



Interoffice Memorandum

March 11, 2024

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

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

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

SUBJECT: April 23, 2024 – Public Hearing
After-the-Fact Shoreline Alteration/Dredge and Fill Permit
Application for Regena Heinrich, (SADF-23-04-010)

The applicant, Regena Heinrich, is requesting an after-the-fact Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a replacement seawall on a canal leading to Lake Sawyer. The property is located at 6526 Sawyer Shores Lane, Windermere, FL 34786 (Parcel ID No. 24-23-27-7820-01-030) in District 1.

The applicant is requesting to authorize approximately 86 feet of replacement concrete-block seawall along a canal leading to Lake Sawyer. Environmental Protection Division (EPD) staff could not determine when the previously existing wooden seawall was constructed and no SADF permit was found in the files. However, based on the dilapidated condition of the wooden wall that is evident in site photos provided by the applicant, the original wall was likely constructed many years prior to the applicant's purchase of the property in May 2022. The applicant constructed the replacement seawall immediately landward of the previously existing dilapidated seawall. There is a 6-foot return on the southeast end of the seawall, and no return on the northwest end, as there is an abutting seawall on the neighboring property. Based on prior Board direction, riprap and plantings are normally required for new and replacement seawalls. However, because the replacement seawall is on a canal, no riprap or additional native plantings are required for this project so as not to create a navigational concern.

Enforcement History

There is a related EPD enforcement action for the unauthorized seawall replacement activity. On January 31, 2023, EPD staff observed that a seawall was being installed on the subject property, and upon further file review, discovered that the activity had not been authorized through EPD. EPD also noted that no Best Management Practices (BMPs) were installed to prevent water quality violations during construction, and uncontained turbidity was seen within the water. EPD collected water samples at the subject property and at a background sampling location. Lab results indicated that turbidity exceeded 29 NTUs above the background sample, in violation of Chapter 62-302.530(70), Florida Administrative Code and Chapter 15, Article IV (Water Quality Management Ordinance).

EPD initiated formal enforcement action (Enforcement Case #23-617987) and issued a Notice of Violation (NOV) to the applicant on February 13, 2023, for the water quality violation and unauthorized work. The NOV required the applicant to apply for an after-the-fact SADF Permit and assessed an administrative penalty of \$17,998.00 for the code violations. On May 18, 2023, EPD received an SADF Permit Application (#SADF-23-04-010) to authorize the replacement seawall. Due to the applicant's cooperation in resolving the violations, and at their request, EPD reduced the administrative penalty to \$9,000, which was remitted to the Conservation Trust Fund on February 16, 2024.

Staff Recommendation

In accordance with Orange County Code, Chapter 33, Article IV, Section 33-129(d), notification of the public hearing was sent to all 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 IV, EPD has evaluated the proposed SADF Permit Application and required documents and has made a finding that the request is consistent with Section 33-129.

Approval of the after-the-fact 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 immediately, as construction has been completed, and continues in perpetuity.
3. The seawall shall be maintained in accordance with the engineered plans signed and sealed by Randall Baker, P.E., and received by EPD on November 16, 2023.
4. This permit does not authorize any dredging or filling except that which was necessary for the installation of the seawall, as depicted on the approved plans.

General Conditions

5. 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.
6. 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.
7. 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 approved drawings,

plans, and other documents attached hereto or on file with EPD. The permittee binds themselves and any successors to comply with the provisions and conditions of this permit. If EPD determines at any time that the seawall is not in accordance with the conditions of the permit, the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

8. 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 owners' riparian or other property rights, the permittee agrees 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.
9. 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 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 permittee, or convey any rights or privileges other than those specified in the permit and Chapter 33, Article IV of the Orange County Code. 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.
10. The permittee is hereby advised that Section 253.77 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.
11. 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.
12. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
13. The permittee 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.

14. 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.
15. The permittee 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 permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
16. The permittee 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.
17. 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.
18. 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.
19. 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.
20. 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 Shoreline Alteration/Dredge and Fill Permit SADF-23-04-010 for Regena Heinrich, subject to the conditions listed in the staff report. District 1**

RHP/TW: js
Attachments

After-the-Fact Shoreline Alteration/Dredge and Fill Permit Request



After-the-Fact Shoreline Alteration / Dredge and Fill Permit Request

SADF-23-04-010

District #1

Applicant: Regena Heinrich

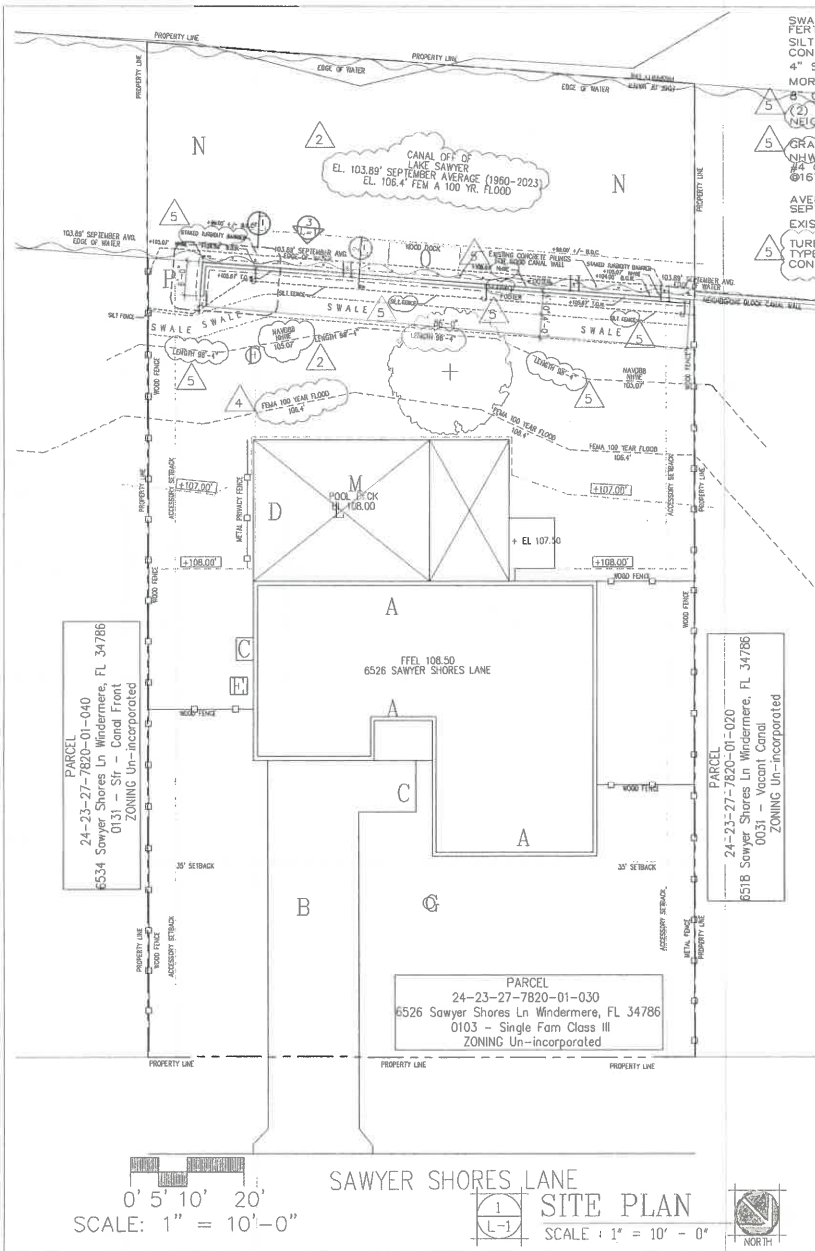
Address: 6526 Sawyer Shores Lane

Parcel ID: 24-23-27-7820-01-030

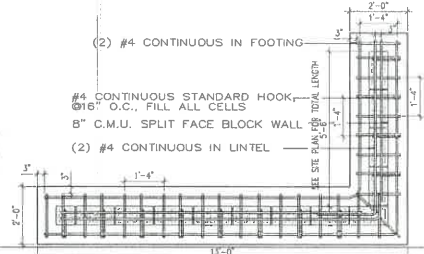
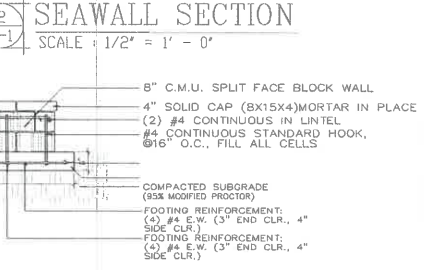
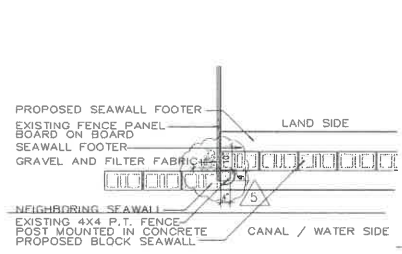
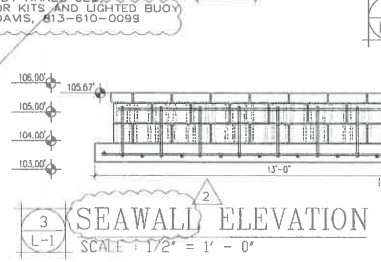
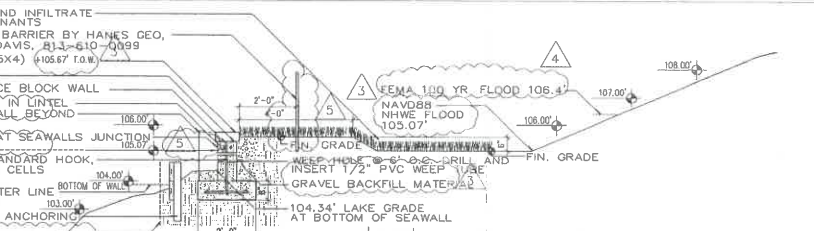
Project Site
Property Location



received
11/16/2023



SWALE TO CATCH AND INFILTRATE FERTILIZER CONTAMINANTS
SILT FENCE FABRIC BARRIER BY HANES GEO, CONTACT MICHELE DAVIS, 813-610-0099
4" SOLID CAP (8X15X4) @105.67' T.O.M.
MORTAR IN PLACE
8" C.M.U. SPLIT FACE BLOCK WALL
(2) #4 CONTINUOUS IN LINTEL NEIGHBORING SEAWALL BEYOND
GRAVEL & FILTER FABRIC AT SEAWALLS JUNCTION
SHUVE 105.07'
(2) #4 CONTINUOUS STANDARD HOOK, @16" O.C., FILL ALL CELLS
AVERAGE SEPT. WATER LINE BOTTOM OF WALL
SEPTEMBER 103.89'
EXISTING SEA WALL ANCHORING
TURBIDITY BARRIER BY HANES GEO, TYPE II WITH ANCHOR KITS AND LIGHTED BUOY CONTACT MICHELE DAVIS, 813-610-0099



TOTAL SITE SQUARE FEET 16,924 S.F.
TOTAL SITE IMPERVIOUS 4,633 S.F. = 27.37 %

IMPERVIOUS		PERVIOUS		
A	RESIDENCE	2,316 S.F.	K LANDSCAPE / LAWN	8,147 S.F.
B	PAVER DRIVEWAY	843 S.F.	L POOL SURFACE	350 S.F.
C	PAVER ENTRY WALK	143 S.F.	M SPA SURFACE	0 S.F.
D	POOL DECK	1,210 S.F.	N CANAL (WATER SURFACE)	3,657 S.F.
E	CONCRETE PAD	9 S.F.	O WOOD DOCK	75 S.
F	BLOCKS AT WELL	35 S.F.	P BOAT RAMP	62 S.
G	SEPTIC TANK LID	3 S.F.		
H	EX SEAWALL PILINGS	13 S.F.		
J	PRO. SEAWALL	61 S.F.		
TOTAL IMPERVIOUS		4,633 S.F.	TOTAL PERVIOUS	12,291 S.F.
TOTAL IMPERVIOUS %		27.37 %	TOTAL PERVIOUS %	72.63 %

SCOPE:
THIS PROJECT IS FOR THE ADDITION OF A LANDSCAPE RETAINING WALL AT THE REAR CANAL
THIS PROJECT IS THE RESULT OF CODE ENFORCEMENT LETTER, INCIDENT NUMBER 23-617987.

1	DATE: 2023.11.15
2	BY: RANDALL S. BAKER
3	CHK: RANDALL S. BAKER
4	DATE: 2023.11.15
5	BY: RANDALL S. BAKER
6	CHK: RANDALL S. BAKER
7	DATE: 2023.11.15
8	BY: RANDALL S. BAKER
9	CHK: RANDALL S. BAKER
10	DATE: 2023.11.15
11	BY: RANDALL S. BAKER
12	CHK: RANDALL S. BAKER

Project Name: THE HEINRICH RESIDENCE
6526 SAWYER SHORES LANE, WINDERMERE, FLORIDA
Site Plan, Seawall Details, Notes

LALA LANDSCAPE ARCHITECTURE

Digitally signed by Randall S. Baker
DN: c=US, o=Florida, ou=Orlando
serialNumber=AATL2-0226681390408
o=Land Art Landscape Architects, ou=Randall S. Baker, email=Randall@LandArtLandscape.com

DATE: 2023.11.15
Drawing # 2023.11.15
18:10:54-05'00"

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