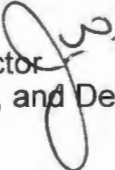





Interoffice Memorandum

May 23, 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: June 21, 2022 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
John Mader (SADF-22-03-007)

The applicant, John Mader, is requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a replacement seawall for a boat basin and to keep the remaining portion of an existing seawall as constructed along the shoreline of the Willoughby Canal (connected to Lake Conway) for the property located at 7009 Willoughby Lane, Belle Isle, FL 32812. The Parcel ID for this site is 20-23-30-8860-00-360 and the subject property is located in District 3.

The existing seawall at the subject property is made of concrete and has an integrated boat basin at the northern end of the property. Environmental Protection Division (EPD) staff was unable to find a permit for the existing wall in the database, or determine whether it is a grandfathered structure due to poor resolution of historic aerial photos. However, the existing house was constructed in 1954 and according to property records and more recent aerial photos, the wall appears to have been constructed by a prior owner sometime prior to the late 1980s. There is no enforcement action being taken against the applicant for the existing wall.

The applicant is proposing to construct approximately 93 feet of new vinyl seawall in order to replace portions of the failing concrete block wall in the area of the boat basin along the northern portion of the shoreline. The southern portion of the existing seawall will remain as constructed. There is a seawall on the adjacent property to the south. However, the adjacent property to the north does not have a seawall; therefore, the replacement wall will include a 12-foot return on the northern end. There are several other properties on the Willoughby Canal with seawalls.

Riprap and plantings are not being requested for this seawall since it is located on a canal and could potentially create navigational concerns.

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 engineered plans signed and sealed by Daniel Souter, P.E. and received by the Environmental Protection Division (EPD) on April 14, 2022 and the Site Plan Surveys submitted by Creative Construction Solutions, received by EPD on April 14, 2022. 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.
3. This permit does not authorize any dredging or filling except that which is necessary for the installation 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 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.
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 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
18. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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 the Shoreline Alteration/Dredge and Fill Permit SADF-22-03-007 for John Mader, subject to the conditions listed in the staff report. District 3

DDJ/JW: jk

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



**Shoreline Alteration/Dredge
and Fill Permit Request**
SADF-22-03-007
District #3

Applicants: John Mader

Address: 7009 Willoughby Lane

Parcel ID: 20-23-30-8860-00-360

Project Site

Property Location



BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 36, VENETIAN VILLAS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK S, PAGE 69 OF THE 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 X AND AE. THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE COMMUNITY NUMBER 12018, DATED 9/25/2009.

CERTIFIED TO:
JOHN F. MADER

received
4/14/2022

Demo Survey

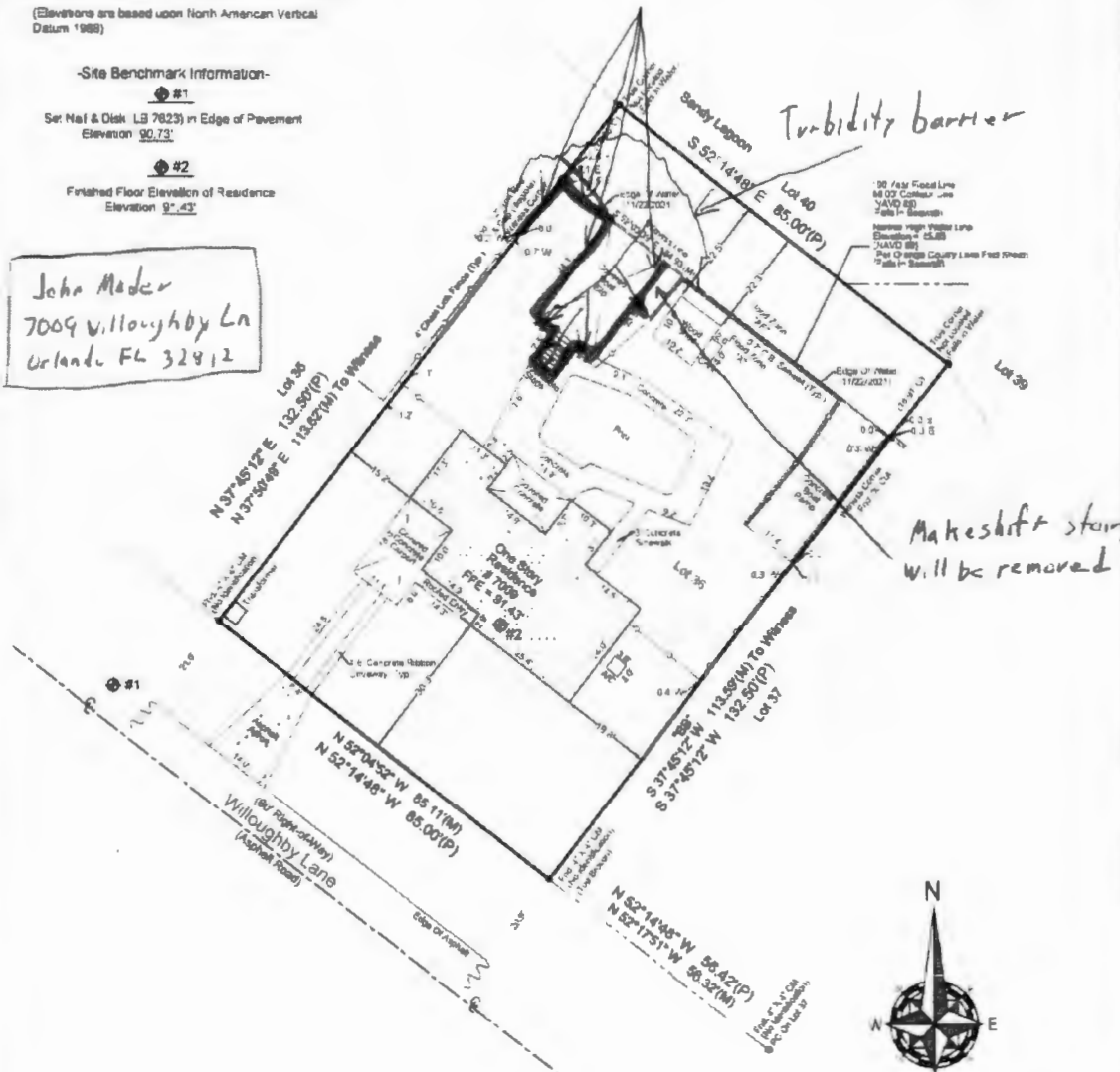


Benchmark Information-
Florida Department of Transportation Datum
(Elevations are based upon North American Vertical Datum 1988)

Site Benchmark Information-
#1
Set Nail & Disk LB 7623 in Edge of Pavement
Elevation 90.73'
#2
Finished Floor Elevation of Residence
Elevation 91.43'

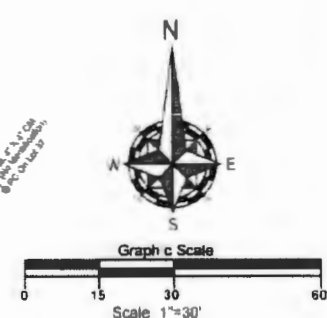
John Mader
7009 Willowby Ln
Orlando, FL 32812

Removing the existing Seawall



Turbidity barrier

Makeshift stairs will be removed



Field Date: 11/22/2021	Date Completed: 11/29/21
Drawn By: G.S.	File Number: S-96745
Legend:	
C - Calculated	CC - Point of Curvature
CB - Contours	C - Page
CBK - Concrete Block	CI - Point of Intersection
CBM - Concrete Monument	CIJ - Point of Beginning
CO - Concrete	CL - Point on Line
D - Description	CP - Power Pole
DE - Drainage Easement	HM - Permanent Monument
E - Easement	M - Monument
F.E.M.A. - Federal Emergency Management Agency	F1 - Point of Tangency
FPE - Finished Floor Elevation	R - Radius
FPL - Foundation	Red - Red
IP - Iron Pipe	R&C - Road & Gas
I - Length Area	Rec - Recurve
M - Measurement	Ret - Reticle
N&D - Nail & Disk	sg - Set 1/2, Record
N.R. - Non-Recorded	Typ - Typical
ORR - Official Recordation	U - Utility Easement
P - Pole	WM - Water Meter
P.B. - Plat Book	Δ - Delta (Central Angle)
Q - Quota	○ - Chain Link - brace

NOTES:
Survey is based upon the legal description supplied by client. All existing properties depicted have NOT been researched. All data derived from this survey is subject to any easements and/or encroachments of record.
- Being based upon the best of my knowledge and belief as to the facts.
- Building lines are NOT to be used in a permanent property line.
- These dimensions are NOT to be used in a permanent property line.
- All bearings, distances, and angles are based upon the best of my knowledge and belief as to the facts, otherwise noted.
- Septic Tanks and/or Drainage Easements are approximate and MUST be verified by appropriate utility location companies.
- Use of this survey for purposes other than intended, without written permission, shall be at the user's sole risk and without liability to the surveyor. Nothing herein shall be construed to deny rights or benefits to anyone other than those listed.

POINTS OF INTEREST:
NONE VISIBLE

I hereby certify that the Boundary Survey of the above described property is true and correct to the best of my knowledge and belief as recorded hereunder under my direction on this date herein, 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 29-11.052 Florida Administrative Code. Pursuant to Section 472.007 Florida Statutes.

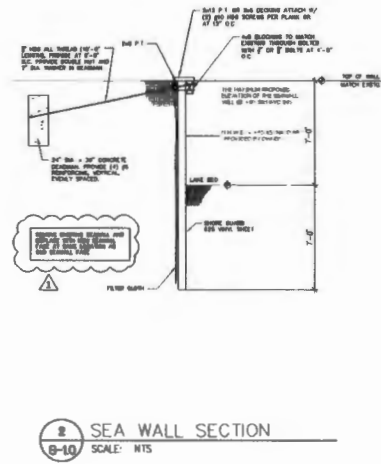
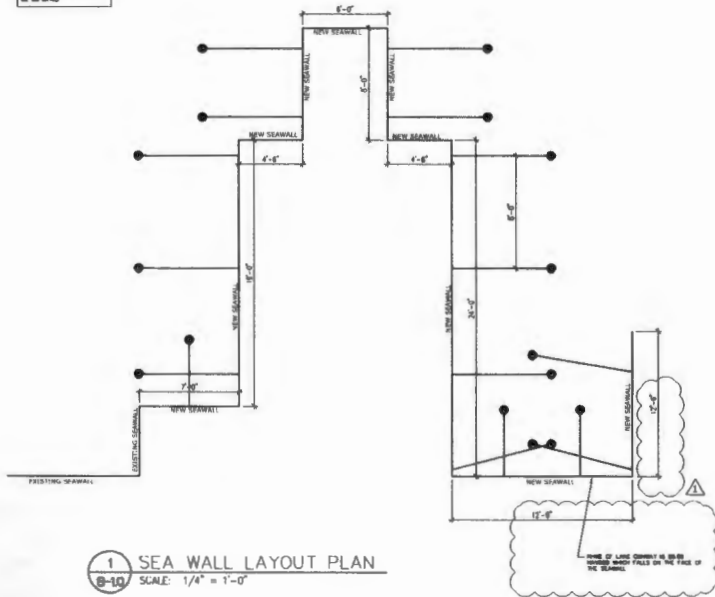
Patrick K. Ireland
Patrick K. Ireland, P.S.M. 6637, LB 7623
This Survey is intended for use for the use of Said Certified Parties.
This Survey NOT VALID UNLESS SIGNED and Embossed with Surveyor's Seal.

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

received
4/14/2022

DESIGN NOTES
 A. ALL DIMENSIONS SHALL CORRESPOND WITH THE 2019 FPD DESIGN PLAN FOR
 BAYVIEW BOAT.
 B. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED AND THE
 DIMENSIONS SHALL BE TO THE FACE OF UNLESS OTHERWISE SPECIFIED.
 DESIGN SPEED 120 MPH (Wind = 100 MPH)
 IMPORTANCE FACTOR I = 1.0
 BUILDING USE CATEGORY = I
 WIND EXPOSURE CATEGORY = C

EXISTING WALLS SHALL REMAIN
 UNLESS SHOWN OTHERWISE
 IN THIS PLAN



DATE	ISSUED FOR
04/14/22	REV. 1

DANIEL BOUTER, P.E.
 P.O. BOX 940774
 ORLANDO, FL 32854
 PHONE: (407) 437-8868

alba
 ENGINEERING
 C.A. 00000

JOHN MADER
 7009 WILLOUGHBY LANE
 BELLE ISLE, FL 32812
 SEA WALL DETAILS

DRAWN: EJ
 DATE: 01/10/2022
 CHECK: JH

F.E.L. NUMBER:
 STRUCTURE:
 PROJECT NUMBER:
 21-459

LEGEND:
 DIMENSIONS: P.L.
 00001

Contractor:
 The Contractor shall be responsible for obtaining all necessary permits and approvals from the local, state, and federal authorities. The Contractor shall be responsible for obtaining all necessary permits and approvals from the local, state, and federal authorities. The Contractor shall be responsible for obtaining all necessary permits and approvals from the local, state, and federal authorities.

Sheet Number:

S-1.0





