



Interoffice Memorandum

8

February 24, 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: March 22, 2022 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
Suzanne Magee (SADF-21-10-024)

The applicant, Suzanne Magee, is requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a new vinyl seawall to replace an area of existing riprap on a portion of her shoreline along Lake Tibet-Butler. The applicant is also requesting authorization of an existing, unpermitted seawall along the remainder of the shoreline for the property located at 9100 Bay Point Drive, Orlando, FL, 32819. The Parcel ID for the site is 28-23-28-0600-00-150 and the subject property is located in District 1.

During review of the application, staff identified existing shoreline hardening structures on the subject property, including riprap and a concrete wall, which are located west and east of the existing boat dock, respectively. Orange County Division of Building and Safety issued Permit B06011557 to Suzanne Magee for a retaining wall on the property. Staff was unable to verify when the unpermitted riprap was installed. EPD did not open an enforcement case or assess a penalty for the placement of rip-rap.

In order to prevent erosion and bring the property into compliance, the applicant is proposing to install approximately 35 feet of new vinyl seawall immediately waterward of the existing unauthorized riprap, and install riprap and plantings along the face of the new and old portions of seawall. The old seawall is approximately 109 feet in length and will remain in place. There are seawalls on both adjacent properties. A 12-foot return will be installed on the eastern end of the old portion of seawall and the new 35-foot portion of seawall will tie into the adjacent seawall at the western property boundary with no return.

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. No objections were received.

Pursuant to Orange County Code, Chapter 33, Article IV, EPD staff has evaluated the proposed SADF 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:

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 Darcy Unroe, P.E. and received by the Environmental Protection Division (EPD) on February 22, 2022 and February 23, 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 and existing portions of seawall in accordance with the engineered plans signed and sealed by Darcy Unroe, P.E. and received by EPD on February 22, 2022 and February 23, 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 'Magee Seawall Site Plan' received by EPD on February 22, 2022 and February 23, 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 (NAVD 88) above mean sea level for Lake Tibet-Butler, not to exceed 30 feet in width, 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.
6. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall and riprap, as depicted on the plans.
7. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.

General Conditions:

8. 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 the approved drawings, plans, and other documents attached hereto or on file with EPD.
9. 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 holders and/or agent promptly thereafter.

10. 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 permittee shall clearly designate the limits of construction on-site. The permittee 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 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.
15. 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 owner's riparian or other property rights, the permittee agrees 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 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 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 permittee, 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 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.
18. The permittee is 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 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.

19. 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.
20. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
21. The permittee 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 permittee 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 permittee.
25. 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.
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 permittee 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 permittee 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 permittee 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 permittee shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Shoreline Alteration/Dredge and Fill Permit SADF-21-10-024 for Suzanne Magee, subject to the conditions listed in the staff report. District 1**

DDJ/JW: jk

Attachments

Shoreline Alteration/Dredge and Fill Permit Request

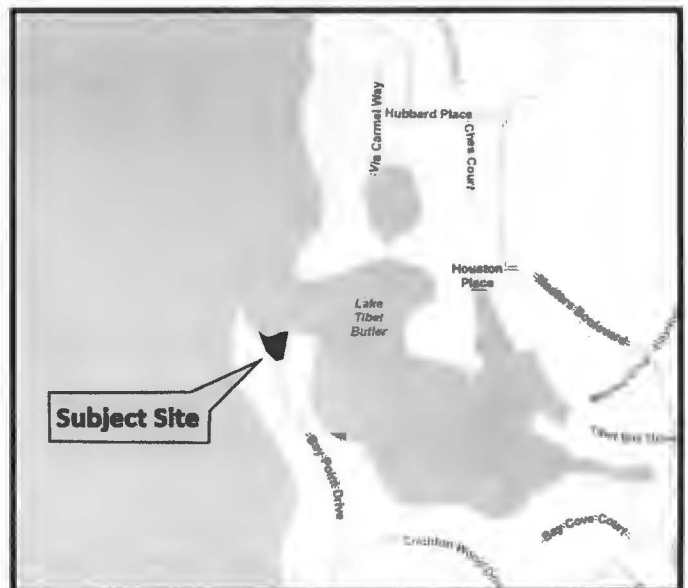


Shoreline Alteration/Dredge and Fill Permit Request
SADF-21-10-024
District #1

Applicants: Suzanne Magee
Address: 9100 Bay Point Drive
Parcel ID No.: 28-23-28-0600-00-150

Project Site

Property Location



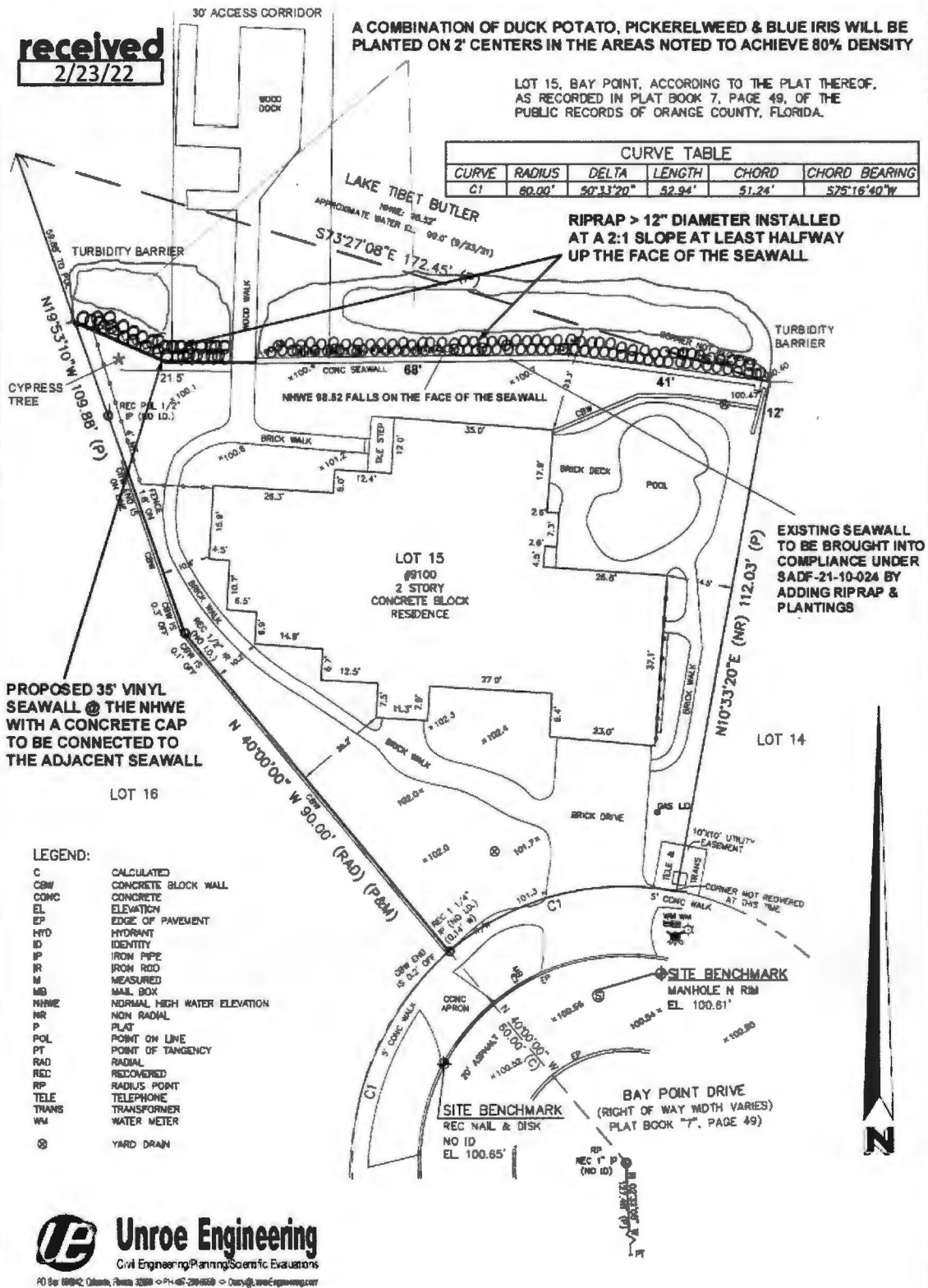
MAGEE SEAWALL SITE PLAN 9100 BAY POINT DRIVE, ORLANDO

received
2/23/22

A COMBINATION OF DUCK POTATO, PICKERELWEED & BLUE IRIS WILL BE PLANTED ON 2' CENTERS IN THE AREAS NOTED TO ACHIEVE 80% DENSITY

LOT 15, BAY POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, PAGE 49, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	80.00'	90°33'20"	52.94'	51.24'	S75°16'40"W



Unroe Engineering
Civil Engineering/Planning/Scientific Evaluations
PO Box 69942, Orlando, Florida 32869 • PH: 407-298-6639 • Darcy@UnroeEngineering.com

ENGINEER'S SEAL AS TO SEAWALL & RIPRAP SITE PLAN ONLY

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.

Scale: 1"=20'

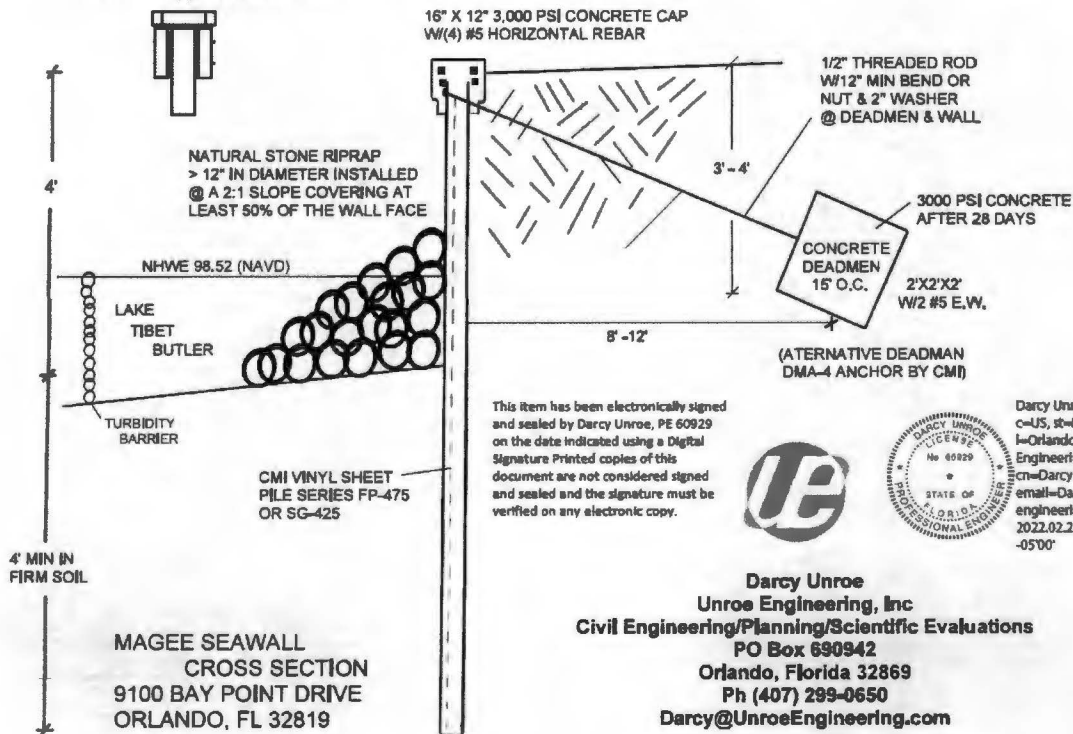


Darcy Unroe
c 405, sta-Florida,
in Orlando, on License
Eng. Insisting, Inc.,
c/w Darcy Unroe,
e-mail: Darcy@unroeeng.com
2022.02.23 09:01:41
05:00'

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

35' VINYL SEAWALL INSTALLED @ THE NHWE

received
 2/22/22



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.



Darcy Unroe
 c=US, st=Florida,
 l=Orlando, o=Unroe
 Engineering, Inc.,
 cn=Darcy Unroe,
 email=Darcy@unroe
 engineering.com
 2022.02.22 14:23:57
 -0500

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



