



Interoffice Memorandum

August 12, 2021

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

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

**CONTACT PERSON: David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1406**

SUBJECT: September 14, 2021 – Public Hearing
Shoreline Alteration/Dredge and Fill Permit Application for
James and Marci Zweifel (SADF-21-03-006)

The applicants, James and Marci Zweifel, are requesting a Shoreline Alteration/Dredge and Fill (SADF) permit to authorize the construction of a new seawall along the shoreline of Lake Tibet-Butler for the property located at 6000 Lady Bet Drive, Orlando, FL 32819. The Parcel ID for the site is 28-23-28-7202-00-010. The subject property is located in District 1.

The applicants are proposing to construct a new 150-foot long vinyl seawall along the entire length of their shoreline at the Normal High Water Elevation of Lake Tibet-Butler. An eight-foot return will be installed at each end of the seawall and riprap and plantings will be installed waterward of the new seawall. There are no existing seawalls on the adjacent properties; however, the Environmental Protection Division (EPD) received a letter from a Professional Engineer stating that construction of a new vertical seawall is the most practical method to stabilize and prevent further erosion of the shoreline. In addition, there are other seawalls on Lake Tibet-Butler. There has been no enforcement action taken by EPD on the subject property.

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

Pursuant to Orange County Code, Chapter 33, Article IV, EPD staff has evaluated the proposed SADF 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 appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until all appeals are resolved.
2. Construction activities shall be completed in accordance with the engineered plans signed and sealed by Pavol Stankay, P.E., received by the Environmental Protection Division (EPD) on July 9, 2021. The permitted activity must commence within six months and be completed within two years from the date of issuance of the permit. In the event that the project has not commenced within six months or been completed within two years, this permit shall be void and a new permit application will be required.
3. Riprap and plantings shall be installed waterward of the new seawall in accordance with the 'Zweifel Seawall Site Plan' received by EPD on July 9, 2021.
4. Riprap shall be installed at a 2 (horizontal): 1 (vertical) slope, and extend at least halfway up the face of the seawall.
5. Installation of aquatic plantings must be initiated within 30 days after the installation of the riprap. After one year, if 80% coverage of native, emergent or aquatic plant species is not established, additional replanting may be required.
6. Any permit extensions for the activities authorized herein may be approved by way of Consent Agenda if there are no changes.
7. This permit does not authorize any dredging or filling except that which is necessary for the installation of the seawall and riprap.

General Conditions:

8. Subject to the terms and conditions herein, the permittees are hereby authorized to perform or cause to be performed, the impacts shown on the application and the approved drawings, plans, and other documents attached hereto or on file with EPD.
9. The permittees bind 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 holders and/or agent promptly thereafter.
10. 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 approval. For further information, please contact the OCZD at (407) 836-5525.
11. After approval by the 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.

12. Prior to construction, the permittees shall clearly designate the limits of construction on-site. The permittees shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
13. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location of the seawall.
14. The permittees shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittees shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
15. Issuance of this permit does not warrant in any way that the permittees have riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittees. 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 owner's riparian or other property rights, the permittees agree to either obtain written consent or remove the offending structure or encroachment within 60 days from the date of adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
16. This permit does not release the permittees 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 permittees or create in the permittees any property rights, 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 permittees, or convey any rights or privileges other than those specified in the permit and Chapter 33, Article IV of the Orange County Code.
17. If these permit conditions conflict with those of any other regulatory agency, the permittees shall comply with the most stringent conditions. The permittees shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
18. The permittees are hereby advised that Section 253.77 Florida Statutes (FS), states that a person may not commence any excavation, construction, or other activity involving the use of sovereignty or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittees are responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
19. Should any other regulatory agency require changes to the property or permitted activities, the permittees 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.

20. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
21. The permittees shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
22. EPD staff shall have permission to enter the site at any reasonable time to inspect the property for conformity with the plans and specifications approved by the permit.
23. The permittees shall hold and save the County harmless from all damages, claims or liabilities, which may arise because of the activities authorized by the permit.
24. 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 permittees.
25. The permittees agree that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
26. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rules 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code. Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters may occur due to the permitted activity. If site specific conditions require additional measures, then the permittees shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
27. 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 permittees 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 permittees fail to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.
28. Pursuant to Section 125.022 FS, the permittees shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

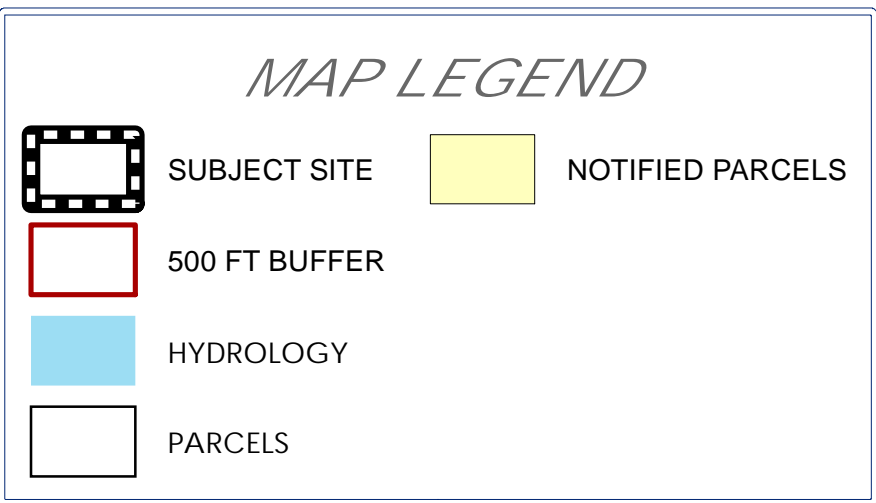
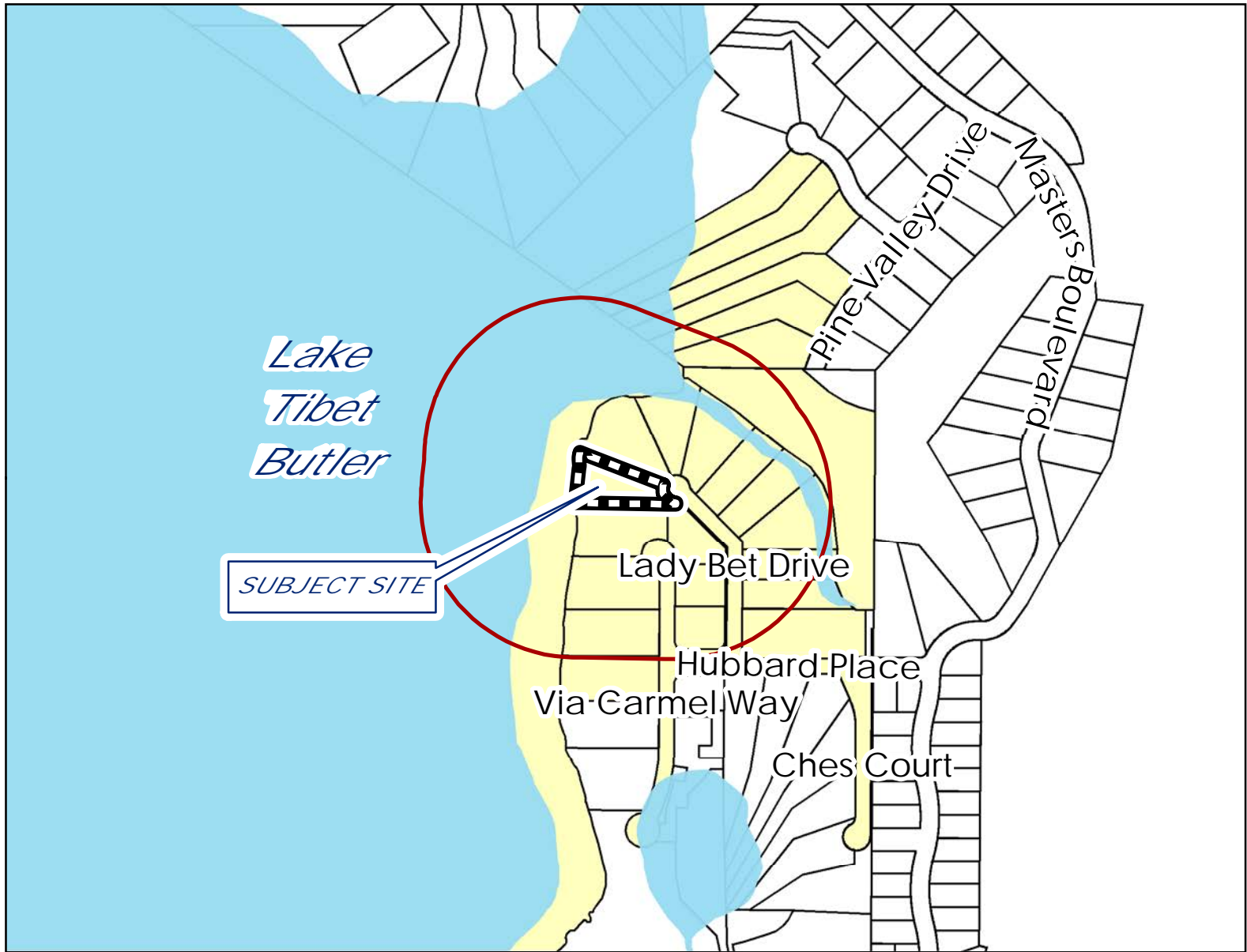
ACTION REQUESTED: **Acceptance of the findings and recommendation of the Environmental Protection Division staff and approval of Shoreline Alteration/Dredge and Fill Permit SADF-21-03-006 for James and Marci Zweifel, subject to the conditions listed in the staff report. District 1**

DDJ/JW:jk

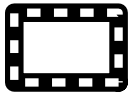
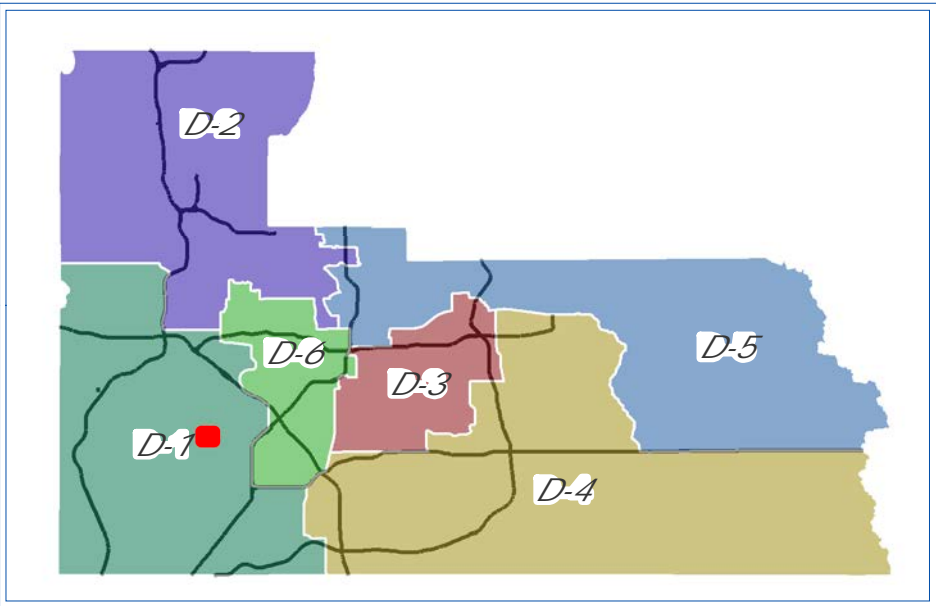
Attachments

Public Notification Map

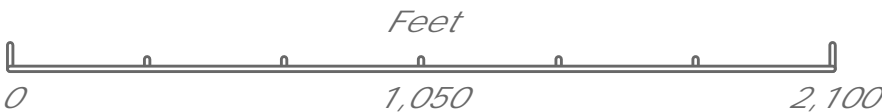
SADF-21-03-006



BUFFER DISTANCE: 500
OF NOTICES: 28



SUBJECT SITE



SADF-21-03-006

500 FT BUFFER, 29 NOTICES

ORDER	NAME	BUSINESS	ADDRESS	CITY	STATE	ZIP	PARCEL	HEARING
1	**Dancat Investments		6000 Lady Bet Drive	ORLANDO	FL	32819		SADF-21-03-006
2	*Sheila Cichra	Streamline Permitting	1002 Fort Mason Drive	Eustis	FL	32726		SADF-21-03-006
3	7022 CARMEL LLC		7022 VIA CARMEL WAY	ORLANDO	FL	32819	282328119500080	SADF-21-03-006
4	BALLARD ROBERT		PO BOX 59569	BIRMINGHAM	AL	35259	282328119500070	SADF-21-03-006
5	BERMAN ERICA		8449 VIA VITTORIA	ORLANDO	FL	32819	282328119500040	SADF-21-03-006
6	BURT JEFFREY R		9124 MID PINES CT	ORLANDO	FL	32819	282321056005030	SADF-21-03-006
7	CARMEL BY THE LAKE LLC		7940 VIA DELLAGIO WAY STE 200	ORLANDO	FL	32819	282328119518001	SADF-21-03-006
8	CASTRO CARLOS DANIEL		6032 PINE VALLEY DR	ORLANDO	FL	32819	282321056005070	SADF-21-03-006
9	CHOPRA LIVING TRUST	C/O DANIEL CHOPRA TRUSTEE	5036 DR PHILLIPS BLVD STE 367	ORLANDO	FL	32819	282328720200020	SADF-21-03-006
10	CHOPRA LIVING TRUST		6001 LADY BET DR	ORLANDO	FL	32819	282328720200020	SADF-21-03-006
11	DEAN JAMES B		6038 PINE VALLEY DR	ORLANDO	FL	32819	282321056005080	SADF-21-03-006
12	DECARLO DENNIS D		6057 LADY BET DR	ORLANDO	FL	32819	282328720200090	SADF-21-03-006
13	GARFIELD RANDY A LIFE ESTATE		6017 LADY BET DR	ORLANDO	FL	32819	282328720200040	SADF-21-03-006
14	GC3A INTERNATIONAL LLC		8421 S ORANGE BLOSSOM TRL STE 140	ORLANDO	FL	32809	282328720200080	SADF-21-03-006
15	GC3A INTERNATIONAL LLC		6049 LADY BET DR	ORLANDO	FL	32819	282328720200080	SADF-21-03-006
16	GIORDANO DANIEL P		6041 LADY BET DR	ORLANDO	FL	32819	282328720200070	SADF-21-03-006
17	GUPTA VISHAAL		5200 VINELAND RD STE 200	ORLANDO	FL	32811	282328119500030	SADF-21-03-006
18	ISMAIL AMIN		9112 MID PINES CT	ORLANDO	FL	32819	282321056005050	SADF-21-03-006
19	KINST THOMAS A		9118 MID PINES CT	ORLANDO	FL	32819	282321056005040	SADF-21-03-006
20	LEE CHIN LI		31 ENGLISH TURN DR	NEW ORLEANS	LA	70131	282328720200030	SADF-21-03-006
21	LEE CHIN LI		6009 LADY BET DR	ORLANDO	FL	32819	282328720200030	SADF-21-03-006
22	MIKELE INTERNATIONAL GROUP LLC		6044 PINE VALLEY DR	ORLANDO	FL	32819	282321056005090	SADF-21-03-006
23	NORSWORTHY ALICE A		6033 LADY BET DR	ORLANDO	FL	32819	282328720200060	SADF-21-03-006
24	POINTE TIBET HOMEOWNERS ASSOC INC		PO BOX 2362	WINDERMERE	FL	34786	282328720200001	SADF-21-03-006
25	POINTE TIBET HOMEOWNERS ASSOC INC		8981 HUBBARD PL	ORLANDO	FL	32819	282328720200001	SADF-21-03-006
26	SMITH RANDALL L		1106 YATES ST	ORLANDO	FL	32804	282328119500060	SADF-21-03-006
27	THEDFORD JOHN D		6025 LADY BET DR	ORLANDO	FL	32819	282328720200050	SADF-21-03-006
28	TIITF		3900 COMMONWEALTH BLVD	TALLAHASSEE	FL	32399	282329000000006	SADF-21-03-006
29	ZWEIFEL JAMES E TR		6000 LADY BET DR	ORLANDO	FL	32819	282328720200010	SADF-21-03-006