

May 28, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of 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: June 23, 2020 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
Joann Judd Hall (SADF-20-03-006)

The applicant, Joann Judd Hall, is requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to construct a new seawall with riprap along the shoreline of her property. The project site is located at 1407 Kelso Boulevard, Windermere, FL 34786, on Lake Butler. The Parcel ID for the site is 13-23-27-4110-00-140. The subject property is located in District 1.

The applicant is experiencing moderate to severe erosion along the shoreline and is proposing to construct 132 feet of new vinyl seawall at the Normal High Water Elevation of Lake Butler. The applicant will install riprap and plantings waterward of the proposed seawall. The owner of the adjacent parcel to the south is also requesting a new seawall permit (#SADF-20-03-007), which is tracking concurrently with this application. Currently, there are no seawalls on either property adjacent to the applicant's property, but there are other seawalls on Lake Butler, including an existing seawall two lots to the south. Additionally, the applicant has provided a letter from a Professional Engineer stating that construction of a vertical seawall is the only practical method to stabilize and prevent further erosion of the shoreline.

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.

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 Shoreline Alteration/Dredge and Fill 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 submitted by Sheila Cichra and received by the Environmental Protection Division (EPD) on May 18, 2020. The permitted activity must be commenced within six months and 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 may be revoked.
3. No filling is authorized except in the actual construction of the seawall.
4. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.

General Conditions:

5. 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.
6. The permittee binds themselves and their 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 and/or agent promptly thereafter.
7. 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.
8. 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.
9. Prior to construction, the permittee shall clearly designate the limits of construction onsite. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. 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.

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 owner's 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 or create any property rights for the permittee, 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.
13. If these permit conditions conflict with those of any other regulatory agency, the permittees 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.
14. 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.
15. 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.
16. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
18. 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.

19. 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.
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. 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.
23. 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 fails 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.
24. 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-20-03-006 for Joann Judd Hall, subject to the conditions listed in the staff report. District 1

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



**Shoreline Alteration/Dredge and
Fill Permit Request**
SADF-20-03-006
District #1

Applicant: Joann Hall
Address: 1407 Kelso Blvd.
Parcel ID: 13-23-27-4110-00-140

Project Site



Property Location





May 27, 2020

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803

Re: Hall Residence – Proposed Seawall at NHWE
1407 Kelso Blvd
Windermere, FL 34786
Orange County, Florida

Permit Number: SADF-20-03-006

Dear Environmental Specialist:

Please accept this letter as a “written justification” to construct a new vertical seawall along the NHWE of the above referenced property, as requested by Orange County EPD.

It is my professional opinion that the construction of a vertical seawall along the Normal High Water Elevation is a only practical method to stabilize and prevent further erosion of the shoreline.

If there are any questions, please contact our office at the phone number listed below.

Sincerely,



This item has been electronically signed and sealed by Pavol Stankay on the Date/Time shown above using a digital signature. Printed copies of this document are not considered signed and sealed and their signatures must be verified on any electronic copies.

Pavol Stankay
c=US, o=Unaffiliated,
ou=A01410C00000170C12
28EDE0000BFDB,
cn=Pavol Stankay
2020.05.27 09:59:53 -04'00'

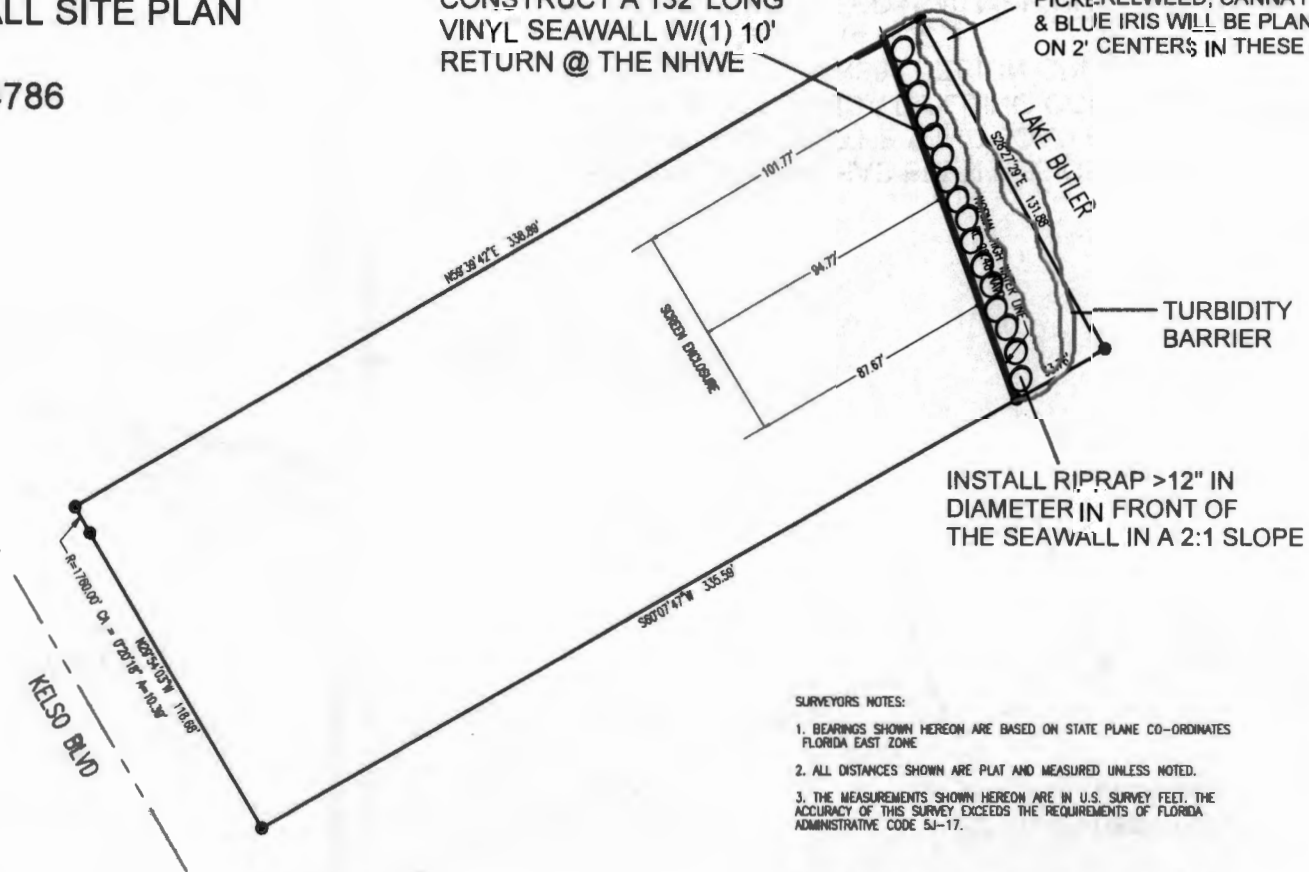
Pavol Stankay, FL. P.E. #29059

cc: File

JOANN HALL SEAWALL SITE PLAN
1407 KELSO BLVD
WINDERMERE, FL 34786

CONSTRUCT A 132' LONG VINYL SEAWALL W/(1) 10' RETURN @ THE NHWE

COMBINATION OF DUCK POTATO, PICKERELWEED, CANNA FLACCIDA & BLUE IRIS WILL BE PLANTED ON 2' CENTERS IN THESE AREAS

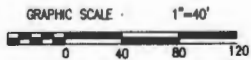


INSTALL RIPRAP >12" IN DIAMETER IN FRONT OF THE SEAWALL IN A 2:1 SLOPE

TURBIDITY BARRIER

LAKE BUTLER

KELSO BLVD



- SURVEYOR'S NOTES:**
1. BEARINGS SHOWN HEREON ARE BASED ON STATE PLANE CO-ORDINATES FLORIDA EAST ZONE
 2. ALL DISTANCES SHOWN ARE PLAT AND MEASURED UNLESS NOTED.
 3. THE MEASUREMENTS SHOWN HEREON ARE IN U.S. SURVEY FEET. THE ACCURACY OF THIS SURVEY EXCEEDS THE REQUIREMENTS OF FLORIDA ADMINISTRATIVE CODE 5J-17.

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED UNDER MY DIRECTION AND THAT THIS SURVEY HAS BEEN PREPARED IN ACCORDANCE WITH THE ADOPTED "MINIMUM TECHNICAL STANDARDS" AS REQUIRED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATE STATUTES.

Edward J Mizo
 JPLS

Digitally signed by Edward J Mizo, JPLS
 Date: 2023.07.15 11:54:09 -05'00'

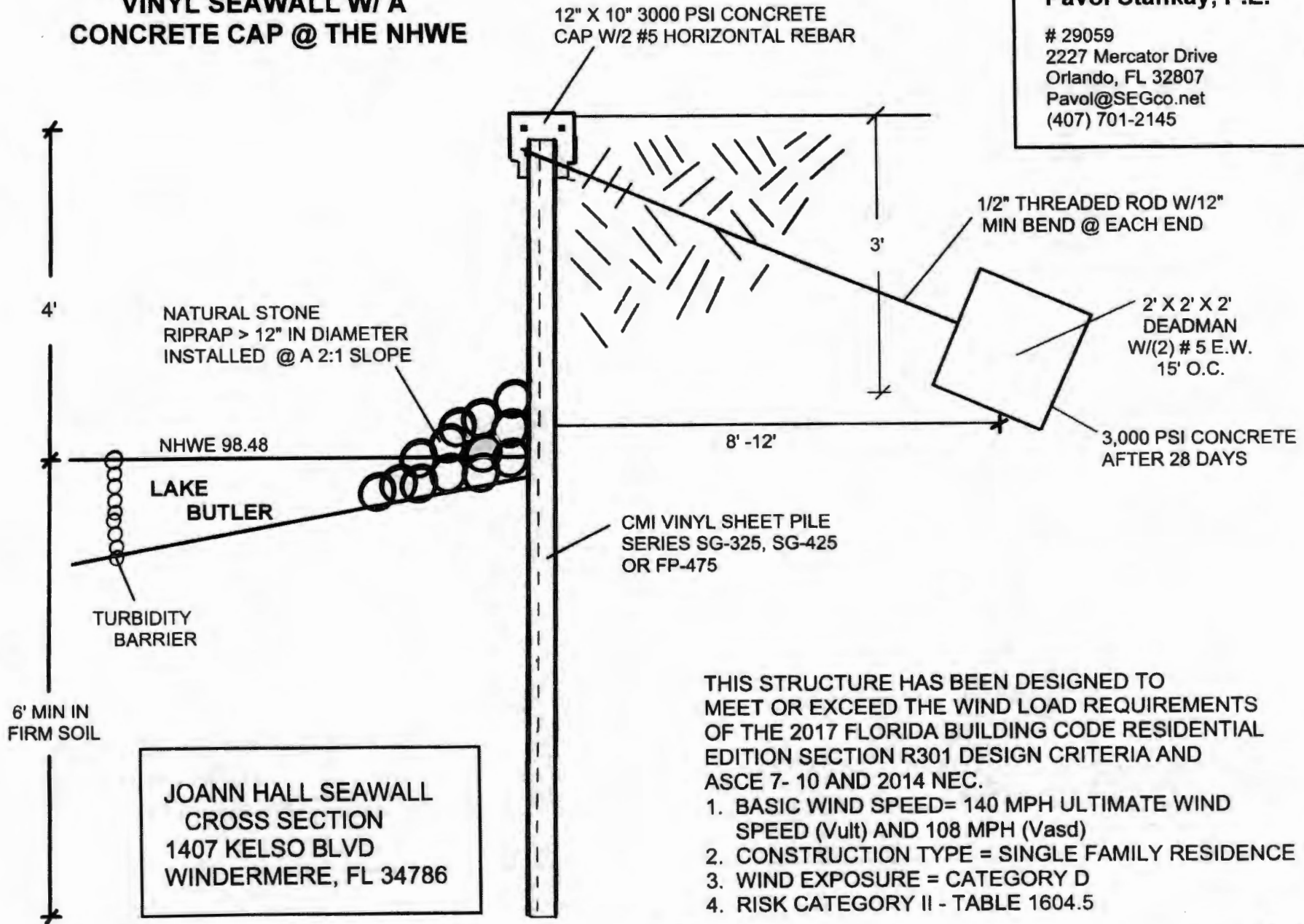


EDWARD J MIZO
 PROFESSIONAL SURVEYOR AND MAPPER NO. 3376
 NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND SEAL OF A PROFESSIONAL SURVEYOR AND MAPPER.

FIELD SURVEY
 SPECIAL PURPOSE SURVEY OF
 1407 KELSO BLVD
 EDWARD MIZO PLS
 PROFESSIONAL LAND SURVEYOR
 2805 LEGACY WILKAS DR
 WINDERMERE, FL 34786
 321-438-8281

**CONSTRUCT A 132' LONG
VINYL SEAWALL W/ A
CONCRETE CAP @ THE NHWE**

Pavol Stankay, P.E.
29059
2227 Mercator Drive
Orlando, FL 32807
Pavol@SEGco.net
(407) 701-2145



THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2017 FLORIDA BUILDING CODE RESIDENTIAL EDITION SECTION R301 DESIGN CRITERIA AND ASCE 7- 10 AND 2014 NEC.

1. BASIC WIND SPEED= 140 MPH ULTIMATE WIND SPEED (Vult) AND 108 MPH (Vasd)
2. CONSTRUCTION TYPE = SINGLE FAMILY RESIDENCE
3. WIND EXPOSURE = CATEGORY D
4. RISK CATEGORY II - TABLE 1604.5