



Interoffice Memorandum

April 28, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of 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: May 19, 2020 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
John White and Margaret Adams (SADF-20-02-005)

John White and Margaret Adams are requesting a Shoreline Alteration/Dredge and Fill Permit (SADF) to construct a replacement seawall directly waterward of an existing, failing seawall along the shoreline of the property located at 6927 Barby Lane, Belle Isle, FL 32812, adjacent to Barby Lane Canal (aka Melaleuca Lagoon) leading to Lake Conway. The parcel identification number for this site is 20-23-30-8860-00-080. The subject property is located in District 3.

The existing wall was constructed between 2002 and 2004 by previous owners and is constructed of wooden slats with a wooden cap. The wall incorporates a boat basin for mooring a vessel and an associated boat dock. Portions of the wall are decaying and beginning to fall into the canal and shoreline erosion is evident behind the wall in those areas. Environmental Protection Division (EPD) staff were unable to find a permit for the existing wall. There is no enforcement action against the current owners for the wall.

The applicants are proposing to construct a new, vinyl seawall 130 feet in length directly waterward of the existing seawall in order to prevent further erosion of the shoreline. Replacement of the associated boat dock is being permitted through the City of Belle Isle. The seawall will tie into adjacent existing seawalls at each end. Since the proposed seawall is on a canal, no riprap or plantings are being requested due to 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 staff has evaluated the proposed SADF 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 "Site Plan" signed and sealed by Ireland and Associates Surveying, Inc. and received by the Environmental Protection Division (EPD) on March 23, 2020 and the "Wall Connection Detail" received by EPD on March 24, 2020. 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. No filling is authorized except in the actual construction 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 permittees are 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 permittees bind themselves and their 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 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 permittees shall clearly designate the limits of construction on-site. The permittees 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 permittees 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 permittees 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 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 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 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 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 permittees, 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 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.
15. 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 of the Internal Improvement Trust Fund 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 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.
17. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
18. The permittees 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 project for conformity with the plans and specifications approved by the permit.
20. The permittees 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 permittees.
22. 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.
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 permittees 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 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 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.
25. Pursuant to Section 125.022, FS, the applicants 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 Shoreline Alteration/Dredge and Fill Permit SADF-20-02-005 for John White and Margaret Adams, subject to the conditions listed in the staff report. District 3**

DDJ/JW: mg

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



Shoreline Alteration/Dredge and Fill Permit Request SADF-20-02-005 District #3

Applicants: John White and
Margaret Adams
Address: 6927 Barby Lane

Parcel ID: 20-23-30-8860-00-080

Project Site 

Property Location 



LEGAL DESCRIPTION:

LOT 8, VENETIAN VILLAS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, 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/AE. THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 9/25/2009.

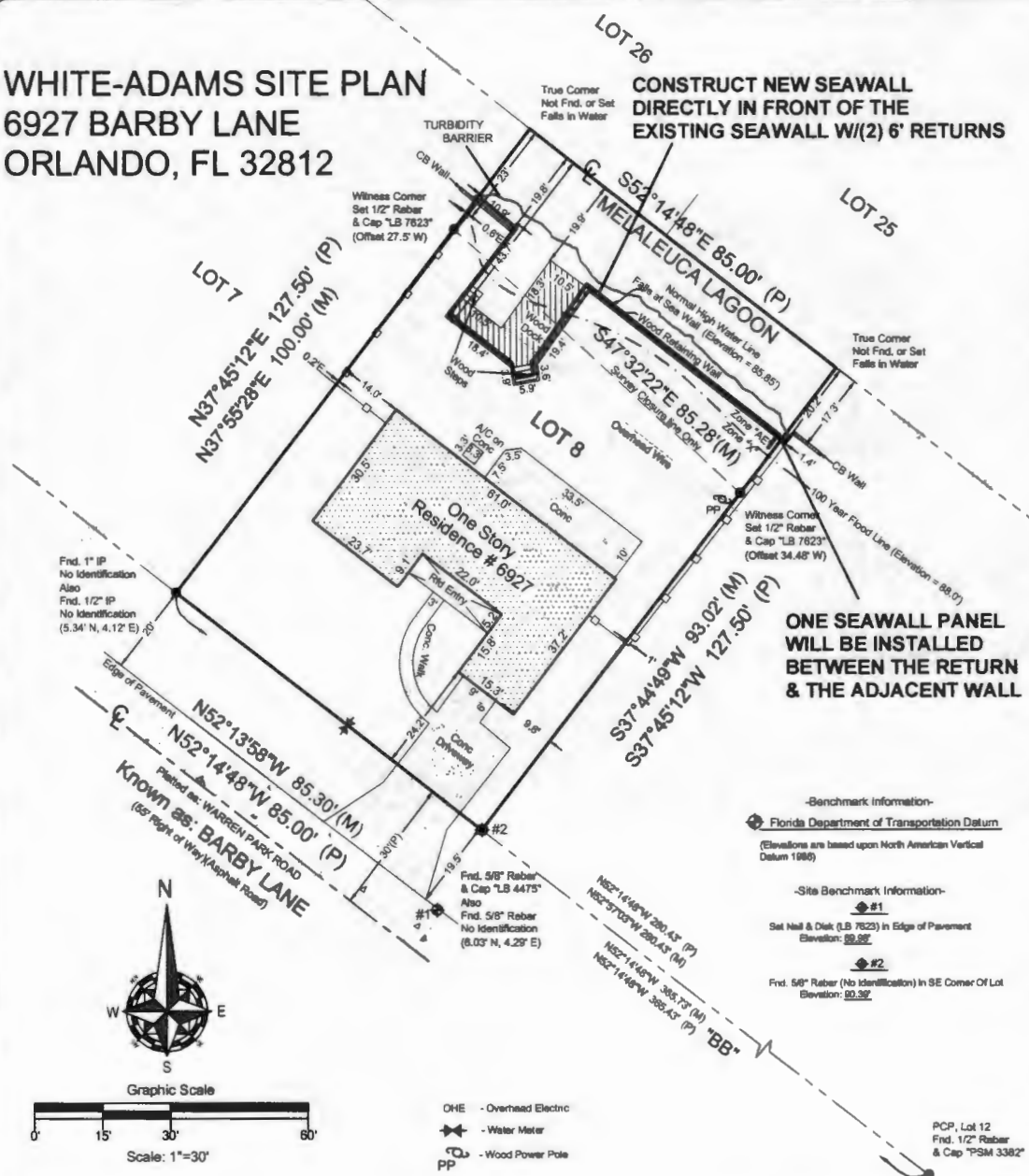
CERTIFIED TO:

MARGARET ADAMS AND JOHN WHITE



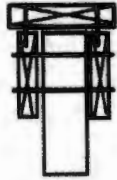
6927 BARBY LANE, BELLE ISLE, FLORIDA 32812

WHITE-ADAMS SITE PLAN 6927 BARBY LANE ORLANDO, FL 32812



Field Date: 2/14/2020	Date Completed: 02/17/20	NOTES:	I hereby certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, 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 46-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.
Drawn By: D.C.	File Number: JS-70229	>Survey is Based upon the Legal Description Supplied by Client. >Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Mistakes. >Subject to any Easements and/or Restrictions of Record. >Bearing basis shown hereon is Assumed and Based upon the Line Denoted with a "BB". >Building Ties are NOT to be used to reconstruct Property Lines. >Fence Ownership is NOT determined. >Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted. >Septic Tanks and/or Driveway locations are approximate and MUST be verified by appropriate Utility Location Companies. >Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be construed to give ANY Rights or Benefits to Anyone Other than those Certified.	
Legend:	Legend:	Legend:	
C - Calculated	PC - Point of Curvature	ONE - Overhead Electric	
CB - Centerline	Pg - Page	W - Water Meter	
Old - Concrete Block	PI - Point of Intersection	WP - Wood Power Pole	
Comp - Concrete Monument	P.O.B. - Point of Beginning		
D - Description	P.O.L. - Point on Line		
DE - Drainage Easement	PP - Power Pole		
Easmt - Easement	PRM - Permanent Reference Monument		
F.E.M.A. - Federal Emergency Management Agency	PT - Point of Tangency		
FPE - Finished Floor Elevation	R - Radius		
IP - Iron Pipe	Rad - Radial		
L - Lanth (Arc)	R&C - Rebar & Cap		
M - Massland	Rec - Recovered		
N&D - Nail & Disk	Rfd - Rooked		
N.R. - Non-Radial	Set - Set 1/2" Rebar & Cap "LB 7623"		
ORB - Official Records Book	Typ - Typical		
P - Plat	UE - Utility Easement		
P.B. - Plat Book	WM - Water Meter		
W - Wood Fence	Δ - Delta (Central Angle)		
	-O- - Chain Link Fence		

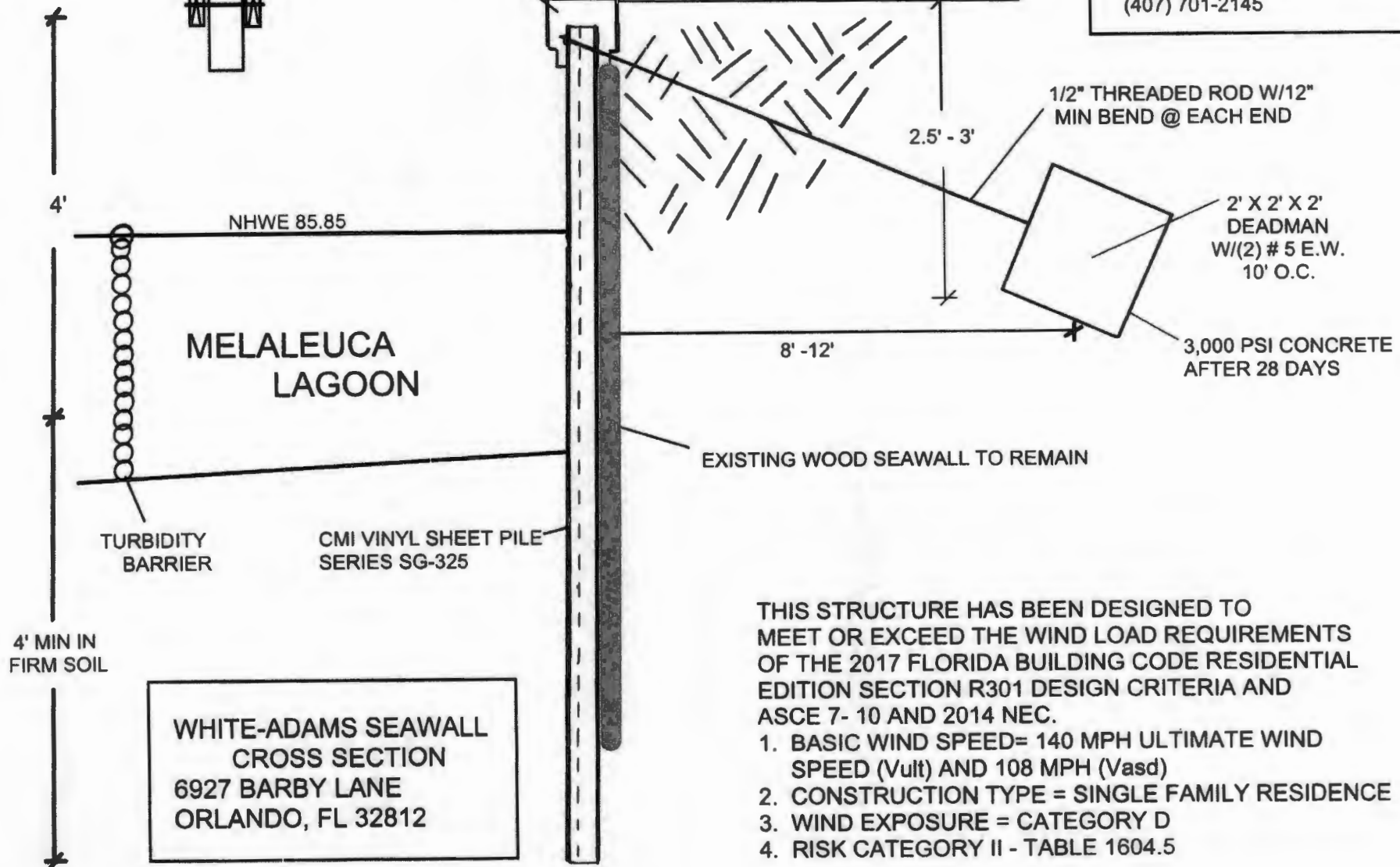
CAP - 4"X4" P.T. SIDE BRACING
W/ (1) 1/2" THRU BOLTS 2' O.C. & 1"X6"
OR 2"X6" CAP W/ (2) 3" SCREWS 1' O.C.



130' LONG VINYL SEAWALL W/ TREX CAP

Pavol Stankay, P.E.

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



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

PLAN (OVERHEAD) VIEW

PROPOSED SEAWALL

ADJACENT SEAWALL

(2) 2X8 VERTICAL
BLOCKING W/(2)
TAPCONS OR
LAGS 2' O.C.

WATERPROOF LINER

