



Interoffice Memorandum

May 20, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Tanya Wilson, Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **Renée H. Parker, LEP, Manager
Environmental Protection Division
(407) 836-1406**

A handwritten signature in blue ink that reads "Renée H. Parker".

SUBJECT: June 18, 2024 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
Jonathan Lopez and Gabriella Agosto (SADF-23-10-025)

The applicants, Jonathan Lopez and Gabriella Agosto, are requesting a Shoreline Alteration Dredge and Fill Permit to authorize the construction of a replacement vinyl seawall, faced with riprap and plantings, along the shoreline of Lake Douglas. The property is located at 9409 Kerr Court, Orlando, FL 32817 (Parcel ID No. 18-22-31-0236-00-830) in District 5.

The applicants are proposing to construct approximately 80 feet of replacement vinyl seawall directly waterward of an existing wooden wall that is in poor condition. The replacement wall will be placed no further than one foot waterward of the existing wall and will include two four-foot returns, one at each end 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 1987 and 1994, prior to when the applicants purchased the property in 2018. 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 west; however, there is a seawall present on the adjacent lot to the east and there are several other seawalls present on other properties on Lake Douglas. 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, meandering around the two native trees on the shoreline. There is a small, 0.01-acre, vegetated shoreline wetland onsite which will be impacted due to the placement of riprap. No mitigation will be required as the functional loss was de minimis, as determined by the Uniform Mitigation Assessment Method. Additionally, the riprap and plantings to be installed will provide beneficial habitat to wildlife.

In accordance with Orange County Code, Chapter 15, Article VI, Section 15-218(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 15, Article VI, EPD has evaluated the proposed SADF permit application and required documents and has made a finding that the request is consistent with Section 15-218.

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 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. 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 (Site Plan and Cross Section) signed and sealed by William Stuhrke and received by the Environmental Protection Division (EPD) on April 18, 2024 and March 24, 2024 respectively. 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, 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. Riprap shall be installed waterward of the new vinyl seawall in accordance with the engineered plans signed and sealed by William Stuhrke and received by EPD on April 18, 2024. The riprap shall be installed at a slope no steeper than two (horizontal) to one (vertical), extend at least halfway up the face of the seawall, and measure between 12 inches to three feet in diameter. The riprap must be hand placed around the shoreline trees. 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.
6. 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 William Stuhrke and received by EPD on April 18, 2024. After one year, if 80 percent areal coverage of native emergent or aquatic plant species is not established, additional plantings may be required.
7. The permittees may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of 58.97 feet (NAVD88) above mean sea level for Lake Douglas,

not to exceed 30 feet or 20 percent of the total shoreline length in width, whichever is greater, 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.

8. 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.
9. 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 permittees 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).

General Conditions:

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 review prior to applying for a Building Permit. For further information, please contact the OCZD at (407) 836-5525.
11. 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.
12. Subject to 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.
13. The permittees bind themselves and any successors to comply with the provisions and conditions of this permit. If EPD determines at any time that the activities are not in accordance with the conditions of the permit, the permit may be revoked immediately by the Environmental Protection Officer. Notice of revocation shall be provided to the permittees and/or agent promptly thereafter.
14. Prior to construction, the permittees shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.

15. 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.
16. 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.
17. 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 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.
18. 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 permittee or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code.
19. 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.
20. 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.
21. 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.

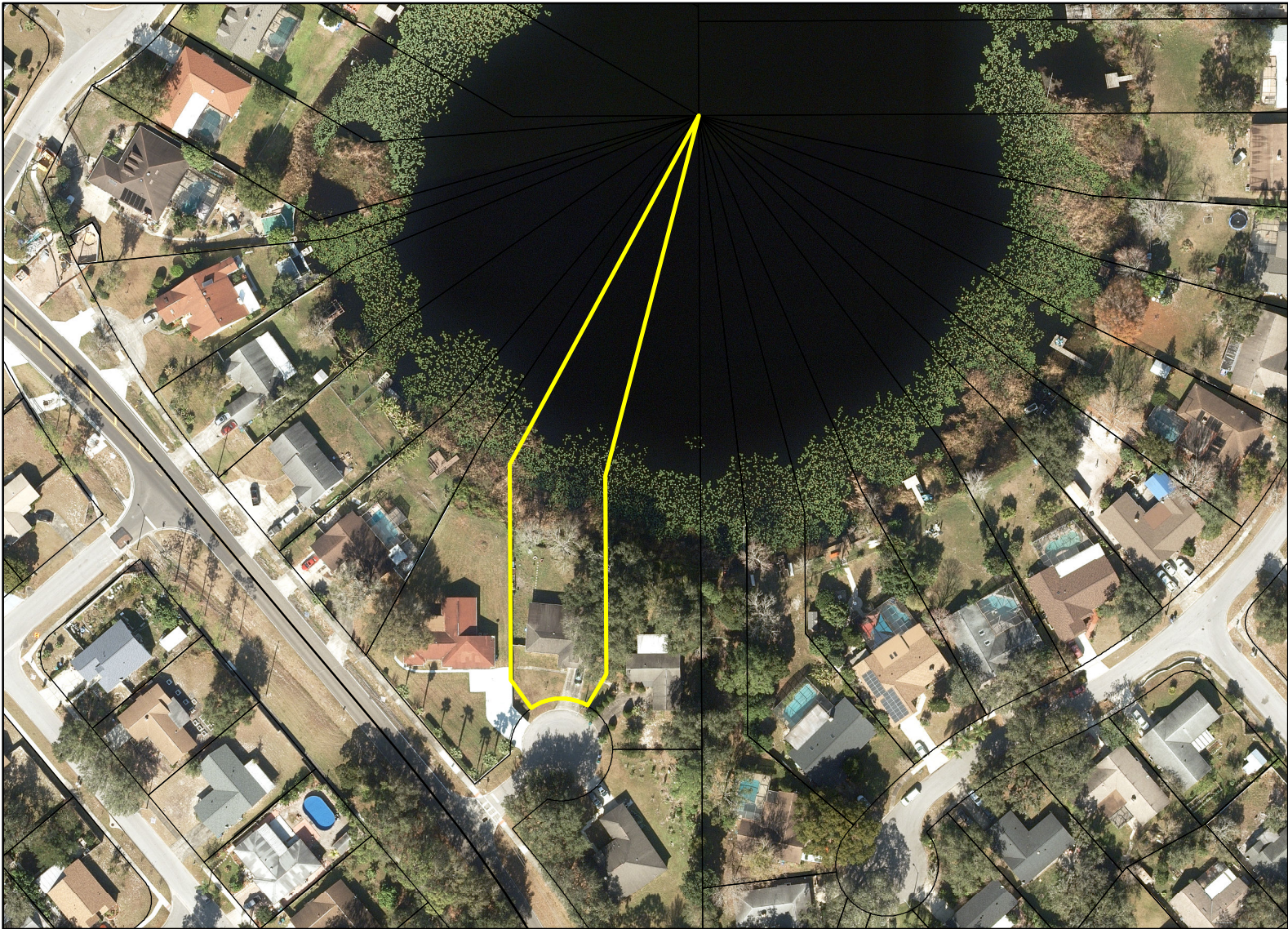
22. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
23. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit 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.
24. 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.
25. The permittees 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 permittees shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
26. The permittees 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.
27. 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.
28. 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.
29. 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 applicants 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 applicants fail 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.
30. Pursuant to Section 125.022 FS, the applicants 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-23-10-025, for Jonathan Lopez and Gabriella Agosto, subject to the conditions listed in the staff report. District 5.**

RHP/TW: rt

Attachments

Application for Shoreline Alteration Dredge and Fill



Shoreline Alteration Dredge and Fill

SADF-23-10-025

District #5

Applicant: Jonathan O Lopez &
Gabiella A Agosto

Address: 9409 Kerr Court

Parcel ID: 18-22-31-0236-00-830

Project Site 

Property Location 





Digitally signed by William Stuhrke
Date: 2024.04.18 11:25:13 -04'00'

This form has been digitally signed and sealed by William F. Stuhke on the date adjacent to this seal. Printed copies of the document are not considered signed and sealed and the signature must be verified on any electronic copies.



Sunrise Deck and Dock
Kissimmee FL 34758
www.sunrisedeckanddock.com
(407) 530-7796
(407) 530-7880

JONATHAN LOPEZ
9409 KERR CT.
ORLANDO FL, 32817

ENGINEERING
William F. Stuhrke, PhD, PE
State of Florida PE # 22150
12215 Rebeccas Run Dr.
Winter Garden, FL 34787
(407) 920-3119
wfstuhrke@gmail.com

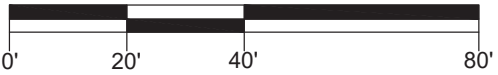
PLANS
RELEASE: PERMIT
REVISION: 23-FEB -2024
PROJECT: 23-0904

01 / 01

Line #	Direction	Length
L1	S89° 46' 32" W	5.22'
L2	S43° 07' 14" E	6.84'
L3	S50° 48' 15" E	4.69'
L4	S76° 11' 23" E	15.82'
L5	S77° 41' 05" E	11.74'
L6	S74° 32' 43" E	13.78'
L7	S67° 16' 23" E	10.00'
L8	S85° 36' 54" E	16.26'
L9	N89° 46' 33" E	2.81'

Total Wetlands Area
(to Normal High Water)
457.97 square feet ±
0.0105 Acres ±

Graphic Scale

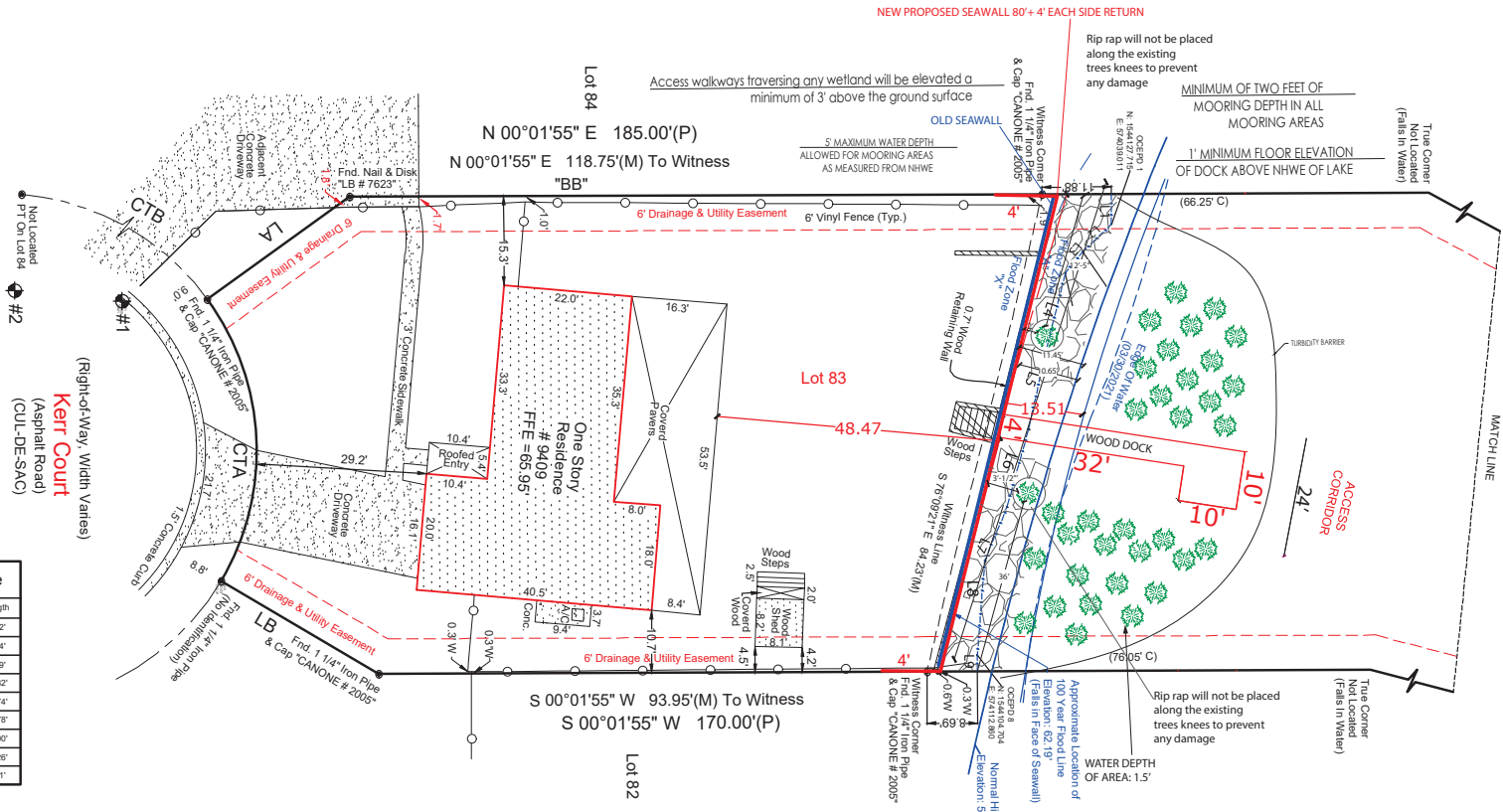


NORTH



SITE PLAN
THIS IS NOT A SURVEY

1 SCALE: 1" = 20'-0" SITE PLAN



- Row 3 and 4
Dock Potato 2 gallon / 2' separation / total of 28 plants
OBL ZONE1 BELOW NHWE
- Row 1 and 2
-Pickerweed 2 gallon / 2' separation / total of 28 plants
OBL ZONE1 BELOW NHWE

Total 112 Approx

RIPRAP 2:1 50% OF SEAWALL HEIGHT
(12"-3" CLEAN NATURAL STONE AND CONCRETE RUBBLE)

received

March 24, 2024

CAP DETAIL

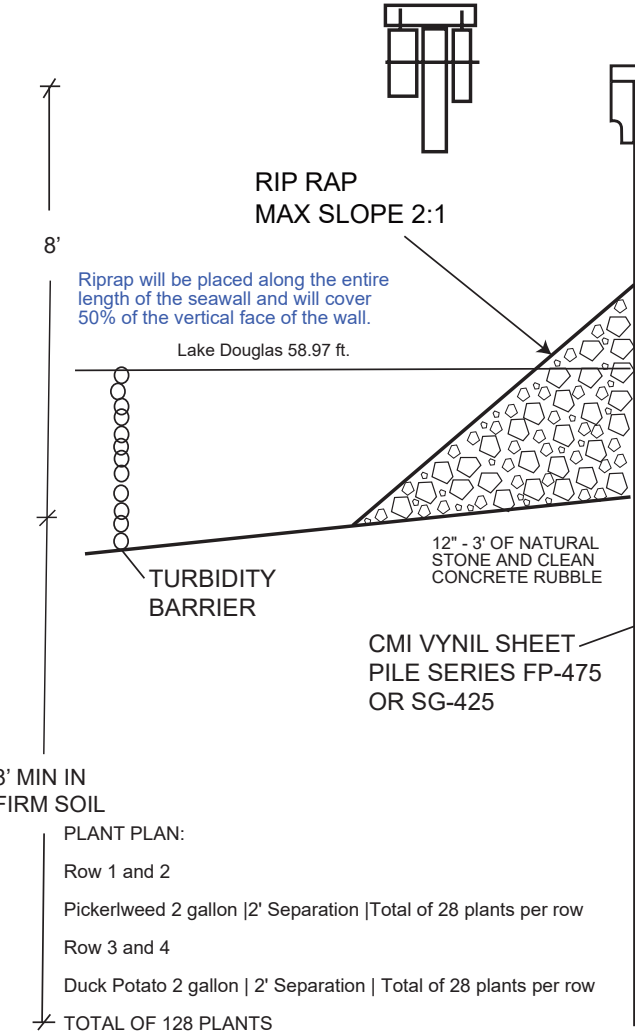
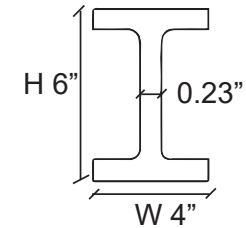
2X6 P.T. BRACING ON ONE SIDE
4X6 P.T. BRACING ON THE OTHER
W/ (1) 1/2" THRU BOLTS 4' O.C. &
1X6 CAP W/ (2) 3" SCREWS EACH END

VINYL SEAWALL INSTALLED

1/2" THREADED ROD
W/12" MIN BEND OR
NUT & 2" WASHER
@DEADMEN & WALL

EXISTING SEAWALL

DEADMEN DETAIL



MAX SPACE 12"

2' to 3'

RIP RAP
MAX SLOPE 2:1

Riprap will be placed along the entire length of the seawall and will cover 50% of the vertical face of the wall.

Lake Douglas 58.97 ft.

NO NEW FILL TO BE IMPORTED TO THE SITE

12' to 16"

12"X12" ALUMINIUM PLATE IN FRONT OF I BEAM



Digitally signed by William Stuhrke
Date: 2024.03.24 16:21:01 -04'00'

SEAWALL DISTANCE = 80'

THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2023 FLOIDA BUILDING CODE RESIDENTIAL 8TH EDITION

1. BASIC WIND SPEED+140 MPH ULTIMATE WIND SPEED (VuIt) AND 116 MPH (Vasd)
2. IMPORTANCE FACTOR: I+1.0
3. WIND EXPOSURE + CATEGORY D
4. RISK CATEGORY II - TABLE 1604.5



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DETAILS

RELEASE: PERMIT

REVISION:

PROJECT:

01 / 01



