



Interoffice Memorandum

August 23, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Andres Salcedo, P.E., Acting Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **Elizabeth R. Johnson, CEP, PWS, MPA, Interim Manger** 
Environmental Protection Division
(407) 836-1511

SUBJECT: September 26, 2023 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
Federico and Danielle Hollander (SADF-23-01-000)

The applicants, Federico and Danielle Hollander, are requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a replacement seawall, faced with riprap and plantings, on the shoreline of Lake Tibet-Butler. The property is located at 10017 Lone Tree Lane, Orlando, FL 32836 (Parcel ID No. 32-23-28-1874-00-090) in District 1.

The applicants are proposing to construct approximately 110 feet of replacement, vinyl seawall along the Normal High Water Elevation (NHWE) of Lake Tibet-Butler in order to replace an existing wooden seawall that is in poor condition. The proposed seawall will end at the adjacent seawall to the west (Parcel ID No. 32-23-28-1874-00-080). The adjacent parcel to east (Parcel ID No. 32-23-28-1874-00-100) also has an existing seawall that is in disrepair; therefore, the proposed wall will be constructed with a 10 foot return on the eastern end.

Based on prior Board direction, riprap and plantings are required for new seawalls and replacement seawalls; therefore, the applicants will be required to install both waterward of the new seawall.

Environmental Protection Division (EPD) staff were unable to find a permit for the existing wooden wall but have determined that the structure was constructed sometime prior to 1987 and prior to the applicant's purchase of the property in 2016. Due to the fact that the existing unpermitted seawall was constructed by a previous owner decades ago, no enforcement action has been taken.

In accordance with Orange County Code, Chapter 33, Article IV, Section 15-129(d), notification of the public hearing was sent to property owners within 500 feet of the project site. EPD has received no objections to the request.

Pursuant to Orange County Code, Chapter 33, Article IV, EPD has evaluated the proposed SADF Permit Application and required documents and has made a finding that the request is consistent with Section 33-129.

Staff Recommendation

Approval of the SADF permit, subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the 30-calendar day period following the date of rendition of the Board's decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The operational phase of this permit is effective upon the completion of construction and continues in perpetuity.
3. Construction activities shall be completed in accordance with the engineered plans signed and sealed by Daniel Souter, P.E., and received by EPD on June 29, 2023 and the plans submitted by Federico Hollander, received by EPD on March 17, 2023. The permitted activity must commence within one year and be completed within two years from the date of issuance of the permit. In the event that the project has not commenced within one year or been completed within two years or extended, this permit shall be void and a new permit application with fee will be required.
4. In the event that the permitted activity has not been completed within two years, the Environmental Protection Officer may grant a permit extension of up to one additional year. Requests for permit extension must be submitted to EPD prior to the expiration date. No changes to the approved plans will be authorized with a permit extension.
5. Riprap shall be installed waterward of the new, vinyl seawall in accordance with the engineered plans signed and sealed by Daniel Souter, P.E. and received by EPD on June 29, 2023 and the plans submitted by Federico Hollander, received by EPD on March 17, 2023. The riprap shall be installed at a slope no steeper than two (horizontal) to one (vertical), extend at least halfway up the face of the seawall, and measure between 12 inches to three feet in diameter. The installation of riprap must commence within 30 days and be completed within 60 days from the date of completion of construction of the seawall.
6. Installation of plantings must be initiated within 30 days and be completed within 60 days of installation of the riprap in accordance with the plans submitted by Federico Hollander and received by EPD on March 17, 2023. After one year, if 80 percent areal coverage of native emergent or aquatic plant species is not established, additional plantings may be required.
7. The permittee may maintain a clear access corridor below the NHWE of 98.52 feet (NAVD88) above mean sea level for Lake Tibet-Butler, not to exceed 30 feet in width, and of sufficient length waterward from the shoreline to allow access to open water. Any existing or future structures, such as a boat dock, must be located within this corridor.
8. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall, riprap, and native vegetation plantings, as depicted on the approved plans.

9. Turbidity and sediment shall be controlled to prevent off-site, unpermitted impacts and violations of water quality standards pursuant to Rules 62-302.500, 62-302.530(700, and 62-4.242, Florida Administrative Code (F.A.C.). Best Management Practices (BMPs), as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (2013, or most current version), shall be installed and maintained at all locations where there is the possibility of transferring sediment, turbidity, or other pollutants into wetlands and/or surface waters due to the permitted activities. BMPs are performance based; if selected BMPs are ineffective or if site-specific conditions require additional measures, then the permittee shall implement additional or alternative measures as necessary to prevent adverse impacts to wetlands and/or surface waters. Turbidity discharging from a site must not exceed 29 Nephelometric Turbidity Units (NTU) over background for Class III waters and their tributaries or 0 NTU over background for those surface waters and tributaries designated as Outstanding Florida Waters (OFWs).
10. Discharge of groundwater from dewatering operations requires approval from FDEP and the applicable Water Management District. The operator/contractor shall obtain an FDEP Generic Permit for the Discharge of Ground Water from Dewatering Operations pursuant to the requirements of Chapters 62-621.300(2)(a) and 62-620, F.A.C., and Chapter 403 FS. Discharges directed to the County's MS4 require an Orange County Right-of-Way Utilization Permit for Dewatering prior to the start of any discharges.

General Conditions:

11. A copy of this permit, along with EPD stamped and approved drawings, should be taken to the Orange County Zoning Division (OCZD) at 201 South Rosalind Avenue for review prior to applying for a Building Permit. For further information, please contact the OCZD at (407) 836-5525.
12. After approval by OCZD, the certified site plans will need to be reviewed by the Orange County Building Safety Division (OCBSD) in order to obtain a Building Permit. For further information, please contact the OCBSD at (407) 836-5550.
13. 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 themselves and any successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
14. 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 permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owners' 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.

15. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VI of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency, the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
16. The permittee is hereby advised that Section 253.77 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.
17. 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.
18. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
19. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate. EPD may revoke the permit upon discovery of information that may cause pollution to water bodies, cause an adverse impact on the riparian rights of other waterfront property owners, or impede the traditional use and enjoyment of the waterbody by the public.
20. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to ensure conformity with the plans and specifications approved by the permit.
21. The permittee shall notify EPD, in writing, within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. The permittee shall remain liable for any corrective actions that may be required as a result of any permit violations until the permit is legally transferred.
22. 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.
23. 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.
24. 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.

25. 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 the 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.
26. Pursuant to Section 125.022 FS, the applicant shall obtain all other applicable state or federal permits before commencement of construction.

ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Shoreline Alteration/Dredge and Fill Permit SADF-23-01-000 for Federico and Danielle Hollander, subject to the conditions listed in the staff report. District 1**

ERJ/AK: jk

Attachments

Shoreline Alteration/Dredge and Fill Permit Request



**Shoreline Alteration/Dredge
and Fill Permit Request**
SADF-23-01-000
District #1

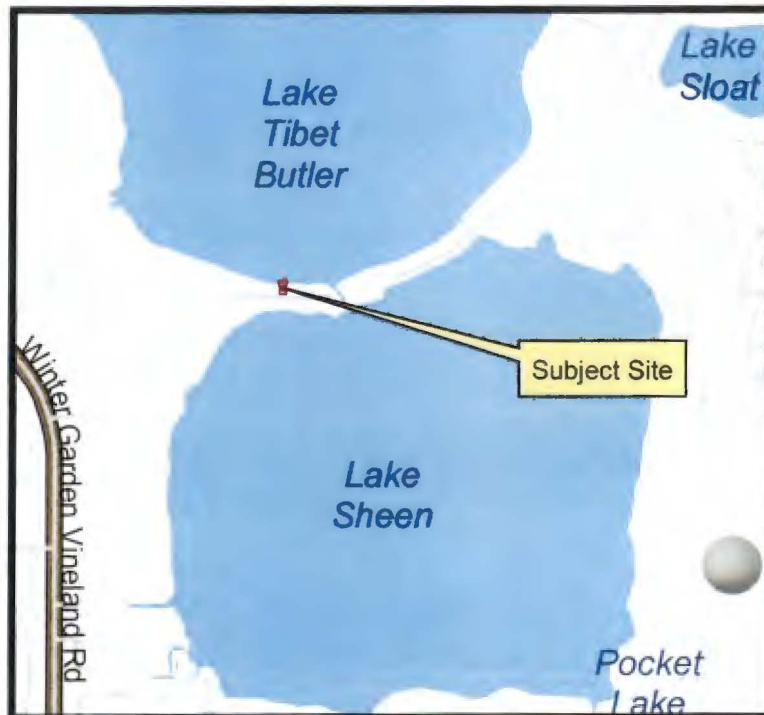
Applicants: Federico and Danielle
Hollander

Address: 10017 Lone Tree Lane

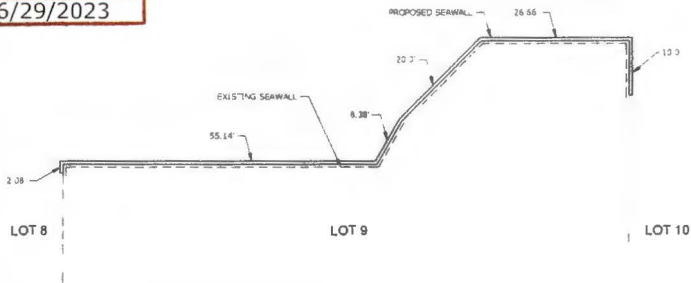
Parcel ID: 32-23-28-1874-00-090

Project Site 

Property Location 

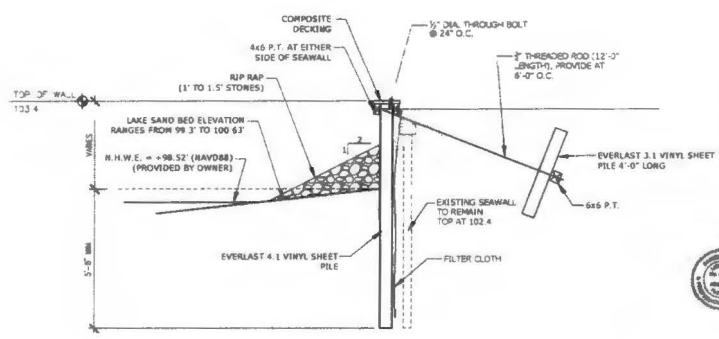


received
6/29/2023



1 SEA WALL PLAN VIEW
SCALE 1/16" = 1'-0"

1. BUILDING CODES
- A. ALL CONSTRUCTION SHALL CONFORM WITH THE 2020 (7th EDITION) FLORIDA BUILDING CODE.
 - B. IN ADDITION, ALL CONSTRUCTION SHALL CONFORM WITH THE GOVERNING LOCAL BUILDING CODE OR LOCAL JURISDICTIONAL REQUIREMENTS.



2 SEA WALL SECTION
SCALE NTS

DANIEL SOUTER, P.E.
10017 LONE TREE LANE
ORLANDO, FL 32836
PHONE: (407) 452-0888

alba
ENGINEERING
CAL 100088

HOLLANDER SEAWALL
10017 LONE TREE LANE
ORLANDO, FL 32836

SEAWALL
DETAIL

Seal of Engineer
This seal has been digitally signed and sealed by Daniel Souter, P.E. on the 06/29/2023. Please review the seal and verify the signature and date on the original seal or verify on the Florida Board of Professional Engineers website.
2023-06-29 14:47:30-0400
Daniel Souter, P.E.
Fl. Reg. No. 83901

Job Number 23-135
Date 06/29/23
Drawn EL
Checked DS

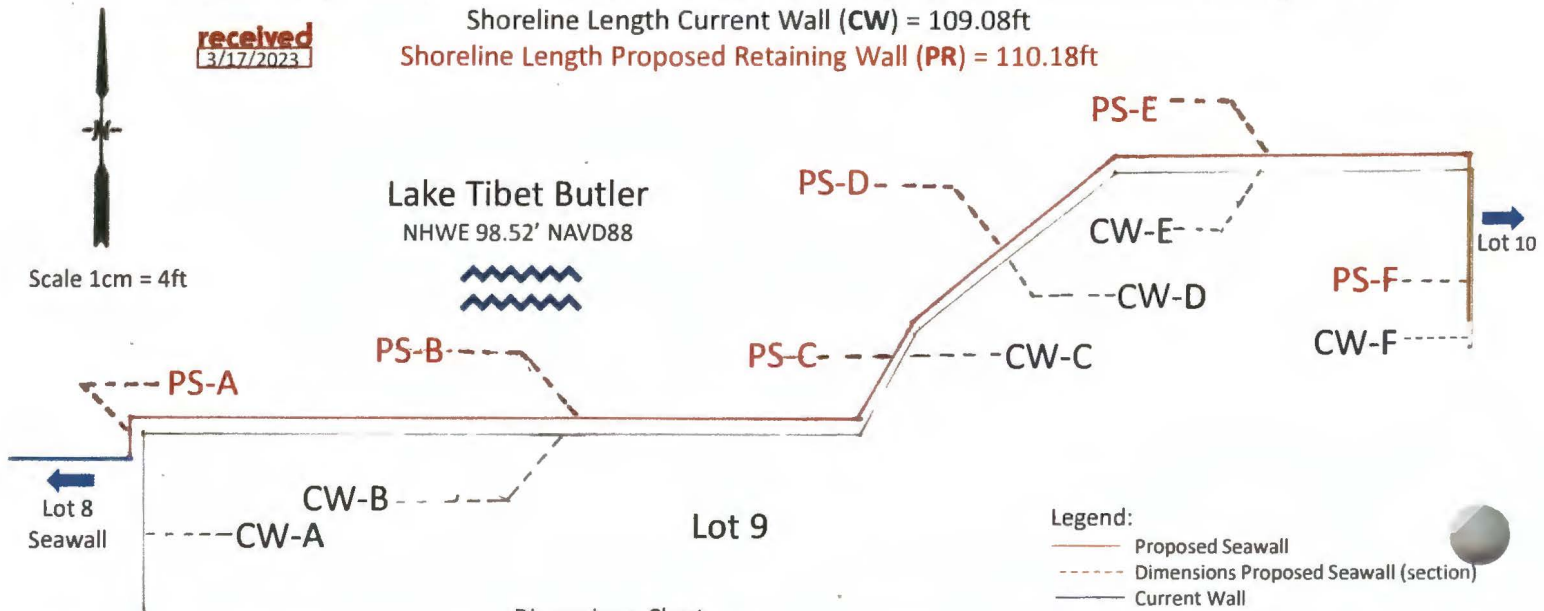
Sheet No
SW-1

Shoreline Length & Maximum Distance between Current Wall & Proposed Retaining Wall

Shoreline Length Current Wall (CW) = 109.08ft

Shoreline Length Proposed Retaining Wall (PR) = 110.18ft

received
3/17/2023



Dimensions Chart
CW= Current Wall / PS= Proposed Seawall

Section	Current Wall (CW)	Proposed Seawall (PS)	Distance between Current to End of Proposed Seawall
A	13.27ft	2.08ft	12 inches
B	54.17ft	55.14ft	10 inches
C	8.66ft	8.38ft	9.75 inches
D	19.25ft	20.00ft	9.75 inches
E	27.00ft	26.66	12 inches
F	13.00ft	10.00ft	1 inch
Shoreline	109.08ft	110.18ft	

Legend:

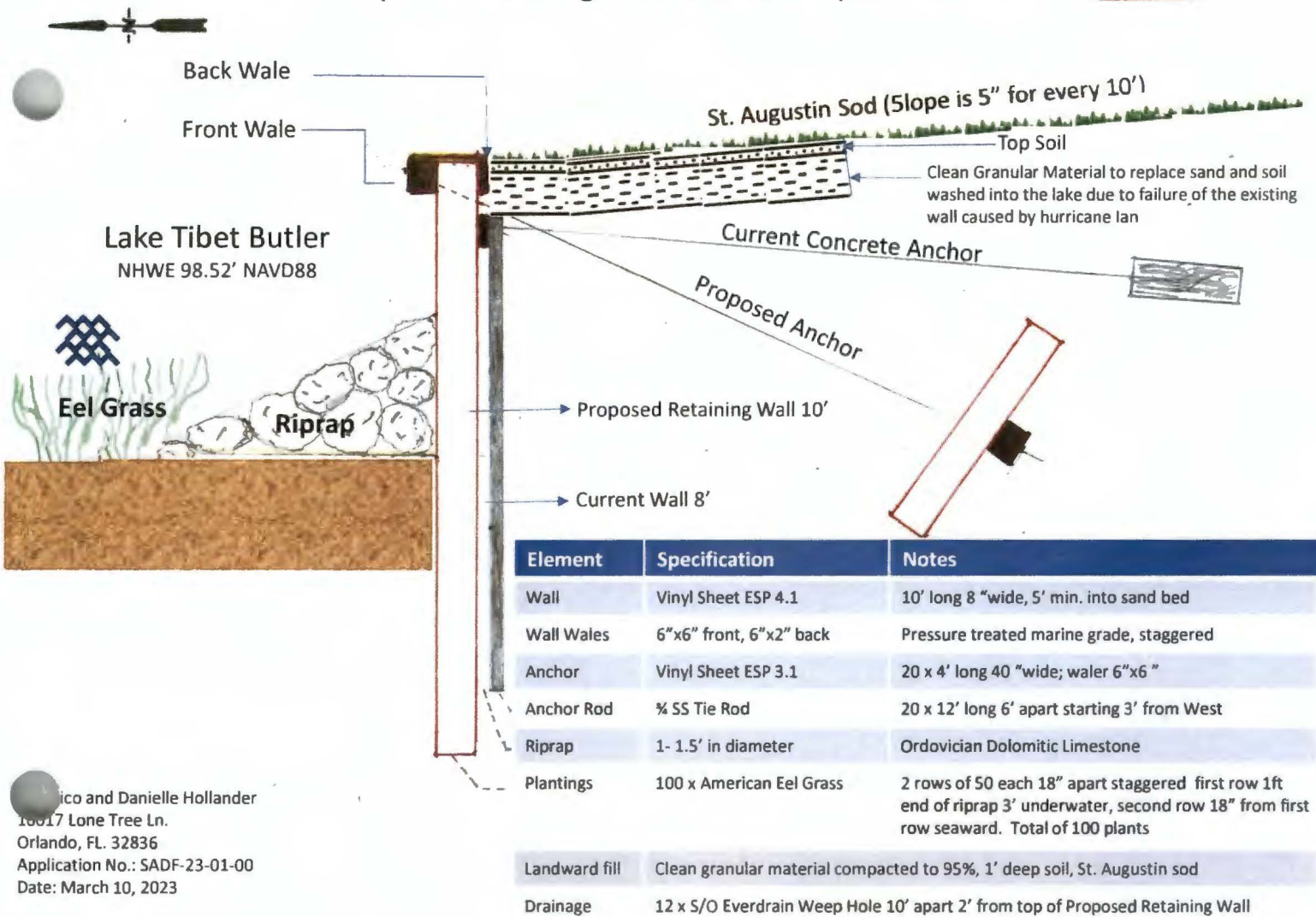
- Proposed Seawall
- - - - Dimensions Proposed Seawall (section)
- Current Wall
- - - - Dimensions Current Wall (section)
- Existing Neighboring Wall (Lot 8)

Federico and Danielle Hollander
10017 Lone Tree Ln.
Orlando, FL. 32836
Application No.: SADF-23-01-00
Date: March 10, 2023

Scale 1/2 inch = 1 ft

Proposed Retaining Wall - Materials Specifications

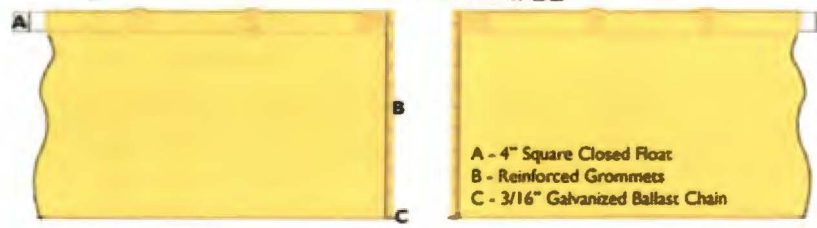
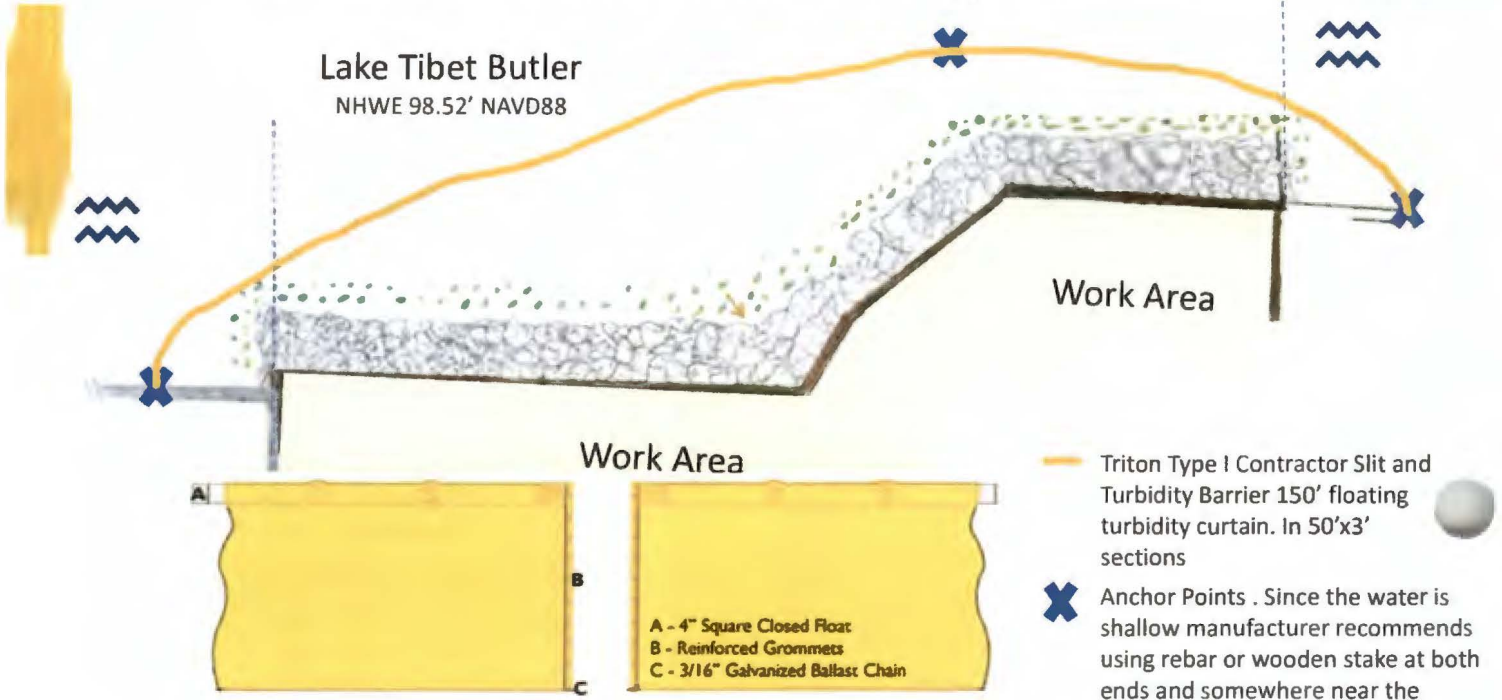
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3/17/2023



Erico and Danielle Hollander
10017 Lone Tree Ln.
Orlando, FL. 32836
Application No.: SADF-23-01-00
Date: March 10, 2023

received
3/17/2023

Sediment and Erosion Control Using a Floating Turbidity Curtain



A - 4" Square Closed Float
B - Reinforced Grommets
C - 3/16" Galvanized Ballast Chain

- Triton Type I Contractor Slit and Turbidity Barrier 150' floating turbidity curtain. In 50'x3' sections
- X Anchor Points . Since the water is shallow manufacturer recommends using rebar or wooden stake at both ends and somewhere near the middle to hold the curtain in place so it doesn't wash up to job site

Triton Type I Contractor Slit and Turbidity Barrier Specifications

Length	150' in sections of 50'
Depth	3'
Fabric	13 oz. PVC
Flotation	Square Foam Filled Flotation (A)
Flotations Size	4"
Bottom Ballast Chain	3/16" Galvanized Chain (C)
Section Connectors	Grommets (B)
Color	Yellow

Federico and Danielle Hollander
10017 Lone Tree Ln.
Orlando, FL. 32836
Application No.: SADF-23-01-00
Date: Feb 07, 2023



