



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
AUG 05 2014 CAS/KH

AGENDA ITEM

July 2, 2014

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

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

CONTACT PERSON: **Lori Cunniff, CEP, CHMM, Deputy Director**
Community, Environmental and Development
Services Department
(407) 836-1405 *L Cunniff*

SUBJECT: August 5, 2014—Consent Item
Request to Modify and Extend Shoreline Alteration/Dredge
and Fill Permit SADF-13-03-003 – Harold Mills

On July 2, 2013, the Board of County Commissioners approved a request for a Shoreline Alteration/Dredge and Fill Permit (issued on July 12, 2013) to replace an existing dilapidated seawall on the property located at 11900 Lake Butler Boulevard, Windermere, Florida 34786, on Lake Butler.

Specific Condition #2 of SADF-13-03-003 states, "Construction activities shall be completed in accordance with the Construction Plans submitted by Albert Cichra Builders, Inc., dated as received on May 9, 2013, and May 17, 2013, by the Environmental Protection Division (EPD)."

Review of the as-built survey provided by the contractor showed that the new wall deviated slightly from the permitted plans.

On April 23, 2014, EPD received a request for modification of the permit to obtain approval of the portions of the wall that were not shown in the plans approved on July 2, 2014.

EPD would also like to request that the permit be extended for a period of one year, to expire on July 12, 2015, in order for the Permittee to install the required rip rap along the shoreline of Lake Butler.

Page Two
August 5, 2014—Consent Item
Request to Modify and Extend Shoreline Alteration/Dredge and Fill Permit SADF-13-03-003 – Harold Mills

Also, since the original permit was issued the applicant has obtained a lot split through the Town of Windermere. Approval of this permit modification will update the project location by including the new parcel information.

ACTION REQUESTED: **Approval of Modification and Extension for the Harold Mills Shoreline Alteration/Dredge and Fill permit (SADF-13-03-003). District 1**

JVW/LC: mg

Attachments

Shoreline Alteration/Dredge & Fill Permit Modification and Extension Request



Shoreline Alteration/Dredge & Fill Permit Modification and Extension Request

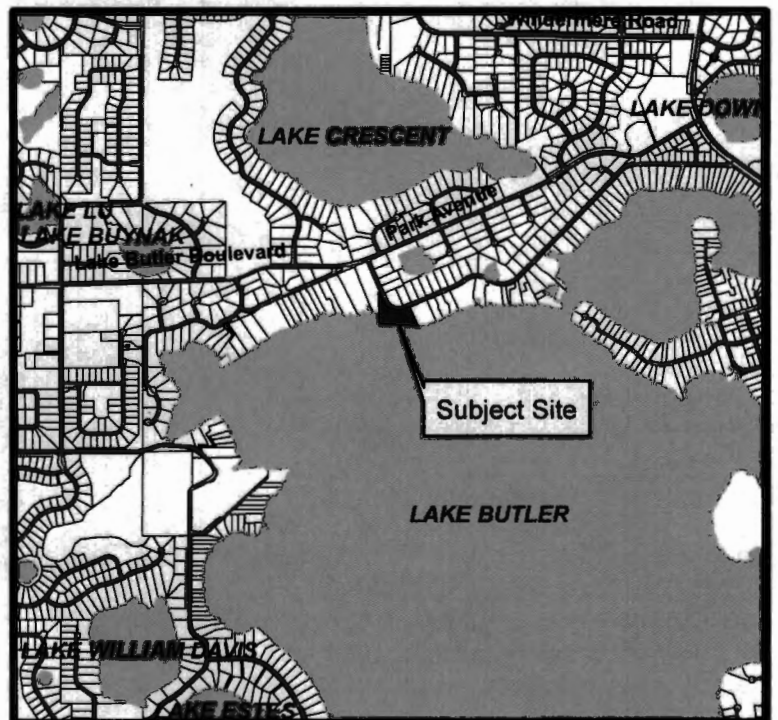
District #1

Applicant: Harold Mills

Parcel IDs: 07-23-28-5616-00-751
07-23-28-5616-00-756

Project Site 

Property Location 



**DECISION OF THE BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA**

ON JULY 2, 2013, THE BOARD OF COUNTY COMMISSIONERS CONSIDERED THE FOLLOWING APPLICANT'S REQUEST:

APPLICANT: HAROLD MILLS
CONSIDERATION: REQUEST FOR A SHORELINE ALTERATION/DREDGE AND FILL PERMIT TO RECONSTRUCT AN EXISTING SEAWALL, PURSUANT TO ORANGE COUNTY CODE, CHAPTER 33, ARTICLE IV. WINDERMERE WATER AND NAVIGATION CONTROL DISTRICT; SECTION 33-129(D) AND CHAPTER 15, ARTICLE VI.
LOCATION: DISTRICT 1; ON PROPERTY LOCATED AT 11900 LAKE BUTLER BOULEVARD, WINDERMERE, FLORIDA 34786, ON LAKE BUTLER; PARCEL ID 07-23-28-5616-00-751; SECTION 07, TOWNSHIP 23 SOUTH, RANGE 28 EAST; ORANGE COUNTY, FLORIDA (LEGAL PROPERTY DESCRIPTION ON FILE IN ENVIRONMENTAL PROTECTION DIVISION)

UPON A MOTION, THE BOARD OF COUNTY COMMISSIONERS APPROVED THE REQUEST BY HAROLD MILLS FOR A SHORELINE ALTERATION/DREDGE AND FILL PERMIT (SADF-13-03-003) TO RECONSTRUCT AN EXISTING SEAWALL, ON THE DESCRIBED PROPERTY, SUBJECT TO THE FOLLOWING CONDITIONS:

SPECIFIC CONDITIONS:

1. THIS PERMIT SHALL BECOME FINAL AND EFFECTIVE UPON EXPIRATION OF THE THIRTY (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 ANY AND ALL APPEALS ARE RESOLVED.
2. CONSTRUCTION ACTIVITIES SHALL BE COMPLETED IN ACCORDANCE WITH THE CONSTRUCTION PLANS SUBMITTED BY ALBERT CICHRA BUILDERS, INC., DATED AS RECEIVED ON MAY 9, 2013, AND MAY 17, 2013, BY THE ENVIRONMENTAL PROTECTION DIVISION (EPD). THE PERMITTED WORK MUST BE COMMENCED WITHIN SIX (6) MONTHS AND COMPLETED WITHIN ONE YEAR FROM THE DATE OF ISSUANCE OF THE PERMIT. IN THE EVENT THAT PROJECT HAS NOT COMMENCED WITHIN SIX (6) MONTHS OR COMPLETED WITHIN A YEAR THIS PERMIT IS VOID.
3. ANY PERMIT EXTENSIONS FOR THE APPROVED CONSTRUCTION MAY BE APPROVED BY WAY OF CONSENT AGENDA IF THERE ARE NO CHANGES.

4. NO FILLING CAN BE PERFORMED EXCEPT IN THE ACTUAL CONSTRUCTION OF THE SEAWALL. THIS PERMIT DOES NOT AUTHORIZE ANY DREDGING OR FILLING WHICH MAY BE NECESSARY TO PROVIDE MAINTENANCE OR CREATION OF A NAVIGABLE ACCESS FROM THE BOAT RAMP TO THE OPEN WATER.
5. THE PERMITTEE MUST INSTALL RIPRAP AT A 2 (HORIZONTAL): 1 (VERTICAL) SLOPE AS IT IS DEPICTED ON THE CONSTRUCTION PLANS DATED AS RECEIVED BY EPD ON MAY 9, 2013, AND MAY 17, 2013.
6. THE PERMITTEE MAY MAINTAIN A CLEAR ACCESS CORRIDOR BELOW THE NORMAL HIGH WATER ELEVATION (98.60 '88 NAVD), NOT TO EXCEED 30 FEET IN WIDTH, OF SUFFICIENT LENGTH WATERWARD FROM THE SHORELINE, TO ALLOW ACCESS TO OPEN WATER. ANY FUTURE STRUCTURES SUCH AS A BOAT DOCK MUST BE LOCATED WITHIN THIS CORRIDOR.
7. NATIVE VEGETATION, INCLUDING BUT NOT LIMITED TO, PICKERELWEED (PONTEDERIA CORDATA), DUCK POTATO (SAGITTARIA LANCEIFOLIA), MAIDENCANE (PANICUM HEMITOMON), FUIRENA SPP., AND EELGRASS (VALLISNERIA AMERICANA) MAY NOT BE REMOVED FROM THE SHORELINE OUTSIDE OF THE SPECIFIED ACCESS CORRIDOR, SPECIFIC TO PROJECT.
8. ALL DREDGED DEBRIS MATERIAL SHALL BE REMOVED TO AN UPLAND LOCATION.
9. NO FILLING IS APPROVED WITH THIS PERMIT.
10. A COPY OF THIS PERMIT, ALONG WITH EPD STAMPED AND APPROVED DRAWINGS, SHOULD BE TAKEN TO THE TOWN OF WINDERMERE AT 614 MAIN STREET, FOR APPROVAL IN ORDER TO OBTAIN A BUILDING PERMIT. FOR FURTHER INFORMATION, PLEASE CONTACT THE TOWN OF WINDERMERE AT 407-876-2563.

GENERAL CONDITIONS:

1. 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.
2. PRIOR TO CONSTRUCTION, THE PERMITTEE SHALL CLEARLY DESIGNATE THE LIMITS OF CONSTRUCTION ON-SITE. THE PERMITTEE SHALL ADVISE THE CONTRACTOR THAT ANY WORK OUTSIDE THE LIMITS OF CONSTRUCTION, INCLUDING CLEARING, MAY BE A VIOLATION OF THIS PERMIT.
3. THE PERMITTEE 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 PERMITTEE 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.
4. 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.

5. 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 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.
6. 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.
7. 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.
8. EPD SHALL HAVE FINAL CONSTRUCTION PLAN APPROVAL TO ENSURE THAT NO MODIFICATION HAS BEEN MADE DURING THE CONSTRUCTION PLAN PROCESS.
9. THE PERMITTEE SHALL IMMEDIATELY NOTIFY EPD IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

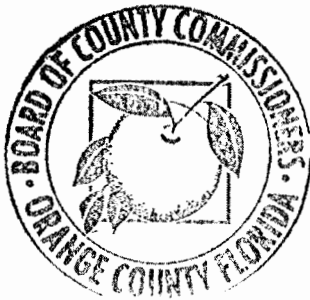
10. EPD STAFF, WITH PROPER IDENTIFICATION, SHALL HAVE PERMISSION TO ENTER THE SITE AT ANY REASONABLE TIME TO EITHER, AT A MINIMUM: INSPECT, SAMPLE, OR TEST TO ENSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
11. THE PERMITTEE SHALL HOLD AND SAVE THE COUNTY HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS OR LIABILITIES, WHICH MAY ARISE BY REASON OF THE ACTIVITIES AUTHORIZED BY THE PERMIT.
12. 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.
13. 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.
14. TURBIDITY AND SEDIMENTS SHALL BE CONTROLLED TO PREVENT VIOLATIONS OF WATER QUALITY PURSUANT TO RULE 62-302.500, 62-302.530(70) AND 62-4.242 FAC. 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 DUE TO THE PERMITTED ACTIVITY. IF SITE-SPECIFIC CONDITIONS REQUIRE ADDITIONAL MEASURES, THEN THE PERMITTEE SHALL IMPLEMENT THEM AS NECESSARY TO PREVENT ADVERSE IMPACTS TO WETLANDS AND/OR SURFACE WATERS.
15. PURSUANT TO SECTION 125.022, FLORIDA STATUTES, ISSUANCE OF THIS DEVELOPMENT 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.

BCC Decision – Harold Mills, Lake Butler Shoreline Alteration/Dredge and Fill SADF-13-03-003

July 2, 2013

page 6 of 6

16. PURSUANT TO SECTION 125.022, THE APPLICANT SHALL OBTAIN ALL OTHER APPLICABLE STATE OR FEDERAL PERMITS BEFORE COMMENCEMENT OF DEVELOPMENT.



THE FOREGOING DECISION HAS BEEN FILED WITH ME THIS 9TH DAY OF JULY 2013.

Katie Smith

DEPUTY CLERK
BOARD OF COUNTY COMMISSIONERS
ORANGE COUNTY, FLORIDA

Note: This document constitutes the final decision of the Board of County Commissioners on this matter. If, upon the Board's subsequent review and approval of its minutes, an error affecting this final decision is discovered, a corrected final decision will be prepared, filed, and distributed.

np