




Interoffice Memorandum

April 24, 2018

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Jon V. Weiss, P.E. Director
Community, Environmental and Development
Services Department

CONTACT PERSON: **David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1405** 

SUBJECT: May 22, 2018 – Public Hearing
After-the-Fact Shoreline Alteration/Dredge and Fill Permit
Application for Richard and Rowena Wilson (SADF-18-01-002)

Richard and Rowena Wilson are requesting an After-the-Fact Shoreline Alteration/Dredge and Fill (SADF) Permit for the construction of a seawall on their property. The project site is located on Lake Barton at 5351 Brosche Road. The Parcel ID for the site is 28-22-30-0956-01-060. The subject property is located in District 3.

Notification of the public hearing was sent to the property owners within 500 feet of the project site.

Pursuant to Orange County Code, Chapter 15, Article VI, Environmental Protection Division (EPD) staff has evaluated the proposed SADF application and required documents.

The applicants have constructed a 74-foot long concrete seawall along their 87-foot long shoreline. There is an 11-foot long open section in the wall near the east projected property line. The wall was constructed sometime between 2015 and 2016 based on aerial photographs of the property. Rip rap and plantings will not be requested due to sufficient coverage of the existing vegetation. The eastern adjacent property has an existing seawall.

There is an open enforcement case (17-500266) on the property for the unauthorized construction of the seawall. The applicants paid \$800 to the Conservation Trust Fund as a penalty for the unauthorized construction. Approval of this permit will bring the property into compliance.

Staff Recommendation

Approval of the After-the-Fact Shoreline Alteration/Dredge and Fill 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. The seawall shall remain constructed as shown on the 'Site Plans' submitted by Streamline Permitting, Inc., received by the Environmental Protection Division (EPD) on March 9, 2018, revised April 12, 2018 and April 23, 2018. Installation of the "optional deadman" anchors must commence within six months and be completed within one year of the issuance date of the permit or the permit is void. No other construction/alteration, other than installation of the anchors, is approved with this permit.
3. Any permit extensions for the approved construction may be approved by way of Consent Agenda if there are no changes.
4. This permit does not authorize any dredging or filling, other than what has already occurred during the construction of the seawall.
5. The permittee may maintain a clear access corridor below the Normal High Water Elevation (NHWE), not to exceed 30 feet in width, 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. Native vegetation may not be removed from the shoreline outside of the specified access corridor, specific to this project.
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 in order to obtain a building permit, if required. 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.

General Conditions:

9. 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 itself and its 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 promptly thereafter.
10. 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(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, 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.

11. 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 15, Article VI 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. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
12. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign 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.
13. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, 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.
14. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
15. EPD staff shall have permission to enter the site to inspect the seawall to ensure conformity with the plans and specifications approved by the permit.
16. 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.
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. 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.

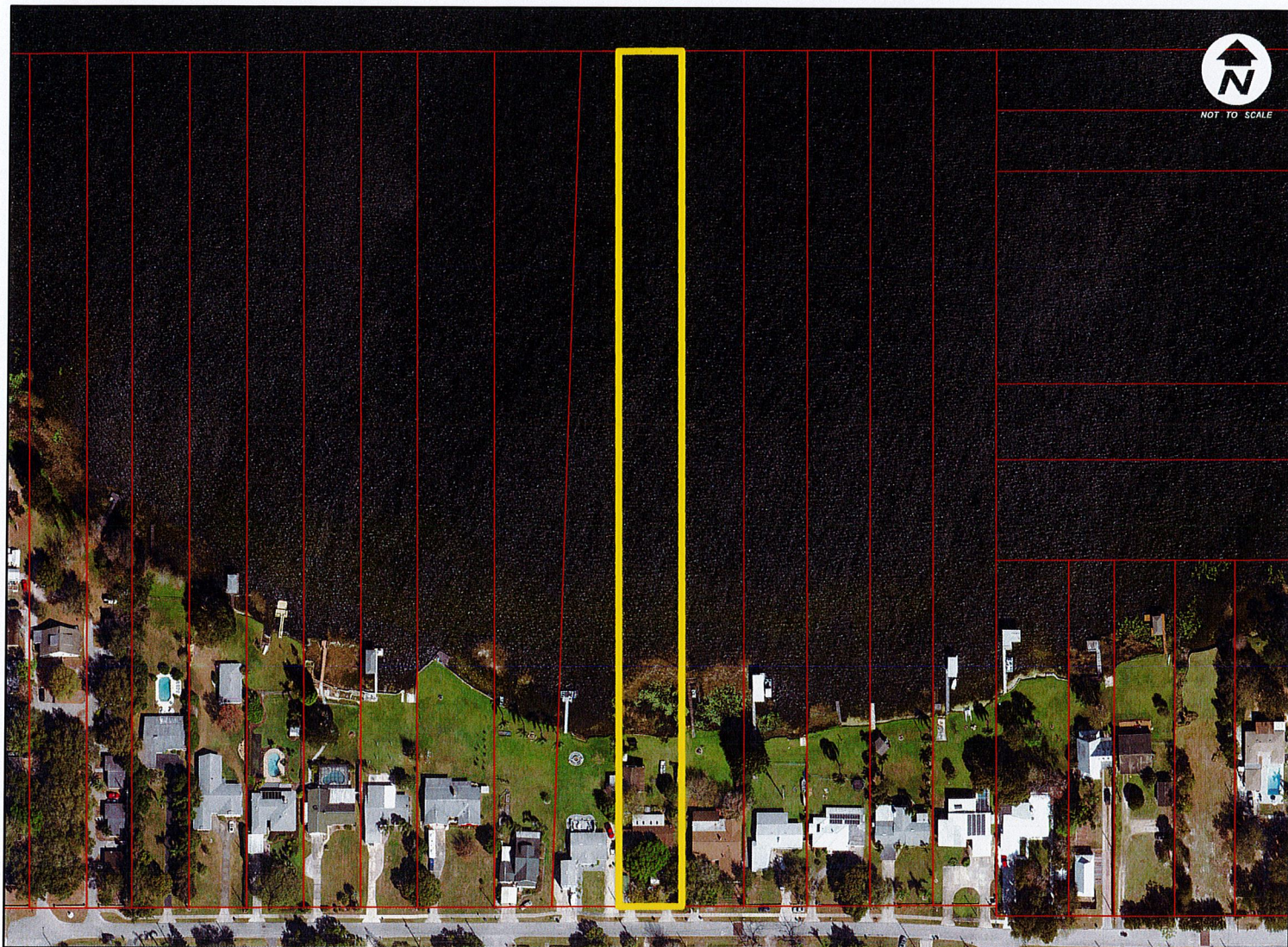
19. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530, and 62-4.242 Florida Administrative Code (FAC). Best Management Practices (BMPs), as specified in the State of Florida Erosion and 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 permittee 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 State designated waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters.
20. Pursuant to Section 125.022, Florida Statutes, 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 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.
21. Pursuant to Section 125.022, Florida Statutes, the applicant shall obtain all other applicable state or federal permits before commencement of development.

ACTION REQUESTED: Approval of After-the-Fact Shoreline Alteration/Dredge and Fill permit request (SADF-18-01-002) for Richard and Rowena Wilson, subject to the conditions listed in the staff report. District 3

JVW/DDJ:mg

Attachments

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



After-the-Fact Shoreline Alteration/Dredge and Fill Permit SADF-18-01-002

District 3

Applicants: Richard & Rowena Wilson

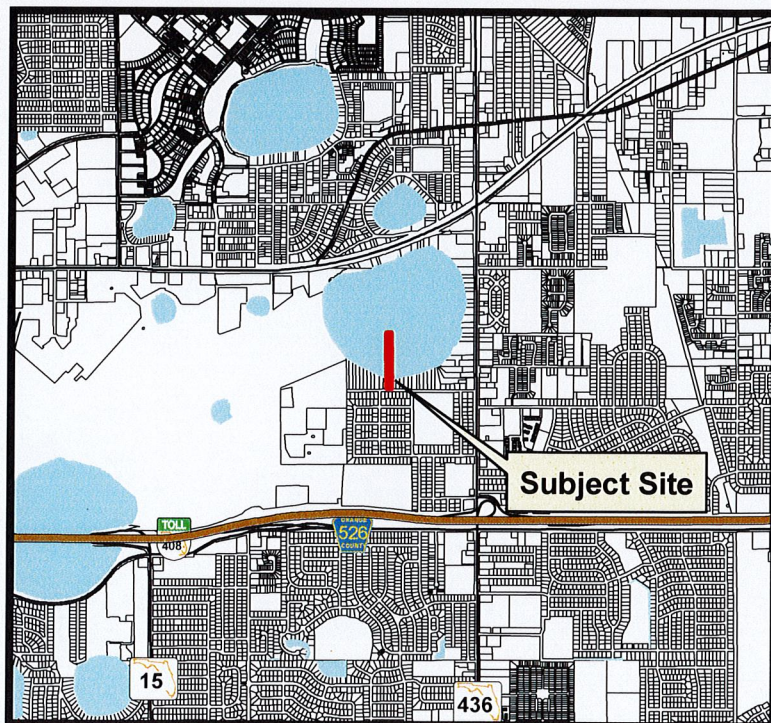
Address: 5351 Brosche Road

Parcel ID: 28-22-30-0956-01-060

Project Site



Property Location



DESCRIPTION

LOT 6, BLOCK "A", BROSCHE SUBDIVISION, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK
"S", PAGE 86, OF THE PUBLIC RECORDS OF ORANGE
COUNTY, FLORIDA.

MAR 09 2018

SURVEYOR NOTES

DDJ/95

1. *Bearings for this survey are based on the West line of Block "A", BRISCHE SUBDIVISION, according to the plat thereof, as recorded in Plat Book "S", Page 86, Public Records of Orange County, Florida, as being North 07°58'00" East.*
2. *According to the Federal Emergency Management Agency's Flood Insurance Rate Map No. MA12095C028657, Dated September 25, 2009, the majority of this property lies in Zone "X" which is defined as areas determined to be outside the 1.02% chance of flood. A portion of this property lies in Zone "AE" which is defined as areas with a minimum flood elevation determined. For Lake Barton the minimum flood elevation is 95.30'.*
3. *Elevations for this survey are based on Orange County Benchmark No.G1226008. Recovered a 2" orange county Brass disk on a Storm Maintenance Box on N° Orange County Between Addresses #5325 and #5322 Elevation=99.87'(NAVD88) The Zone AE line shown on this survey is approximate, and was scaled into the drawing. This line was not field located.*
4. *This site may contain lands in navigable waterways which may be owned by the State of Florida. This survey does not attempt to resolve any issues of navigability or of ownership by the State of Florida. The State of Florida may own or claim ownership of those lands lying within the ordinary High Water Line which may affect the location of the boundary line of property fronting the lake.*
5. *This survey was completed without the benefit of a current title commitment. There may be assessments, conditions, restrictions, or other matters which may affect this property recorded in the Public Records of Orange County, Florida.*

**WILSON SITE PLAN
5351 BROSCHE ROAD
ORLANDO, FL 32807**

 This item has been

Digitally signed by Pavol Stankay
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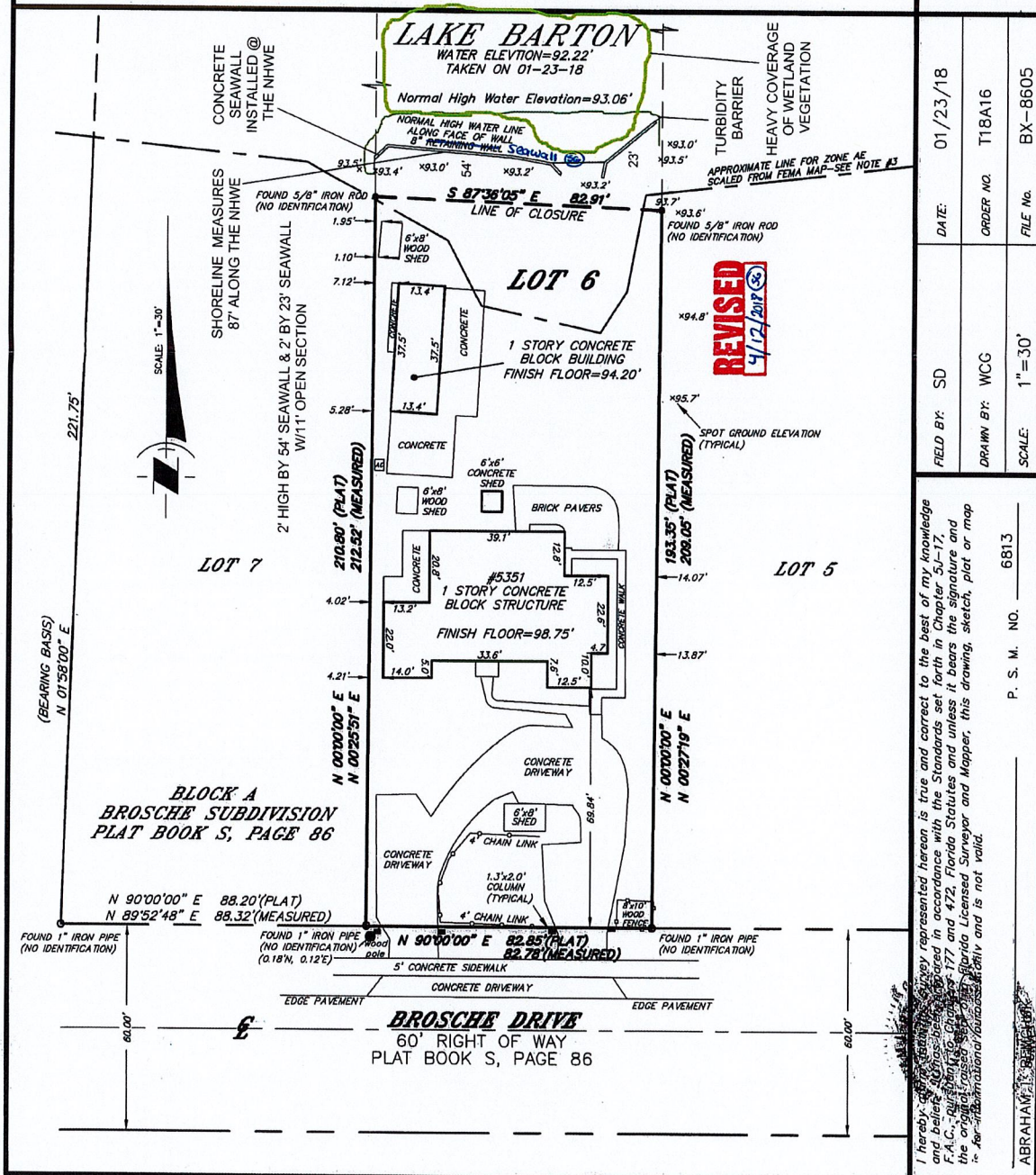
Unaffiliated Individual, cn=Pavol

Stankov.

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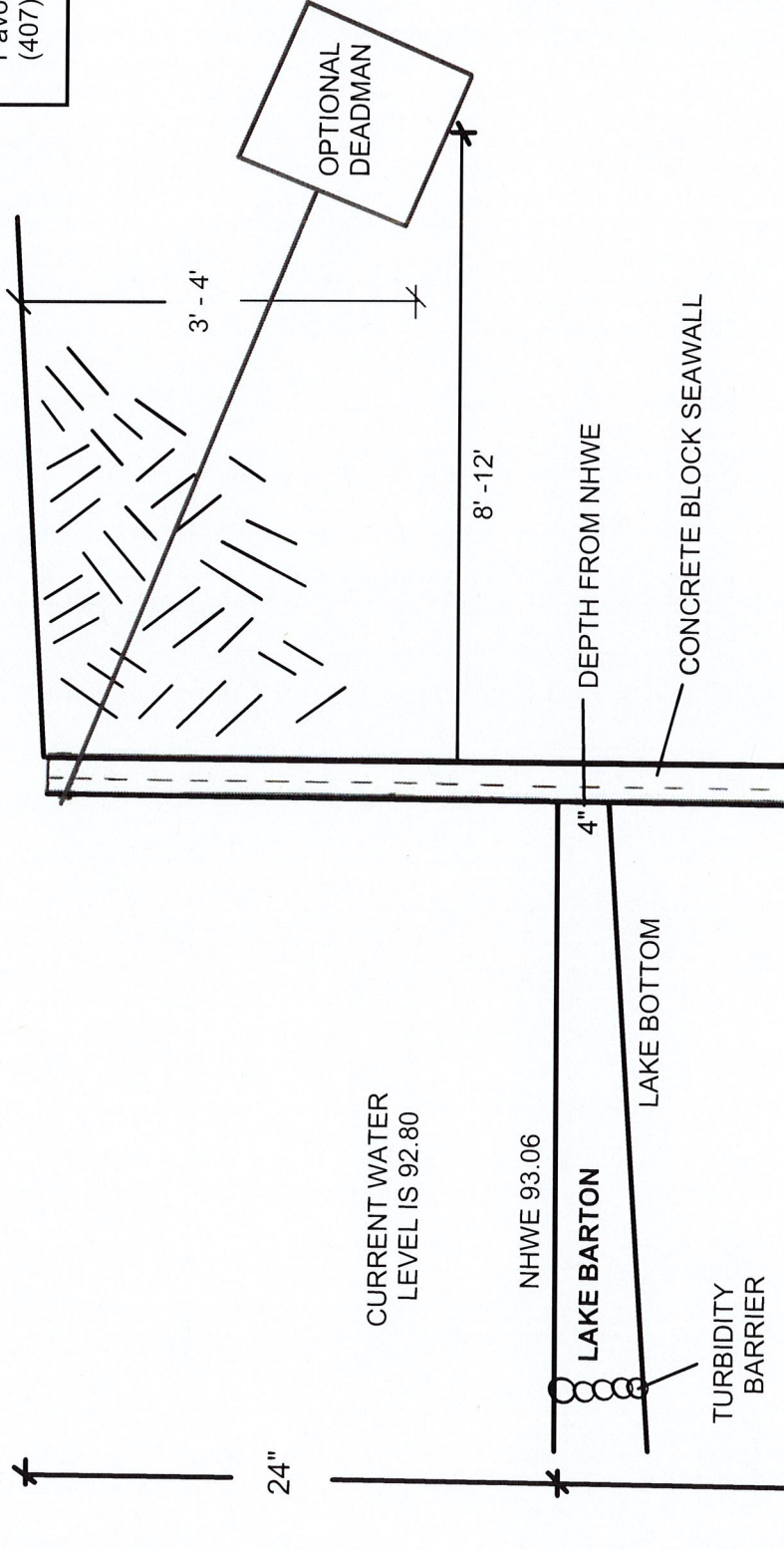
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D-4-2010-03-01-22-20-07



**2' HIGH BY 54' LONG SEAWALL
& 2' HIGH BY 23' LONG SEAWALL
WITH AN 11' OPEN SECTION**

Pavol Stankay, P.E.

29059
2227 Mercator Drive
Orlando, FL 32807
Pavol@SEGco.net
(407) 701-2145



Digitally signed by Pavol Stankay

DN: c=US, o=IdenTrust ACES
Unaffiliated Individual,
cn=Pavol Stankay,
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THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2017 FLORIDA BUILDING CODE RESIDENTIAL EDITION SECTION R301 DESIGN CRITERIA AND ASCE 7-10 AND 2014 NEC.

1. BASIC WIND SPEED= 140 MPH ULTIMATE WIND SPEED (Vult) AND 108 MPH (Vasd)
2. CONSTRUCTION TYPE = SINGLE FAMILY RESIDENCE
3. WIND EXPOSURE = CATEGORY D
4. RISK CATEGORY II - TABLE 1604.5

**WILSON SEAWALL
CROSS SECTION
5351 BROSCHE ROAD
ORLANDO, FL 32807**

4' MIN IN
FIRM SOIL



