHER).

RISK CATEGORY 1 WIND EXPOSURE - C





DESIGN STATEMENT DESIGN WIND SPEED = 140MPH THIS MEETS THE REQUIREMENTS OF ASCE 7-16 & FLORIDA BUILDING CODE 2020.

PROJECT LOCATION



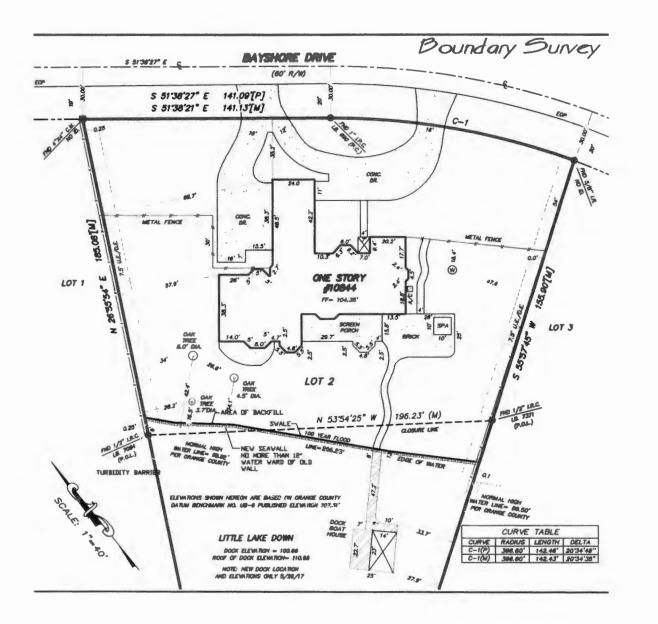
10844 Bay Shot e. Windermere, FL 34786

COVER SHEET

DBSS ENGINEERING

SCOTT A. SANTOMAURO PHONE 321-251-8006

Cove Points









RUSSO
SITE PLAN
10844 Bay Shore Drive
Windermers. FL 34786

SIT 10844 B Windern

Unio States 03.24.2022
Dates by CPMC
Checked by RGallerto
State

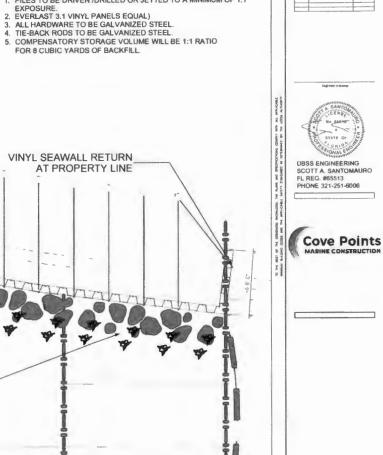
A0.2

PROJECT AREAS:

SEAWALL = 206.23' +/- LF.

GENERAL NOTES:

- 1. PILES TO BE DRIVEN /DRILLED OR JETTED TO A MINIMUM OF 1:1

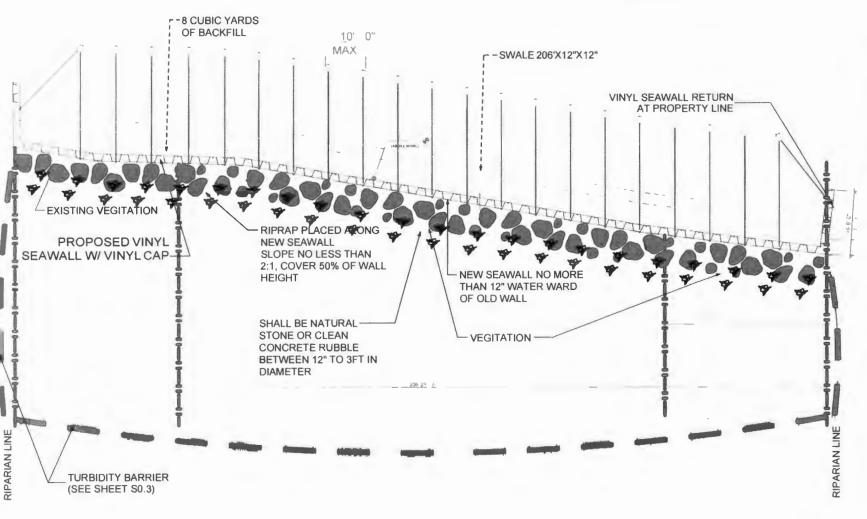


SEAWALL PLAN RUSSO

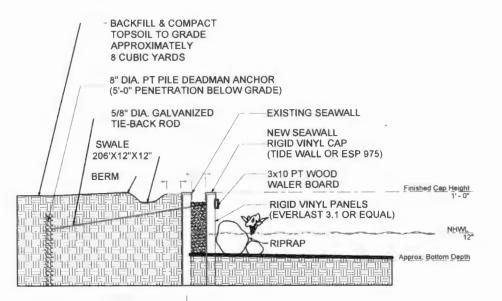
Dam Startes 03.24.2022

SEAWALL PLAN

A0.3



WEST ELEVATION



GENERAL NOTES:

- 1. PANELS & PILES TO BE DRIVEN /DRILLED OR JETTED TO A MINIMUM OF 1:1 EXPOSURE.

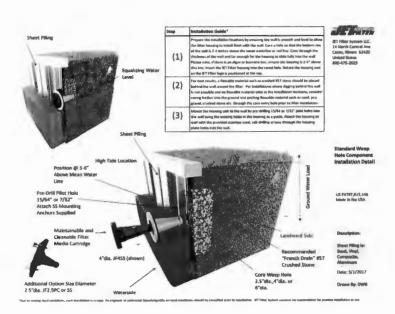
 2. RIGID VINYL PANELS (EVERLAST 3.1)
- 3. VINYL SEAWALL CAP
- 4. TIE-BACK RODS TO BE 5/8" GALVANIZED STEEL.
 5. COMPENSATORY STORAGE VOLUME WILL BE 1:1 RATIO FOR 8 CUBIC YARDS OF BACKFILL.

Dele DBSS ENGINEERING SCOTT A. SANTOMAURO FL REG, #65513 PHONE 321-251-6006 **Cove Points** 10844 BAY SHORE DRIVE WINDERMERE, FL 34786 ELEVATIONS

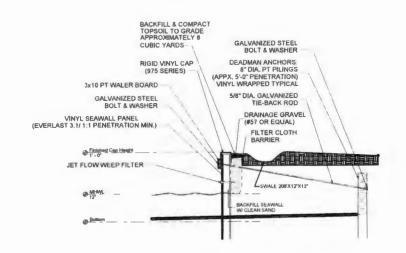
A0.4

NORTH ELEVATION

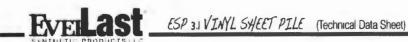
NATIVE AQUATIC WETLAND PLANTS WATER WARD OF RIPRAP RIGID VINYL CAP (TIDE WALL OR ESP 975) RIDGID VINYL SEAWALL PANELS 3x10 PT WOOD WALER BOARD (EVERLAST 3.1 OR EQUAL) Finished Cap Height

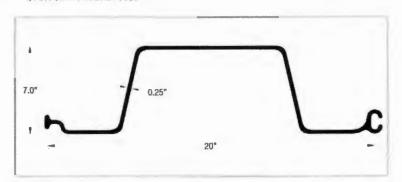


3D WEEP FILTER DETAIL



SEAWALL DETAIL

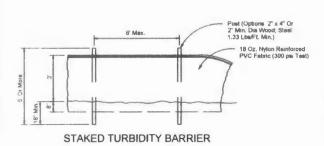


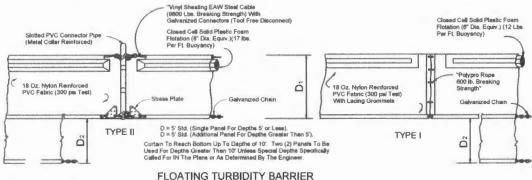


Strength Rating (M)	Lbs-Ft/Ft	3,129	Modulus of Elasticity (E)	psi	380,000
Allowable Shear (V)	Lbs/Ft	2,536	Co-Extruded		Yes
Thickness (t)	inches	0.25	Section Depth	inches	7
Section Modulus (Z)	in³/ft	11.4	Section Width	inches	20
Moment of Inertia (I)	in4/ft	39.8	UV Stabilized		Yes
Ultimate Tensile Stress	psi	6,300	Standard	sheets/	20 &
Creep Limited stress	psi	4,000	Packaging	bundle	10

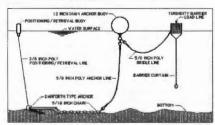
EVERLAST SPEC SHEET







ANCHOR KIT INSTALLED WITH FLOATING BARRIER



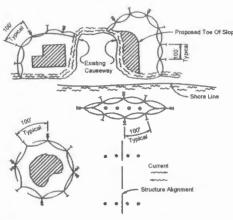
INSTALLATION INSTRUCTIONS

To install an Anchor Kit on one side of Floating Turbidity Barrier, Type 2 or 3:

- 1. Attach the LOAD LINE to the cable loop in the end of the top teneson cable of the barrier, using the SHACKLE at the end of the load line.
- 2. Back bost sway from the barrier and drop the ANCHOR BUOY into the water
- Slowly back further away from the barrier while paying out all of the ANCHOR LINE, carefully lower the ANCHOR over the side, and lower the anchor with the POSITIONING/RETRIEVAL LINE until it settles onto the bottom.

 4. Hold the POSITIONING/RETRIEVAL BUOY, slowly back away further until the barrier is in the
- desired position, and drop the POSITIONING/RETRIEVAL BUOY into the water

To remove an Anchor Kit: Grab the POSITIONING/RETRIEVAL BUOY and lift the LINE until ANCHOR is dialodged from bottom. Retrieve the entire Anchor Kit and detach from the parrier.



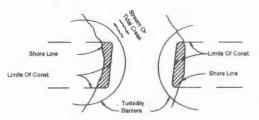
NOTES

- 1, Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
- 2. Number and spacing of anchors dependent on current velocities.
- 4. Navigation may require segmenting barrier during construction operations.
- 3. Deployment of barrier around pile locations may vary to accommodate construction operations.

TURBIDITY BARRIER APPLICATIONS

LEGEND

- Pile Locations
- Dredge Or Fill Area
- Mooring Buoy w/Anchor
- Barrier Movement Due To Current Action



Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The berner type(s) will be at the Contractors option unless otherwise specified in the plane, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barner and/or Staked Turbidity Barrier. Posts in staked turbidity berriers to be installed in vertical position unless otherwise directed by the



Cove Points

10844 BAY SHORE DRIVE WINDERMERE, FL 34786 TURBIDITY

S0.2

Rus Little Lake Lows 7128/202 10844 Boyshore DR. revised 9/15/24 DNORTH 196.23 Feet of Shoreline * Corridor allowence is 20% or 30 feet whichever is greater = * existing that 39.25 feet graitable, 196.23 x 2000 = 39.25 feet available Will not bedishurted Aprovided Spictures 39,25 Feet allowence coorizon * existing water tilly Fragrant WaterLily Fragrant select weed vernoval *Spaced 1-2 feet opened # 196.23 Feet Existing crigress tree will not of shoreline # Approximently 800 X pickere I weed - I gal (500+) be disturbed X)=cupress tree Boost Allorance to most 80070 avis Coverage Approx. 8-10 feet apart Carra (9a) (100+) (added) (2 at 5-4 Feet) Douthera Blue Flag - 1991 6100+ 1 Water hily - 1 9a1 (100 +)

From: To: Carrie Russo Denton, Havden J

Subject:

RE: Russo Permit Application-Orange County - SADF-22-05-017

Date:

Wednesday, September 21, 2022 9:21:21 AM

Good morning, Hayden attached is the plant revisions. Added to the plans are the comments needed for the do not disturb the native plants on the west side and the 8-10 feet apart on the cypress trees.

We greatly appreciate your assistance.

Thank you, Carrie Russo Broadband Consulting Group (BBCG) 407-342-6416 carrie@bbcg.net

From: Hayden.Denton@ocfl.net < Hayden.Denton@ocfl.net >

Sent: Friday, September 16, 2022 4:07 PM

To: Carrie Russo <Carrie@bbcg.net>; jenna.wy@covepoints.com

Cc: John Russo <john@bbcg.net>; sean.wy@covepoints.com; robert.g@covepoints.com

Subject: RE: Russo Permit Application-Orange County - SADF-22-05-017

Good afternoon Mrs. Russo,

Thanks for the revised planting plan. It looks good except that the note about not disturbing the existing natives on the west side wasn't added that I could see. Also, as I mentioned, the cypress trees should not be planted on 1 foot centers, that's too close. They should be about 8-10 feet apart. See attached for those two notes on the site plan.

To answer your question about the placement of the cypress trees, if you have to move their location a little due to lake levels that is fine, as long as you aren't removing a bunch of existing native plants to plant the new cypress tree.

Jenna, I've also reviewed the revised engineering drawings and I think they are almost sufficient. There are just a couple minor things that need to be added. Please see attached with my comments and below.

- Can you please add a note to Sheet A0.3 about the size and material of the riprap that will be installed? It needs to be natural stone or clean concrete rubble between one to three feet in diameter.
- It looks like the distance of the dock edge to the seawall was not updated with the new site plan (Sheet A0.2), so the 38.7′ and 32.0′ lines don't make sense. Can you update or remove those?

Thanks everyone.

Hayden Denton
Senior Environmental Specialist
Orange County Environmental Protection Division
Environmental Permitting and Compliance
3165 McCrory Place, Suite 200
Orlando, Florida 32803

Office: 407-836-1433 Cell: 407-799-8894

Email: Hayden.Denton@ocfl.net

Web: www.ocfl.net/epd

ORANGE COUNTY
GOVERNMENT

From: Carrie Russo < Carrie@bbcg.net>

Sent: Thursday, September 15, 2022 5:26 PM

To: Denton, Hayden J < Hayden.Denton@ocfl.net >; Jenna Wydronkowski

<jenna.wy@covepoints.com>
Cc: John Russo <john@bbcg.net>

Subject: RE: Russo Permit Application-Orange County - SADF-22-05-017

Hello Hayden, I added the details as requested on the plant revision from the original on 7/28/22. Plant spacing 1-2 feet centers, 1 gallon size, approximately 800-1000 plants to meet the 80% areal coverage. The cypress trees that will be added to far-right corner will be as drawn but I have been advised they do not do well in deep water. With the amount of rain and increased lake levels, the further one on the drawing may need to come in closer to the new wall. Will this cause any issues further ahead as this planting may not occur until February 2023? Let me know if you need anything else from me and thank you for your assistance.

Thank you, Carrie Russo Broadband Consulting Group (BBCG) 407-342-6416 carrie@bbcg.net



