

Development Review Board

**Norma Sutton
Timothy Balding
Stephen Withers
Frank Chase
Jennifer Roper
Molly Rose
Peter Fleck**

Council Liaison: Jim O'Brien

Agenda

Agenda

**January 15, 2019
6:30 PM**

**WINDERMERE TOWN HALL
520 MAIN STREET.
WINDERMERE, FL 34786**

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceeding should contact the Office of the Town Clerk at least 48 hours beforehand at (407) 876-2563

Pursuant to Resolution No. 2005-12 adopted on December 13, 2005, the following Civility Code shall govern all proceedings before the Town of Windermere Town Council:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
2. Prolonged conversations shall be conducted outside Council meeting hall.
3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
4. Only those individuals who have signed the speaker list and/or who have been recognized by the Mayor (or Chair) may address comments to the Council.
5. Comments at public hearings shall be limited to the subject being considered by the Council.
6. Comments at Open Forums shall be directed to Town issues.
7. All public comments shall avoid personal attacks and abusive language
8. No person attending a Town Council meeting is to harass, annoy, or otherwise disturb any other person in the room.

Any member of the public whose behavior is disruptive and violates the Town of Windermere Civility Code is subject to removal from the Town Council meeting by an officer and such other actions as may be appropriate. **PLEASE NOTE:** IN ACCORDANCE WITH F.S. 286.0105: Any person who desires to appeal any decision at this meeting will need a record of this proceeding. For this, such person may need to ensure that a verbatim record of such proceeding is made which includes the testimony and evidence upon which the appeal is to be based.

AGENDA

- THE MEETING IS CALLED TO ORDER BY THE CHAIRMAN
 - 1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit):
 - 2. OLD BUSINESS:
 - 3. NEW BUSINESS
 - a. MINUTES
 - i. DRB Meeting Minutes August 21, 2018 (Attachment-Staff Recommends Approval)
 - b. GENERAL ITEMS FOR CONSIDERATION
 - i. Z19-002 – 806 W 2nd Avenue Variance: Boat Dock Variance to allow reduced side setback of Zero (0) feet. (Attachments-Board Option)
 - ii. Z19-003 – 15 Pine Street Variance: Variance to allow for a side setback of 13.1' for a proposed replacement boathouse, a 32' setback from the NHWE for a replacement wood deck and a 21' setback from the NHWE for a replacement paver deck with stairs at 15 Pine St. (Attachments-Board Option)
 - 4. ADJOURN:
-

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

August 21, 2018

Present were Chair Frank Chase, Boards Members; Norma Sutton, Stephen Withers, and Jennifer Roper. Town Manager Robert Smith, Town Planner Amanda Warner, Council Liaison Jim O'Brien, and Town Clerk Dorothy Burkhalter were also present. Timothy Balding was absent.

Chair Chase called the meeting to order at 6:30pm. He then led everyone in the pledge of Allegiance.

1. OPEN FORUM/PUBLIC COMMENTS:

There were no public speakers.

2. OLD BUSINESS:

- a. **Z-18-16: 10828 Wonder Lane – Amended Variance Request – allow boat dock to be located 6' from the east extended property line and 6' from the west extended property line.**

Ms. Amanda Warner, representative for Wade Trim, presented the amended variance request. She explained that the Town Council heard this item at their meeting on August 14, 2018. Ms. Warner commented that the Town Council tabled the item, and sent it back to the DRB. She explained that the boat dock has been reduced in size and now has a 6' setback on each side. Ms. Warner advised the Board that the Orange County Board of County Commissioners approved the variance request. She then stated that the revised plans were placed in the packet that the DRB received for this meeting. Chair Chase questioned if notices had to be resent. Manager Smith explained that this was discussed at the Town Council meeting, and legal determined that "date certain" was sufficient notice. Member Withers stated that this lot was not part of the previous lot split, it is a platted lot. Mr. Brad Giese owner of 10828 Wonder Lane introduced himself. He then gave a presentation that showed the previous dock request and what the current scaled down design would be if approved. Mr. Geise commented that with the revisions, he will have a 6' setback on each side of the boat dock. He then commented on the original shape of the lot, which was not in the previous lot split. Mr. Chris Anouge of 10836 Wonder Lane introduced himself. He stated that he is not in favor of the variance request. Mr. Anouge explained that his view to the lake will be hindered by the boat dock. He also stated that he did not want to see furniture on the second story of the boat dock. Mr. Peter Fleck of 10820 Wonder Lane introduced himself. He then reviewed a proposed plan that he drafted for a dock. Mr. Fleck commented that he also is not in favor of this variance request. Chair Chase turned the floor over to the Board members. Member Withers stated that the hardship could be due to the shape and size of the lot. He also stated that the owner has done everything possible to reduce the boat dock size and have a 6' set back instead of zero. Member Sutton stated she appreciated the revision and thanked Mr. Giese for his presentation. Member Roper agreed with Member Suttons comments. After some discussion was made, Member Roper made a motion to recommend approval of the 6' side setbacks for the boat dock. Member Sutton seconded the motion. All were in favor. Manager Smith explained that the Town Council will either approve or deny this recommendation at their meeting Tuesday, September 11th, at 7:00pm.

3. NEW BUSINESS:

- a. **MINUTESS:**

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

August 21, 2018

i. DRB meeting minutes July 17, 2018

Member Withers made a motion to approve the DRB minutes of July 17, 2018 as presented. Member Roper seconded the motion. All were in favor.

b. GENERAL ITEMS FOR CONSIDERATION:

i. Appointment/Nominations

- 1. Chair:**
- 2. Vice Chair:**
- 3. General Membership**
- 4. New Applications for Consideration**
 - a. Molly Rose**
 - b. Peter Fleck**

Discussion was made regarding the two newly proposed members. Member Roper made a motion to recommend approval of Molly Rose and Peter Fleck as new DRB members. Member Sutton seconded the motion. All were in favor. Discussion was made regarding the Chair and Vice Chair. It was agreed that this item will be discussed with a full Board next month.

4. ADJOURN:

Member Withers made a motion to adjourn the meeting. Member Sutton seconded the motion. All were in favor.

The meeting adjourned at 7:10pm

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
GARY BRUHN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Development Review Board January 15, 2019

Town Council February 12, 2019

Case No.: Z19-002
Applicant: Steve Miller
Property Owner: Steve & Cheryl Miller
Representative: Sheila Cichra, Streamline Permitting
Requested Action: Variance to allow reduced side setback of zero (0) feet.
Property Address: 806 W. 2nd Avenue
Legal Description: ALADAR ON LAKE BUTLER N/47 LOT 9 & W 33 FT OF LOT 7
Future Land Use/Zoning: Residential/Residential
Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

North: Residential/Residential
South: Lake Butler
East: Residential/Residential
West: Residential/Residential

CASE SUMMARY:

Sheila Cichra, Streamline Permitting, representative for Steve and Cheryl Miller, owners of 806 W. 2nd Avenue submitted a variance request, pursuant to Division 10.02.00 of the Town's Land Development Code (LDC). The applicant requests a variance for an existing enclosed boathouse with reduced side setback of zero (0) feet from the east projected property line. The required side setback for a dock is 16 feet. The existing dock includes a 5.3' x 32.9' and 4.1' x 11.3' walkway to the west of the boathouse that is 87.5 feet from the west projected property line. The walkway was constructed circa 2011 or 2012. A permit for the walkway was not obtained at the time of construction. Under the subject zoning case, the property owner is requesting a variance so that the entire dock, including the unpermitted walkway, may be retained.

The property owner also submitted a variance request to Orange County for the proposed dock. Orange County issued permit #BD-18-02-022 on August 9, 2018. The permit is for "the construction of a dock not to exceed the measurements identified on the Environmental Protection Division (EPD) stamp on the as-built survey received by EPD on February 26, 2018. This permit includes a waiver to terminal platform size and variances to enclosed docks and living area; approved at the June 27, 2018 Environmental Protection Commission meeting and accepted by the Board of County Commissioners on August 7, 2018. This permit also includes an Environmental Protection Officer approved waiver to side setback."

Division 10.02.00 of the LDC empowers the Development Review Board to review and make recommendations for approval, approval with conditions or denial to the Town Council on these variance requests.

Division 10.02.00 of the LDC requires the Town Council to consider the recommendation of the Development Review Board and to take final action to either approve or deny the variance request.

CASE ANALYSIS:

The subject property is located at 806 W. 2nd Avenue. This property is on Lake Butler. The applicant desires to retain an existing dock with 0-foot setback from the east projected property line and 87.5-foot setback from the west projected property line. The Town's Code requires docks to be located 16 feet from the projected property line. The existing dock includes an enclosed boathouse. Additionally, to the west of the existing dock, the property owner added a 5.3' x 32.9' and 4.1' x 11.3' walkway for which a permit was not obtained. The walkway was constructed circa 2011 or 2012.

On August 9, 2018, the property owner obtained an after-the-fact permit for the dock from Orange County (#BD-18-02-022), which includes a waiver to terminal platform size, variances for the boathouse enclosure, and waiver to the County's minimum side setback.

On November 20, 2018, the property owner also obtained a permit from the Florida Department of Environmental Protection (FDEP) (#0366846-001-EI). The FDEP permit authorizes operation of the existing dock that was constructed without a permit on Lake

Butler.

Previously, on June 15, 2017, a permit from the Town of Windermere (#17-06-004) was issued to repair the existing dock within the existing footprint and to remove the unpermitted walkway, as well as an unpermitted floating dock, entirely. The corresponding permit issued by Orange County was a “Grandfathered Dock Repair Permit” (#BD-17-03-021, April 28, 2017). The Orange County permit #BD-17-03-021 specifically conditioned the removal of the unpermitted walkway addition to the grandfathered dock to the west and the removal of the floating dock along the seawall. Although the floating dock was removed consistent with those permits, the walkway was not removed.

Under the subject zoning case, the property owner is requesting a variance so that the entire dock, including the unpermitted walkway, may be retained.

Section 10.02.02 of the LDC provides the specific standards by which the Development Review Board and Town Council are to review to consider the approval or denial of a variance application. In addition, this Section requires a positive finding, based on substantial competent evidence, for each of the standards. These standards are summarized as follows:

1. The need for the variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are unique to the subject property. Variances should be granted for conditions peculiar to the property and not the result of actions of the property owner;
2. There are practical or economic difficulties in carrying out the strict letter of the regulation;
3. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
4. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazard to the public;
5. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
6. The effect of the proposed variance is in harmony with the general intent of this Land Development Code and the specific intent of the relevant subject areas of this Land Development Code; and
7. The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.

It is also important to note that this Section also provides specific standards that are not to be considered in the review of a variance application. These standards are:

1. That the implementation of these regulations would impose an economic hardship on the cost of the building or redevelopment project;
2. That these regulations impose a hardship by decreasing the maximum density of a property in terms of the number of units, square footage of buildings, etc.; and
3. That other adjacent lands, structures or buildings not in conformance with these regulations provide a rationale for a lessening of their application in this specific case.

Section 10.02.02(c) of the LDC allows the imposition of conditions and restrictions as may be necessary to allow a positive finding to be made on any of the variance standards to minimize the negative effect of the variance. The conditions and restrictions should further the interest of the LDC.

The applicant submitted a site plan and other materials in support of the variance request. The following is a summary of the information provided by the applicant in support of their variance request:

1. The large enclosed boathouse was existing when the owner purchased the property, but there was no place to store a boat;
2. The 5.3' x 32.9' and 4.1' x 11.3' walkway beside the boathouse was added so that the property owner could safely access and moor his boat. At that time, he was incorrectly advised that he did not need a permit;
3. The variance is to allow the unpermitted walkway around the boat slip to be retained. The property owner is not requesting to build a roof over the boat slip or to increase the nonconformity;
4. The adjacent property owner is in support of the variance;
5. Similar variances have been issued for historically enclosed boathouses in the Town of Windermere; and
6. Orange County approved an after-the-fact boat dock permit on August 9, 2018 that includes a waiver to terminal platform size, variances for the boathouse enclosure, and waiver to the County's minimum side setback.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property on December 19, 2018 (21 notices sent). As of January 4, 2019, eight (8) responses of approval were returned.

DEVELOPMENT REVIEW BOARD:

The DRB is scheduled to hear the variance case Z19-002 on January 15, 2019.



Date: December 12, 2018
To: Dorothy Burkhalter, Town Clerk
From: Sheila Cichra
Re: Side Setback Variance Request for 806 West 2nd Avenue

The attached files are a variance application package for a side setback and enclosed boathouse variance for a boat dock at 806 West 2nd Avenue.

The parcel belongs to Steve Miller. When he purchased the property, the large enclosed boathouse was existing, but there was no place to store a boat. A few years ago, he added a 5.3' x 32.9' + 4.1' x 11.3' walkway beside the boathouse, so that he could safely access his boat. He was incorrectly advised that he "didn't need a permit".

We have obtained an after-the-fact permit/variance from the County and the State and hope that Windermere will *also* agree to allow Mr Miller to keep that walkway, so he can access his boat safely.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Sheila Cichra".



Date: December 17, 2018
To: Dorothy Burkhalter, Town Clerk
From: Sheila Cichra
Re: Variance Criteria Compliance for 806 West 2nd Avenue
Boathouse setback and enclosed boathouse

The *Special Conditions and Circumstances* that exist on site are that the existing enclosed boathouse has been there for SO many years – since the 50's – and that the original structure did not have a boat slip.

The hardship was *Not Self-Created*. The current owner (for the last 18 years) did not know that he couldn't add anything onto his existing dock, until he attempted to permit a small catwalk around a boat slip, so that he could safely access his boat.

There is *No Special Privilege being Conferred*, because similar variances have been issued for historical enclosed boathouses in Windermere.

Regarding *Deprivation of Rights*, if these variances aren't approved, the Millers will not be able to create a safe, accessible mooring area for their boat.

We are requesting the *Minimum Possible Variance*. A narrow catwalk around a boat slip is all they want. They aren't asking to build a boat slip with a roof – just a little walkway.

These variances are being requested in order to permit a small addition to an existing structure. A structure that has been in use since the 50's, with no complaints. The adjacent affected property owner is in support of the variance and the level of current non-compliance is *not* being increased. We believe that this application meets the *Purpose and Intent* of such a zoning variance.

OCPA Web Map

Major Roads	Proposed Road	Residential	Commercial/Industrial Vacant Land	Parks	6 Lot Number
Florida Turnpike	Brick Road	Agriculture	Agricultural Curtilage	Lakes and Rivers	06060 Parcel Number
Interstate 4	Gated Roads	Commercial/Institutional	Hydro	Building	3106 Parcel Address
Toll Road	Road Under Construction	Governmental/Institutional/Misc	Waste Land	E Block Number	111.9 Parcel Dimensions



Courtesy Rick Singh, CFA, Orange County Property Appraiser



AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Steve Miller, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 806 West 2nd Avenue, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Sheila Cichra, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Boat Dock Permit & Variance, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 2-14-18 ✓ Steve Miller Steve Miller
Signature of Property Owner Print Name Property Owner

Date: _____ _____ _____
Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF ORANGE :

I certify that the foregoing instrument was acknowledged before me this 14 day of FEB., 2018 by STEVEN R. MILLER. He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 14 day of FEB., in the year 2018.



Michael J Cripe
Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: 10/05/2019

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #: <u>07-23-28-0044-00-090</u>
LEGAL DESCRIPTION: <u>ALADAR ON LAKE BUTLER N/47 LOT 9 & W 33 FT OF LOT 7</u>

I, Richard S. Ware, grandson of former owners Mr. and Mrs. Richard C. Lepper of 806 W. 2nd Ave, in the City of Windermere, Florida, hereby acknowledges that the fully enclosed boathouse with four solid walls and a roof at the aforementioned address was constructed on or before June 1951. The boathouse at this address was still there when the property was sold in or about 1978.

RS Ware

10/19/18

(Signature)

(Date)

RICHARD S. WARE

(Print Name)

ACKNOWLEDGEMENT:

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Montgomery

The foregoing instrument was acknowledged before me this 19th day of October 2018, by Georgina Key.

Commonwealth of Pennsylvania

(NOTARY SEAL)

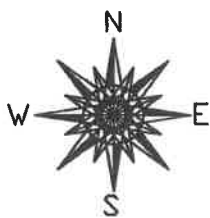
NOTARIAL SEAL
Georgina M Rey, Notary Public
Conshohocken Borough, Montgomery County
My Commission Expires June 02, 2021

(Signature of Notary Public - Commonwealth of Pennsylvania)

Personally Known _____ OR Produced Identification X

Type of Identification Produced

Passport



SCALE 1"=40'
North per Plat

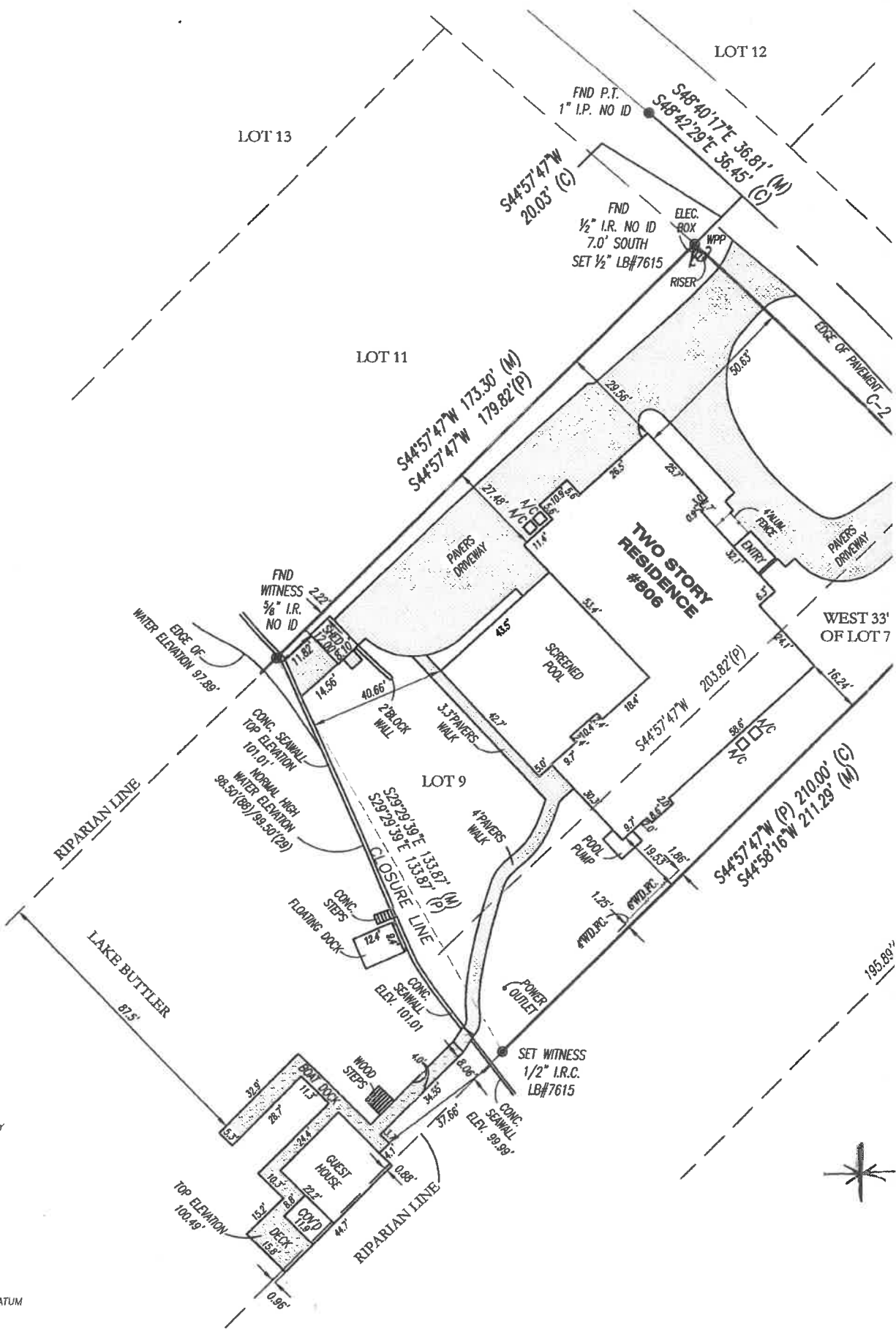
LOT 13

LOT 12

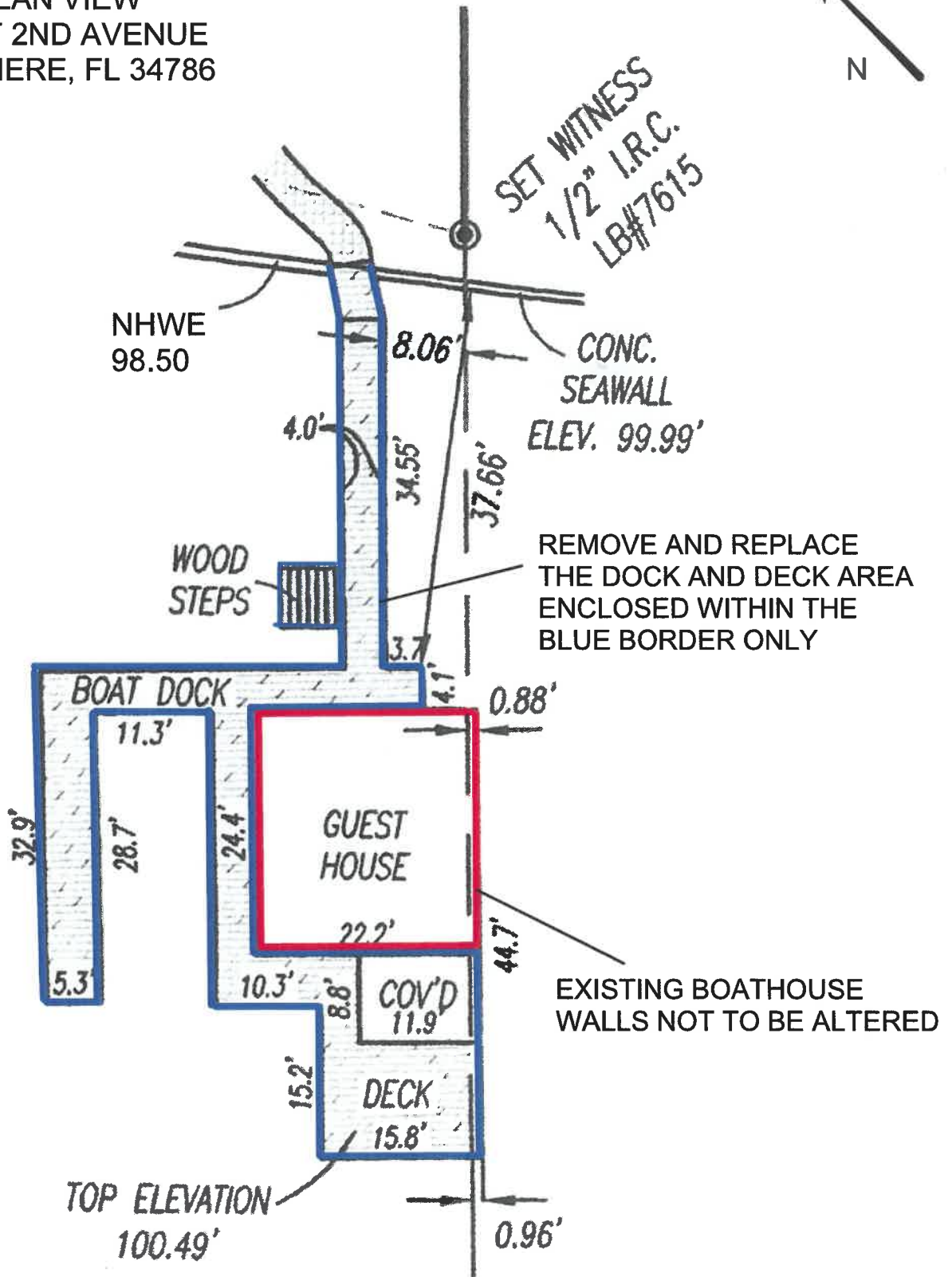
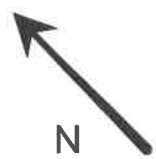
LOT 11

Legend:

- A/C - AIR CONDITIONER
- BC - BACK OF CURB
- CALC - CALCULATED
- C&M - CALCULATED & MEASURED
- CA - CENTRAL ANGLE
- CBW - CONCRETE BLOCK WALL
- CLF - CHAIN LINK FENCE
- C - CENTERLINE
- C.M. - CONCRETE MONUMENT
- CMP - CORRUGATED METAL PIPE
- CONC - CONCRETE
- COVD - COVERED
- CP - CONCRETE PAD
- CW - CONCRETE WALKWAY
- D&M - DEED, DESC. & MEASURED
- DE - DRAINAGE EASEMENT
- DESC - DESCRIPTION
- DW - DRIVEWAY
- EB - ELECTRICAL BOX
- ESMT - EASEMENT
- E/P - EDGE OF PAVEMENT
- FIRM - FLOOD INSURANCE RATE MAP
- FFE - FINISHED FLOOR ELEVATION
- FH - FIRE HYDRANT
- FND - FOUND
- I.P. - IRON PIPE
- I.R. - IRON ROD
- L - ARC LENGTH
- LP - LIGHT POLE
- LSA - LANDSCAPED AREA
- MEAS - MEASURED
- ID - IDENTIFICATION
- I.R.C. - IRON ROD AND CAP
- N&D - NAIL & DISK
- NGVD - NATIONAL GEODETIC VERTICAL DATUM
- NTS - NOT TO SCALE
- OHE - OVERHEAD ELECTRIC ON LINE
- O.R.B. - OFFICIAL RECORDS BOOK
- PC - POINT OF CURVATURE
- PG - PAGE
- PI - POINT OF INTERSECTION
- P&M - PLAT & MEASURED
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- WPP - WOOD POWER POLE
- PT - POINT OF TANGENCY
- PVC - PLASTIC PIPE
- R - CURVE RADIUS
- R/W OR R.O.W. - RIGHT OF WAY
- TV - CABLE TV RISER
- TYP - TYPICAL
- U.E. - UTILITY EASEMENT
- UNTL - UNDERGROUND TELEPHONE
- W- - WATER LINE
- ⊕ - WATER METER
- ⊕ - WATER VALVE
- # - NUMBER
- ① - EASEMENT NUMBER
- P - PLAT
- D - DEED
- F - FIELD
- C&G - CURB AND GUTTER
- NAVD - NORTH AMERICAN VERTICAL DATUM
- M - MEASURE

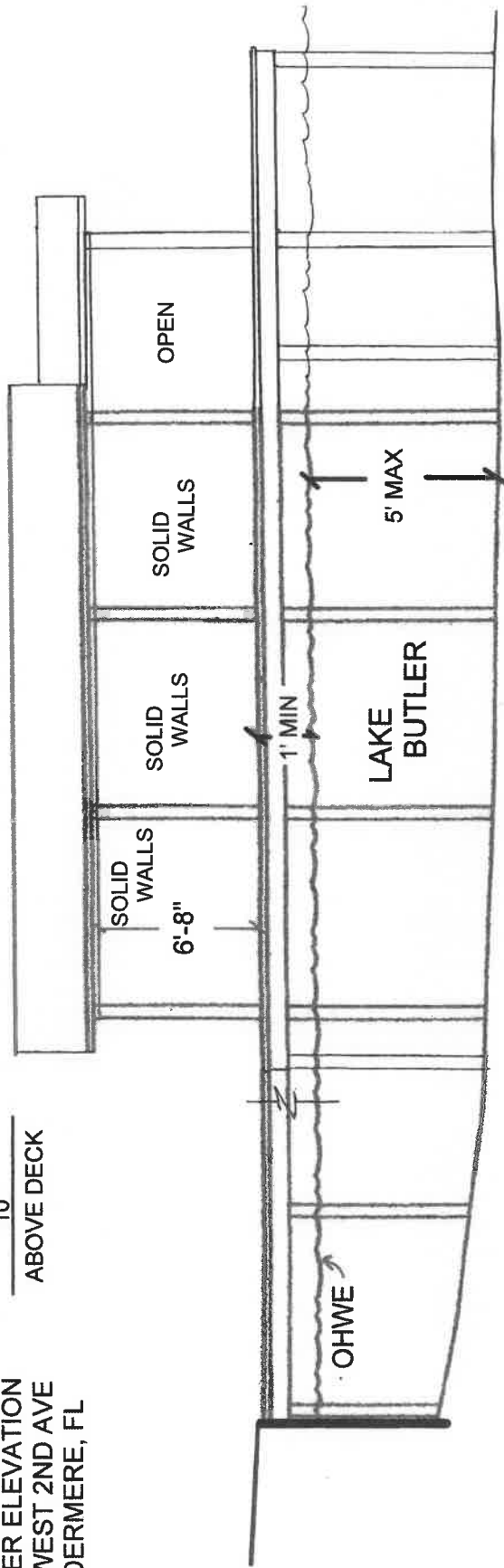


MILLER PLAN VIEW
806 WEST 2ND AVENUE
WINDERMERE, FL 34786



MILLER ELEVATION
806 WEST 2ND AVE
WINDERMERE, FL

10'
ABOVE DECK



MIN DEPTH OF 2' BELOW THE MEAN ANNUAL
LOW WATER LEVEL IN THE SLIP AREA





Environmental Protection Division

DOCK CONSTRUCTION PERMIT

Permit No.: BD-18-02-022

Date Issued: August 9, 2018

Date Expires: August 9, 2019

A Permit Authorizing:

The construction of a dock not to exceed the measurements identified on the Environmental Protection Division (EPD) stamp on the as-built survey received by EPD on February 26, 2018. This permit includes a waiver to terminal platform size and variances to enclosed docks and living area; approved at the June 27, 2018 Environmental Protection Commission meeting and accepted by the Board of County Commissioners on August 7, 2018. This permit also includes an Environmental Protection Officer approved waiver to side setback.

This permit is issued pursuant to Orange County Code, Chapter 15, Article IX, Construction of Dock Ordinance of Orange County and is subject to the Permit Conditions provided on the following pages:

Activity Location:

806 West 2nd Avenue, Windermere
Parcel ID No.: 07-23-28-0044-00-090
Lake Butler
Orange County Commission District: 1

Permittee / Authorized Entity:

Cheryl Miller
c/o Sheila Cichra
Streamline Permitting, Inc.
2154 Oak Beach Boulevard
Sebring, FL 33875
Email: sheilacichra@gmail.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

As the permit holder, you are responsible to ensure that all the conditions are met. If you are using a contractor to perform the activities authorized within the permit you are both responsible for meeting the conditions of your permit. If you fail to meet any of the conditions, you and/or your contractor may be subject to formal enforcement which may include administrative penalties.

Approval of this permit is 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 any and all appeals are resolved.
2. The operational phase of this permit is effective upon the completion of the construction and continues in perpetuity.
3. The dock must remain as constructed according to the as-built survey submitted by Streamline Permitting, Inc., received by the Environmental Protection Division (EPD) on February 26, 2018.
4. Approval of the variances by the Environmental Protection Commission included the following conditions:
 - a) Double encase the sewage effluent lines.
 - b) Install backflow preventer valve on effluent lines.

Please have these modifications completed within 90 days. Inform EPD staff once these have been completed so that we may inspect the dock for compliance with these requirements.

5. Minimum height of the deck must be one foot above the Normal High Water Elevation (NHWE) of 98.48 feet (NAVD 1988) above mean sea level for Lake Butler. Maximum height of the roof shall be no higher than 12 feet above the floor elevation.
6. The structure and its use shall not significantly impede navigability in the waterbody.
7. Unless expressly authorized by this permit and approved site plans, no floating platform structure (including, but not limited to, jetski platforms) has been approved with the issuance of this permit. If, at any time, any addition to the terminal platform (including, but not limited to, a floating platform) is proposed, the permittee or future owners of the property may be required to apply for, and obtain, a new Dock Construction Permit.
8. 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.
9. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit

by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.

General Conditions:

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 sixty 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 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 IX 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. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
15. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
16. EPD staff, with proper identification, shall have permission to enter the site to ensure conformity with the plans and specifications approved by the permit.

17. 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.
18. 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.
19. 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.
20. 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 Florida Administrative Code (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 may occur 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.
21. 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. Pursuant to Section 125.022, Florida Statutes, the applicant shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

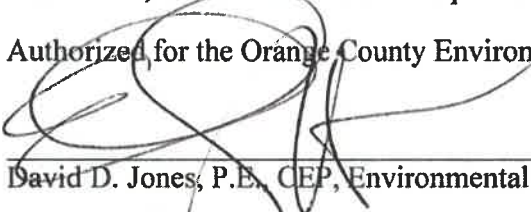
If you should have any questions concerning this review, please contact Jason Root at (407) 836-1518 or Jason.Root@ocfl.net.

Project Manager:



Jason Root, Senior-Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:

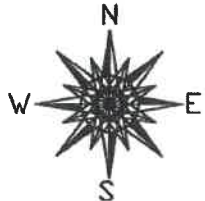


David D. Jones, P.E., CEP, Environmental Protection Officer

JR/NT/TMM/ERJ/DJ

Attachments: Approved As-Built Survey

c: Steven Miller, Steven.R.Miller@ms.com
Brad Cornelius (Wade Trim), bcornelius@wadetrim.com



SCALE 1"=40'
North per Plat

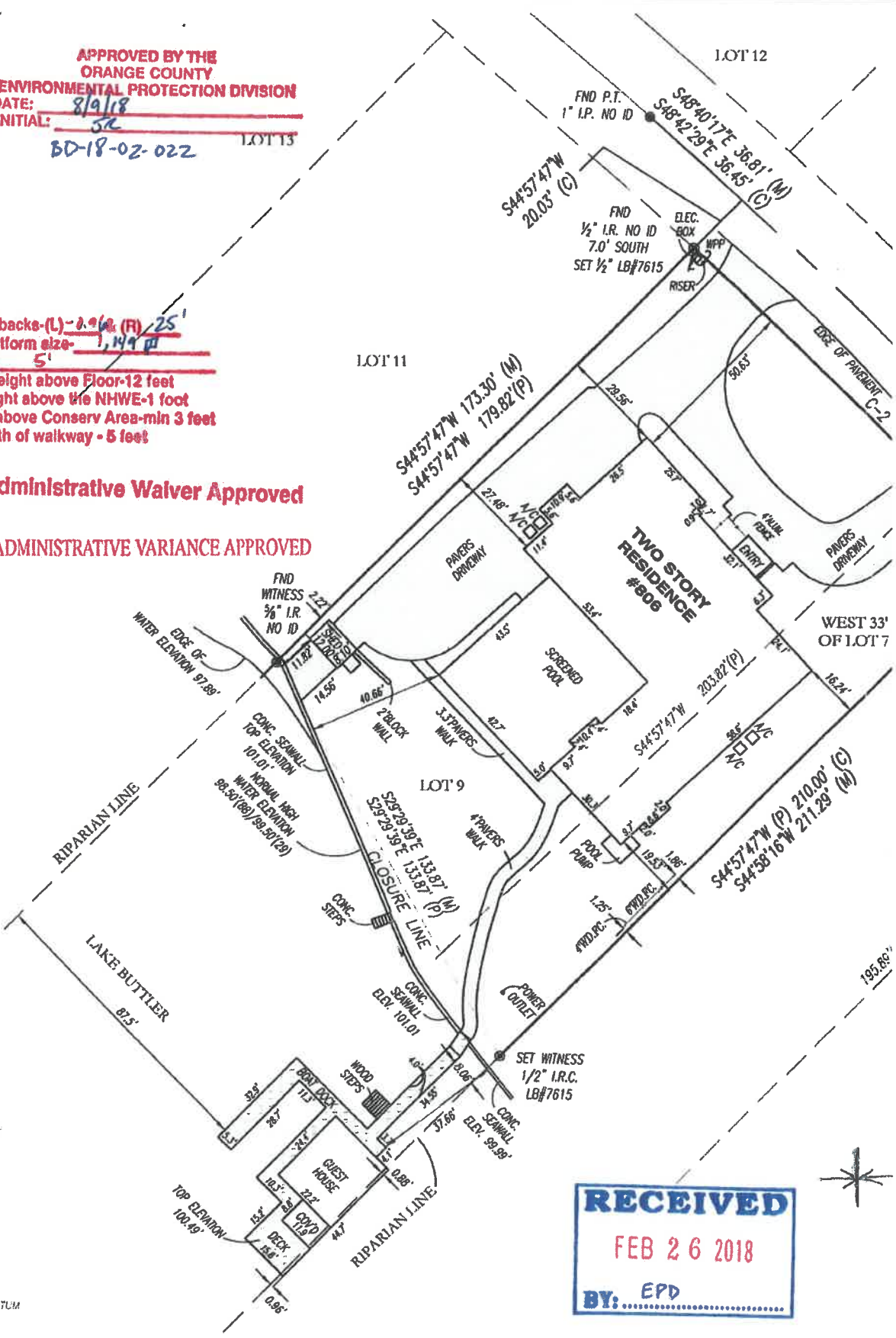
APPROVED BY THE
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 8/9/18
INITIAL: SC
BD-18-02-022 LOT 13

Minimum Side Setbacks-(L)-2.9/6 (R) 25'
Maximum Terminal Platform size-1,149 sq ft
Maximum Water Depth-5'
Maximum Roof Height above Floor-12 feet
Minimum Dock Height above the NHWE-1 foot
Minimum Deck Height above Conserv Area-min 3 feet
Maximum width of walkway - 5 feet

Administrative Waiver Approved
ADMINISTRATIVE VARIANCE APPROVED

Legend:

- A/C - AIR CONDITIONER
- BC - BACK OF CURB
- CALC - CALCULATED
- C&M - CALCULATED & MEASURED
- Δ - CENTRAL ANGLE
- CBW - CONCRETE BLOCK WALL
- CLF - CHAIN LINK FENCE
- C - CENTERLINE
- C.M. - CONCRETE MONUMENT
- CMF - CORRUGATED METAL PIPE
- CONC - CONCRETE
- COVD - COVERED
- CP - CONCRETE PAD
- CW - CONCRETE WALKWAY
- DEM - DEED/DESC & MEASURED
- DE - DRAINAGE EASEMENT
- DESC - DESCRIPTION
- DW - DRIVEWAY
- EB - ELECTRICAL BOX
- EASEM - EASEMENT
- E/P - EDGE OF PAVEMENT
- FIRM - FLOOD INSURANCE RATE MAP
- FFE - FINISHED FLOOR ELEVATION
- FH - FIRE HYDRANT
- FND - FOUND
- I.P. - IRON PIPE
- I.R. - IRON ROD
- L - ARC LENGTH
- LP - LIGHT POLE
- LSA - LANDSCAPED AREA
- MEAS - MEASURED
- ID. - IDENTIFICATION
- I.R.C. - IRON ROD AND CAP
- N&D - NAIL & DISK
- NGVD - NATIONAL GEODETIC VERTICAL DATUM
- NTS - NOT TO SCALE
- OHE - OVERHEAD ELECTRIC
- OL - ON LINE
- O.R.B. - OFFICIAL RECORDS BOOK
- PC - POINT OF CURVATURE
- PG - PAGE
- PI - POINT OF INTERSECTION
- PLM - PLAT & MEASURED
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- WPP - WOOD POWER POLE
- PT - POINT OF TANGENCY
- PVC - PLASTIC PIPE
- R - CURVE RADIUS
- R/W - R.O.W. - RIGHT OF WAY
- TV - CABLE TV RISER
- TYP - TYPICAL
- U.E. - UTILITY EASEMENT
- UHL - UNDERGROUND TELL PHONE
- W- - WATER LINE
- ⊗ - WATER METER
- ⊕ - WATER VALVE
- # - NUMBER
- Ⓢ - EASEMENT NUMBER
- P - PLAT
- D - DEED
- F - FIELD
- C&G - CURBS AND GUTTER
- NAVD - NORTH AMERICAN VERTICAL DATUM
- M - MEASURE



RECEIVED
FEB 26 2018
BY: EPD



FLORIDA DEPARTMENT OF Environmental Protection

Central District
3319 Magulre Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

Permittee:
Steve Miller
806 W 2nd Ave
Windermere, Florida 34786
Steven.r.miller@ms.com

Agent:
Sheila Cichra
2154 Oak Beach Blvd
Sebring, Florida 33875
sheilacichra@gmail.com

Steve Miller – After-The- Fact Authorization for a Private, Single-family Dock

Consolidated Environmental Resource Permit

State-owned Submerged Lands Authorization – Granted

**U.S. Army Corps of Engineers Authorization – Separate Authorization
Required**

Permit No.: 0366846-001-EI

Permit Issuance Date: November 20, 2018
Permit Construction Phase Expiration Date: November 20, 2023



FLORIDA DEPARTMENT OF Environmental Protection

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization

Permittee: Steve Miller
Permit No: 0366846-001-EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 806 W 2nd Ave Windermere 34786, in Section 07, Township 23 South, Range 28 East in Orange County.

PROJECT DESCRIPTION

The permittee is authorized to operate the existing dock that was constructed without a permit on Lake Butler, a Class III Outstanding Florida Waterbody. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Steve Miller – After-The-Fact Dock Authorization

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S.

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of

Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **Shall be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT & SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The Special Consent Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and

understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – IN-WATER MAINTENANCE & OPERATION ACTIVITIES

1. Permittee must obtain a permit from the Department prior to beginning construction for any other work associated with this project not specifically authorized by this permit.
2. The project shall comply with applicable state water quality standards, including:
 - a) Rule 62-302.500, F.A.C. - Surface Waters: Minimum Criteria, General Criteria;
 - b) Rule 62-302.400, F.A.C. - Classification of Surface Waters, Usage, Reclassification, Classified Waters for Class III Waters – Recreation - Propagation and maintenance of a healthy, well-balanced population of fish and wildlife; and
 - c) Rule 62-302. 700(1) - Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters. It shall be the Department policy to afford the highest protection to Outstanding Florida Waters and Outstanding Natural Resource Waters. No degradation of water quality, other than that allowed in Rule 62-4.242(2)(3), F.A.C. is permitted in Outstanding Florida Waters and Outstanding Natural Resource Waters, respectively.
3. There shall be no stock piling of tools, materials (i.e., lumber, pilings, and debris) within waters of the state.
4. Construction equipment shall not be repaired or refueled in waters of the state.
5. The permittee shall report any damage to the Department within 24 hours that occurs to the wetlands/littoral zone area as a result of construction. If any damage occurs to wetlands or surface waters as a result of any construction activities, the permittee shall be required to restore the wetland area by regrading the damaged areas back to the natural reconstruction elevations and planting vegetation of the size, densities and species that exist in the adjacent areas pursuant to a consent order. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.
6. Any disturbed areas of the shoreline shall be stabilized immediately (within 48 hours) following completion the project.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

1. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

2. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

3. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

4. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

5. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].

- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
6. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
 7. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
 8. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
 9. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
 10. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
 11. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

12. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

13. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

14. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

15. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

16. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

17. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

SPECIAL CONSENT CONDITIONS

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.

5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

NOTICE OF RIGHTS

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Nathan Hess
Permitting and Waste Cleanup
Program Administrator

Attachments:

Project Drawings, 5 pages
Request to Transfer Permit/Form 62-330.340(1)

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

Brennan Hagan, FDEP
Nicole Martin, FDEP
Sheila Cichra, Consultant, sheilacichra@gmail.com
US ACOE Enforcement, saj-rd-enforcement@usace.army.mil
Neil Thomas, Orange County, Neal.Thomas@ocfl.net

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

November 20, 2018
Date

OCPA Web Map

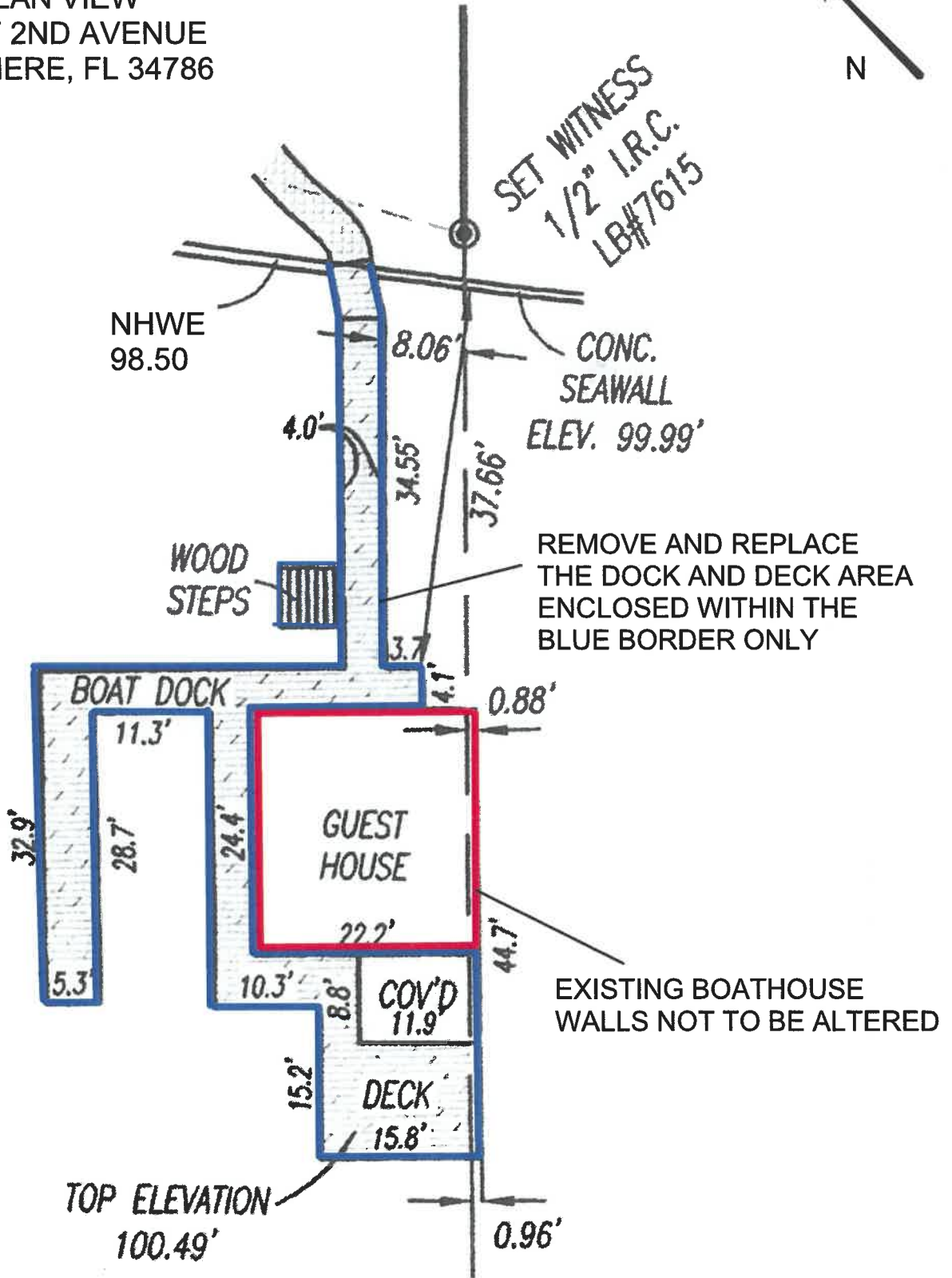
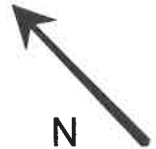
Major Roads	Proposed Road	Residential	Commercial/Industrial Vacant Land	Parks	6 Lot Number
Florida Turnpike	Public Roads	Brick Road	Agricultural Curtilage	Lakes and Rivers	06060 Parcel Number
Interstate 4	Gated Roads	Block Line	Hydro	Building	3106 Parcel Address
Toll Road	Road Under Construction	Lot Line	Governmental/Institutional/Misc	Block Number	111.9 Parcel Dimensions



Courtesy Rick Singh, CFA, Orange County Property Appraiser

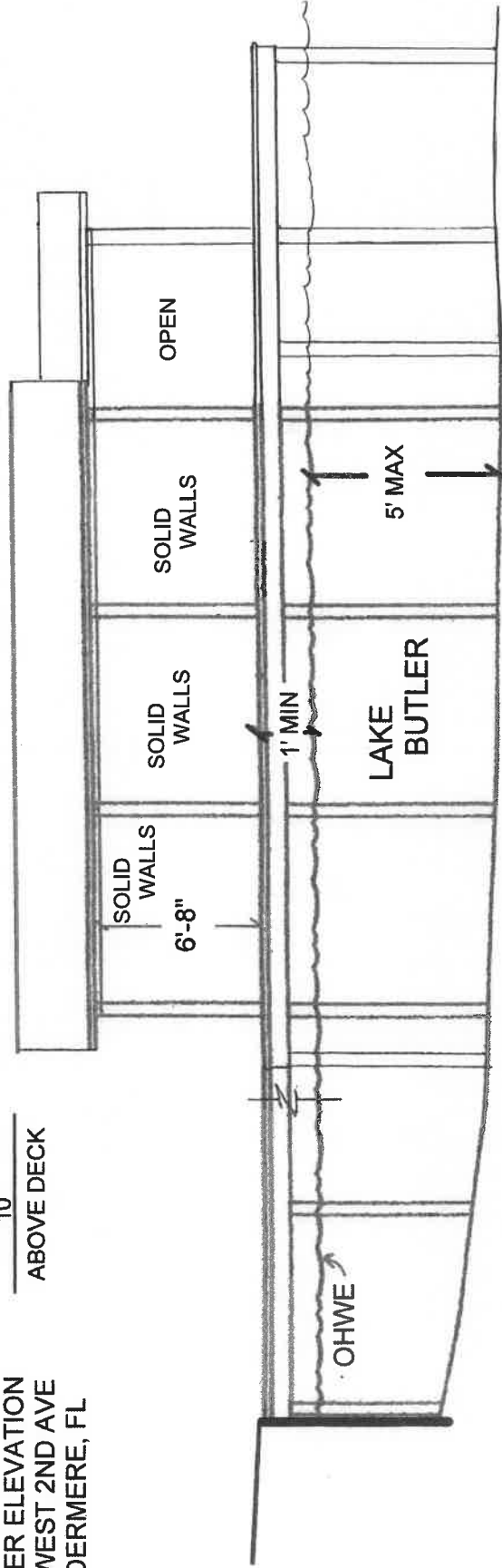


MILLER PLAN VIEW
806 WEST 2ND AVENUE
WINDERMERE, FL 34786



**MILLER ELEVATION
806 WEST 2ND AVE
WINDERMERE, FL**

10'
ABOVE DECK



MIN DEPTH OF 2' BELOW THE MEAN ANNUAL
LOW WATER LEVEL IN THE SLIP AREA

LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Steve Miller (owner/applicant)
806 West 2nd Avenue (address of project)
Windermere, FL 34786

Word version

File No.:

FROM: Charles and Nicole Piper (adjacent property owner)
804 West 2nd Avenue
Windermere, FL 34786

Section 18-21.004(3)(d), Florida Administrative Code, provides:

Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; when a letter of concurrence is obtained from the affected adjacent upland riparian owner; or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / south / east / west) of the facility or activity proposed to be constructed or conducted by Steve Miller (the applicant), as shown in the above referenced file (and on the attached drawing). I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line, as required by Chapter 18-21.004(3)(d), F.A.C. This file shows the structure will be located entirely within the applicant's riparian rights area and within .88 feet of the common riparian rights line between our parcels.

(Original signature of adjacent owner)

2/14/18 (Date signed)

Chuck Piper 804 W. 2nd Ave (Printed name of adjacent owner)

This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

I, Richard S. Ware, grandson of former owners Mr. and Mrs. Richard C. Lepper of 806 W. 2nd Ave, in the City of Windermere, Florida, hereby acknowledges that the fully enclosed boathouse with four solid walls and a roof at the aforementioned address was constructed on or before June 1951. The boathouse at this address was still there when the property was sold in or about 1978.

RS Ware

10/19/18

(Signature)

(Date)

RICHARD S. WARE

(Print Name)

ACKNOWLEDGEMENT:

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF Montgomery

The foregoing instrument was acknowledged before me this 19th day of October 2018, by Georgina Key.

Commonwealth of Pennsylvania

NOTARIAL SEAL
Georgina M Rey, Notary Public
Conshohocken Borough, Montgomery County
My Commission Expires June 02, 2021

(NOTARY SEAL)

(Signature of Notary Public - Commonwealth of Pennsylvania)

Personally Known _____ OR Produced Identification X

Type of Identification Produced

Pass

Request to Transfer Environmental Resource Permit

Instructions: To be completed, executed, and submitted by the new owner to the Agency within 30 days after any transfer of ownership or control of the real property where the permitted activity is located.

Use of this form is not required when a valid permit is in the operation and maintenance phase. In such case, the owner must notify the Agency in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. The notification may be by letter or e-mail, or through use of this form, and must be sent to the office that issued the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. (2013). If a permittee fails to provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer must be requested using this form.

Permit No: _____ Application No(s): _____ Acres to be Transferred: _____

Permitted Project: _____

Proposed Project Name (if different): _____

Phase of Project (if applicable): _____

I hereby notify the Agency that I have acquired ownership or control of the land on which the permitted system is located through the sale or other legal transfer of the land. By signing below, I hereby certify that I have sufficient real property interest or control in the land in accordance with subsection 4.2.3(d) of Applicant's Handbook Volume I; attached is a copy of my title, easement, or other demonstration of ownership or control in the land, including any revised plats, as recorded in the Public Records. I request that the permit be modified to reflect that I agree to be the new permittee. By so doing, I acknowledge that I have examined the permit terms, conditions, and drawings, and agree to accept all rights and obligations as permittee, including agreeing to be liable for compliance with all of the permit terms and conditions, and to be liable for any corrective actions required as a result of any violations of the permit after approval of this modification by the Permitting Agency. Also attached are copies of any recorded restrictive covenants, articles of incorporation, and certificate of incorporation that may have been changed as a result of my assuming ownership or control of the lands. As necessary, I agree to furnish the Agency with demonstration that I have the ability to provide for the operation and maintenance of the system for the duration of the permit in accordance with subsection 12.3 of Applicant's Handbook Volume I.

Name of Proposed Permittee: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-mail: _____

Signature of Proposed Permittee

Date:

Name and Title



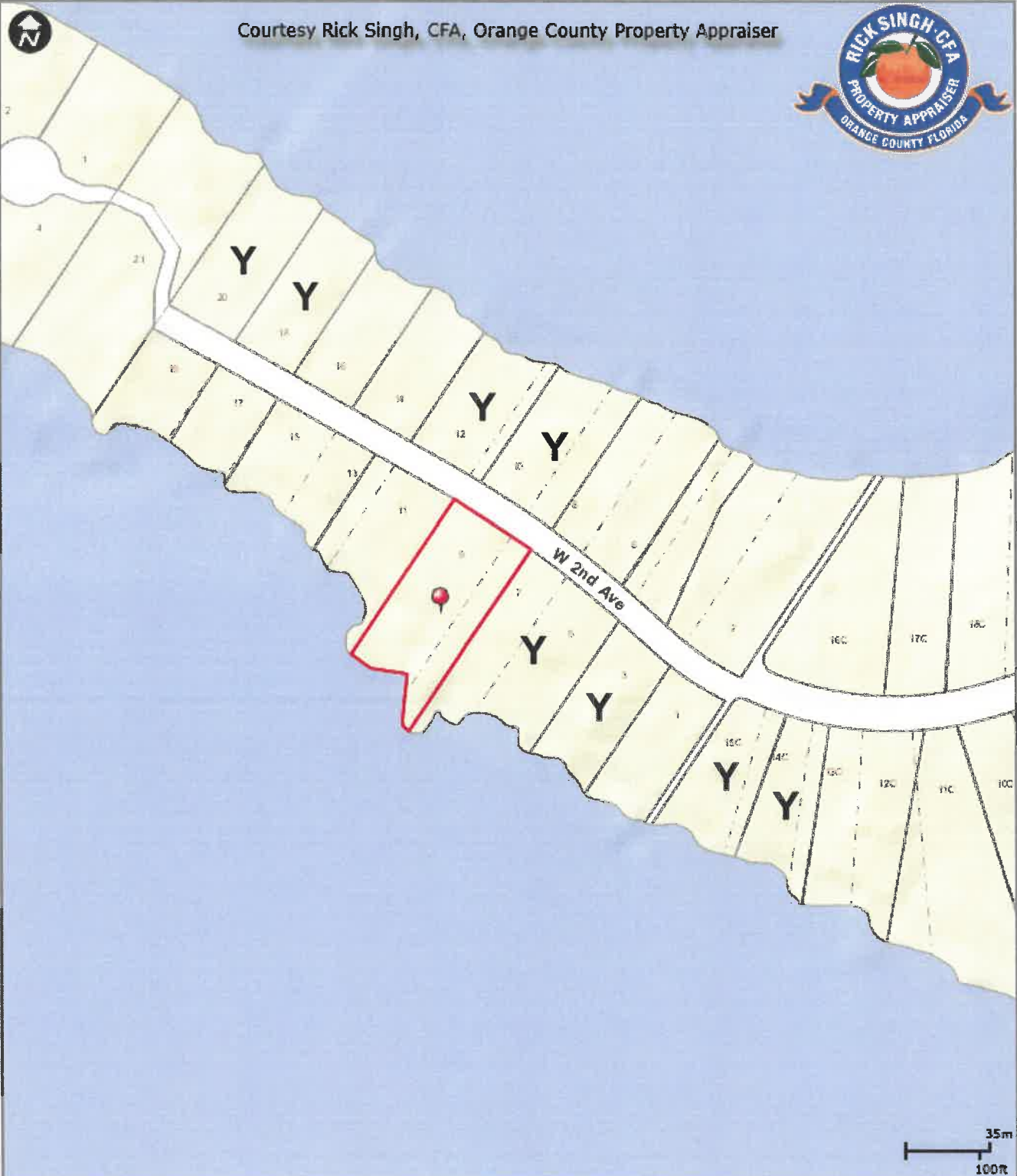
Enclosures:

- Copy of title, easement, or other demonstration of ownership or control in the land, as recorded in the Public Records
- Copy of current plat(s) (if any), as recorded in the Public Records
- Copy of current recorded restrictive covenants and articles of incorporation (if any)
- Other

OCPA Web Map

Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Florida Turnpike	Public Roads	Brick Road	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Interstate 4	Gated Roads	Rail Road	Commercial/Industrial/Vacant Land	County Boundary	Building
Toll Road	Road Under Construction	Proposed Sunrail	Agriculture	Parks	Hospital

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 1/4/2019

This map is for reference only and is not a survey.

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
GARY BRUHN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

December 19, 2018

SULLIVAN WILLIAM E
SULLIVAN JACQUELINE P
939 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 806 W. 2nd Avenue (Z19-002)

Sheila Cichra, on behalf of Steve & Cheryl Miller who are the owners of 806 W. 2nd Avenue, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow an existing nonconforming boat dock to have a reduced side setback of zero (0) feet from the East projected property line. The Town's minimum required setback for boat docks is 16 feet from the projected property line. A permit for repair of the existing nonconforming boat dock was previously issued by the Town with the condition that an unpermitted walkway be removed. The property owners are requesting a variance so that the entire dock, including the unpermitted walkway, may be retained.

Enclosed is additional information regarding this request.

Pursuant to the Town of Windermere Code of Ordinances, you as a surrounding property owner are entitled to comment on this matter. If you wish to comment, this form must be received by the Town of Windermere either by hand delivery to the Town Clerk or by use of the enclosed stamped envelope to Wade Trim, Inc. by **January 11, 2019**.

This matter will be presented to the Development Review Board on **Tuesday, January 15, 2019, at 6:30 p.m.** in the Town Hall, located at 520 Main Street, Windermere. Their recommendation will be heard by the Town Council on **Tuesday, February 12, 2019, at 6:00 p.m.** in the Town Hall, located at 520 Main Street, Windermere. All meetings are open to the public and you are welcome to attend. Feel free to contact me if you have any questions.

Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
town@wadetrim.com
Encl.

RECOMMEND – Z19-002 (806 W. 2nd Avenue)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: _____ DATE: 12/22/18

Received

Wade Trim

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received
AN 01 20

Mayor
GARY BRUHN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Wade Trim

December 19, 2018

**BOYLAN KAREN T LIFE ESTATE
REM: KIMBERLY B CAPRIOTTI
PO BOX 1188
WINDERMERE, FL 34786**

RE: Public Notice of Variance Public Hearing for 806 W. 2nd Avenue (Z19-002)

Sheila Cichra, on behalf of Steve & Cheryl Miller who are the owners of 806 W. 2nd Avenue, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow an existing nonconforming boat dock to have a reduced side setback of zero (0) feet from the East projected property line. The Town's minimum required setback for boat docks is 16 feet from the projected property line. A permit for repair of the existing nonconforming boat dock was previously issued by the Town with the condition that an unpermitted walkway be removed. The property owners are requesting a variance so that the entire dock, including the unpermitted walkway, may be retained.

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND - Z19-002 (806 W. 2nd Avenue)

APPROVAL: ✓ **DISAPPROVAL** _____

COMMENTS: _____

SIGNATURE: Karen Boylan **DATE:** 12/28/2018

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received

DEC 24 2018

Wade Trim

Mayor
GARY BRUHN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

December 19, 2018

EVELYN H TUCKER REVOCABLE TRUST
C/O EVELYN H TUCKER TRUSTEE | PO BOX 550
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 806 W. 2nd Avenue (Z19-002)

Sheila Cichra, on behalf of Steve & Cheryl Miller who are the owners of 806 W. 2nd Avenue, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow an existing nonconforming boat dock to have a reduced side setback of zero (0) feet from the East projected property line. The Town's minimum required setback for boat docks is 16 feet from the projected property line. A permit for repair of the existing nonconforming boat dock was previously issued by the Town with the condition that an unpermitted walkway be removed. The property owners are requesting a variance so that the entire dock, including the unpermitted walkway, may be retained.

Enclosed is additional information regarding this request.

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
town@wadetrim.com
Encl.

RECOMMEND – Z19-002 (806 W. 2nd Avenue)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Evelyn H. Tucker DATE: 12/22/2018

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Received
JAN 04 2019
Wade Trim

Mayor
GARY BRUHN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

December 19, 2018

WINTERS GREGORY L
WINTERS CHERRY T
903 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 806 W. 2nd Avenue (Z19-002)

Sheila Cichra, on behalf of Steve & Cheryl Miller who are the owners of 806 W. 2nd Avenue, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow an existing nonconforming boat dock to have a reduced side setback of zero (0) feet from the East projected property line. The Town's minimum required setback for boat docks is 16 feet from the projected property line. A permit for repair of the existing nonconforming boat dock was previously issued by the Town with the condition that an unpermitted walkway be removed. The property owners are requesting a variance so that the entire dock, including the unpermitted walkway, may be retained.

Enclosed is additional information regarding this request.

Pursuant to the Town of Windermere Code of Ordinances, you as a surrounding property owner are entitled to comment on this matter. If you wish to comment, this form must be received by the Town of Windermere either by hand delivery to the Town Clerk or by use of the enclosed stamped envelope to Wade Trim, Inc. by **January 11, 2019**.

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND – Z19-002 (806 W. 2nd Avenue)

APPROVAL: ✓ **DISAPPROVAL** _____

COMMENTS: _____

SIGNATURE: Cherry T. Winters **DATE:** 12-29-2018

RECOMMEND - Z19-002 (806 W. 2nd Avenue)

APPROVAL: DISAPPROVAL

Received

COMMENTS: We live at 804 W. 2nd and are the most affected by this decision and have no problems whatsoever with approval of this variance.

Wade Trim

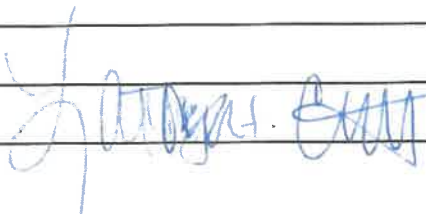
SIGNATURE:  DATE: 12.21.18

RECOMMEND - Z19-002 (806 W. 2nd Avenue)

APPROVAL: DISAPPROVAL

COMMENTS: No approve

Received

SIGNATURE:  DATE: 12/21/18

Wade Trim

LATOYA COTTON

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
GARY BRUHN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Development Review Board January 15, 2019

Town Council February 12, 2019

Case No.: Z19-003

Applicant: Sheila Cichra

Property Owner: Alfred and Melissa Farrell

Requested Action: Variance to allow for a for a side setback of 13.1' for a proposed replacement boathouse, a 32' setback from the NHWE for a replacement wood deck and a 21' setback from the NHWE for a replacement paver deck with stairs at 15 Pine Street.

Property Address: 15 Pine Street, Windermere, FL 34786

Legal Description: Lot C45, less the South 50 feet thereof, and the South 17.48 feet of Lot C44, PLAT OF WINDERMERE, according to the plat thereof as recorded in Plat Book G, Pages 36 through 39, inclusive, of the Public Records of Orange County, Florida.

Future Land Use/Zoning: Residential/Residential

Existing Use: Existing Home Constructed in 1999

Surrounding Future Land Use/Zoning

North: Residential/Residential
South: Residential/Residential
East: Lake

West: Residential/Residential

CASE SUMMARY:

Sheila Cichra, Streamline Permitting, representative for Al and Melissa Farrell, owners of 15 Pine Street in the Town of Windermere submitted a variance request, pursuant to Division 10.02.00 of the Town's Land Development Code (LDC). The purpose of the variance request is to allow a side setback of 13.1' for a proposed replacement boathouse with additions, a 32' setback from the NHWE for a replacement wood deck and a 21' setback from the NHWE for a replacement paver area with stairs at 15 Pine Street.

The subject property is located at 15 Pine Street. There is an existing non-compliant boat dock on the subject property. The dock is currently located 13.1 feet from the south property line. The previous wood deck, located in the rear yard, was also non-compliant because it encroached into the normal high water elevation setback. The previous wood deck was demolished, without a permit. The applicant is looking to replace an existing non-conforming boat dock, replace a non-conforming wood deck, and replace a paver deck with stairs that encroach into the normal high water elevation setback.

Division 10.02.00 of the LDC empowers the Development Review Board to review and make recommendations for approval, approval with conditions or denial to the Town Council on these variance requests.

Division 10.02.00 of the LDC requires the Town Council to consider the recommendation of the Development Review Board and to take final action to either approve or deny the variance request.

CASE ANALYSIS:

The existing non-conformity of the dock is the substandard setback on the southern side property line. Per the LDC, Article IVI, Section 7.02.05. – Boathouses and docks, the setback requirement is 16 feet. The existing non-compliant boat dock has a side-setback of 13.1 feet from the south property line. The applicant proposes to replace the existing boat dock in the same footprint and add an additional 8 x 24 foot deck to the north side of the dock and an 11 x 12 foot dual jet ski port on the west side of the dock. The addition on the northside of the proposed new dock meets the Town's setback requirements. The variance is needed for the placement of the proposed new dock at 13.1 feet from the south property line. The proposed new dock would not encroach any closer to the south property line than the previous boat dock. On December 3, 2018, the permittee, Melissa Farrell, received a permit (0370298-001-EI) from the Florida Department of Environmental Protection (FDEP). Per the FDEP permit, the permittee is authorized to repair and replace the existing single-family dock, add an additional 8 foot x 24 foot deck, and the addition of an 11 foot x 12 foot dual jet ski port within Lake Butler, a Class III, Outstanding Florida Waterbody. On December 6, 2018, the applicant also received a permit from Orange County Environmental Protection Division (OCEPD).

The applicant submitted a letter of no objection to the proposed new boat dock being located 13.1 feet from the south property line from their neighbor to the north (9 Pine Street). This property is not directly affected by reduced setback of the proposed new dock. However, the owner of 9 Pine Street, Mr. Lawler, is the president of the Bumby Pointe Neighborhood Association. The Bumby Pointe Neighborhood Association owns 19 Pine Street, which is the adjacent property that is affected by the reduced setback of the proposed new dock.

The applicant is also proposing to replace a wood deck and a paver deck with stairs, in the rear yard, that would encroach the 50-foot setback from the normal high water elevation. The existing wood deck and paver deck have been demolished, without a permit. The proposed wood deck has a setback of 32 feet and the proposed paver deck with stairs has a setback of 21 feet.

Section 10.02.02 of the LDC provides the specific standards by which the Development Review Board and Town Council are to review to consider the approval or denial of a variance application. In addition, this Section requires a positive finding, based on substantial competent evidence, for each of the standards. These standards are summarized as follows:

1. The need for the variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are unique to the subject property. Variances should be granted for conditions peculiar to the property and not the result of actions of the property owner;
2. There are practical or economic difficulties in carrying out the strict letter of the regulation;
3. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
4. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazard to the public;
5. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
6. The effect of the proposed variance is in harmony with the general intent of this Land Development Code and the specific intent of the relevant subject areas of this Land Development Code; and
7. The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.

It is also important to note that this Section also provides specific standards that are not to be considered in the review of a variance application. These standards are:

1. That the implementation of these regulations would impose an economic hardship on the cost of the building or redevelopment project;
2. That these regulations impose a hardship by decreasing the maximum density of a property in terms of the number of units, square footage of buildings, etc.; and
3. That other adjacent lands, structures or buildings not in conformance with these regulations provide a rationale for a lessening of their application in this specific case.

Section 10.02.02(c) of the LDC allows the imposition of conditions and restrictions as may be necessary to allow a positive finding to be made on any of the variance standards to minimize the negative effect of the variance. The conditions and restrictions should further the interest of the LDC.

The applicant submitted a letter and site plan in support of the variance request. The following is a summary of the information provided by the applicant in support of their variance request:

1. Owners purchased the property without knowledge that the previous existing wood deck was not compliant with the required normal high water elevation setback.
2. The proposed new boat dock will not be located any closer to the southern property line than the existing boat dock. The adjacent property owner has no objection.
3. Due to the odd shape of the parcel, there isn't room for the standard setbacks from the normal high water elevation.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property on December 19, 2018 (33 notices sent). As of January 4, 2019, five (5) responses were received in support. At the DRB meeting an update to the public notice response will be provided. A map of the responses is attached.

OCPA Web Map

Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Florida Turnpike	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Interstate 4	Gated Roads	Rail Road	Commercial/Industrial/Vacant Land	County Boundary	Building
Toll Road	Road Under Construction	Proposed SunRail	Agriculture	Parks	Hospital



Courtesy Rick Singh, CFA, Orange County Property Appraiser





Date: December 19, 2018
To: Dorothy Burkhalter, Town Clerk
From: Sheila Cichra
Re: Variance Request for 15 Pine Street, Windermere
Boathouse side setback and deck setback from NHWE

The attached files are a variance application package for a side setback of 13.1' for a proposed replacement boathouse, a 32' setback from the NHWE for a replacement wood deck and a 21' setback from the NHWE for a replacement paver area at 15 Pine Street.

The parcel belongs to Al and Melissa Farrell. When they purchased the property last year, the existing boathouse had a 13.1' side setback, the existing wood deck had a 32' setback from the NHWE and the existing paver area had a 12' setback from the NHWE. The boathouse, wood deck and paver area were all in dire need of replacement.

The Farrells had no idea that the wood deck and paver areas had apparently been built *many* years ago, without a permit. They simply want to replace the unsafe and unsightly structures and due to the odd shape of the parcel, this cannot be accomplished within code.

We have obtained an OC EPD permit and a DEP permit for the dock. They are attached. The adjacent property owner signed a setback waiver and that is also attached.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Sheila Cichra".



Date: December 16, 2018
To: Dorothy Burkhalter, Town Clerk
From: Sheila Cichra
Re: Variance Criteria Compliance for 15 Pine Street, Windermere
Boathouse side setback and deck setback from NHWE

The *Special Conditions and Circumstances* that exist on site are the odd shaped lot, which forced the house to be located much closer than normal to the NHWE and the fact that the boat dock, wood deck and paver area have all been there for many years – since at least 2001.

The hardship was certainly *Not Self-Created*. All three structures were built by the previous owner and the current owners were not even informed by their title company that those structures were unpermitted. They only discovered that upon attempting to permit the replacement of the wood deck and pavers.

There is *No Special Privilege being Conferred*, because many similar variances have been issued on oddly shaped, under-sized or narrow parcels in Windermere.

Regarding *Deprivation of Rights*, if these variances aren't approved, the Farrells will have to remove most of the wood deck and pavers that were *existing* when they purchased the home. Due to the odd shape of the parcel, there isn't room for the standard setbacks from the NHWE.


We are requesting the *Minimum Possible Variance*. The original plans were larger – plans that were drawn up for the Farrells as *buildable*. Those plans have been reduced such that the existing non-compliances are *not* increased.

These variances are being requested in order to permit and bring into compliance - several *existing* structures. Structures that have been in use for over 17 years, with no complaints. The adjacent property owners are in support of the structures being updated and the level of current non-compliance is *not* being increased. We believe that is a perfect example of the *Purpose and Intent* of such a zoning variance.

AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Alfred or Melissa Farrell, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 15 Pine Street, Windermere, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Sheila Cichra, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, boat dock permit, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 9/7/18


Signature of Property Owner

Al Farrell
Print Name Property Owner

Date: _____

Signature of Property Owner

Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF ORANGE :

I certify that the foregoing instrument was acknowledged before me this 7th day of Sept, 2018 by Alfred Farrell He/she is personally known to me or has produced as identification and did/~~did~~ not take an oath.

Witness my hand and official seal in the county and state stated above on the 7th day of Sept, in the year 2018.




Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: _____

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #: <u>17-23-28-9336-30-450</u>
LEGAL DESCRIPTION:
<u>PLAT OF WINDERMERE G/36 LOT 45C (LESS S 50 FT) & S 17.48 FT FT OF LOT 44C</u>



**AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF
NO OBJECTION TO BOAT DOCK**

As required by Section 15-343 of Orange County Code, the Environmental Protection Officer shall send notices by certified mail to the owners of the shoreline properties abutting the property on which the proposed boat dock is to be located. In cases where the nature of the shoreline is such that additional property owners will be affected, the environmental protection officer may send notices to those property owners as well. In the alternative, the applicant, at his option, may supply notarized letters of no objection from each of the affected adjacent property owners.

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code.

I, Thomas Lawler, owner of 49 Pine Street, Windermere, on
(Affected Adjacent Property Owner Name) (Address)

Lake Butler, have reviewed my adjacent property owner's proposed
(Name of Lake)
boat dock construction plan and have no objection to the project.



[Signature]
(Signature)

9-14-18
(Date)

Thomas Lawler
(Print Name)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 14th day of SEPTEMBER 2018, by

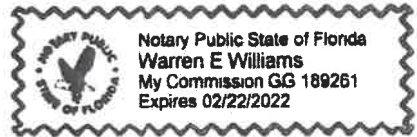
THOMAS LAWLER

(NOTARY SEAL)

[Signature]
(Signature of Notary Public – State of Florida)

Personally Known X QR Produced Identification _____

Type of Identification Produced _____





Environmental Protection Division

DOCK CONSTRUCTION PERMIT

Permit No.: BD-18-10-104

Date Issued: December 6, 2018

Date Expires: December 6, 2019

A Permit Authorizing:

The construction of a dock not to exceed the measurements identified on the Environmental Protection Division (EPD) stamp on the plans dated as received by EPD on October 9, 2018 and agreed and modified upon on December 4, 2018.

This permit includes an approved administrative waiver to Section 15-343(b) to allow a side setback of 13.1 feet from the southern property line. A letter of no objection was received from the affected property owner.

This permit is issued pursuant to Orange County Code, Chapter 15, Article IX, Construction of Dock Ordinance of Orange County and is subject to the permit conditions provided on the following pages:

Activity Location:

15 Pine Street, Windermere, FL 34786
Parcel ID No.: 17-23-28-9336-30-450
Lake Butler
Orange County Commission District: 1

Permittee / Authorized Entity:

Alfred and Melissa Farrell
c/o Sheila Cichra
Streamline Permitting, Inc.
E-mail: sheilacichra@gmail.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

As the permit holder, you are responsible to ensure that all the conditions are met. If you are using a contractor to perform the activities authorized within the permit, you are both responsible for meeting the conditions of your permit. If you fail to meet any of the conditions, you and/or your contractor may be subject to formal enforcement which may include administrative penalties.

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 15 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. The operational phase of this permit is effective upon completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the 'Farrell Site Plan' submitted by Streamline Permitting, Inc., received by EPD on October 9, 2018 and agreed and modified upon on December 4, 2018. Construction activities shall not exceed the measurements identified on the stamp on the plans. The permitted work must be completed within one year from the date of issuance of the permit. Requests for a permit extension must be submitted to EPD prior to the expiration date.
4. The projected property lines, as identified on the stamped permit drawings, should be field staked by a professional land surveyor prior to the start of construction in order to be sure that the dock is constructed in the permitted location. Utilizing an adjacent boat dock or fence line is not sufficient for accurate placement of the dock, and may result in the placement of the dock in the wrong location. It is extremely important to build the dock in the approved location. Upon completion of construction, if an unauthorized encroachment into the required minimum setback occurs, you may be required to relocate the dock.
5. Minimum height of the deck must be one foot above the Normal High Water Elevation (NHWE) of 99.5 NGVD 29 above mean sea level for Lake Butler. Maximum height of the roof shall be no higher than 12 feet above the floor elevation.
6. The structure and its use shall not significantly impede navigability in the waterbody.
7. The dock must be constructed within the access corridor according to Chapter 15, Article VII. No access corridor is allowed through any conservation area and/or easement.
8. There shall be no dredging or filling associated with construction of the structure(s) authorized herein, other than that required for installation of structural pilings.
9. The existing ambient water quality within Outstanding Florida Waters shall not be lowered as a result of the proposed activity, except as authorized by Florida Department of Environmental Protection (FDEP) under Rule 62-4.242(2) of the Florida Administrative Code (FAC).
10. Unless expressly authorized by this permit and approved site plans, no floating platform structure (including, but not limited to, jet ski platforms) has been approved with the issuance of this permit. If, at any time, any addition to the terminal platform (including, but

not limited to a floating platform) is proposed, the permittee or future owners of the property may be required to apply for, and obtain, a new Dock Construction Permit.

11. All excess lumber, scrap wood, trash, garbage, and similar materials shall be immediately removed from the project area.
12. The permit holder and/or designated agent must submit a notice of completion to EPD within 30 days of completion of the construction or repair of the permitted structure so that a compliance check may be performed by EPD staff. The permit holder and/or designated agent must provide as-built drawings on a final survey, signed and sealed by an appropriate professional licensed by the State of Florida, with the notice of completion. The signed and sealed as-built survey shall consist of an aerial view and a side view of dock structure as well as any other information required to demonstrate compliance with the permitted structure. The following items must be included on the survey:
 - a. North arrow;
 - b. Name of water body;
 - c. Reference point;
 - d. Setback distance from all portions of the boat dock;
 - e. NHWE of Lake Butler;
 - f. Floor elevation (measured from the NHWE);
 - g. Roof elevation (measured from the top of the floor to the top of the roof);
 - h. Length of dock below the NHWE;
 - i. Access walkway width;
 - j. Conservation easements, wetlands, buffers, berm and swale/drainage easements;
 - k. Floor elevation of the dock through conservation easements, wetlands or buffers;
 - l. Complete dimensions of the terminal platform.
13. 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.
14. At least 48-hours prior to the commencement of activities authorized by this permit, the permittee shall submit to EPD a 'Construction Notice' indicating the actual start date and expected completion date.
15. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.

General Conditions:

16. 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.

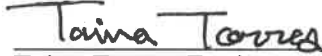
17. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
18. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval.
19. 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.
20. 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, 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.
21. 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 IX 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.
22. The permittee is hereby advised that Section 253.77 of the 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 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.
23. 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.

24. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
25. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
26. EPD staff, with proper identification, shall have permission to enter the site to ensure conformity with the plans and specifications approved by the permit.
27. 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.
28. 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.
29. 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.
30. 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 may occur 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.
31. 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 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. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

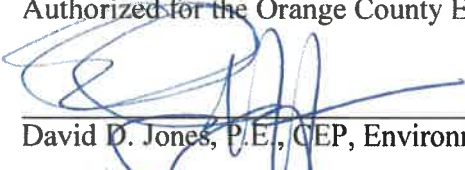
If you should have any questions concerning this review, please contact Taina Torres at 407-836-1438 or Taina.Torres@ocfl.net.

Project Manager:



Taina Torres, Environmental Specialist II

Authorized for the Orange County Environmental Protection Division by:



David D. Jones, P.E., CEP, Environmental Protection Officer

T.T./NT/TMM/ERJ/DJ:

Enclosure(s): Construction Notice
Approved Construction Plans

- c: Alfred and Melissa Farrell, MelFarrell@me.com
- Chris Farquhar, Bevis Construction, Inc., chris@bevisconstructioninc.com
- FDEP, DEP_CD@dep.state.fl.us
- Brad Cornelius, Wade Trim, bcornelius@wadetrim.com



Construction Notice

Approximate Starting Date: _____

Approximate Completion Date: _____

Permit Number/Name: **BD-18-10-104, Farrell - 15 Pine Street**

Remarks:

Agent/Consultant/Permittee: _____

Date: _____

Complete and Return to:

By Email: Taina.Torres@ocfl.net

By Fax: 407-836-1499, Attn: Taina Torres

By Mail: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, FL 32803

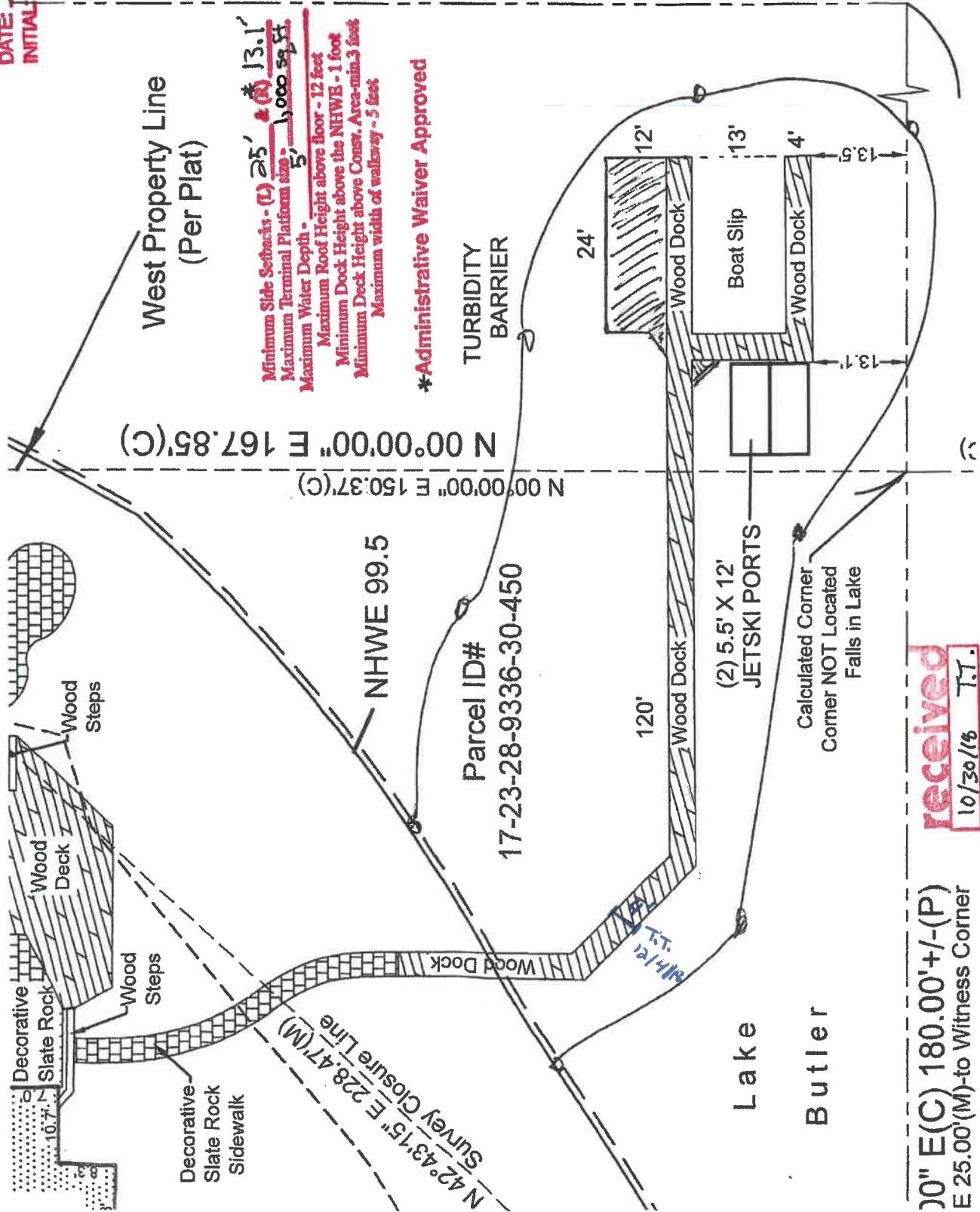
**FARRELL SITE PLAN
15 PINE STREET
WINDERMERE, FL 34786**

**APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIV.**

DATE: 12/04/18
INITIAL: T.T.

8D-18-10-104

In addition to public regulations which Orange County enforces, be advised that there may be other private restrictions or approval requirements that will affect your ability to complete the project. Please review your deed restrictions and/or consult with your Homeowners Association or Architectural Review Board.



Minimum Side Setbacks - (1) 25' & (2) 13.1'
Maximum Terminal Platform size - 1,000 sq. ft.
Maximum Water Depth - 5'
Maximum Roof Height above floor - 12 feet
Minimum Dock Height above the NHWS - 1 foot
Minimum Deck Height above Const. Area-min. 3 feet
Maximum width of walkway - 5 feet

***Administrative Waiver Approved**

received
10/30/18 T.T.

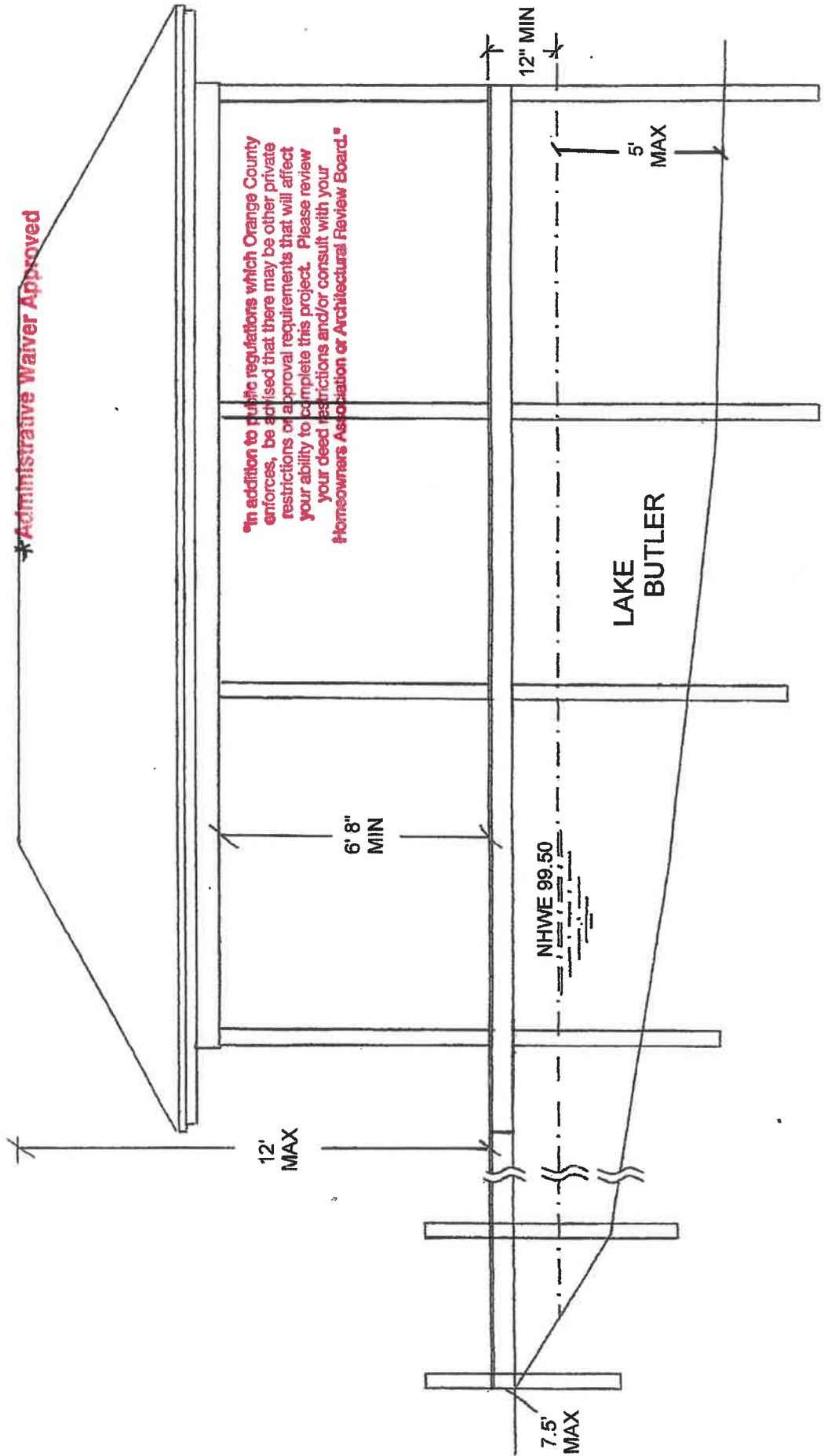
**30" E(C) 180.00'+/- (P)
E 25.00'(M)-to Witness Corner**



FARRELL ELEVATION
15 PINE STREET
WINDERMERE, FL 34786

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIV.
DATE: 12/04/18
INITIAL: T.T.
80-18-10-104

Minimum Side Setbacks - (L) 25' & (R) 13.1'
Maximum Terminal Platform size - 1,000 sq ft
Maximum Water Depth - 5'
Maximum Roof Height above floor - 12 feet
Minimum Dock Height above the NHWE - 1 foot
Minimum Deck Height above Conserv. Area - min. 3 feet
Maximum width of walkway - 5 feet



received
10/30/18 T.T.

received
10/30/18 T.T.

JETSKI PORTS
(2) 5.5' X 12'

5.5' 5.5'

12'

12/14/18
T.T.

4ft

SEE SITE PLAN FOR
DOCK LAYOUT

LAKE
BUTLER

120'

4'

10'

14'

*Administrative Waiver Approved

Minimum Side Setbacks - (L) 25' (R) 13.1'
Minimum Terminal Platform size - 1000 sqft
Maximum Water Depth - 5.5'
Maximum Roof Height above floor - 12 feet
Minimum Dock Height above the NHWE - 1 foot
Minimum Deck Height above Conserv. Area-min. 3 feet
Maximum width of walkway - 5 feet

"In addition to public regulations which Orange County enforces, be advised that there may be other private restrictions or approval requirements that will affect your ability to complete this project. Please review your deed restrictions and/or consult with your Homeowners Association or Architectural Review Board."

APPROVED BY
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIV.
DATE: 12/04/18
INITIAL: T.T.
80-18-10-104



FLORIDA DEPARTMENT OF Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

Permittee:
Melissa Farrell
15 Pine Street
Windermere, FL 34786
MelFarrell@me.com

Agent:
Sheila Chichra
2154 Oak Beach Blvd
Sebring, FL 33875
Sheilachichra@gmail.com

Melissa Farrell – Single Family Dock

**Consolidated Environmental Resource Permit and Sovereignty Submerged
Lands Authorization**

State-owned Submerged Lands Authorization – Granted

U.S. Army Corps of Engineers Authorization – Granted

Permit No.: 0370298-001-EI

Permit Issuance Date: December 3, 2018
Permit Construction Phase Expiration Date: December 3, 2023



FLORIDA DEPARTMENT OF Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

Environmental Resource Permit

Permittee: **Melissa Farrell**
Permit No: **0370298-001-EI**

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 15 Pine Street, Windermere, Florida, 34786, in Section 7, Township 23 South, Range 28 East in Orange County.

PROJECT DESCRIPTION

The permittee is authorized to repair and replace the existing single-family dock, add an additional 8 foot x 24 foot deck, and the addition of an 11 foot x 12 foot dual jetski port within Lake Butler, a Class III, Outstanding Florida Waterbody. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Melissa Farrell – Private, Single-Family Dock

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S. As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) under Sections 253.002, F.S., the Department has determined that the activity qualifies for and requires a Letter of Consent, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of

Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Federal Authorization

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V, and a **SEPARATE permit or authorization will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition B.27 of the SPGP V permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V with all terms and conditions and the General Conditions may be found online in the Jacksonville District Regulatory Division Sourcebook.

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT/SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The Special Consent Conditions**
- **The General Conditions for Sovereignty Submerged Lands Authorization**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and

understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

Turbidity & Water Quality:

1. Best management practices (primarily turbidity screens and floating turbidity barriers) for erosion and turbidity control shall be implemented and maintained at all times during construction and operation of the permitted activity to prevent siltation and turbid discharges in excess of State water standards pursuant to Chapter 62-302, F.A.C. The permittee shall be responsible for ensuring that erosion and turbidity control devices and procedures are inspected and maintained daily during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent erosion, siltation, and turbid discharges.
2. Upon final completion of the project and upon reasonable assurance that the project is no longer a potential turbidity source, the permittee will be responsible for the removal of the turbidity barriers. The turbidity control devices shall be removed no later than one year from completion of the project. All turbidity control devices shall be disposed of in an upland disposal area.
3. The limits of construction shall be delineated by silt fencing or a floating turbidity barrier. The permittee shall bear the responsibility of notifying all construction workers that silt fencing or turbidity barrier represents the limits of all construction activities. The permittee shall bear the responsibility of keeping all construction workers and equipment out of the adjacent wetlands and surface waters where work has not been permitted for impacts.

General Construction:

4. There shall be no stock piling of tools, materials (i.e., lumber, pilings, debris, etc.) within wetlands, along the shoreline, the littoral zone, or waters of the state unless specifically approved in this permit.
5. This permit does not authorize the construction of any additional structures/fill not illustrated on the permit drawings.
6. There shall not be any excess lumber, scrap wood, trash, garbage, etc. within the wetlands and waters of the State.
7. Watercraft associated with the construction shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging.

8. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.
9. The permittee shall report any damage to the Department within 24 hours that occurs to the wetlands/littoral zone area as a result of construction. If any damage occurs to wetlands or surface waters as a result of any construction activities, the permittee shall be required to restore the wetland area by regrading the damaged areas back to the natural reconstruction elevations and planting vegetation of the size, densities and species that exist in the adjacent areas pursuant to a consent order. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.
10. Any disturbed areas of the shoreline shall be stabilized immediately (within 48 hours) following completion the project.
11. Impacts to wetland vegetation and submerged aquatic vegetation are prohibited under this authorization.

Operation:

12. There shall be no fish cleaning stations, boat repair facilities or equipment and fueling facilities on the boardwalk, pier or dock.
13. To provide reasonable assurance that the dock pilings will not cause degradation of ambient water quality, Sections 62-4.242(1)(a) and (b), 62-4.242(2) and (3), and 62-302.300, F.A.C., the permittee shall wrap each piling with high density polyethylene wrap to prevent the leaching of constituents contained in treated wood.
14. There shall be no bait houses, storage shelters, screen porches, wet bars, living quarters, or other non-water-dependent structures over waters of the State or on the boardwalk, pier or dock.
15. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the dock.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities – "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as

applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

- b. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

19. In addition to those general conditions in subsection (1), above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

SPECIAL CONSENT CONDITIONS

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments

or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.

3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

GENERAL CONDITIONS FOR SOVEREIGNTY SUBMERGED LANDS AUTHORIZATION

Any use of sovereignty submerged lands is subject to the following general conditions are binding upon the applicant and are enforceable under Chapter 253, F.S. and Chapter 258, F.S.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty submerged lands unless cured to the satisfaction of the Board of Trustees.

2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. and Chapter 18-14, F.A.C.

4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 day of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the

Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

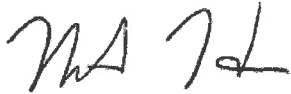
The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Nathan Hess
Permitting and Waste Cleanup
Program Administrator
Florida Department of Environmental Protection

Attachments:

Project Drawings, 4 pages
SPGP-Special Conditions Related to All Review and Authorizations, 6 pages
SPGP General Conditions, 2 pages
Department of the Army Permit Transfer for SPGP V, 1 page
Construction Commencement Notice/Form 62-330.350(1)
As-built Certification and Request for Conversion to Operational Phase/ Form 62-330.310(1)
Request to Transfer Permit/Form 62-330.340(1)

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

Megan Warr, FDEP, Megan.Warr@FloridaDEP.gov
Jason Seyfert, FDEP, Jason.Seyfert@dep.state.fl.us
Shelia Cichra, Consultant, SheilaCichra@gmail.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

December 3, 2018

Date

Special Conditions Related to All Review and Authorizations

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V.

1. The District Engineer reserves the right to require that any request for authorization under this SPGP V be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V does not automatically guarantee Federal authorization.
2. On a case-by-case basis the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
3. Failure to comply with all conditions of the Federal authorizations under the SPGP V would constitute a violation of the Federal authorization.
4. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
 - a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.
 - b. In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
5. No work shall be authorized under the SPGP V which proposes the use of prefabricated modules for habitat creation, restoration, or enhancement except as allowed in Special Condition 15 for *Living Shorelines* of the *Shoreline Stabilization* category.
6. The Design and construction of a Project must comply with the following.

a. Where aquatic vegetation is present, adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "*Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat*" U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001 (updated June 2008). Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP V must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Mangrove impacts are limited to the removal of mangroves along 4 linear feet of shoreline to accommodate a 4-ft-wide access walkway associated with a dock that meets the above guidelines.

b. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*) in the lagoon and canal systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County), the following requirements must be met:

(1) Piling-supported structures must comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "*Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (Halophila johnsonii)*" National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002 (updated October 2002)."

(2) Removal of derelict vessels must comply with the practices of Special Condition 18.

(3) All other activities will have no effect on Johnson's seagrass, i.e., no seagrass is present.

c. The presence of seagrass will be determined utilizing the attached "*Submerged Aquatic Vegetation Survey Guidelines*".

7. For projects in waters accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the Permittee will utilize the "*Sea Turtle and Smalltooth Sawfish Construction Conditions*" and the following additions:

a. Any collision(s) with and/or injuries to any whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (727-824-5312).

b. Reports to NMFS's Protected Resources Division (PRD) may be made by email to takereport.nmfsser@noaa.gov.

c. Sea turtle and marine mammal stranding/rescue organizations' contact information is available by region at <http://www.nmfs.noaa.gov/pr/health/networks.htm>.

d. Smalltooth sawfish encounters shall be reported to <http://www.flmnh.ufl.edu/fish/sharks/sawfish/sawfishencounters.html>.

e. All work must occur during daylight hours.

8. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

9. The Permittee is responsible for compliance with 50 CFR 224.103(c) prohibiting approach within 500 yards of a right whale, with limited exceptions.

10. Turbidity control measures shall be used throughout construction to control erosion and siltation to ensure there are no violations of state or federal water quality standards. Turbidity control measures shall be: (1) for the smallest practicable area; (2) monitored daily to ensure listed species are not entangled or trapped in the project area; (3) shall be removed promptly upon project completion and the return of water quality conditions; (4) and shall not block entry to or exit from designated critical habitat. Siltation barriers shall be made of material in which listed species cannot become entangled (i.e., reinforced impermeable polycarbonate vinyl fabric [PVC]).

a. Turbidity curtains are not required where not practical in dynamic systems such as surf zones and could actually do more harm than good if the curtains become detached (e.g., they could entrap pelagic organisms and become entangled around benthic organisms, such as coral).

b. Turbidity barriers are not required if installation of single piling in deep water since is unlikely to adversely affect water quality.

11. In-water rope or chain must meet the following requirements: Industrial grade metal

chains or heavy cables that do not readily loop and tangle; All in-water lines (rope and cable) must be thick and taut and cannot have excess line in the water; Lines can be enclosed in a plastic or rubber sleeve/tube to add rigidity.

12. No work shall occur where hard bottom or any hard or coral including ESA-listed coral species are present within the footprint of the project.

13. No work shall occur that results in removal of mangroves (including prop roots), except:

a. as provided by Special Condition 6.a.; or,

b. for removal of mangroves growing at the foot or from an existing seawall whose removal needed to repair the seawall.

14. No work shall occur that results in impacts to seagrass except as provided by Special Condition 6.

15. (For *Docks, Piers, Associated Facilities, and Other Minor Piling-Supported Structures and Boat Ramps and Boat Launch Areas and Structures Associated with Such Ramps or Launch Areas.*)

a. Aids to Navigation and Private Aids to Navigation (e.g. attached to the structures authorized by the SPGP) must be approved by and installed in accordance with U.S. Coast Guard requirements.

b. Temporary structures associated with marine events will be removed and the site restored upon completion of the event.

c. (For *multi-family residential docks (e.g., condos, trailer parks, apartment complexes) designated for fishing or vessel storage, for temporary marine event pile-supported structures involving high speed vessel traffic or fishing, and for commercial or public boat ramps.*) Install educational signs as follows in a visible location to alert boaters of listed species in the area susceptible to vessel strikes or hook-and-line captures. NMFS website (http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html) provides sign installation guidance and most current version of the signs.

(1) All commercial and public boat ramps shall install the Save Sea Turtle, Sawfish, and Dolphin sign.

(2) If the Project occurs within the range of Gulf, Atlantic, or Shortnose sturgeon, the Permittee will install and maintain the *Report Sturgeon* sign.

(3) If the Project occurs within 14 miles of North Atlantic Right Whale critical habitat, the Permittee will install and maintain the *Help Protect North Atlantic Right Whales* sign.

d. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

16. (For *Transient activities.*)

a. Temporary structures shall not block access of species to an area such as preventing movement in or out of a river or channel.

b. (For *scientific sampling, measurement, and monitoring devices.*) No later than 24 months from initial installation, or upon completion of data acquisition, whichever comes first, the measuring device and any other structure or fills associated with that device (e.g., anchors, buoys, lines) must be removed and the site must be restored to pre-construction elevations.

17. (For *Living Shorelines* of the *Shoreline Stabilization* category.)

a. Only native plant species will be planted.

b. Not more than 500 linear feet in length, not more than 35 ft waterward of the hightide line.(note that FAC 62-330 limits to 10 feet of the mean high water line) or result in more than 0.5 ac area between the natural shoreline and the structure.

c. No discharge of earthen fill material, other than earthen material associated with vegetative planting, is not authorized.

d. Construction, maintenance and removal of approved permanent, shore-parallel wave attenuation structures are authorized. Approved permanent wave attenuation materials include oyster breakwaters (described above), clean limestone boulders, and prefabricated structures made of concrete and rebar that are designed in a manner that cannot trap sea turtles, Smalltooth sawfish, or sturgeon. Reef balls that are not open on the bottom, triangle structures with a top opening of at least 3 feet between structures, and reef discs stacked on a pile may be used.

e. (For oyster breakwaters).

(1) Reef materials shall be placed in a manner to ensure that materials (e.g., bagged oyster shell, oyster mats, loose cultch surrounded and contained by a stabilizing feature, reef balls, and reef cradles) will remain stable and prevent movement of materials to surrounding areas.

(2) Materials must be placed in designated locations (i.e., shall not be indiscriminately/randomly dumped) and shall not be placed outside of the total project limits.

18. (For *Subaqueous Utility Lines* of the *Transient Activities* category.)

a. A Frac-out Contingency Plan similar to the attached plan will be developed, submitted with the application and then followed.

b. All subaqueous transmission lines crossing over, under, or in flood control channels/canals in Federal projects (either federally or locally maintained) which are installed with horizontal direction drilling (HDD) shall ensure the top of the HDD boring is a minimum of 10 feet beneath the bottom of the channel plus a minimum 25 feet outside the channel edges and the estimated total drilling fluid pressure is less than 10 psi. Projects not in compliance with these criteria shall not be eligible for authorization under SPGP V.

c. The Permittee shall, upon completion of work, provide an as-built survey showing the horizontal and vertical location (X-Y-Z coordinates in NAD 83 and NAVD 88) of the object below the channel as it enters and exits the design edges of the authorized width of the channel, plus a minimum of 25 feet outside the channel edges.

19. (For *Removal of Derelict Vessels* of the *Transient Activities* category.)

a. Removal of marine debris shall require visual confirmation (e.g., divers, swimmers, camera) that the item can be removed without causing further damage to aquatic resources.

b. If an item cannot be removed without causing harm to surrounding coral, the item will be disassembled as much as practicable so that it no longer can accidentally harm or trap species.

c. Monofilament debris will be carefully cut loose from coral so as not to cause further harm. Under no circumstance will line be pulled through coral since this could cause breakage of coral.

d. Marine debris shall be lifted straight up and not be dragged through seagrass beds, coral, or hard bottom habitats. Debris shall be properly disposed of in appropriate facilities in accordance with applicable federal and state requirements.

20. For concrete piles installed by impact hammer:
- a. The piles will be less than or equal to than 24 inches in diameter; and
 - b. Not more than 10 piles will be installed per day if in open water; or,
 - c. Not more than 5 piles will be installed per day in a *confined space*. A *confined space* is defined as any area that has a solid object (e.g., shoreline, seawall, jetty) or structure within 150 feet of the pile installation site that would effectively serve as a barrier or otherwise prevent animals from moving past it to exit the area. This does not include objects such as docks or other pile-supported structures that would not stop animal movement or significantly reflect noise.
21. Metal piles will NOT be installed by impact hammer.
22. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary.
23. The Permittee shall use only clean fill material. The fill material shall be upland sources and be free of items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
24. No blasting is authorized.
25. For Projects authorized under this SPGP V in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
26. The SPGP V will be valid for five (5) years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP V will be evaluated by the Corps.
27. If the SPGP V expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V will remain in effect provided the activity is completed within twelve (12) months of the date the SPGP V expired or was revoked.
28. The General Conditions attached hereto are made a part of this SPGP V and must be attached to all authorizations processed under this SPGP V.

General Conditions for Federal Authorization for SPGP V

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or Construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.

7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

Department of the Army Permit Transfer for SPGP V

PERMITEE: _____

PERMIT NUMBER: _____ DATE: _____

ADDRESS/LOCATION OF PROJECT:

(Subdivision) (Lot) (Block)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, FL 32232-0019.

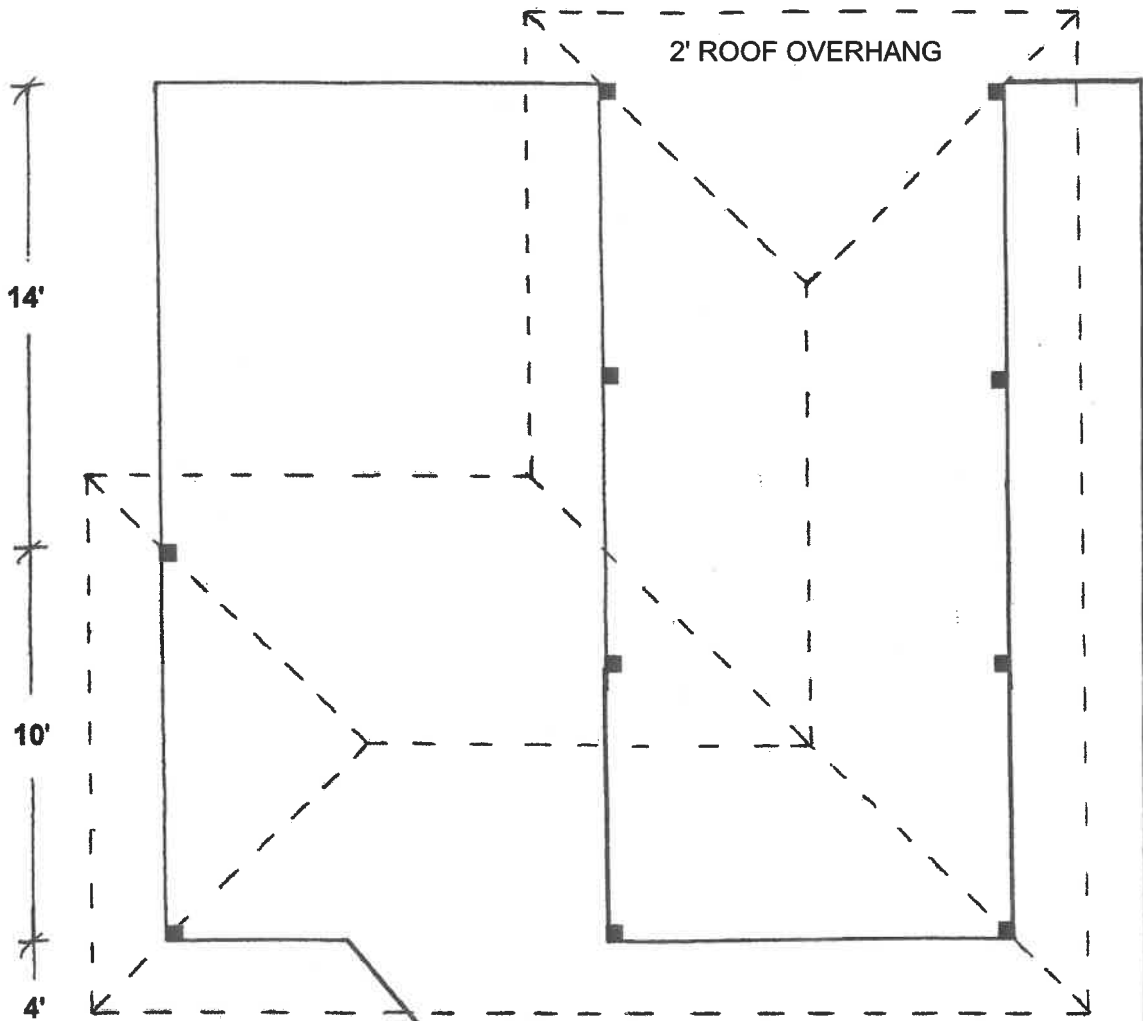
(Transferee Signature) (Date)

(Name Printed)

(Street address)

(Mailing address)

(City, State, Zip Code)



LAKE BUTLER

120'

- 4' X 124' DOCK
- + 4' X 4' (2 ANGLES)
- 12' X 24' DECK
- + 42 SQ.FT. ROOF O.H.
- 17' X 28' BOATHOUSE
- + 30 SQ.FT. ROOF O.H.
- 11' X 12' DUAL JETSKI PORT
- 1,480 TOTAL SQ.FT.

SEE SITE PLAN FOR DOCK LAYOUT

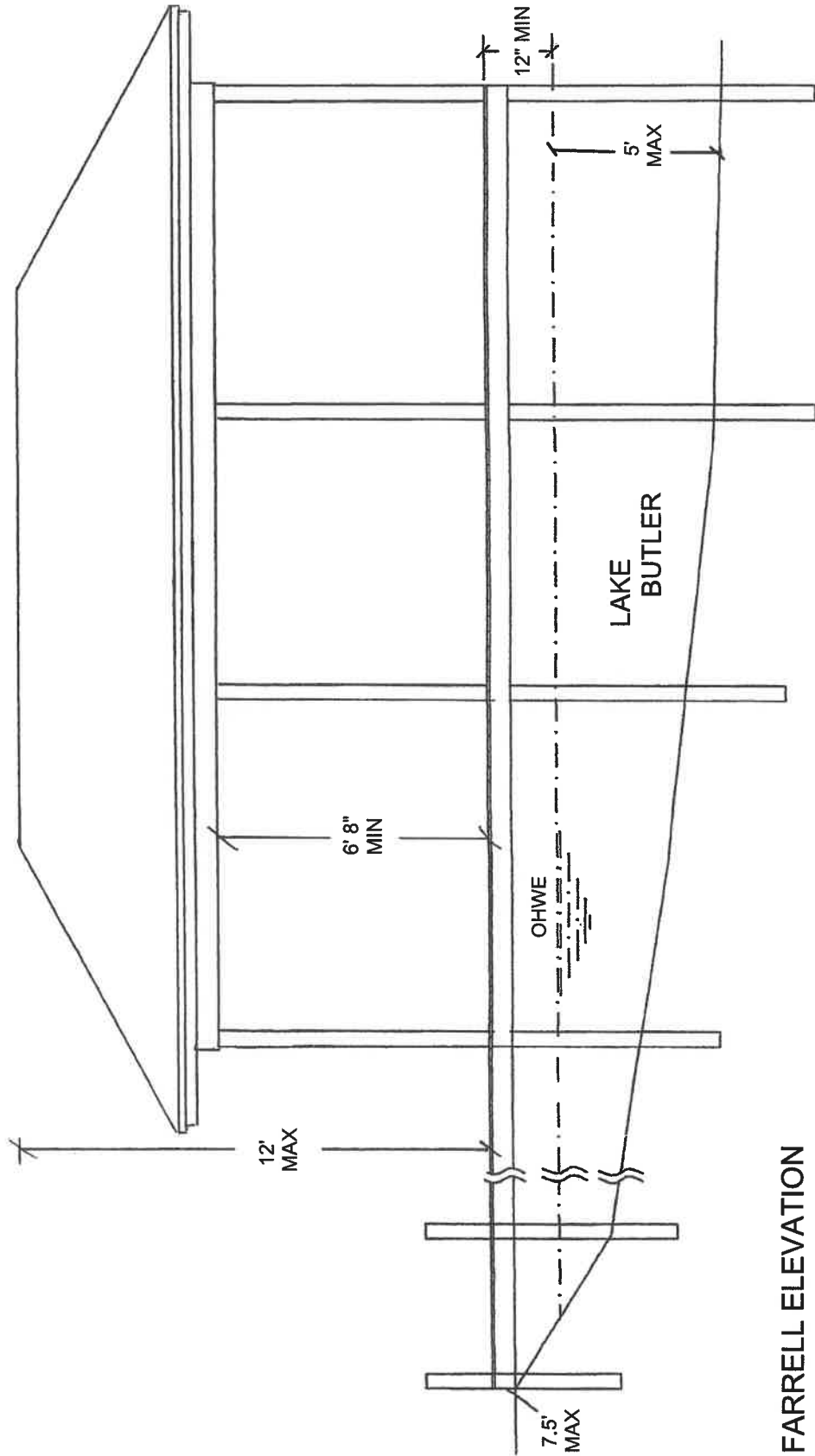
OHWE

12'

5.5' 5.5'

(2) 5.5' X 12' JETSKI PORTS

FARRELL PLAN VIEW
15 PINE STREET
WINDERMERE, FL 34786



FARRELL ELEVATION
15 PINE STREET
WINDERMERE, FL 34786

PILINGS WRAPPED W/HDPE FROM 1'
ABOVE OHWE TO 1' BELOW SUBSTRATE

MIN DEPTH OF 2' BELOW THE MEAN ANNUAL
LOW WATER LEVEL IN THE SLIP AREA

AS-BUILT CERTIFICATION AND REQUEST FOR CONVERSION TO OPERATION PHASE

Instructions: Complete and submit this page within 30 days of completion of the permitted activities, as required by the permit conditions. **Any components of the permitted activities that are not in substantial conformance with the permit must be corrected or a modification of the permit will be required in accordance with Rule 62-330.315, Florida Administrative Code (F.A.C.).** The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the system, works or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No.:	Application No(s).	Permittee:
Project Name:		Phase (if applicable):

I HEREBY CERTIFY THAT (please choose accurately and check only one box):

- I hereby notify the Agency of the completion of construction of all the components of the system, works or other activities for the above referenced project and certify that it has been constructed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the system from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached is documentary evidence of satisfaction of any outstanding permit conditions, other than long term monitoring and inspection requirements.
- At the time of final inspection, the works or activities were NOT completed in substantial conformance with the plans and specifications permitted by the Agency. (The registered professional shall describe the substantial deviation(s) in writing, and provide confirming depiction on the as-built drawings and information.)

If there were substantial deviations, plans must be submitted clearly labeled as "as-built" or "record" drawings reflecting the substantial deviations. If there are no substantial deviations, do not submit "as built" drawings.

For activities that require certification by a registered professional:

By:

Signature	Print Name	Fla. Lic. or Reg. No
! AFFIX SEAL !	Company Name	
	Company Address	Date

For activities that do not require certification by a registered professional:

By:

Signature	Print Name	
	Company Name	
	Company Address	Date



DRAWINGS AND INFORMATION CHECKLIST

Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.
2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications and conditions.
3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:
 - a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
 - b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
 - c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions and elevations of all, including clean-outs, pipes, connections to control structures and points of discharge to receiving waters;
 - d. System grading - dimensions, elevations, contours, final grades or cross-sections to determine contributing drainage areas, flow directions and conveyance of runoff to the system discharge point(s);
 - e. Conveyance - dimensions, elevations, contours, final grades or cross-sections of systems utilized to divert off-site runoff around or through the new system;
 - f. Benchmark(s) - location and description (minimum of one per major water control structure);
 - g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.
4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted and identification of source of material; also provide the dimensions, elevations, contours and representative cross-sections depicting the construction.
5. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.

REQUEST TO TRANSFER PERMIT

Instructions: Submit this form to the Agency within 30 days after any transfer of ownership or control of the real property where the permitted activity is located.

Note: Use of this form is not required when a valid permit is in the operation and maintenance phase. In such case, the owner must notify the Agency in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. The notification may be letter, e-mail, or using this form, sent to the office that issued the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. (2012). If a permittee fails to provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer must be requested using this form.

Permit No.: _____ Application No(s): _____ Date Issued: _____

Identification or Name of Surface Water Management System: _____

Phase of Surface Water Management System (if applicable): _____

PART 1: PROPOSED PERMIT HOLDER

The undersigned hereby notifies the Agency that I have acquired ownership or control of the land on which the permitted system is located through the sale or other legal transfer of the land. By signing below, I hereby certify that I have sufficient real property interest or control in the land in accordance with subsection 4.2.3 (d) of Applicant's Handbook Volume I; attached is a copy of my title, easement, or other demonstration of ownership or control in the land, including any revised plats, as recorded in the Public Records. I request that the permit be modified to reflect that I agree to be the new permittee. By so doing, I acknowledge that I have examined the permit terms, conditions, and drawings, and agree to accept all rights and obligations as permittee, including agreeing to be liable for compliance with all of the permit terms and conditions, and to be liable for any corrective actions required as a result of any violations of the permit after approval of this modification by the Permitting Agency. Also attached are copies of any recorded restrictive covenants, articles of incorporation, and certificate of incorporation that may have been changed as a result of my assuming ownership or control of the lands. As necessary, I agree to furnish the Agency with demonstration that I have the ability to provide for the operation and maintenance of the system for the duration of the permit in accordance with subsection 12.3 of Applicant's Handbook Volume I.

Name of Proposed Permit Holder: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____ E-mail: _____



Signature of Proposed Permittee

Date

Title (if any)

PART 2: RESPONSIBLE REGISTERED PROFESSIONAL

Name of Registered Professional who will be responsible for system inspections and reporting as required by Chapter 62-330, F.A.C. (if applicable): _____

Mailing Address: _____

City: _____

State: _____

Zip Code: _____

Telephone: _____

Fax: _____

E-mail: _____

Enclosures:

- Copy of recorded transfer of title for surface water management system
- Copy of plat(s)
- Copy of recorded restrictive covenants, articles of incorporation, and certificate of incorporation
- Other

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
GARY BRUHN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

December 19, 2018

GULLIVAN CHARLES JOSEPH
20 PINE ST
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 15 Pine Street

Sheila Cichra, on behalf of Al and Melissa Farrell who are the owners of 15 Pine Street, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow a side setback of 13.1' for a proposed replacement boathouse, a 32' setback from the NHWE for a replacement wood deck, and 21' setback from the NHWE for a paver deck with stairs.

Enclosed is additional information regarding this request.

Pursuant to the Town of Windermere Code of Ordinances, you as a surrounding property owner are entitled to comment on this matter. If you wish to comment, this form must be received by the Town of Windermere either by hand delivery to the Town Clerk or by use of the enclosed stamped envelope to Wade Trim, Inc. by **January 11, 2019**.

This matter will be presented to the Development Review Board on **Tuesday, January 15, 2019 at 6:30 p.m.** in the Town Hall, located at 520 Main Street, Windermere. Their recommendation will be heard by the Town Council on **Tuesday, February 12, 2019 at 6:00 p.m.** in the Town Hall, located at 520 Main Street, Windermere. All meetings are open to the public and you are welcome to attend. Feel free to contact me if you have any questions.

Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
888-499-9624
tow@wadetrim.com
Encl.

RECOMMEND - Z19-003 (15 Pine Street)

APPROVAL: DISAPPROVAL:

COMMENTS: NO PROBLEM!

SIGNATURE: [Signature] DATE: 12/22/18

Received

Wade Trim

OCPA Web Map

	Major Road		Proposed Road		Block Line		Commercial/Institutional		Hydro		Golf Course
	Florida Turnpike		Public Road		Lot Line		Governmental/Institutional/Misc		Waste Land		Lakes and Rivers
	Interstate 4		Gated Road		Residential		Commercial/Industrial/Vacant Land		County Boundary		Building
	Toll Road		Road Under Construction		Agriculture		Agricultural Curtilage		Parks		Hospital
			Brick Road								
			Rail Road								
			Proposed SunRail								



Courtesy Rick Singh, CFA, Orange County Property Appraiser

