



Interoffice Memorandum

January 7, 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: February 8, 2022 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for Kristin
Skolnik (SADF-21-09-023)

The applicant, Kristin Skolnik, is requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of approximately 110 feet of new vinyl seawall with riprap and plantings to be placed directly in front of an existing, unpermitted seawall along the shoreline of Lake Gatlin for the property located at 4872 Waterwitch Point Drive, Orlando, FL 32806. The Parcel ID for the site is 13-23-29-9042-00-010 and the subject property is located in District 3.

There is an existing, unpermitted seawall on the property that was constructed at least 17 years ago, prior to the applicant's ownership. In order to prevent erosion of the property into Lake Gatlin due to the potential for the wall to fail and collapse into the lake, the applicant is proposing to install approximately 110 feet of new vinyl seawall immediately waterward of the existing seawall, which will remain in place. There will be returns on both ends of the wall at the northern and southern property lines to be constructed in the same location as the existing returns. There is no seawall present on the southern adjacent lot, but there is a partial seawall on the northern adjacent lot and there are several seawalls on other properties on Lake Gatlin. Based on prior Board direction, riprap and plantings are required for new seawalls and replacement seawalls; therefore, the applicant will install riprap and plantings waterward of the replacement seawall.

In accordance with Orange County Code, Chapter 33, Article II, Section 33-37(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 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 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 'Cross-Section' plan and 'Design Standards' signed and sealed by Darcy Unroe, P.E. and received by the Environmental Protection Division (EPD) on November 30, 2021 and the 'Site Plan' signed and sealed by Andrew Synder received by EPD on October 29, 2021. 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 seawall in accordance with the 'Cross-Section' plan signed and sealed by Darcy Unroe, P.E. and received by EPD on November 30, 2021. 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 'Site Plan' received by EPD on October 29, 2021. 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 85.87 feet (NAVD 88) above mean sea level for Lake Gatlin, not to exceed 30 feet in width, of sufficient length waterward from the shoreline to allow access to open water. Any 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, including without limitation the performance of the required mitigation, 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.

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. 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) to determine if a building permit is required. For further information, please contact the OCBSD at (407) 836-5550.
12. Prior to construction of the new seawall, 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 II 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 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.
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-21-09-023 for Kristin Skolnik, subject to the conditions listed in the staff report. District 3**

NOTICE

Shoreline Alteration/Dredge & Fill

Planning, Environmental & Development Services / EPD

The applicant and/or agent are required to attend this meeting. All other interested parties are invited to attend and be heard. If you have any questions regarding the public hearing, contact EPD at (407) 836-1400

SADF-21-09-023

SUMMARY OF REQUEST

The applicant, Kristin Skolnik, is requesting a Shoreline Alteration/Dredge and Fill (SADF) permit (SADF-21-09-023) to authorize the construction of a new (replacement) seawall with riprap and plantings along the shoreline of Lake Gatlin on the property located on 4872 Waterwitch Point Drive, Orlando, FL 32806.

The plans can be viewed here:
https://fasttrack.ocfl.net/OnlineServices/Permit_Environmental.aspx
or by contacting the project manager

Project Name: Skolnik - 4872 Waterwitch Point Drive
Applicant: SKOLNIK KRISTIN
Parcel ID: 13-23-29-9042-00-010
Location: 4872 Waterwitch Point Dr., Edgewood, FL 32806
Lake Name: GATLIN

February 8, 2022
2:00 P.M.

BOARD OF COUNTY
COMMISSIONERS

COMMISSIONER
Mayra Uribe, District
3

201 S. Rosalind Ave
Orlando, FL 32801

PROJECT MANAGER
Karen L Garrett-Kraus
Karen.Garrett-Kraus@ocfl.net
(407) 836-1496

ENVIRONMENTAL PROTECTION DIVISION
(407) 836-1400

SUBJECT PROPERTY / LOCATION MAP





Orange County Government
201 S. Rosalind Avenue, 2nd Fl.
Orlando, FL 32801

Any party requesting additional information regarding the proposed Shoreline Alteration should contact the Orange County Environmental Protection Division: 3165 McCrory Place, Suite 200 Orlando, FL 32803, (407) 836-1400 or email EPD@ocfl.net.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this proceeding should contact the Orange County Communications Division no later than two (2) business days prior to the proceeding, at 201 S. Rosalind Ave., 3rd Floor. Orlando, FL, (407) 836-6568.

Para más información, favor de comunicarse con la división de protección ambiental, al número (407) 836-5600.

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SCAN ME

for more Information



«**ORDER**», («**HEARING**»)
CURRENT RESIDENT or
«**AddressBlock**»