



TOWN OF LONGBOAT KEY

Planning, Zoning & Building
501 Bay Isles Road
Longboat Key, FL 34228
(941) 316-1966
www.longboatkey.org

Incorporated November 14, 1955

August 14, 2024

Mr. Bruce Franklin
Land Resource Strategies, LLC
1555 Fruitville Road
Sarasota, FL 34236

Via: Email & U.S. Mail
bfranklin@srqplanning.com

RE: Shoreline Construction Departure Request
582 Ranger Lane

Dear Mr. Franklin,

Thank you for your Shoreline Construction Departure (Departure) request (per Town Code Sec. 151.03(E)¹) of June 28, 2024, filed on behalf of two adjacent properties located at 582 (Parcel ID No. 0010020008) and 592 (Parcel ID No. 0009160031) Ranger Lane.

The Town Manager has directed the Town's Planning & Zoning Department to respond to your Departure requests. Accordingly, the Town Planning & Zoning Department's analyzed the Departure requested for each of the properties and prepared separate responses for each property. This response is for the property at 582 Ranger Lane.

The requested Departure is being sought for a new corrugated seawall that has been partially constructed, in front of (waterward) an existing concrete seawall, with a total width of 27.25 inches. This width is 15.25 inches greater than allowed by Town Code Sec. 151.03(B)(3)(a), which provides for the "...replacement of existing seawalls within an existing subdivision or developed area...as follows:"

"Construction, inclusive of a buttress and seawall cap, shall not protrude more than 12 inches seaward of the existing seawall or seawall cap. Notwithstanding the foregoing, if there are two existing seawalls abutting the subject replacement seawall of differing seaward projections, then the subject replacement seawall shall be further limited to a seaward projection distance of no more than either equal to the immediately abutting seawall with the least projection or a total seaward projection of 12 inches, whichever is less."

As noted in your correspondence, the Departure request is not being sought prior to construction, but at a point where, "the project sits at 90% complete with only the seawall cap to be poured and landscaping to be installed." Therefore, before

¹ Sec. 151.03(E): "Any request for a departure from the requirements of this Code, or any dispute as to structural integrity of any structure proposed under this Code, shall be resolved by the town manager or designee. Any expertise necessary to assist the town manager or designee in making that decision shall be at the applicant's expense. In making the determination as to whether to grant a departure, the town manager or designee must determine that the proposed design meets the intent of this chapter."

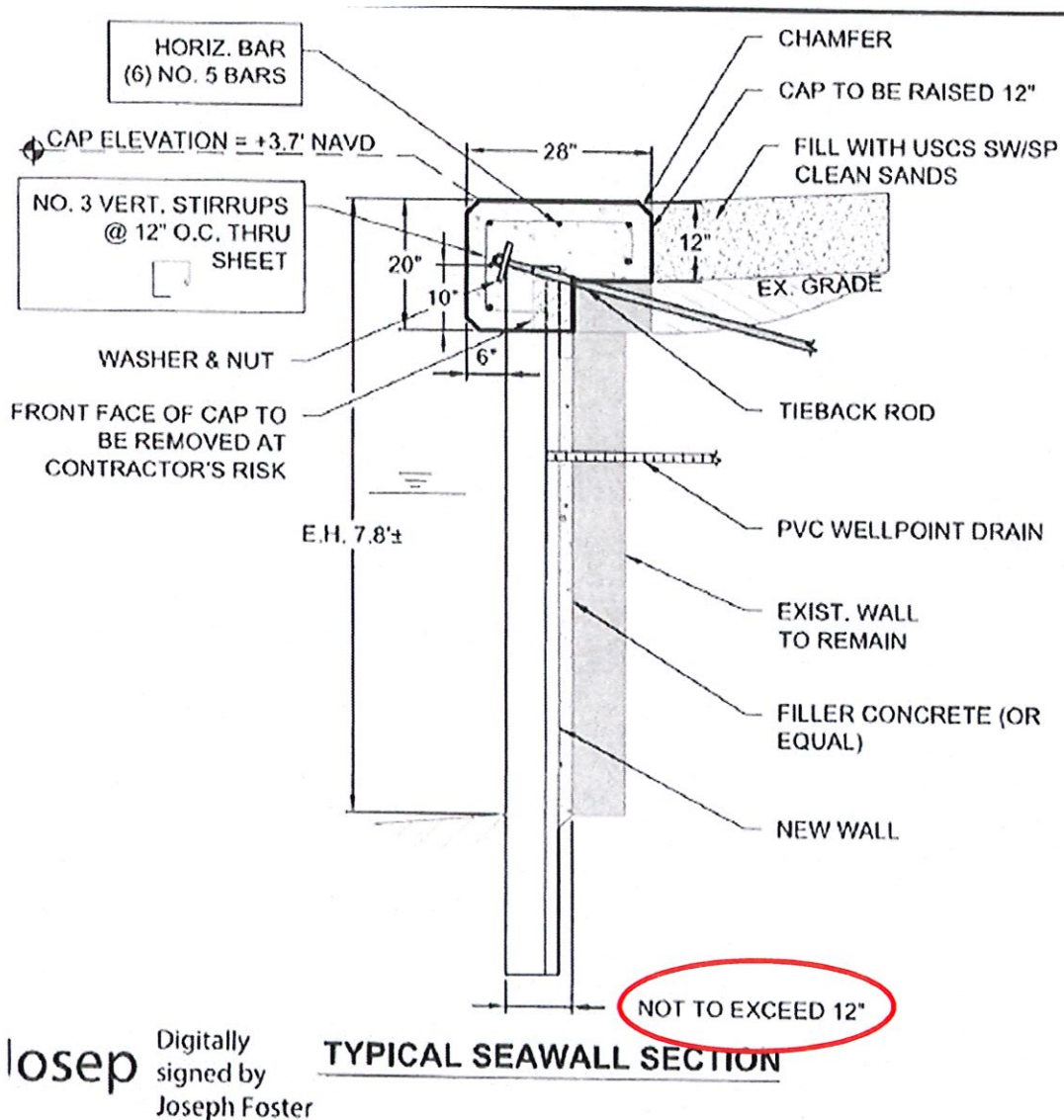
providing the staff assessment and response to this after-the-fact Shoreline Construction Departure request, a review of the building permit application for the seawall at the subject property is provided below.

Seawall Permit Background/Timeline

1. March 23, 2023. Florida Shoreline (Contractor) submits a building permit application (Town Building Permit #PB23-0253) to install a new corrugated seawall waterward of an existing concrete seawall at 582 Ranger Lane. (Note: The building permit application did not depict or include seawall construction occurring at 592 Ranger Lane.)

Description: The permit application and the plans show the new corrugated seawall, cap and concrete filler (or equal) to not to be more than 12" waterward of the existing seawall and seawall cap. An annotated excerpt from the Section View application submitted to the Town is shown below.

April 19, 2023. Building permit issued.



2. February 12, 2024. Contractor (Florida Shoreline) submitted a permit Change Order request to the approved permit.

Description: The Change Order request consisted of a letter dated, February 2, 2024, from Foster Consulting (copy provided below), describing the condition of the existing seawall and stated that the wall was being supported by timber pin piles. This change order did not provide any plans or drawings showing any change to the construction. The change order was disapproved by the Building and Zoning reviewers on February 16, 2024. Reviewers requested detailed plans of the existing and proposed design of the new corrugated seawall and the location of the timber pin piles including more detailed information on the plans regarding the pin piles and proposed fix. (Note: Building permit application did not depict or include seawall construction occurring at 592 Ranger Lane.)

February 2nd, 2024

Florida Shoreline & Foundation
4561 Clark Rd.
Sarasota, FL 34233

Re: Seawall replacement at 582 Ranger Ln. Longboat Key, FL 34228

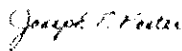
To Whom It May Concern,

The seawall at the subject property is in severe condition and is in need of replacement. The concrete panels have buckled near the mudline and are kicking out waterward. Timber pin piles were installed at some time in the past in an effort to stabilize the wall. Removal of the pin piles may allow the wall to fail completely, allowing the upland sediment to displace into the water, decreasing water quality in the canal. Furthermore, a failure of the wall, or removal of the failed concrete slabs, would put the upland structures, including the pool, at severe risk of damage and movement. For these reasons, it is recommended to install the new vinyl seawall panels waterward of the timber pin piles to prevent a wall failure and preserve the upland.

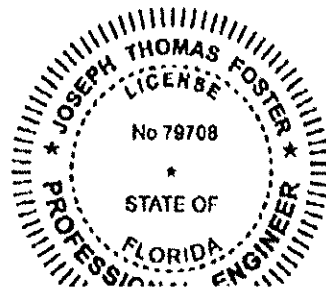
If there are any questions, please call. Thank you for the opportunity to be of service.

Sincerely,

Foster Consulting



Joseph T. Foster, P.E.
FL Lic No. 79708
NJ Lic No. 24GE05181200
DE Lic No. 18618

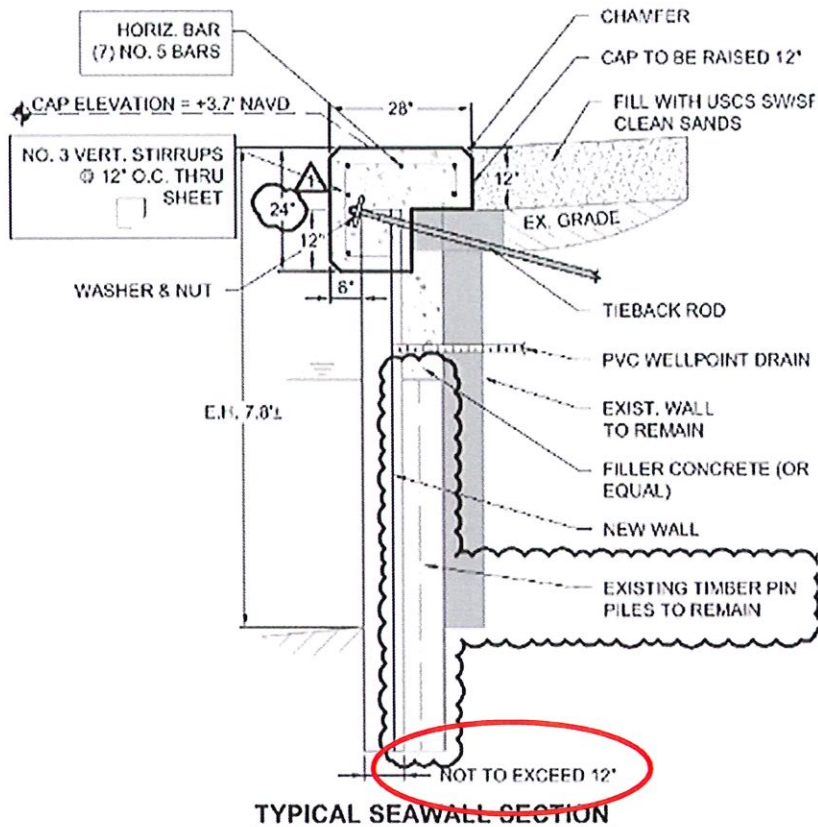


Digitally signed
by Joseph
Foster
Date:
2024.02.02
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**Joseph
Foster**

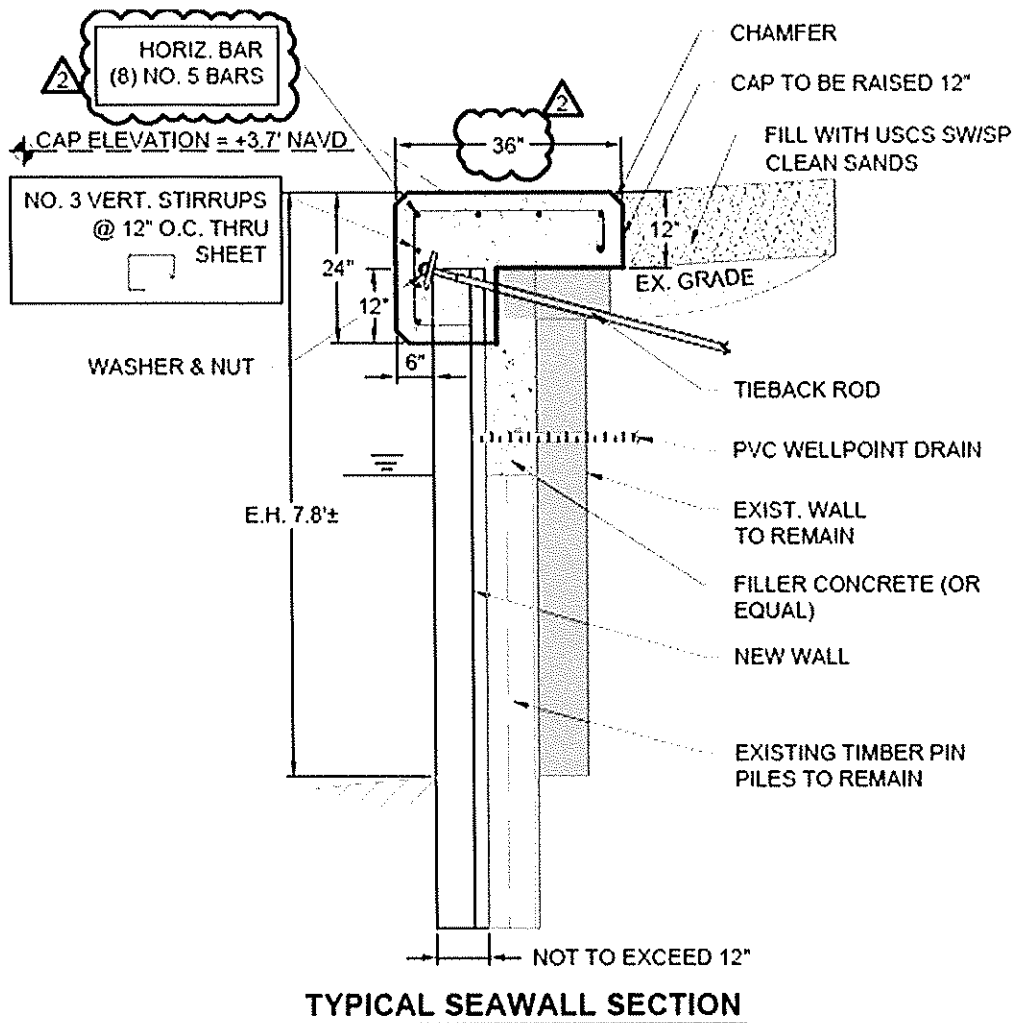
- March 1, 2024. Revised Change Order plans submitted with plans. Section view detail (provided below) did not indicate the dimensions of the timber pin piles, nor did it indicate that the new corrugated seawall could not be constructed around or otherwise incorporate the existing timber pin piles within the maximum Town Code required 12 inches as required by Town Code Section 151.03. Staff approved plans on March 6, 2024, with a Condition of Approval, on the Permit Card, that the new seawall not protrude more than 12 inches waterward of the existing seawall. The Condition of Approval allowed for construction of the new corrugated seawall to be accomplished by working around or incorporating existing

timber pin piles. An annotated excerpt from the Section View revised plans indicating a “not to exceed” 12-inch seaward extension of the new seawall submitted to the Town is shown below.



4. April 11, 2024. Revised Change Order plans submitted. Change Order requested landward-oriented modification to the seawall cap *only*, by adding 8 inches to the overall width of the seawall cap increasing the cap to 36" in width (Section view detail provided below). (Note: Building permit application did not depict nor include seawall construction occurring at 592 Ranger Lane).

April 19, 2024. Revised Change Order plans approved for landward modification to seawall cap.



5. May 6, 2024. The Town received an email from the property owners at 592 Ranger Lane providing pictures and dimensions of the seawall construction and noted that the work being done at 582 Ranger Lane extended onto their property.
6. May 7, 2024. The Town conducts the first Building Inspection² of the work which had been commenced on the seawall. The construction work is failed by the Town Building Inspector. Primary issues identified in the Inspector's notes included:
 - a. Steel reinforcement was not constructed in accordance with the approved plan;
 - b. New sea wall extends greater than 12" past existing sea wall; and
 - c. New sea wall and cap extends greater than the Town Code allowed 12" waterward projection. The extension was measured at approximately 28" of waterward projection (as measured from the existing seawall on the end of the seawall closest to the bay).

² Note: The first inspection was called in by the Contractor on May 2, 2024. The first seawall inspection is typically an inspection of the Tie Backs (a tie back is part of the structural system installed to laterally support a seawall. This system typically consists of a steel rod with one end embedded into the cap and a buried concrete anchor attached to the other end of the rod). At the time of inspection, the Building Inspector checks for a set of approved plans on site, checks that tie backs are of the type and spacing called out by the engineer's structural detail and installed per approved plans.

7. May 9, 2024. The Town's Zoning Staff received an email from Scott Liebel (Contractor and owner of Florida Shoreline). The email (copied below) relates to submittal of a requested survey to address a reported property line issue with the seawall construction extending onto the adjacent property at 592 Ranger Lane. The email indicates that neither the contractor nor the 582 Ranger property owner could locate a survey for 582 Ranger Lane, and that the seawall construction did not extend into the adjacent property at 592 Ranger Lane.

Email from Scott Liebel, May 9, 2024

Good afternoon Tate. Thanks for the call earlier. My office should be uploading the sketch and summary of the project shortly (if they haven't already).

You also asked for a survey of the property. We don't have one, and Bobby Halliday isn't finding one yet either. But, we did speak with Mike Leone, and he shared his, and is working with us to ensure the return wall is constructed properly and to his satisfaction. Hope this is good with you. If I need to upload this, or do anything else regarding the property line issue, please do not hesitate to call.

Thanks,

Scott Liebel

8. May 10, 2024. Phone call between Town Zoning staff and Scott Liebel (Contractor and owner of Florida Shoreline) indicating that staff had done a records search and did not find record(s) of prior permitting for the installation of timber pin piles at 582 Ranger Lane. An opportunity was provided for the Contractor to provide documentation that a prior building permit had been obtained to place the timber pin piles in front of the seawall. Scott Liebel stated that he also could not find record(s) of a permit being issued for the timber pin piles.
9. May 10, 2024. Supplemental plans submitted, with a letter, dated May 9, 2024, from Scott Liebel (Contractor and owner of Florida Shoreline), providing an additional AFTER-THE-FACT revised seawall cross section and survey of the adjacent property at 592 Ranger Lane due to the fact that seawall construction extended approximately 32 inches onto the adjacent property at 592 Ranger Lane (provided below).



May 9, 2024

Mr Tate Taylor
Town of Longboat Key

Re: 582 Ranger Lane, Permit #PB23-0253

Dear Mr. Taylor

As discussed, please accept this letter as a follow up to our discussion regarding the construction of the new seawall at 582 Ranger Lane, and an explanation of what existed before we began work and what the end result will be.

The seawall at 582 Ranger Lane is an original concrete seawall which was constructed approximately 60+ years ago. Some time after the initial construction, wood "pinpilings" were installed in front of the existing wall. These pinpiles were installed in front of seawalls which were experiencing rotation of the panels due to not enough panel embedment into the canal (a common problem in Country Club Shores). Many of these pin piles were installed before I started in the marine construction industry in 1999 so I estimate the pilings at 582 Ranger Lane were installed pre-1999. The pinpiles became an integral part of the seawalls. Without the pinpiles many seawalls in Country Club Shores, including this one, would have failed long ago. To prevent the need for pinpilings, new sheet panel seawalls are constructed with 40% or more of the panel length embedded into the canal bottom.

When we applied for the permit to build the new wall at 582 Ranger Lane the initial plan was to remove the pinpiles and install the new sheet panels immediately in front of the existing wall. Upon mobilization to the site and further inspection of the wall it was discovered just how bad of condition the wall was in. The concrete panels were cracked and broken. The only thing keeping the wall in place and vertical was the pinpiles. Removal of the pinpiles would most certainly result in immediate failure of the seawall, and due to the close proximity of the pool, the pool would suffer significant damage as well. Foster Consulting prepared a letter summarizing the issues, followed by engineered plans showing the pinpiles to remain and the new panels to be no more than 12" waterward of these piles.

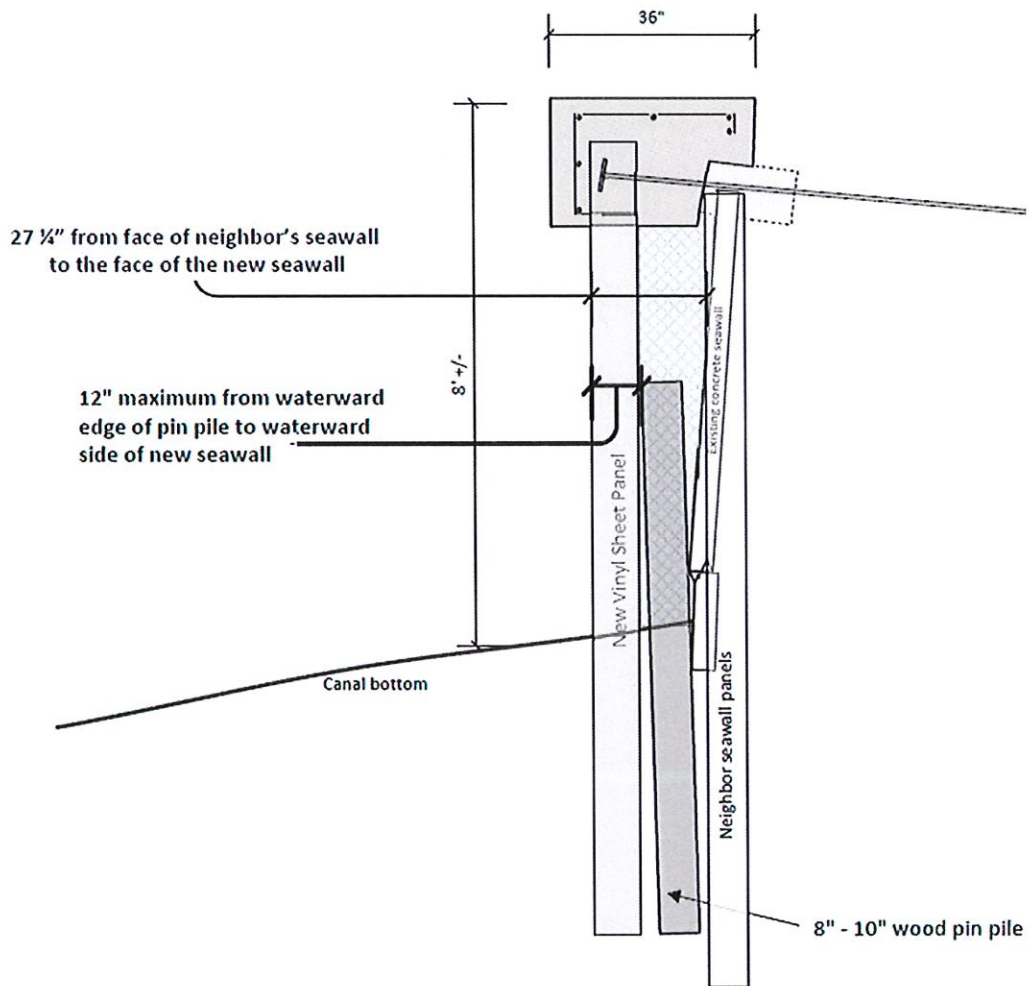
The new seawall at 582 Ranger Lane will not have any negative affect to the neighbors nor to navigation, and I believe meets the plans submitted. Without the approval of the pinpiles staying in place, it would have resulted in significant and unnecessary damage to this property and most probably the adjoining properties as well. Attached is a sketch showing in more detail the dimensions of the wall in relation to the neighboring wall to the east.

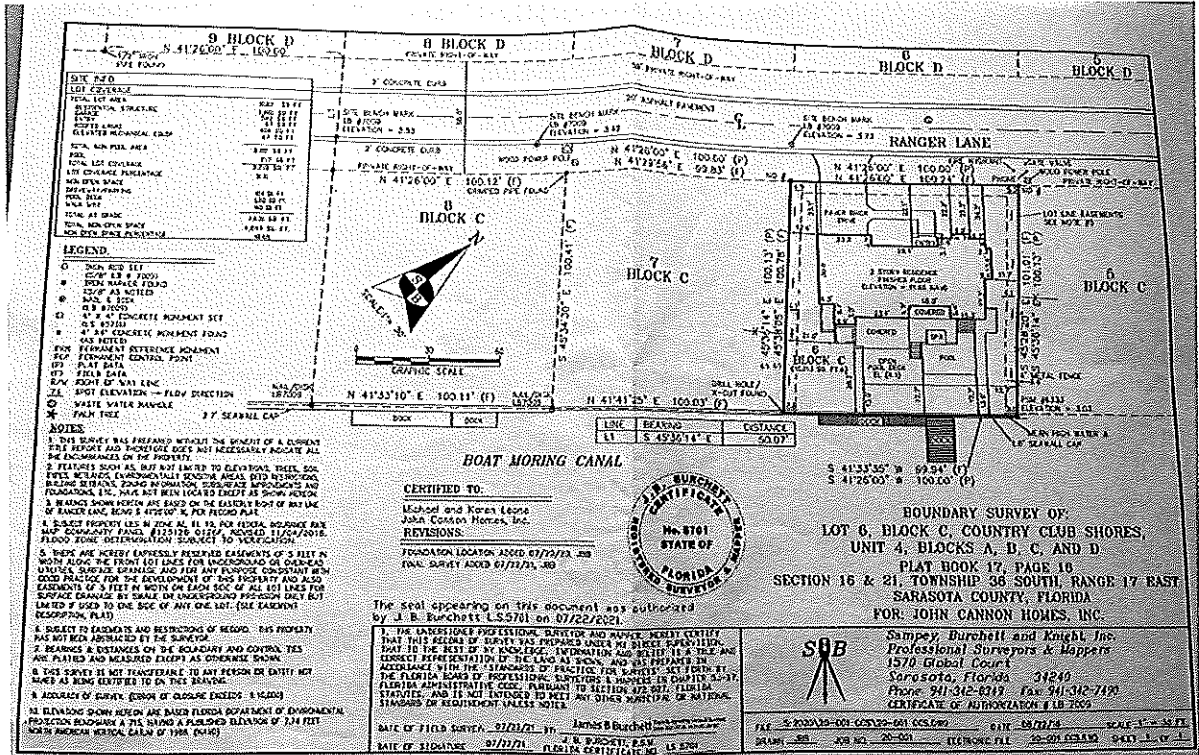
I hope this helps clarify what is being built and why it is being built the way it is. If you have any questions please do not hesitate to call.

Respectfully submitted,

Scott Liebel
Florida Shoreline and Foundation

Plan Section View Provided as Part of May 10, 2024 Submittal





10. May 13, 2024. The Town issues a Stop Work Order due to the replacement Seawall exceeding Town Code requirements of Sec. 151.03(B)(3)(a).

11. June 28, 2024. The Town receives the Departure request.

Shoreline Construction Standards and Departures Background

Chapter 151, Shoreline Construction, provides for the management and preservation of the Town's shoreline environmental resources by regulating the installation of seawalls, and shoreline construction activities along the gulf, bay, canals, passes, and lagoons.

Recent amendment history on the seawall construction standards indicates that there have been two amendments to the relevant standards related to new seawalls and the allowable waterward projection limits. The Town adopted Town Code Section 151.03(B), Seawall Construction, on July 9, 2007, to provide regulations for the maximum height and projection into the waterway of the replacement or repair of a seawall structure. This amendment to the Code limited both the maximum seawall height and the projection into the waterway of a replacement seawall or seawall cap to a maximum of six (6) inches. The intent of the code was to allow for the installation of a refacing seawall or replacement seawall with limited height and waterward projections.

Multiple requests for administrative Departures (per Sec. 151.03(E)) related to replacement seawalls constructed waterward (in front of) existing seawalls prompted an amendment to the replacement seawall construction standards in 2018. Revisions to Sec. 151.03(B)(3)(a) were adopted to increase the maximum seaward projection allowance to a twelve (12) inch projection

for replacement seawalls. This was based on a number of granted Departures (typically to a maximum dimension of 12 inches) that reflected that most modern seawall panels were approximately eight (8) inches deep, which exceeded the prior maximum six-inch projection.

Other than this Departure request, no other Departure requests have been received by the Town since the Zoning Code was amended in 2018 to allow for up to a foot of seaward projection (as measured from the existing seawall) for the construction of replacement seawalls. The Town's longstanding policy has been to minimize encroachment into canals in order to maintain their navigability over time.

Section 151.03(E) authorizes the Town Manager or designee to grant Departures to this section when it can be determined that a proposed design meets the intent of Chapter 151.

Summary of Applicants' Departure Request Submitted on Behalf of Properties (582 and 592 Ranger Lane)

The June 28, 2024, Departure request is to authorize an after-the-fact replacement seawall width of an additional 15.25 inches for both properties (582 and 592 Ranger Lane). The total width of newly waterward projecting seawall is 27.25 inches. The maximum allowable waterward projection is 12 inches ($27.25" - 12" = 15.25"$).

According to the Departure request, the existing seawall was constructed approximately 60 years ago when Country Club Shores was developed. Staff could not find the original seawall construction building permit. However, this approximate age is likely accurate.

The Departure request also indicates in approximately 1999, wooden 'pin pilings' were installed to stabilize the failing wall panels without a permit which was a common practice all over Country Club Shores, according to the Contractor. As noted earlier, the Contractor, property owner and staff could not find record of a building permit associated with the timber pin piling installation.

As described in the Departure request, the Contractor for the new seawall was aware of the timber pin pilings and assumed they would remove them once construction began, as they have been able to do in other instances. Upon construction mobilization, the Contractor indicated that it was found that the existing seawall panels were in a defective condition and were evaluated by an engineer. The engineer provided an opinion to the Contractor that the pin pilings should not be removed as they were integral to the existing seawall system. The engineer's opinion was that the pin pile removal, may allow the wall to fail, and the upland structures, including the pool, would be at "severe risk of damage and movement".

The Contractor submitted revised plans on April 11, 2024, and a letter of explanation, with the Engineer's certification, showing the pin pilings remaining and the new wall installation not to exceed 12" from them. The Departure request indicates that dimensions of the pin pilings were not shown because they varied between 8" and 10" along the length of the existing wall rendering a consistent measurement "impossible".

Staff Analysis

Staff's initial approval (April 19, 2023) of the corrugated seawall was based, in relevant part, on application materials, including plan and section views, that depicted a replacement seawall extending no more than 12 inches waterward of the property's existing seawall in accordance with Town Code regarding the maximum projection of seawalls.

Staff subsequently approved a Change Order request nearly a year later (March 6, 2024) based, in relevant part, on application materials, including a Typical Seawall Section view detail, that continued to indicate compliance with the not to exceed 12 inch waterward Code requirement. The applicant misrepresented the dimensions of the timber pin piles and filler concrete or equal on those plan submittals. The application materials also misrepresented how the new corrugated seawall would be constructed, incorporating the existing timber pin piles within the maximum Town Code required 12 inch waterward projection. Staff experience in processing these kinds of seawall replacement permits has shown that there are methods to incorporate, or otherwise address, existing timber pin piles into the corrugation of the replacement vinyl seawalls and meet the Town Code's maximum projection width of 12 inches. The practice of maintaining existing pin piles and minimizing waterward projections to be no more than 12 inches into the waterway has been confirmed by an outside expert opinion (summarized below and attached). Accordingly, Staff's Change Order request approval of March 6, 2024, included a Condition of Approval, on the permit, and the Permit Card (which is provided and displayed at the job site), that the new corrugated seawall not protrude more than 12 inches seaward of the existing seawall. The Condition of Approval allowed for construction of the new corrugated seawall to be accomplished by working around and/or incorporating existing timber pin piles into the vinyl seawall installation.

At all times Town Staff cross-referenced applicable Town Code width requirements with the expectation that the Contractor was designing the project in accordance with Town Code. If the plans received at the time of submittal, or as part of the requested Change Orders, depicted dimensions of 27.25 inches, as was provided as a supplemental AFTER-THE-FACT submittal on May 10, 2024, staff would have denied the building permit or any subsequent change orders. The Contractor clearly had the ability to produce such a dimensioned drawing but failed to provide those details to the Town.

Staff received a Professional Opinion (Attachment B) from Wood Dock and Seawall indicating that replacement seawalls are, and can be, constructed around pre-existing timber pin piles to not protrude more than 12 inches. There are multiple ways that such construction can be accomplished. According to Wood Dock and Seawall, timber pin piles are typically spaced between 3 to 6 feet apart, depending on the height and condition of the seawall. The corrugated replacement seawall has corrugation of approximately 9 inches. The replacement corrugated seawall can be constructed around timber pin piles incorporating them into the indentions of the corrugated vinyl installation as opposed to placing the seawall on the outward side of the timber pin piles. In locations where the corrugation may not line up with the location of a timber pin pile, the applicable timber pin pile can be removed or relocated as each corrugated section panel is added immediately adjacent (within the corrugated notches) to the face of the existing seawall and secured. Such removal or relocation can be supported by jacks and tie-backs as each individual corrugated sheet panel is installed.

It is the responsibility of the property owner's agent (engineer, contractor, etc.) to submit complete and accurate plans of all structures during the permitting process, and to design and

construct improvements based upon applicable Town and Florida Building Code requirements.³ Additionally, it is also the responsibility of the property owner's agents to meet all Conditions of Approval. If the Contractor was unable to construct the replacement corrugated seawall within the Town Code maximum projection of 12 inches, and per the Condition of Approval restating this Town Code requirement, it was the Contractor's responsibility to seek clarification or to request a Departure from relevant standards in the Shoreline Construction Chapter of Town Code. A Departure request was not received until June 28, 2024, after construction had substantially been completed and a Stop Work Order was issued by the Town. The Contractor states that they have been in business since 1999, and have been doing business in the Town since 2012, having constructed nearly 2 million dollars' worth of construction value in the Town. Yet despite this intimate familiarity, knowledge, and awareness of Town Code requirement for seawalls, the contractor in this case neglected to abide by the one of the most significant of seawall construction requirements, being the maximum projection of 12 inches.

The constructed dimension of the new corrugated seawall, at 27.25 inches from the existing seawall, is in significant excess of dimensions allowed without a permit from the Florida Department of Environmental Protection (FDEP). Florida Administrative Code (62-330.051, Exempt Activities) provides that seawalls are exempt from FDEP permitting if the new seawall extends out no greater than 18 inches. Federal approval from the Army Corps of Engineers would also be needed and cannot be provided by FDEP. Neither of these approvals were sought. Both agencies have been notified of this non-compliant construction beyond the scope of the building permit. FDEP has inspected the site and has indicated that penalties are likely to follow.

In addition, the seawall construction at 582 Ranger Lane exceeded the scope of the permit by including construction of approximately 32 inches of seawall on the adjoining property at 592 Ranger Lane. The construction also violated the change order permit, to add 8 inches to the seawall cap landward of the existing seawall cap, and instead was constructed with the seawall cap seaward an additional 8 inches waterward of the approved seawall cap.

Staff Conclusion

Based on the building permit record and the above analysis, staff does not approve the Departure request for the seawall construction at 582 Lane.

You have the right to appeal my decision to the Town's Commission pursuant to Town Code Section 151.07, which is attached for your reference. Please note the petition to the Town Commission for review, must be submitted within 30 days of the date of this determination letter. Costs associated with such a request will be the responsibility of your clients.

Please contact our office if you have any questions.

Sincerely,



Allen Parsons, Director
Planning, Zoning and Building Department
Town of Longboat Key

³ See, Section 150.31, Town Code.

Cc: Howard Tipton, Town Manager
Maggie Mooney, Town Attorney

Attachments

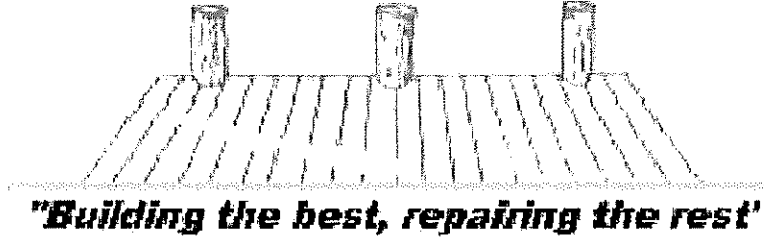
- A. Longboat Key Code of Ordinances Section 151.07
- B. Wood Dock and Seawall Professional Opinion

151.07 Appeal.

Any person who is aggrieved by the determination of the town manager or designee to grant or deny a permit, shall within 30 days petition the town commission for review. The petition shall briefly set forth the grounds for review. The town commission's factual review shall be limited to the information before the town manager when the decision on the application was made. The town commission shall approve, approve with conditions, or deny the petition. In making its determination, the town commission shall consider the provisions of all applicable town codes (including this Code), state and federal law.

(Ord. 07-28, passed 7-9-07)

Wood Dock & Seawall



P.O.BOX 489 CORTEZ, FL 34215 PHONE (941-792-5322)

08-14-24 Rev.

Re: Seawall questions

Dear Town of Longboat Key,

1. Wood Dock and Seawall has 38 years' experience in marine construction in Florida Manatee and Sarasota counties
State certified marine contractor license SCC131150964
State certified Residential contractor license CRC049564
2. Brace or pilings pins can be wood or concrete, and by definition of LBK are considered a buttress.
 - A. Pilings varying in length dependent on the height of the seawall.
 - B. They have been used since we've been in business, but not so much since the inception of sheet pilings.
 - C. They are used to help prolong and stabilize an existing seawall.
 - Sheet piling is permanent new seawall and brace pin is shoring up a wall to buy time for replacement.
 - Brace pins were used to help an old wall from falling and is a lot cheaper than a new sheet pile wall.
3. Pin piles were installed mainly by water jet against the face of seawall with spacing between 3'-6' and depending on height and condition of seawall.
4. Seawall could be constructed in the instance where bracing pins were previously installed, (not protruding more than 12 inches seaward of the existing seawall or seawall cap). You would need to remove/relocate the brace pins as you install the sheet pile adjacent to face of exiting seawall panels. Install the bolts, jacks and tie backs as you proceed to install the sheet pile.

5. As stated above, the order of operations is important. Also, you can install additional bracing on the water side of seawall jacks. You can also excavate behind wall to relieve some pressure if there is room.
 - I can't expand on this / Methodology may vary by existing walls condition.
 - Seawall jacks are the brackets that support the floor of new seawall cap.

6. Distance and spacing of tie backs is site specific depending on the seawall exposure and upland surcharges. Spanner beams may need to be implemented if a pool is very close or other amenities.
 - Taller walls and close proximity of structures and grade may require tie back spacing closer.

7. Sample pictures attached.

FLOORING JACKS / CAP SUPPORT BARACKETS



EXISTING TIE BACKS TO REMAIN FOR SEAWALL SUPPORT DURING CONSTRUCTION



NEW MANTA RAYS INSTALLED AS SHEET PILE WAS INSTALLED PRIOR TO CAP FOUR



4:30:03

