



Interoffice Memorandum

October 18, 2023

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

FROM: Andres J. Salcedo, P.E., Acting Director
Planning, Environmental, and Development Services

CONTACT PERSON: **Renée H. Parker, LEP, Manager** ^{RLP}
Environmental Protection Division
(407) 836-1420

SUBJECT: November 14, 2023 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
Tyler and Kimberly Koon (SADF-23-08-020)

The applicants, Tyler and Kimberly Koon, are requesting a Shoreline Alteration Dredge and Fill (SADF) Permit to authorize the filling of an upland-cut private boat ramp and boat slip and construction of a replacement seawall on the shoreline of a canal off Lake Fairview. The property is located at 1114 Meadows Avenue, Orlando, FL 32804 (Parcel ID No. 10-22-29-8828-09-220) in District 2.

The applicants are proposing to replace approximately 92 feet of seawall directly in front of an existing concrete wall that is in poor condition. The replacement vinyl seawall will include two eight-foot-long returns, one on either side of the project area. Additionally, the applicants are proposing to close off and fill in an existing upland-cut boat ramp and boat slip located on the property. There is only sparse nuisance and invasive vegetation within both areas, and they are of low functional value. The fill will result in approximately 1,178.5 square feet of surface water impacts. To offset the impacts, the applicants have agreed to pay \$1,287.00 to the Conservation Trust Fund, if the SADF Permit is approved.

There are existing seawalls on both adjacent properties and there are also other properties with seawalls on Lake Fairview. Construction of the replacement wall will require removal of one existing red maple (*Acer rubrum*) tree that is growing near the existing seawall. The applicants are proposing to plant three native palm trees (*Sabal palmetto*) to replace the tree being removed. The section of seawall being replaced is located on a canal; therefore, no riprap or additional native plantings are being required so as not to create a navigational concern.

Environmental Protection Division (EPD) staff did not find a permit for the existing concrete wall, boat slip, or boat ramp, but staff has determined that the structures were constructed sometime in the early 1960s, prior to the effective date of the SADF and Boat Ramp Ordinances in 1965 and 1993 respectively, and prior to the applicants' purchase of the property in 2006.

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 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 is effective upon the completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the site plan and cross section signed and sealed by Darcy Unroe, P.E., received by the Environmental Protection Division (EPD) on September 7, 2023. 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 or extended, this permit shall be void and a new permit application with fee will be required.
4. Three palm trees (*Sabal palmetto*) shall be planted to replace the red maple (*Acer rubrum*) tree being removed during construction of the replacement seawall, as depicted on the site plan signed and sealed by Darcy Unroe, P.E., received by EPD on September 7, 2023. After one year, if 100 percent of the planted trees have not survived, additional plantings may be required.
5. The permittees may maintain a clear access corridor below the Normal High Water Elevation (NHWE) of 87.49 feet (NAVD88) above mean sea level for Lake Fairview, 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.
6. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall, and filling of the existing upland cut boat ramp and boat slip, as depicted on the approved plans.

7. Prior to initiation of construction activities, the applicants will provide a mitigation payment of \$1,287 to the Conservation Trust Fund to offset impacts to 1,178.5 square feet of surface waters.
8. 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.
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 (OFW).
10. Discharge of groundwater from dewatering operations requires approval from FDEP and/or the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of Chapters 62-621.300(2)(a) and 62-620, F.A.C., and Chapter 403 FS. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.

General Conditions:

11. 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.
12. 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.
13. 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 bind 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 holder promptly thereafter.

14. 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.
15. 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 VI 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.
16. 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.
17. 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.
18. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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-23-08-020 for Tyler and Kimberly Koon, subject to the conditions listed in the staff report. District 2

RHP/AS: jk

Attachments

Application for Shoreline Alteration/Dredge and Fill



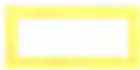
**Shoreline Alteration Dredge and Fill
Permit Request
SADF-23-08-020
District #2**

Applicants: Tyler and Kimberly Koon

Address: 1114 Meadows Avenue

Parcel ID: 10-22-29-8828-09-220

Project Site



Property Location



Legal Description:
 LOT 22, BLOCK "T" OF UNIVERSITY HEIGHTS, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK "N" PAGE 59, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

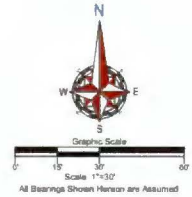
ALSO

BEGIN AT THE NORTHWEST CORNER OF LOT 22, BLOCK "T" OF UNIVERSITY HEIGHTS, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK "N" PAGE 59, RUN SOUTH ALONG WEST LINE OF SAID LOT 22 AND A SOUTHERLY EXTENSION THEREOF TO INTERSECTION WITH AN EASTERLY EXTENSION OF CENTER LINE OF CANAL AT A POINT IN THE LAKE. THENCE WESTERLY ALONG EXTENSION OF CENTER LINE OF CANAL AND ALONG CENTER LINE OF CANAL TO WEST END OF SAID CANAL. THENCE WEST TO WEST LINE OF SAID SUBDIVISION, THENCE NORTH TO NORTHWEST CORNER OF SAID SUBDIVISION THENCE EAST ALONG NORTH LINE OF SAID SUBDIVISION TO POINT NORTH OF POINT OF BEGINNING. THENCE SOUTH TO POINT OF BEGINNING.

FLOOD DISCLAIMER:
 BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X/AE. THIS PROPERTY WAS FOUND IN ORANGE COUNTY, COMMUNITY NUMBER 120179, DATED 9/25/2008.

CERTIFIED TO:
 KRISTIN REI

KOON SADF SITE PLAN 1114 MEADOWS AVENUE ORLANDO, FL 32804



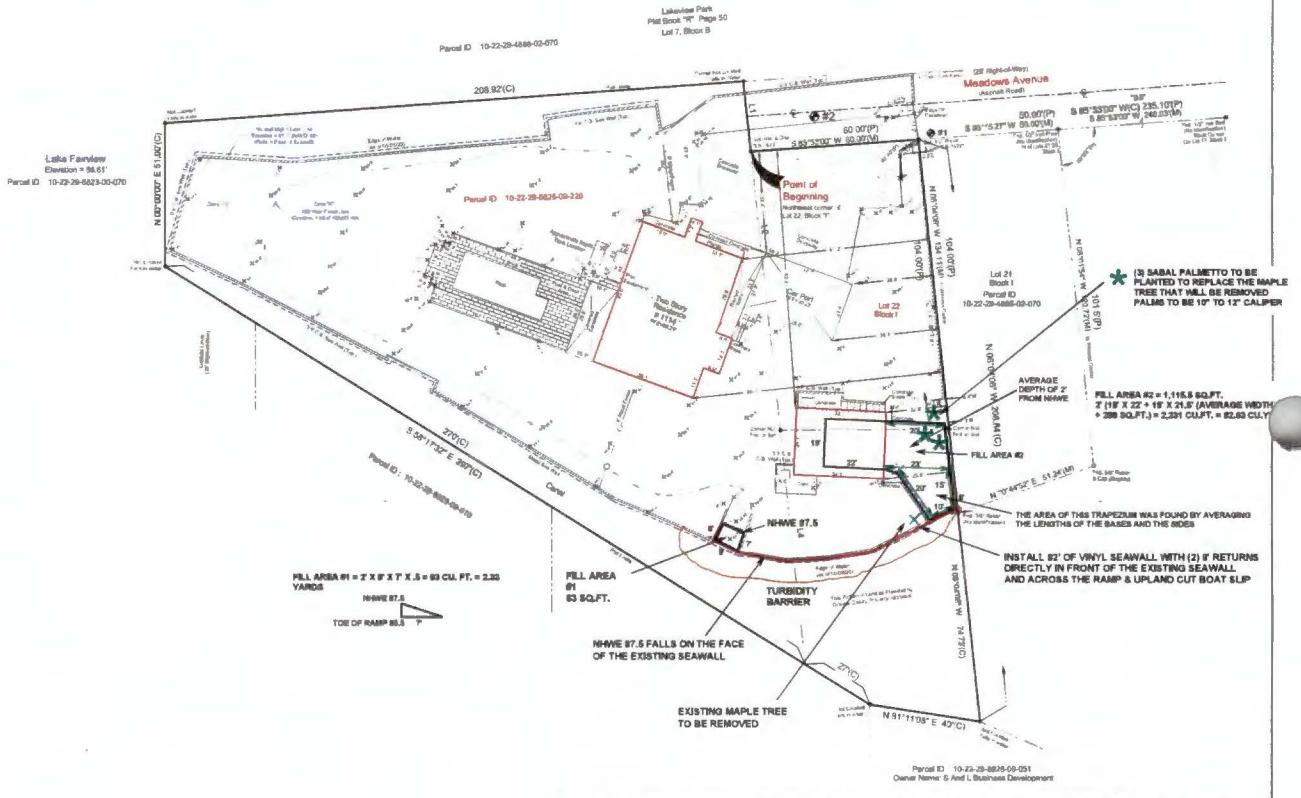
**ENGINEER'S SEAL AS
 TO SITE PLAN ONLY:**



Darcy Unroe
 c=US, st=Florida,
 l=Orlando,
 o=Unroe
 Engineering, Inc.,
 cn=Darcy Unroe,
 email=Darcy@unr
 oeengineering.co
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received
9/7/2023

This item has been electronically signed and sealed by Darcy Unroe, PE 60829 on the date indicated using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copy.



THE PROPOSED SEAWALL WILL BE INSTALLED PRIOR TO THE DEMOLITION OF THE EXISTING BOATHOUSE AND PRIOR TO INSTALLING ANY FILL.

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

Site Benchmark Information:
 #1
 Set Nail & Disk (LB 7823)
 Elevation: 89.34'
 #2
 Set Nail & Disk (LB 7823)
 Elevation: 89.12'

L1 8 08'02" E (C) 25.00'(3) L2 8 08'02" E (C) 100.00'(9)
 L3 8 00'00" E 80.30'(C) L4 8 08'02" E (C) 83.81'(C)

Field Name	Value	Units	Notes
Project Name	Koon SADF Site Plan		
Project Number	23-12179		
Client	Amel L. Business Development		
Location	1114 Meadows Avenue, Orlando, FL 32804		
Date	09/07/2023		
Time	15:21:29		
Scale	1" = 30'		
Author	Darcy Unroe		
Checker			
Reviewer			
Approver			
Project Manager			
Project Engineer			
Project Surveyor			
Project Designer			
Project Drafter			
Project Printer			
Project Plotter			
Project Finisher			
Project Shipper			
Project Receiver			
Project Installer			
Project Operator			
Project Maintainer			
Project Repairer			
Project Replacer			
Project Remover			
Project Destroyer			

800 346-6666 / 407 330-8115
 800 346-6666 / 407 330-8115
 800 346-6666 / 407 330-8115

INSTALL A 92' VINYL SEAWALL WITH A CONCRETE CAP AND (2) 8' RETURNS

received
9/7/2023

16" X 12" 3,000 PSI CONCRETE CAP
 W/(4) #5 HORIZONTAL REBAR

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

3000 PSI CONCRETE
 AFTER 28 DAYS

CONCRETE
 DEADMAN
 15' O.C.

2'X2'X2'
 W/2 #5 E.W.

(ALTERNATIVE DEADMAN
 DMA-4 ANCHOR BY CMI)

EXISTING SEAWALL
 TO REMAIN

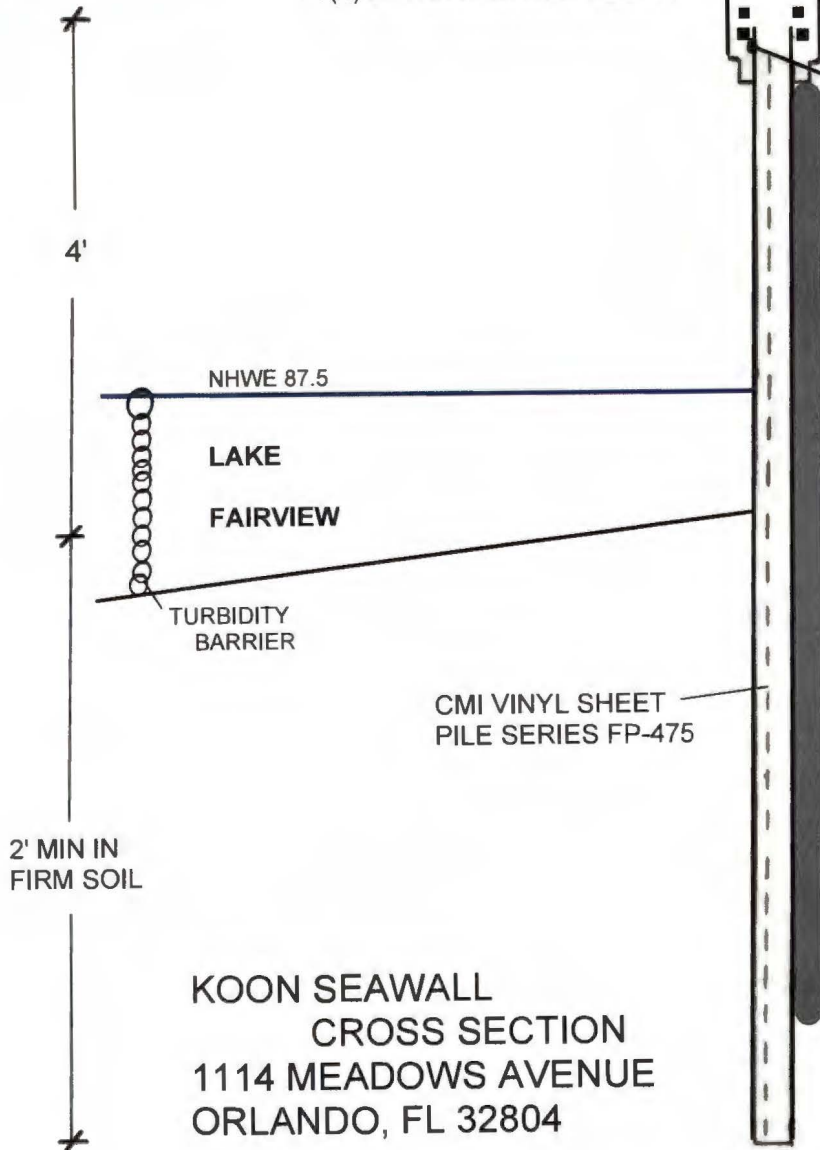
This item has been electronically signed and sealed by
 Darcy Unroe, PE 60929 on the date indicated using a
 Digital Signature
 Printed copies of this document are not considered signed
 and sealed and the signature must be verified on any
 electronic copy



Darcy Unroe
 c=US, st=Florida,
 l=Orlando, o=Unroe
 Engineering, Inc.,
 cn=Darcy Unroe,
 email=Darcy@unroeengi
 neering.com
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 Unroe Engineering, Inc
 Civil Engineering/Planning/Scientific Evaluations
 PO Box 690942
 Orlando, Florida 32869
 Ph (407) 299-0650
 Darcy@UnroeEngineering.co



KOON SEAWALL
 CROSS SECTION
 1114 MEADOWS AVENUE
 ORLANDO, FL 32804