



TOWN OF JUNO BEACH
PLANNING AND ZONING DEPARTMENT
340 OCEAN DRIVE
JUNO BEACH, FL 33048
PHONE 561.626.1122 • FAX 561.775.0812

For Official Use Only
Date Stamp

Application for Variance Petitions

A ***Variance*** is a relaxation of the terms of the Town of Juno Beach Comprehensive Zoning Ordinance (Chapter 34, and subsequent amendments) where such variance will not be contrary to the public interest and where, owning conditions peculiar to the property and not the result of the actions of the applicant a literal enforcement of said ordinance would result in unnecessary and undue hardship on the land. As used in said ordinance, a variance is authorized only for height, area, and size of structure or size of yards, parking requirements and open spaces. Establishment or expansion of use or density otherwise prohibited or not permitted shall not be allowed a variance.

Section I

Instructions for Completion:

1. Complete Section II of this application, and respond (in written form) to the criteria listed in Section III. You may wish to attach a separate sheet of paper for this item.
2. Sign and date this application at the end of Section III. If appropriate, complete the power of attorney form on page 4 of this application.
3. Attach any information (maps, drawings, survey, letters, legal descriptions, etc.) that identify the peculiarity of your specific situation, and that clarify your petition/application.
4. A filing fee of **\$500.00 must accompany each application upon submittal. The applicant will also be responsible** for providing all property identification information and property owners within a 300' radius surrounding the subject property; and will be responsible for postage cost associated with mail-out materials related to the petition.
5. All materials required shall accompany this application **at time of submission** to the Planning & Zoning Department; and the deadline for all required material is **three weeks prior to the date of the Board of Adjustment hearing** for which this petition is being requested.

Section III

Please address (in written form) the criteria listed below:

While considering a variance petition, the Board of Adjustment shall have the power to authorize upon appeal such variance from the terms of the zoning code as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of the provisions of the Code will result in an unnecessary and undue hardship. A variance from the terms zoning code shall not be granted unless the Board of Adjustment finds that:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

Applicant Response: [See attachment](#)

2. The special conditions or circumstances do not result from the actions of the applicant;

Applicant Response: [See attachment](#)

3. A granting of the variance requested will not confer upon the applicant any special privilege that is denied by said Ordinance to other lands, buildings or structures in the same district;

Applicant Response: [See attachment](#)

4. A literal interpretation of the provisions of said ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Ordinance and would work unnecessary an undue hardship on the applicant.

Applicant Response: [See attachment](#)

5. A prior application for the granting of the variance had not been submitted within the preceding twelve (12) months.

Applicant Response: [See attachment](#)

Section II

Please Complete the Following:

Applicant/Agent Information:

Name of Applicant: Michael Bates Contact Phone #: (561) 317-5796
Address of Applicant: 8232 Garden Catalina Circle Apt 1626 Lake Worth, FL 33467

*If the applicant has an agent, or will be represented by anyone other than the applicant.

*Name of Agent: N / A Contact Phone #: N / A
*Address of Agent: N / A

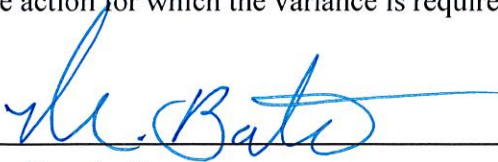
Regarding the Subject Location (where the variance is being requested):

Street Location: Cocoanut Ave
Name of Subdivision: New Palm Beach Heights
Block: 15 Lot: 3

Regarding the Variance Petition:

Please describe the variance being requested: See attachment

According to Chapter 34, Town of Juno Beach, Florida, in granting any variance, the Board of Adjustment shall prescribe appropriate conditions and safeguards in conforming to the Zoning Ordinance. The Board of Adjustment may also prescribe a reasonable time limit within which the action for which the variance is required shall commence, be completed, or both.



Applicant's Signature

Michael Bates

11/19/25

Date

Print Name



Witness' Signature

Laura Hoock

11/19/25

Date

Print Name

Power of Attorney

Name of Applicant: _____ Contact Phone _____
Mailing Address: _____
Property Address (description): _____
Name of Agent: _____
Contact Phone of Agent: _____

The Undersigned, being the true Applicant for the real property described above, does hereby grant unto the Agent, stated above, the full right and power of attorney to make application to the Town of Juno Beach for an easement abandonment petition/request and act as the representing agent for any subsequent processes for said property. It is understood that limitations, conditions and restrictions may be placed upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any application/petition proceeding to limit the Applicant to only allow themselves the opportunity to apply for an abandonment petition/request. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning & Zoning Department.

IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HANDS AND SEALS
THIS _____ DAY OF _____ 20____.

Applicant

Witness

Applicant

Witness

Before me the undersigned authority personally appeared the owner(s) named above who upon being duly sworn acknowledged before me that they are the true owners of the real property described above and that they executed the power of attorney for the purposes stated therein.

Sworn and subscribed this _____ day of _____ 20____.

Notary Public

SEAL

(For Office Use Only)

Variance Mailing/Billing Information

Date given to Town Clerk's Office: _____

Deadline for Mailing: _____

Name of Applicant: _____

Mailing Address for Billing: _____

Postage: \$ _____ Legal Ad: \$ _____ = Total: \$ _____

Date payment Received: _____

Application for Variance Petitions

Applicant:

Michael Bates
8232 Garden Catalina Circle Apt 1626
Lake Worth, FL 33467
(561) 317-5796
mbates827@gmail.com

Subject Location:

Parcel ID: 28-43-41-28-10-015-0030
Subdivision: NEW PALM BEACH HGTS
Official Records Book/Page: 35597 / 886
Legal Description: NEW PALM BEACH HEIGHTS LT 3 BLK 15

Section II

Please describe the variance being requested:

The subject property contains a protected wetland area that encompasses approximately the 42% of the rear parcel. This environmental restriction significantly limits the buildable area of the lot and reduces the available rear yard space.

To help balance the layout, I am requesting a variance to reduce the front yard setback from 25 feet to 20 feet. This 5-foot adjustment will allow the home's footprint to shift slightly forward, creating additional usable rear yard area while maintaining full compliance with all other zoning requirements.

Under the current 25-foot setback, the proposed home design results in a rear yard area of approximately 173 square feet. By reducing the setback to 20 feet, the rear yard area would increase to approximately 384 square feet, providing an additional 211 square feet of functional outdoor space. While modest in size, this increase would make a meaningful improvement to the livability and usability of the rear yard, which is currently limited.

I worked with my architect to explore setback relief under Code Section 34-902 – Yard Restrictions, which allows certain structures to extend into the front setback. However, this provision is not applicable to my proposed plans, as the garage is located directly along the front setback line which is not an allowable structure per the code.

A site plan illustrating both the existing and proposed conditions is included with this application to show the before-and-after impacts of shifting the front setback line by five

feet.

Additionally, the vertical loads from the house translate into lateral pressure, or surcharge, against the retaining wall. Moving the building footprint five feet further from the wall will noticeably reduce that surcharge, easing lateral forces on the wall itself.

This variance will have no adverse impact on surrounding properties. The proposed adjustment maintains the established character of the neighborhood and does not affect sight lines, traffic flow, or adjacent property use.

As shown in the table below, the property satisfies the minimum landscaping requirement for the RS-5 district set forth in Section 34-268.

Sec 34-268: Site Plan Requirements

Lot Dimensions:

Parcel 28-43-41-28-10-015-0030	0.1590 Acres
Square Feet	6,924 SqFt
RS-5 Minimum Landscaping Requirement	25%

Minimum Landscape SqFt	1,731 SqFt
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Landscaped Area SqFt	4,458 SqFt
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Landscaped Area %	64%
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Section III

- 1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district; *Applicant Response:***

The subject property contains a protected wetland that encompasses approximately 42% of the rear parcel. This environmental constraint significantly reduces the overall lot size, which in turn greatly limits the amount of buildable square footage and usable rear yard area. Some of the parcels on the west side of Cocoanut Avenue face similar limitations. The property immediately to the north (13797 Cocoanut Avenue) was able to address this restriction by utilizing Code Sec. 34-902 – Yard Restrictions, which allowed them to extend their first-floor entrance platform six feet into the front yard setback. This same option was evaluated with my

architect; however, due to the narrowness of the lot and the garage being located along the front setback line, this provision is not applicable to my property. As such, I am requesting this variance to achieve a similar accommodation and allow for reasonable use of the property given its unique constraints.

2. The special conditions or circumstances do not result from the actions of the applicant; Applicant Response:

The special conditions affecting this property are beyond my control and do not result from any action on my part. The protected wetland area at the rear of the parcel is regulated by the Florida Department of Environmental Protection.

3. A granting of the variance requested will not confer upon the applicant any special privilege that is denied by said Ordinance to other lands, buildings or structures in the same district; Applicant Response:

Granting this variance will not confer any special privilege that is unavailable to other properties within the same zoning district. The request is a reasonable response to the unique constraints imposed by the protected wetland, which significantly limits the usable area of the parcel.

4. A literal interpretation of the provisions of said ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Ordinance and would work unnecessary an undue hardship on the applicant; Applicant Response:

A literal enforcement of the current front setback requirement would restrict me from enjoying the same reasonable use of the property that other homeowners in the district are afforded. Due to the protected wetland encompassing the rear 42% of the parcel, the buildable area is substantially reduced, leaving very limited rear yard space. Adhering strictly to the 25-foot front setback results in only approximately 173 square feet of rear yard area, which is considerably smaller than what is typical for neighboring homes. Reducing the front setback to 20 feet would increase the rear yard to approximately 384 square feet, creating a more functional and livable outdoor area while maintaining compliance with all other zoning requirements. Without this adjustment, the property's environmental constraints would impose an unnecessary and undue hardship by preventing the owner from

achieving a use and layout comparable to other residential lots in the neighborhood.

5. **A prior application for the granting of the variance had not been submitted within the preceding twelve (12) months; Applicant Response:**

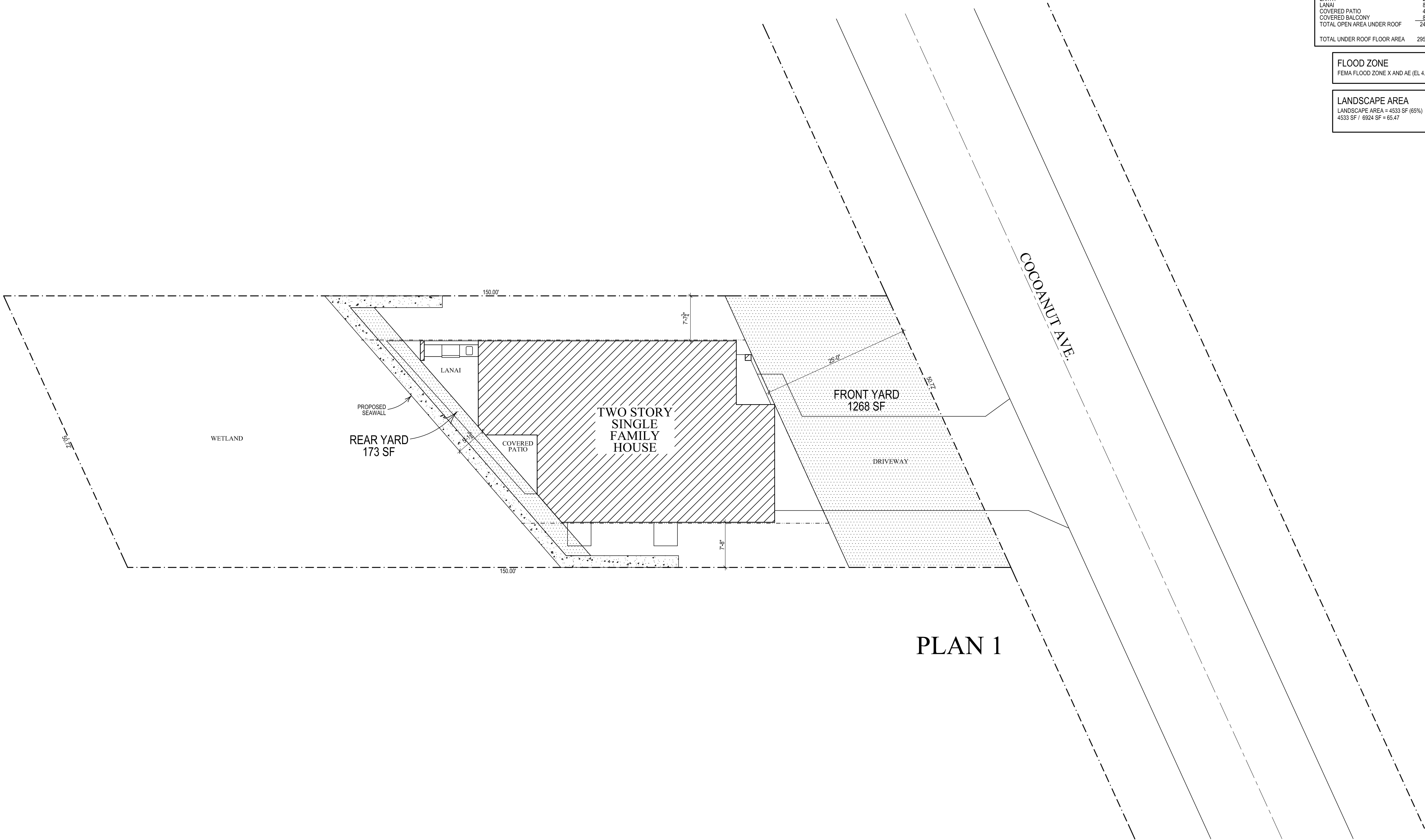
No prior application for the granting of this variance has been submitted for this property within the preceding twelve (12) months.

SITE DATA
SITE AREA - 0.16 ACRES (6924 SF)
ZONING DISTRICT - RS-5
FRONT SETBACK - 25'
REAR SETBACK - 12'
SIDE SETBACK - 7.5'

FLOOR AREA	
FIRST FLOOR AC	874 SF
SECOND AC	1388 SF
TOTAL AC AREA	2262 SF
GARAGE	448 SF
TOTAL ENCLOSED AREA	2710 SF
ENTRY	21 SF
LANAI	88 SF
COVERED PATIO	44 SF
COVERED BALCONY	88 SF
TOTAL OPEN AREA UNDER ROOF	241 SF
TOTAL UNDER ROOF FLOOR AREA	2951 SF

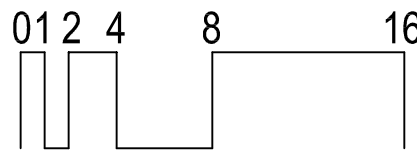
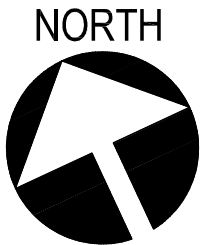
FLOOD ZONE
FEMA FLOOD ZONE X AND AE (EL 4.00)

LANDSCAPE AREA
LANDSCAPE AREA = 4533 SF (65%)
4533 SF / 6924 SF = 65.47



PLAN 1

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SHALL NOT BE USED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT
EXCEPT FOR THE CONSTRUCTION OF THIS PARTICULAR PROJECT.



SITE PLAN
SCALE 1/8" = 1'-0"

NOT FOR CONSTRUCTION

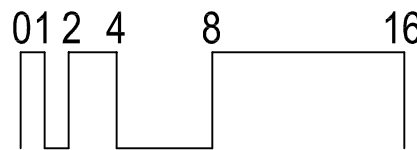
REVISIONS

DRAWN CC
CHECKED CSC
DATED 10/27/25
PROJECT 25009
SHEET

A1

CORY S. CROSS
ARCHITECT
AR 1324
2560 Pepperwood Circle North Palm Beach, FL 33410
561-281-0960

PROPOSED HOUSE FOR
MR. MICHAEL BATES
COCOANUT AVE.
JUNO BEACH, FL 33408



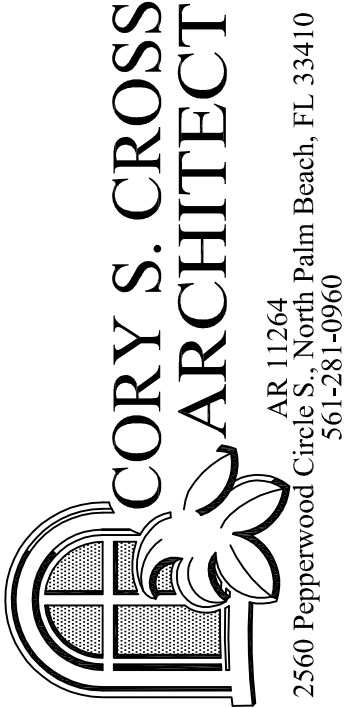
SITE PLAN
SCALE 1/8" = 1'-0"

NOT FOR CONSTRUCTION

REVISIONS

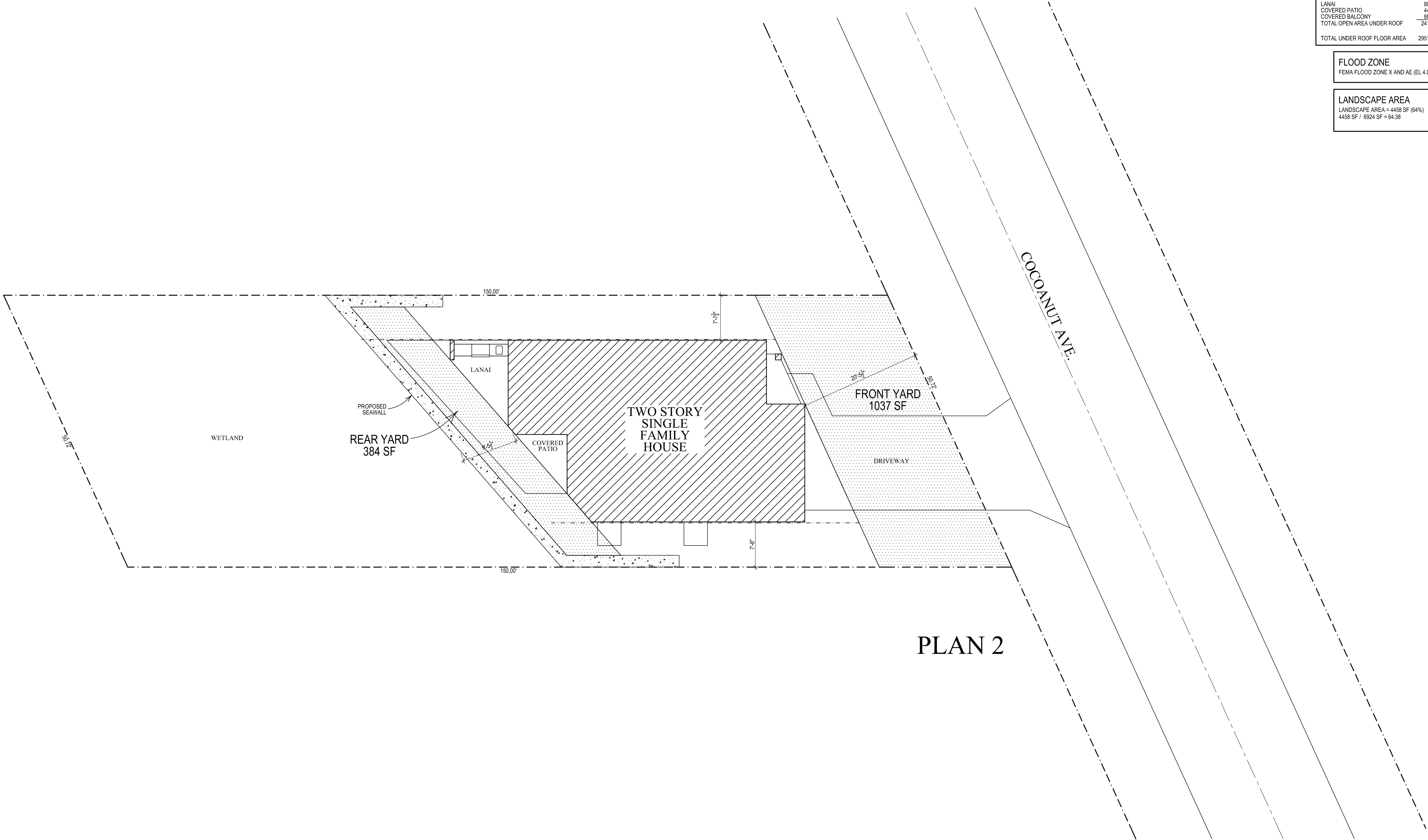
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CHECKED CSC
DATED 10/27/25
PROJECT 25009
SHEET

A1



CORY S. CROSS
ARCHITECT
AR 13264
2560 Pepperwood Circle North Palm Beach, FL 33410
561-281-0960

PROPOSED HOUSE FOR
MR. MICHAEL BATES
COCOANUT AVE.
JUNO BEACH, FL 33408

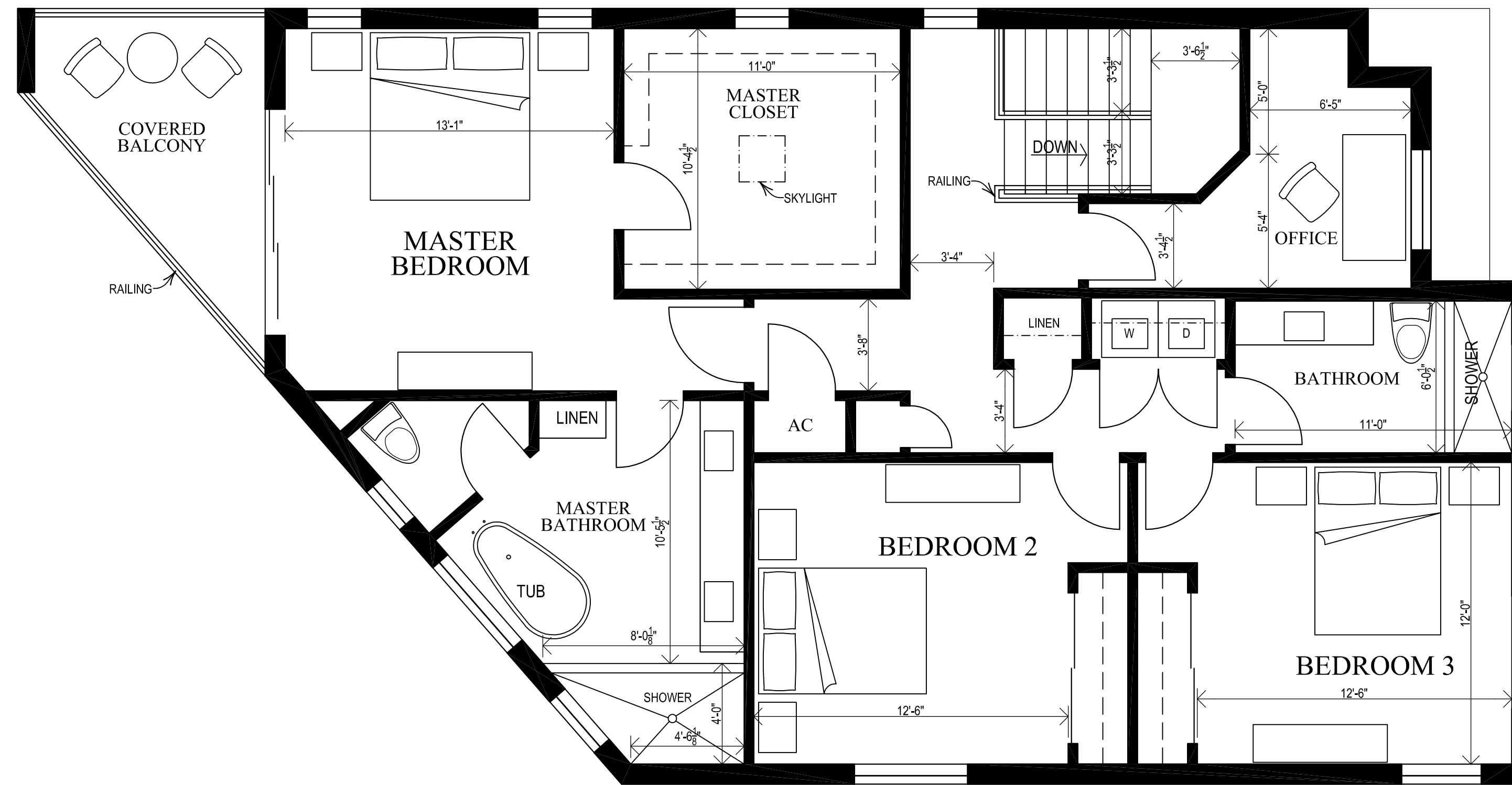


SITE DATA
SITE AREA - 0.16 ACRES (6924 SF)
ZONING DISTRICT - RS-5
FRONT SETBACK - 25'
REAR SETBACK - 12'
SIDE SETBACK - 7.5'

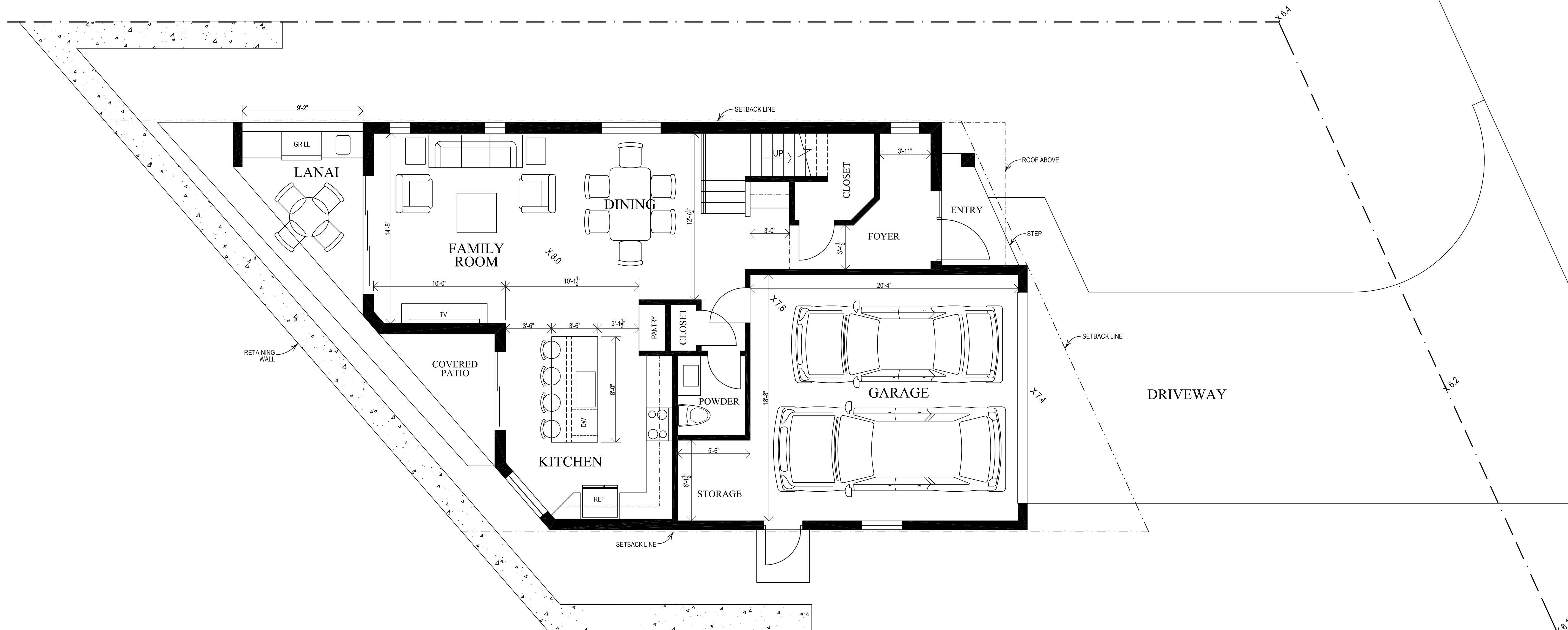
FLOOR AREA
FIRST FLOOR AC 874 SF
SECOND AC 1388 SF
TOTAL AC AREA 2262 SF
GARAGE 448 SF
TOTAL ENCLOSED AREA 2710 SF
ENTRY 21 SF
LANAI 88 SF
COVERED PATIO 44 SF
COVERED BALCONY 88 SF
TOTAL OPEN AREA UNDER ROOF 241 SF
TOTAL UNDER ROOF FLOOR AREA 2951 SF

FLOOD ZONE
FEMA FLOOD ZONE X AND AE (EL 4.00)

LANDSCAPE AREA
LANDSCAPE AREA = 4458 SF (64%)
4458 SF / 6924 SF = 64.38



SECOND FLOOR



BATES RESIDENCE

AC AREA = 2262 SF

H

WALL TYPES				
USE CEMENT BOARD ON WET SIDE OF SHOWER AND TUB WALLS.				
SYMBOL	STRUCTURE	EXTERIOR FINISH	INTERIOR FINISH	INSULATION
	8" CONCRETE BLOCK	3/4" STUCCO	3/4" STUCCO SKIM COAT IN GARAGE	NONE
	8" CONCRETE BLOCK	3/4" STUCCO	1/2" DRYWALL ON 1X2 PPT FURRING	R-4.1
	8" CONCRETE BLOCK	3/4" STUCCO	1/2" DRYWALL ON 1X2 PPT FURRING	NONE
	2X4 STUDS AT 16" OC.	1/2" DRYWALL	1/2" DRYWALL	NONE
	2X6 STUDS AT 16" OC.	1/2" DRYWALL	1/2" DRYWALL	NONE
	2X4 STUDS AT 16" OC.	1/2" DRYWALL	1/2" DRYWALL	R-11
	2X6 STUDS AT 16" OC.	1/2" DRYWALL	1/2" DRYWALL	2" SOUND BATT

WIND PRESSURES MINIMUM REQUIRED		
WINDOWS	+45 PSF	-60 PSF
SINGLE DOORS	+45 PSF	-60 PSF
FRENCH DOORS	+45 PSF	-60 PSF
SLIDING GLASS DOORS	+45 PSF	-60 PSF
OVERHEAD DOORS	+38 PSF	-42 PSF

INSULATION		SEE SECTIONS FOR PLACEMENT
EXTERIOR BLOCK WALLS:	R-4.1	
ROOF OVER AC SPACES:	R-20	
FLOOR OVER NON AC SPACES:	R-11	

PLUMBING	
HOSE BIB	HB
APPLIANCE WATER LINE	WL
SHOWER HEAD WITH VALVE BELOW	A
SHOWER HEAD W/ HAND WAND WITH VALVE BELOW	A

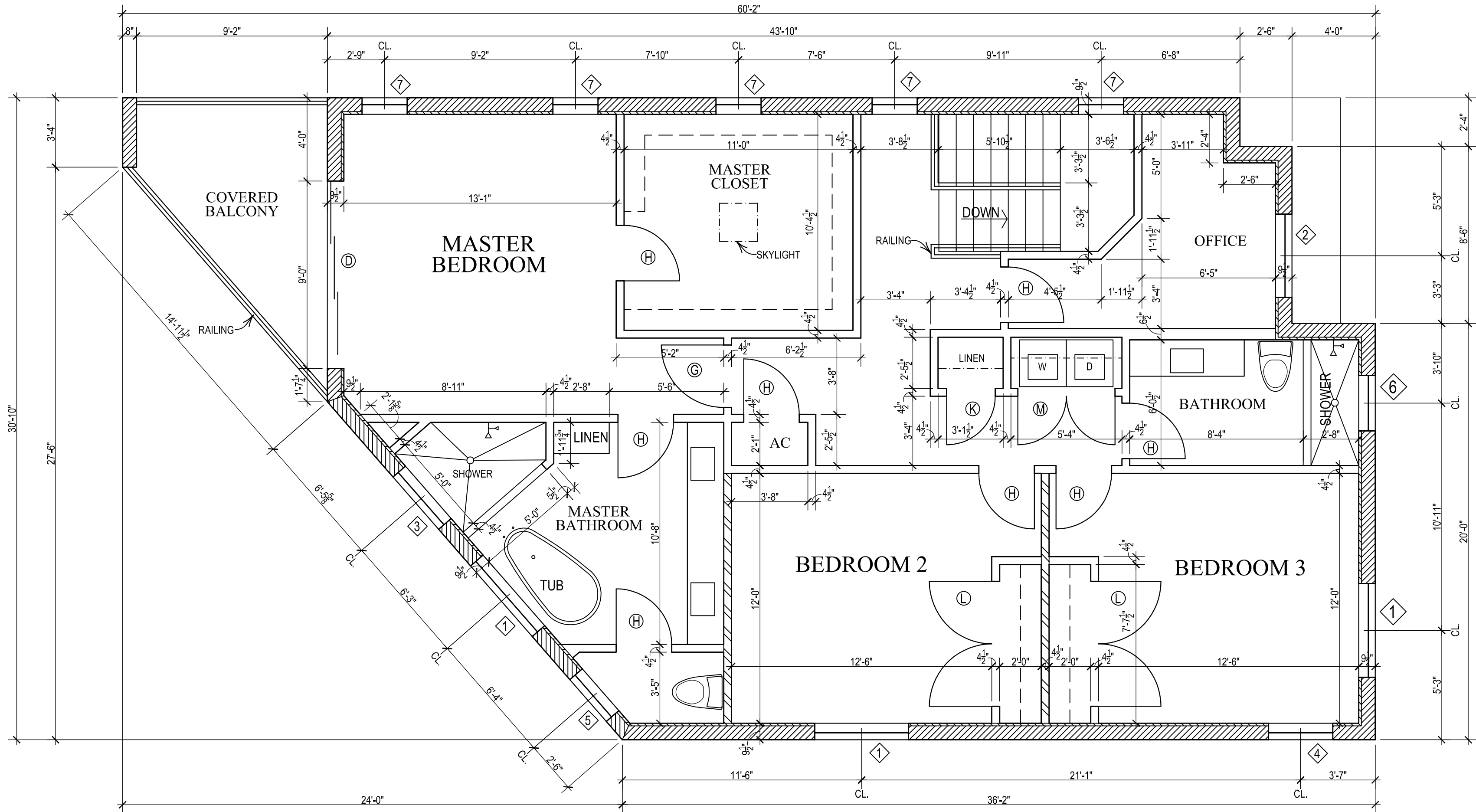
WINDOW SCHEDULE		VERIFY ROUGH-IN DIMENSIONS WITH MANUFACTURER		
TAG	TYPE	SIZE WIDTH HEIGHT	MATERIAL	EGRESS NOTES
1	SINGLE HUNG	53-1/8" 76"	ALUM.	YES
2	SINGLE HUNG	48" 76"	ALUM.	NOT REQ.
3	SINGLE HUNG	40" 59-1/2"	ALUM.	NOT REQ.
4	SINGLE HUNG	37" 76"	ALUM.	NOT REQ.
5	SINGLE HUNG	32" 59-1/2"	ALUM.	NOT REQ.
6	SINGLE HUNG	32" 50-5/8"	ALUM.	NOT REQ.
7	SINGLE HUNG	26" 59-1/2"	ALUM.	NOT REQ.
8	FIXED	19" 76"	ALUM.	NOT REQ.

GLAZING	
1. ALL GLAZING SHALL BE IMPACT RATED.	
2. GLAZING IS SINGLE PANE TINTED	
3. U FACTOR OF 1.07 OR LESS	
4. SHGC OF 0.27 OR LESS	

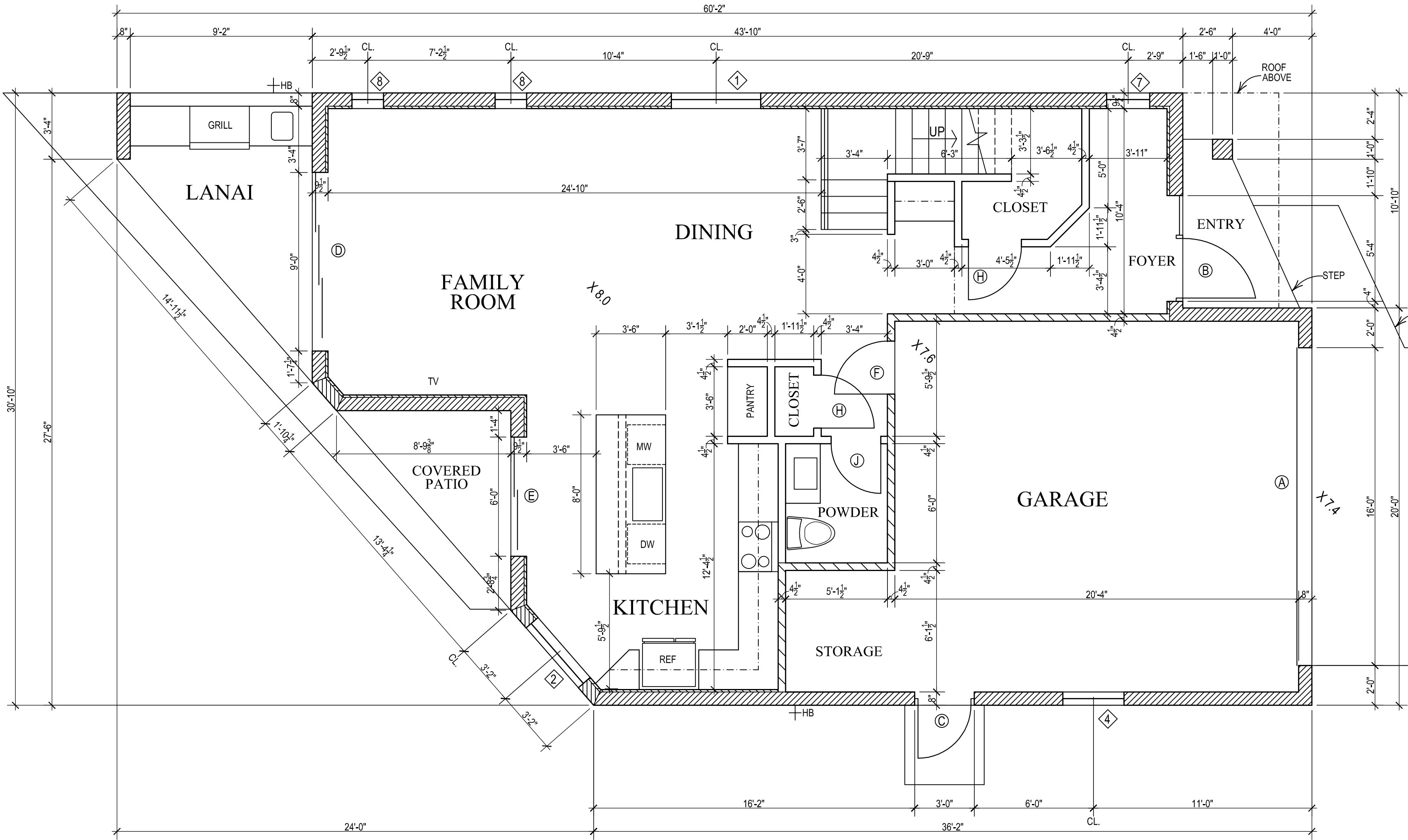
DOOR SCHEDULE				
TAG	WIDTH	HEIGHT	MATERIAL	DESCRIPTION
A	16'-0"	8'-0"	METAL	OVERHEAD DOOR
B	3'-0"	8'-0"	FIBERGLASS	IMPACT RATED ENTRY DOOR AND 24" SIDELITE
C	2'-8"	8'-0"	FIBERGLASS	
D	(3) 3'-0"	8'-0"	ALUM.	IMPACT RATED SLIDING GLASS DOORS - 3 PANELS
E	(2) 3'-0"	8'-0"	ALUM.	IMPACT RATED SLIDING GLASS DOORS - 2 PANELS
F	2'-8"	8'-0"		SOLID WOOD 1-3/8" MIN. THICK OR HONEYCOMB CORE STEEL 1-3/8" MIN. THICK OR 20 MIN. RATED
G	3'-0"	8'-0"	WOOD	
H	2'-8"	8'-0"	WOOD	
J	2'-6"	6'-8"	WOOD	
K	2'-4"	8'-0"	WOOD	
L	(2) 3'-0"	8'-0"	WOOD	
M	(2) 2'-4"	8'-0"	WOOD	

SEE GLAZING SPECS ABOVE

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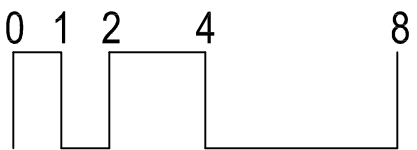
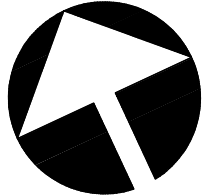


SECOND FLOOR



FIRST FLOOR

NORTH



FLOOR PLANS
SCALE 1/4" = 1'-0"

NOT FOR CONSTRUCTION

REVISIONS

DRAWN CC
CHECKED CSC
DATED 10/1/25
PROJECT 25009
SHEET

A2

CORY S. CROSS
ARCHITECT
2560 Pepperwood Circle
APT. 11254
North Palm Beach, FL 33410
561-281-0960

PROPOSED HOUSE FOR
MR. MICHAEL BATES
COCOANUT AVE.
JUNO BEACH, FL 33408



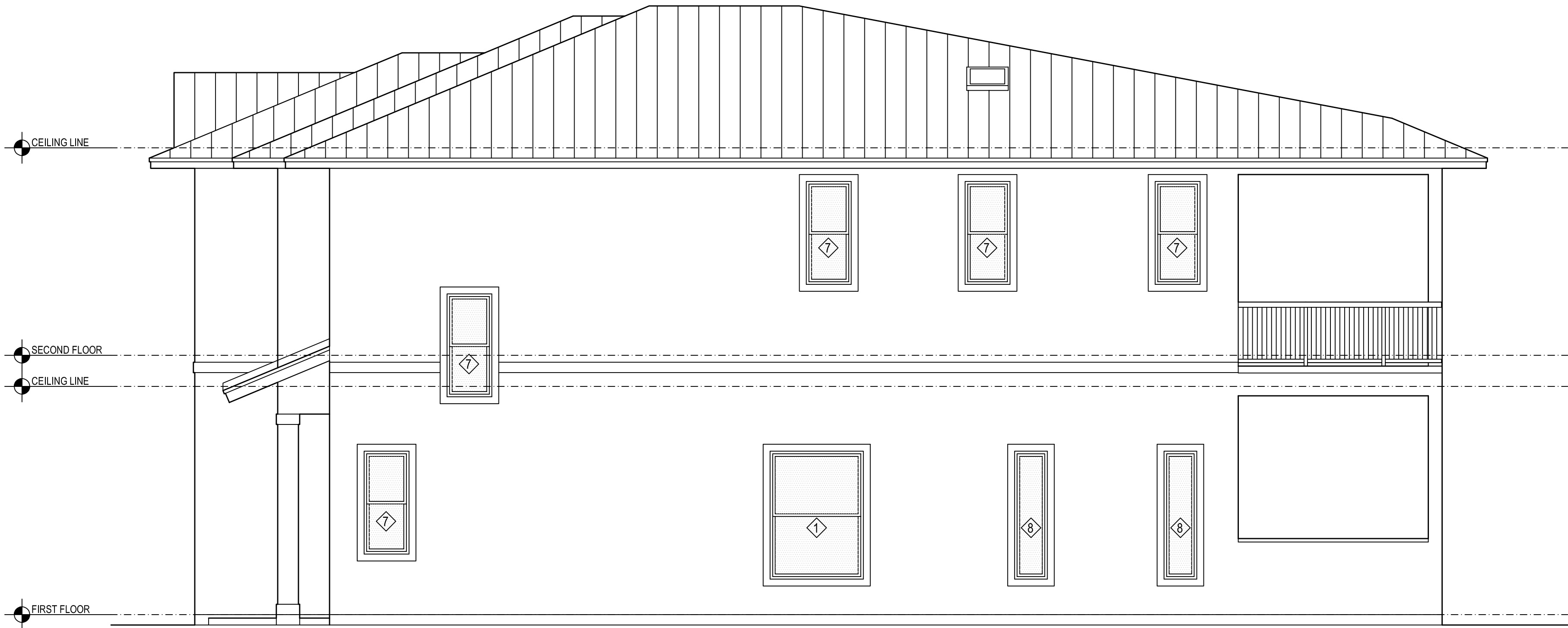
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



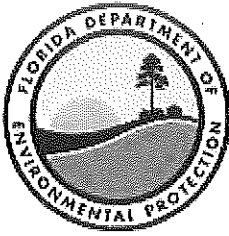
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PROPOSED HOUSE FOR
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COCOANUT AVE.
JUNO BEACH, FL 33408

CORY S. CROSS
ARCHITECT
AR 13264
2560 Peppertwood Circle - North Palm Beach, FL 33410
561-281-0960

REVISIONS
DRAWN CC
CHECKED CSC
DATED 10/1/25
PROJECT Z5009
SHEET

A3



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nufiez
Lt. Governor

Shawn Hamilton
Secretary

Project Name: New Jupiter Heights

Permittee/Authorized Entity:

Robert Sunstone
201 North First Street
Hampton, VA 23664
Email: rsunstone@gmail.com

Authorized Agent:

Isiminger & Stubbs Engineering, Inc.
c/o Charlie Isiminger
Email: cisiminger@coastal-engineers.com

Environmental Resource Permit - Granted

State-owned Submerged Lands Authorization – Not Applicable

**U.S. Army Corps of Engineers / Section 404 Authorization – Separate Authorization
Required**

Permit No.: 50-402499-002-EI

Permit Issuance Date: April 14, 2022

Permit Construction Phase Expiration Date: April 14, 2027

Environmental Resource Permit

Permit No.: 50-0402499-002-EI

PROJECT LOCATION

The activities authorized by this Permit are located within unnamed wetlands, Class III Waters, within Parcel ID: 28-43-41-28-10-015-0030 on Cocoanut Avenue, Juno Beach, in Section 28, Township 41 South, Range 43 East, in Palm Beach County (Latitude N 26°52'43", Longitude W -80°03'29").

PROJECT DESCRIPTION

This permit authorizes the installation of an approximate 81 ln. ft. retaining wall and the filling of approximately 4,698 sq. ft. (0.11-acres) of wetlands for the construction of a single-family residence.

This permit authorizes 4,698 ft² of impacts to wetland or other surface waters. To offset unavoidable adverse impacts to 0.11 acres of wetlands or other surface waters, the permittee has elected to purchase 0.02 mitigation credits from the Loxahatchee Mitigation Bank. The permittee has submitted proof of purchase of the required mitigation credits prior to impacting the wetlands.

AUTHORIZATIONS

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 does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

Federal Authorization/State 404 Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization. As of Dec. 22, 2020, Florida has assumed authority to administer the dredge and fill permitting program under Section 404 of the federal Clean Water Act within certain waters in the state "assumed waters."

Your application was not reviewed under the State 404 Permitting Program because the application was submitted prior to the implementation of this program. If you do not already have a permit or other letter from the U.S. Army Corps of Engineers (USACE) under Section 404 of the clean Water Act, or if you do not have a pending application with the USACE for a 404 permit, you may need to apply to DEP for a separate 404 Permit or Permit Determination.

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.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Project Name: New Jupiter Heights

Permit No.: 50-0402499-002-EI

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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 CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General 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 authorization, as described.

SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS

(1) The attached project drawings (sheets 1 through 3); and DEP forms 62-330.310(3), 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

(2) If the attached permit drawings conflict with the specific conditions, then the specific conditions shall prevail.

SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION

(3) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall

Project Name: New Jupiter Heights

Permit No.: 50-0402499-002-EI

Page 3 of 11

attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department's Compliance Assistance Program, by email SED_Compliance@FloridaDEP.gov, or by phone (561) 681-6600, to schedule the pre-construction conference.

(4) The permittee shall ensure that the permit conditions are explained to all construction personnel working on the project and for providing each contractor and subcontractor with a copy of this permit before the authorized work begins.

(5) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site, and shall be maintained and remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

SPECIFIC CONDITIONS – MITIGATION

(6) To offset unavoidable adverse impacts to 0.11 acres of wetlands, prior to any construction activities, the permittee has purchased 0.02 mitigation credits from Loxahatchee Mitigation Bank.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

(7) All storage or stockpiling of tools or material (i.e. lumber, pilings, debris, etc.) shall be limited to uplands or within the impact areas authorized by this permit.

(8) This permit authorizes permanent impacts to the wetland fill area shown on the permit drawings only (0.11 acres). No other wetland areas are authorized to be impacted, which includes but is not limited to clearing with the use of heavy equipment, filling, stockpiling of construction materials or excavation. The limits of impact shall be clearly marked during construction in a way which is visible and obvious to anyone performing work on-site, including someone operating heavy equipment.

(9) Any fill material used shall be clean fill and free of vegetative matter, trash, rebar, garbage, toxic or hazardous waste, or any other unsuitable materials. There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), within wetlands.

(10) Silt fences or equivalent sediment controls are required for all side slope and downslope boundaries of the construction area.

SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS

(11) Turbidity levels outside the construction area shall not exceed 0 NTU's above background levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 0 NTUs above background:

- a. Notify the Department at (561) 681-6600 at the time the violation is first detected.

- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below 0 NTUs.

(12) Turbidity Monitoring: Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

(13) Turbidity Monitoring Reports: During dock construction activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by the Specific Condition above:

- a. Date and time of sampling event
- b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
- c. Description of data collection methods
- d. An aerial map indicating the sampling locations
- e. Depth of sample(s)
- f. Weather conditions at times of sampling
- g. Tidal stage and direction of flow

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to the Department's ERP Compliance Assurance Program via email at SED_Compliance@FloridaDEP.gov. The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

SPECIFIC CONDITIONS – LISTED SPECIES

(14) This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the

appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

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], 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.

(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.

(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.

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 a subsequent order of the Department. Because the administrative hearing

process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

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 Rules 28-106.201 and 28-106.301, 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 e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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 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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us. 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 and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 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 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

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. If you do

not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

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, or via electronic correspondence at Agency_Clerk@dep.state.fl.us, before the 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 Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, 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 must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Norva Blandin, MSEM
Permitting Program Administrator
Southeast District

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:

FDEP – Norva Blandin MSEM, Danielle Sattelberger, Kaitlyn Mallett, David Carey-Kearny, Matt Mitchell, Palm Beach County, Environmental Resources, mmitchell@pbcgov.org

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.

	04/14/2022
Clerk	Date

Attachments:

Project Drawings and Design Specs., 3 pages

Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit Form 62-330.310(3)*

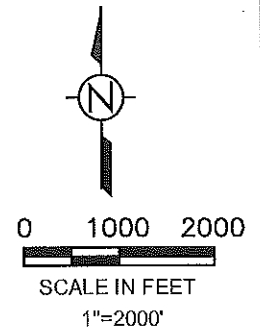
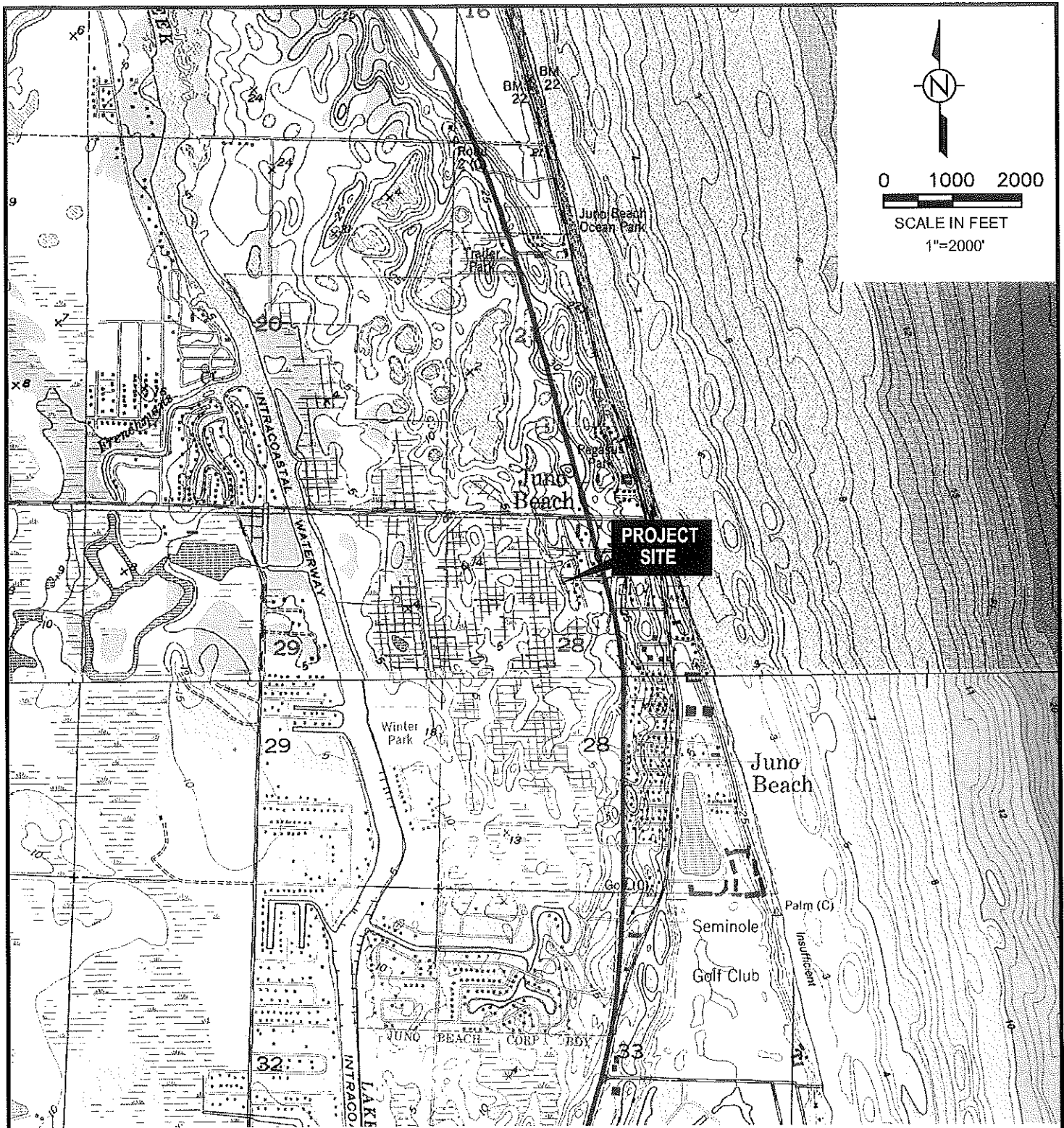
As-built Certification and Request for Conversion to Operational Phase Form 62-330.310(1)*

Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)*

Request to Transfer Permit Form 62-330.340(1)*

Commencement Notice Form 62-330.350(1)*

*Can be downloaded at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

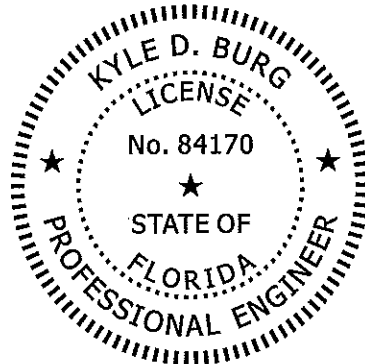


TAKEN FROM U.S.G.S. RIVIERA BEACH & JUPITER, FLORIDA QUADRANGLE

SEC: 28 TWP: 41S RGE: 43E

LAT: 26° 52' 43" N

LONG: 080° 03' 29" W



VICINITY MAP



**ISIMINGER & STUBBS
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE

REGISTRATION NUMBER 6114

P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-881-0003

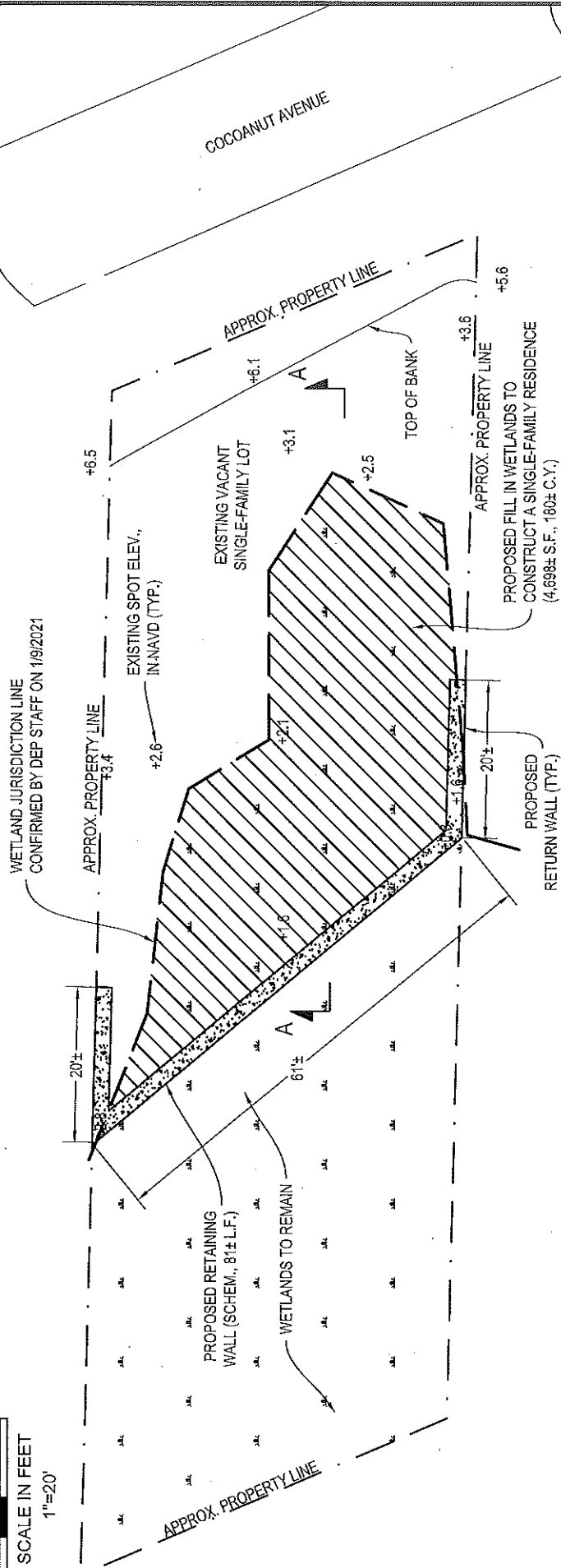
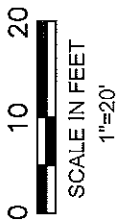
**PROPOSED RETAINING WALL & WETLAND FILL
NEW JUPITER HEIGHTS**

PCN: 28-43-41-28-10-015-0030

TOWN OF JUNO BEACH, PALM BEACH COUNTY, FL
APPLICANT: JAMES, LAURA & ROBERT SUNSTONE

DATE	4/21	DRAWN	TCR	CHKD	MDB	APPRVD	KDB
DWG NO.	20240A1						SHEET
COMPUTER FILE NO.	20240A						OF 3

1



PLAN VIEW


**ISIMINGER & STUBBS
ENGINEERING, INC.**

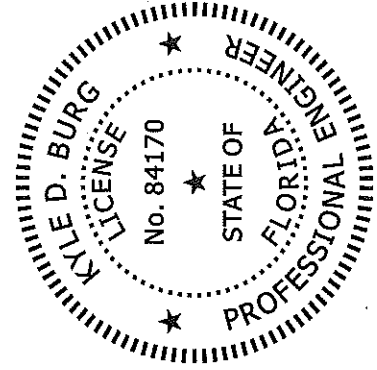
COASTAL • ENVIRONMENTAL • MARINE
REGISTRATION NUMBER 8114
P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 • 561-881-0003

PROPOSED RETAINING WALL AND WETLAND FILL
NEW JUPITER HEIGHTS

PCN: 28-4341-28-10-015-0030

TOWN OF JUNO BEACH, PALM BEACH COUNTY, FL
APPLICANT: JAMES, LAURA & ROBERT SUNSTONE

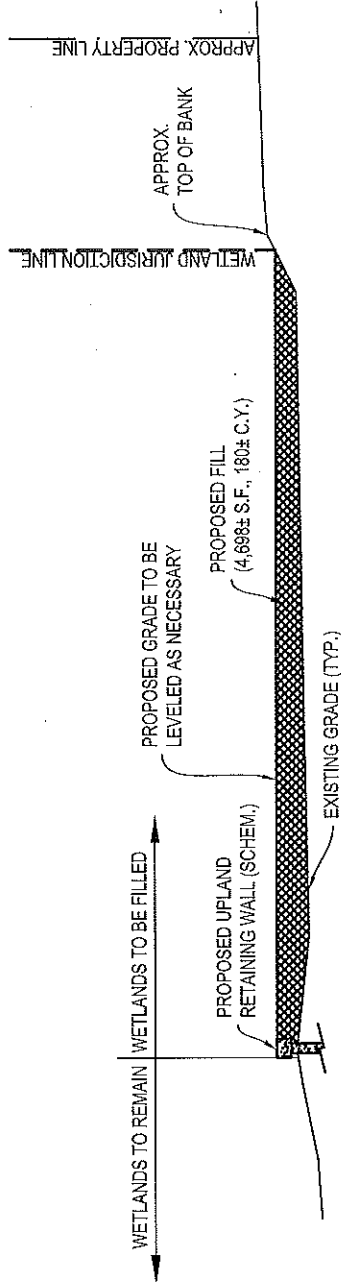
DATE	4/21	DRAWN	TCR	CHKD	MDB	APPRVD	KDB
DWG NO.		20240A2		SHEET			
COMPUTER FILE NO.		20240A		OF 3			
2							



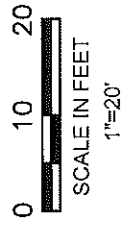
NOTES:

1. DATUM IS NAVD.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LEGACY SURVEYING AND MAPPING, INC., DATED 3/9/21, AND ON-SITE OBSERVATIONS.
3. APPROXIMATE WETLAND JURISDICTION LINE BY ISIMINGER & STUBBS ENGINEERING, INC., FIELD WORK PERFORMED 12/4/20. JURISDICTION LINE CONFIRMED BY DEP STAFF ON 1/9/21.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.



SECTION A-A

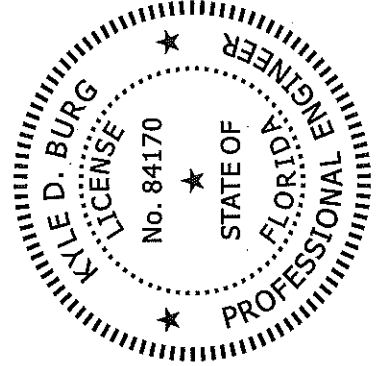


SECTION VIEW

NOTES:

1. DATUM IS NAVD.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY LEGACY SURVEYING AND MAPPING, INC., DATED 3/9/21, AND ON-SITE OBSERVATIONS.
3. APPROXIMATE WETLAND JURISDICTION LINE LOCATED BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 12/16/20.

SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.



ISIMINGER & STUBBS
ENGINEERING, INC.

COASTAL - ENVIRONMENTAL - MARINE
REGISTRATION NUMBER 8114
P.O. BOX 14702 - NORTH PALM BEACH, FL 33408 - 561-381-0003

PROPOSED RETAINING WALL AND WETLAND FILL
NEW JUPITER HEIGHTS
PCN: 28-43-41-28-10-015-0030
TOWN OF JUNO BEACH, PALM BEACH COUNTY, FL
APPLICANT: JAMES, LAURA, & ROBERT SUNSTONE

DATE	4/21	DRAWN	TCR	CHKD	MDB	APPRVD	KDB
DWG NO.	20240A3						
COMPUTER FILE NO.	20240A						
SHEET	3						
OF	3						



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

Southeast District
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

April 7, 2025

Michael Bates
8232 Garden Catalina Circle, Apt. 1626
Lake Worth, FL 33467
Email: Mbates827@gmail.com

RE: File Name: New Jupiter Heights Transfer
Transfer of Permit No.: 50-0402499-002-EI
File No.: 50-0402499-003-EM

Dear Michael Bates:

The transfer of this permit to Michael Bates is hereby approved and effective as of the date of this letter. Please attach a copy of this letter and the enclosed transfer of permit to your permit and make them available on site during construction. When referring to this project, please use the file numbers indicated.

From Permittee:

Robert Sunstone
201 North First Street
Hampton, VA 23664

To Permittee:

Michael Bates
8232 Garden Catalina Circle, Apt. 1626
Lake Worth, FL 33467

This notice of transfer does not alter the original expiration date of April 14, 2027, the Specific or General Conditions, or the monitoring requirements of the permit. This letter must be attached to the original permit.

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 21 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 21 days of publication of the notice or within 21 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 21 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.

Permittee: Michael Bates

Transfer of Permit No.: 50-0402499-002-EI

File No.: 50-0402499-003-EM

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Executed in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Norva Blandin, MSEM
Permitting Program Administrator
Southeast District

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:

FDEP – Norva Blandin MSEM, Danielle Sattelberger, Juliana Hall, Hannah Blum,
Miranda Lopez
Matt Mitchell, Palm Beach County, Environmental Resources, mmitchell@pbcgov.org
Robert Sunstone, Rsunstone@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.

<i>Chloe Sigwart</i>	04/07/2025
<u>Clerk</u>	<u>Date</u>