



Interoffice Memorandum

July 15, 2021

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: August 10, 2021 – Public Hearing
Gregory and Melinda Ramsdell After-the-Fact Private Boat
Ramp Permit Facility Application BR-20-03-000
(Related to Application #CAI-20-05-034)

The applicants, Gregory and Melinda Ramsdell, are requesting an after-the-fact permit to authorize the construction of a private boat ramp on property adjacent to Lake Ola. The private Boat Ramp Permit Application (#BR-20-03-000) is being processed concurrently with a Conservation Area Impact Permit Application (#CAI-20-05-034).

The project site is located at 7845 Sloewood Drive, Mount Dora, on the southern shoreline of Lake Ola in District 2. The Parcel ID for the site is 17-20-27-3748-00-033.

On February 26, 2020, the Environmental Protection Division (EPD) received an Application to Construct a Dock for the above-referenced property. During review of the dock application, EPD staff discovered a private boat ramp had been constructed on the shoreline. Based on aerial photos, the boat ramp appears to have been installed in 2008 by the current owners. A search of records did not yield a permit for the boat ramp. EPD informed the applicants that they would need to obtain an after-the-fact, private Boat Ramp Facility Permit in order to allow the structure to remain. Additionally, a narrow wetland area located along the shoreline was impacted by the ramp; therefore, an after-the-fact Conservation Area Impact (CAI) permit is also required. On March 30, 2020 and May 12, 2020, EPD received an after-the-fact Application for a Private Boat Ramp Facility Permit and an after-the-fact application for a CAI permit, respectively. The final site plans were received on April 9, 2021.

The boat ramp is constructed of concrete and measures approximately 11 feet wide by 65 feet long. As part of the application for the private boat ramp facility, the applicants are requesting a variance to allow the existing ramp to remain 11.6 feet from the adjacent property line to the west at 7859 Sloewood Drive. Orange County Code, Article XV, Section 15-605(b)(11) states, "No portion of any boat ramp or any type of boat ramp facility shall be closer than twenty-five (25) feet from the projected property line of abutting shoreline owners." The applicants have provided a notarized Letter-of-No-Objection from the affected neighbor to the west, Ruth Foust, stating she has no objection to the reduced setback of 11.6 feet.

Additionally, as required in Section 15-605(b)(23), the applicants have planted a landscape buffer between the existing boat ramp and the adjacent property to the west.

The public was notified of the August 10, 2021 public hearing by newspaper advertisement, posting on the subject property, and direct mail to the applicant, agent, and all upland owners within 500 feet of the subject parcel in accordance with the noticing requirements set forth in Orange County Code, Chapter 15, Article XV, Section 15-605(d)(2).

EPD assessed a \$1,499 penalty for construction of the boat ramp facility and the associated wetland impacts without a permit. The applicants paid the penalty on June 15, 2021. Approval of this permit and the associated CAI permit will bring the property into compliance with Orange County Code, Chapter 15, Articles X and XV.

EPD staff has evaluated the boat ramp and site plans in accordance with the review criteria and has made a finding that the request is consistent with Orange County Code, Chapter 15, Article XV and recommends approval of the after-the-fact Private Boat Ramp Facility, Permit No. BR-20-03-000, subject to the conditions listed below.

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 continues in perpetuity.
3. This permit authorizes the previously constructed private boat ramp as depicted on the 'Ramsdell Boat Ramp Site Plan' provided by Streamline Permitting, Inc., received by the Environmental Protection Division (EPD) on April 9, 2021. No additional construction or modifications to the boat ramp have been approved with this permit.
4. The permittees may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of Lake Ola 72.01 feet mean sea level, North American Vertical Datum (NAVD)], not to exceed 46 feet (i.e., 20 percent of shoreline length). The ramp and dock must be located within this corridor.
5. Use of the boat ramp is limited to those persons living in the single-family residence located on the property and their usual and customary guests who are either in the company of the resident or using the resident's watercraft.

General Conditions:

6. 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 in order to obtain a building permit. For further information, please contact the OCZD at (407) 836-5525.
7. 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.

8. Subject to the terms and conditions herein, the permittees are 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 permittees 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 EPO. Notice of the revocation shall be provided to the permit holder promptly thereafter.
9. 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(s) 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.
10. 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 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 permittees, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article XV of the Orange County Code. 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.
11. 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.
12. 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.
13. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
14. 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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 exists of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittees shall implement them as necessary to prevent adverse impacts to wetlands and surface waters.
21. 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.
22. 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 the after-the-fact Private Boat Ramp Facility Permit BR-20-03-000 for Gregory and Melinda Ramsdell, subject to the conditions listed in the staff report. District 2**

JVW/DDJ: jk

Attachments