



Interoffice Memorandum

March 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**^{RP}
Environmental Protection Division
(407) 836-1420

SUBJECT: April 9, 2024 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
Sheila Cichra (SADF-24-01-001)

The applicant, Sheila Cichra as Authorized Agent, is requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize construction of a vinyl seawall, including replacement and new sections, and an after-the-fact section within a boat basin, along the shoreline of the Venetian Canal off Lake Conway. The property is located at 5412 Parkway Drive, Belle Isle, Florida, 32809 (Parcel ID No. 18-23-30-8856-02-040) in District 3.

The applicant is proposing to construct approximately 25 feet of new vinyl seawall and 10 feet of replacement vinyl seawall along the Venetian Canal at the Normal High Water Elevation (NHWE). The proposed seawall will have a 4-foot return on both ends. Both neighboring properties have partial seawalls. Other properties along the canal also have seawalls. Based on prior Board direction, riprap and plantings are normally required for new and replacement seawalls. However, because the proposed seawall is on a canal, no riprap or additional native plantings are required so as not to create a navigational concern.

The applicant is also requesting after-the-fact authorization of 46 feet of seawall located within an upland-cut boat basin along the canal. Environmental Protection Division (EPD) staff did not find a permit for the boat basin seawall; however, it has been in place since at least 2006, and was installed by a previous property owner. Therefore, EPD is not pursuing any enforcement for the seawall.

In accordance with Orange County Code, Chapter 33, Article II, Section 33-37(d), notification of the public hearing was sent to all 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 II, EPD has evaluated the proposed SADF permit application and required documents and has made a finding that the request is consistent with Section 33-37.

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 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 Darcy Unroe, P.E., and received by EPD on February 6, 2024, and February 19, 2024. 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 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 one year, 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. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall, as depicted on the approved plans.
6. 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 permittee 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).
7. Discharge of groundwater from dewatering operations requires approval from the Florida Department of Environmental Protection (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:

8. 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.

9. 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.
10. 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 approved drawings, plans, and other documents attached hereto or on file with EPD. 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 holder promptly thereafter.
11. 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 owners' riparian or other property rights, the permittee agrees 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.
12. 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 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 permittee, or convey any rights or privileges other than those specified in the permit and Chapter 33, Article II of the Orange County Code. 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.
13. The permittee is 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 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.
14. 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.

15. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
16. The permittee 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 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.
17. 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.
18. The permittee 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 permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
19. The permittee 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.
20. 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.
21. 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.
22. 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 applicant 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 applicant 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.
23. Pursuant to Section 125.022 FS, the applicant 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-24-01-001 for Sheila Cichra, subject to the conditions listed in the staff report. District 3**

RHP/TW: jk

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



Shoreline Alteration / Dredge and Fill Permit Request

SADF-24-01-001

District #3

Applicant: Sheila Cichra as Authorized Agent

Address: 5412 Parkway Drive

Parcel ID: 18-23-30-8856-02-040

Project Site



Property Location



SEAWALL SITE PLAN

LEGAL DESCRIPTION:

LOTS 4 AND 5, BLOCK B, VENETIAN GARDENS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK L, PAGE 25, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE.X. THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 9/25/2009.

CERTIFIED TO:

INNOVATIVE TITLE SERVICES, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, THE MORTGAGE FIRM, INC.

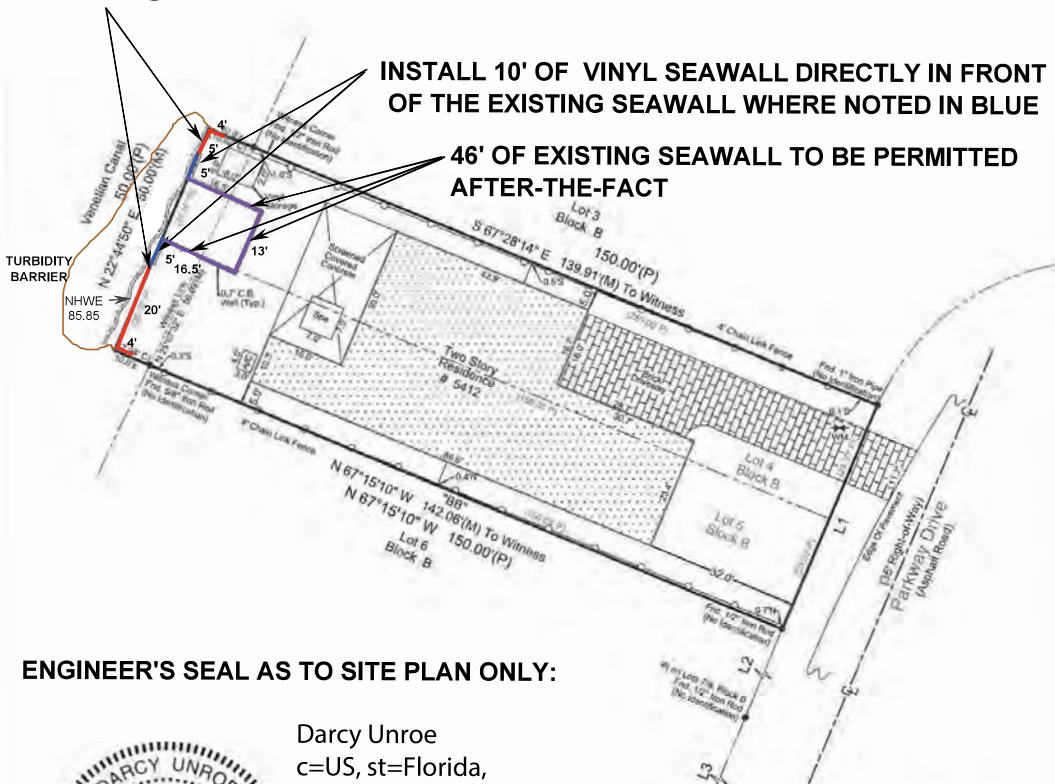


5412 PARKWAY DRIVE, BELLE ISLE, FLORIDA 32809

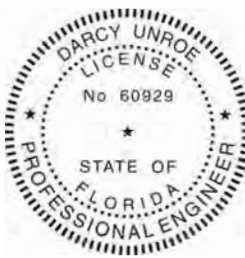
INSTALL 25' OF VINYL SEAWALL WITH (2) 4' RETURNS @ THE NHWE WHERE NOTED IN RED

INSTALL 10' OF VINYL SEAWALL DIRECTLY IN FRONT OF THE EXISTING SEAWALL WHERE NOTED IN BLUE

46' OF EXISTING SEAWALL TO BE PERMITTED AFTER-THE-FACT



ENGINEER'S SEAL AS TO SITE PLAN ONLY:



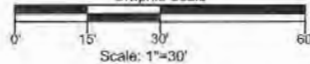
Darcy Unroe
 c=US, st=Florida,
 l=Orlando, o=Unroe
 Engineering, Inc.,
 cn=Darcy Unroe,
 email=Darcy@unroe
 engineering.com
 2024.02.19 12:28:26
 -05'00'

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.

received
 2/19/24



Note: Assumed Bearings
 Graphic Scale



Field Date: 8/8/2019 Date Completed: 08/09/19
 Drawn By: G.S. File Number: IS-63413

Legend:	
C	- Calculated
CC	- Contourline
CB	- Concrete Block
CM	- Concrete Monument
Conc	- Concrete
D	- Description
DE	- Drainage Easement
Easmt	- Easement
F.C.M.A.	- Federal Emergency Management Agency
F.F.E.	- Finished Floor Elevation
Fnd	- Found
IP	- Iron Pipe
L	- Length (ft)
M	- Masurement
NSD	- Nail & Disc
N.R.	- Non-Radius
ORB	- Official Records Book
P	- Plat
P.B.	- Plat Book
Q	- Wood Fence
PC	- Point of Curvature
Pp	- Page
PI	- Point of Intersection
P.O.B.	- Point of Beginning
P.O.L.	- Point on Line
pp	- Power Pole
PRM	- Permanent Reference Monument
PI	- Point of Tangency
R	- Radius
Rad	- Radius
R&C	- Rebar & Cap
Rvc	- Recurved
rtc	- Hooded
Set	- Set 1/2" Rebar & Cap "LB 7623"
Typ	- Typical
UE	- Utility Easement
WM	- Walker Mark
Δ	- Delta (Central Angle)
Q	- Chain Link Fence

NOTES:
 ->Survey is Based upon the Legal Description Supplied by Client.
 ->Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Mistakes.
 ->Subject to any Easements and/or Restrictions of Record.
 ->Bearing basis shown herein is Assumed and Based upon the Line Deviated with a "SR".
 ->Building Lines are NOT to be used to reconstruct Property Lines.
 ->Fence Ownership is NOT Determined.
 ->Roof Overhangs, Underground Utilities and/or Factors have NOT been located UNLESS otherwise noted.
 ->Septic Tanks and/or Drainfield Locations are approximate and MUST be verified by appropriate Utility Location Companies.
 ->Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Herein shall be construed to give ANY rights or interests to anyone other than those Certified.
 ->RIGHTS OF INTERESTS:
 NONE VISIBLE

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction, on the Date shown. Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5-17.005 Florida Administrative Codes, Pursuant to Section 475.227 Florida Statutes.

XXXXXXXXXXXXXXXXXXXX FOR THE FIRM XXXXXXXXXXXXXXXXXXXX

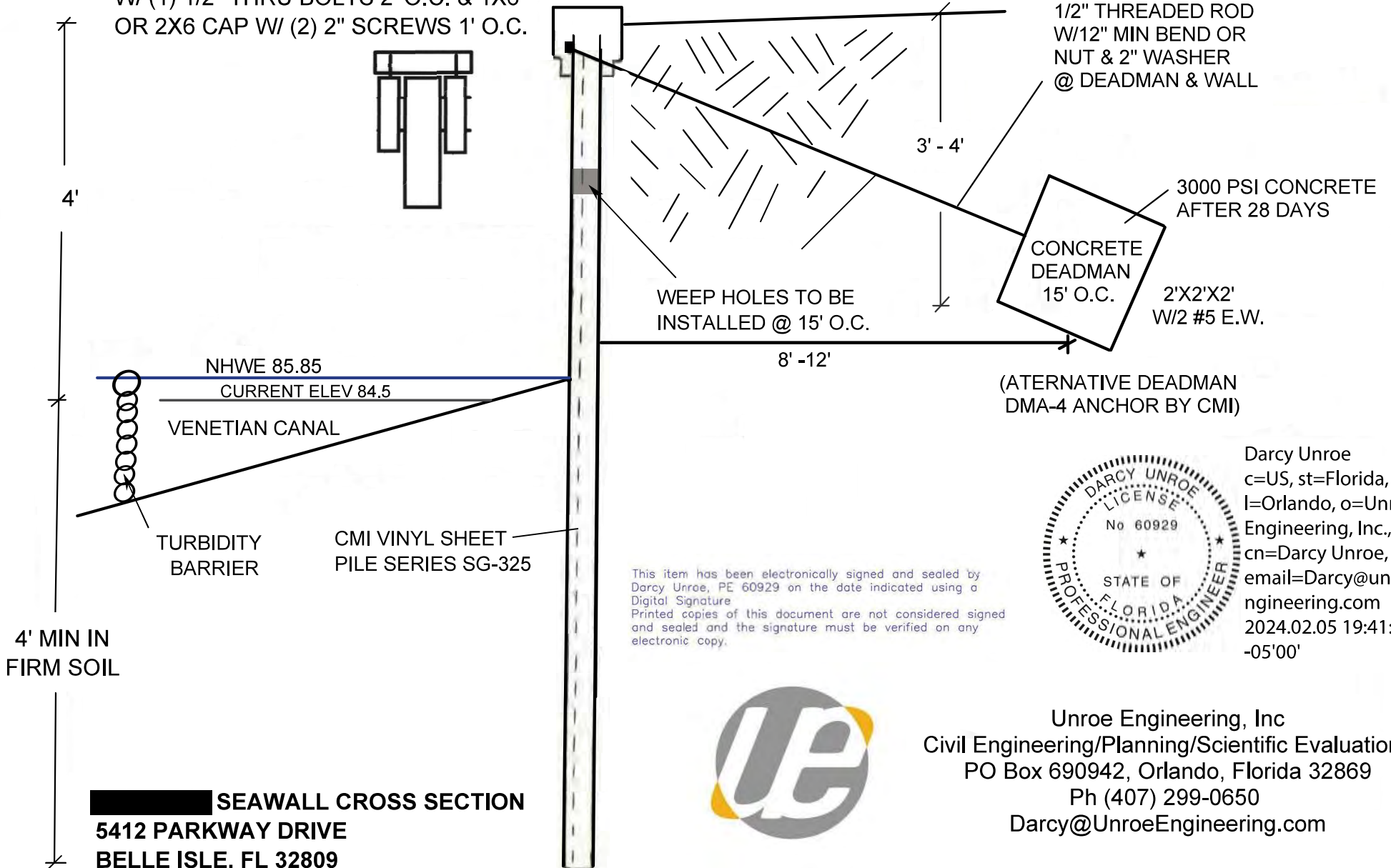
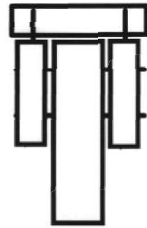
Patrick K. Ireland, P.S.W. 6637 LB 7623
 This Survey is intended ONLY for the use of Said Certified Parties. This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
 800 Currency Circle | Suite 1020
 Lake Mary, Florida 32746
 www.irelandsurveying.com
 Office-407.678.3366 Fax-407.320.8165

INSTALL 35' OF VINYL SEAWALL WITH (2) 4' RETURNS

received
2/6/2024

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



SEAWALL CROSS SECTION
5412 PARKWAY DRIVE
BELLE ISLE, FL 32809

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@unroee
ngineering.com
2024.02.05 19:41:08
-05'00'



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



