

**ENVIRONMENTAL PROTECTION COMMISSION**  
**3165 McCrory Place, Suite 200**  
**Orlando, FL 32803**  
**Panther Training Rooms I and II**  
**September 26, 2018**

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**ENVIRONMENTAL PROTECTION  
COMMISSION (EPC)**

**MEMBERS PRESENT:**

**Jonathan Huels - Chairman**  
**Flormari Blackburn - Member**  
**Perry Bamasi - Member**  
**Oscar Anderson - Member**  
**Mark Corbett - Member**  
**Ted Geltz - Member**  
**Mark Ausley - Vice Chairman**

**ABSENT MEMBERS:**

**ENVIRONMENTAL PROTECTION  
DIVISION (EPD)**

**STAFF PRESENT:**

**David Jones - Manager, EPD**  
**Liz Johnson - Assistant Manager, EPD**  
**Georgiana Holmes - OC Attorney's Office (OCAO)**  
**Melessia Lofgren - OCAO**  
**Tim Hull - EPD**  
**Sarah Given - EPD**  
**Neal Thomas - EPD**  
**Godfrey Dickson - EPD**  
**Renee Parker - EPD**  
**Jason Root - EPD**  
**Ruth Armstrong - EPD**  
**Aman Hayre - EPD**  
**Nicole Kennedy - Aide to Commissioner Rod Love**

**GUESTS:**

**Peter Fleck**  
**Mr. and Mrs. Stauffer**  
**Mr. and Mrs. Rivas**  
**Daniel DeLiguori (Attorney for Mr. and Mrs. Rivas)**  
**Mr. and Mrs. Moore**  
**Riley Warddrip**  
**Josh McClinton**  
**Jennifer Salahi**  
**Becky Wilson (Attorney for Mr. and Mrs. Larsen)**  
**Jamie Niven**

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**I. Call to Order:**

Chairman Huels called the meeting to order at 8:32 a.m. in Panther Training Rooms I & II.

**II. Public Comment(s) (Resolution No. 2013-M-41)**  
**None.**

### III. Approval of August 29, 2018 Meeting Minutes:

**Upon a motion by Oscar Anderson; seconded by Flormari Blackburn; all members being present voting AYE by voice vote; the August 29, 2018 Meeting Minutes were approved.**

### IV. Public Hearings

1) *This item was continued from the August 29, 2018 Meeting of the Environmental Protection Commission*

Rehearing of William and Debra Stauffer; Request for Waiver to Section 15-342(b) (terminal platform size); Request for Variance to Section 15-342(e) (roof height). BD-18-04-046. 4790 Lake Carlton Drive; Lake Carlton, District 2.

Chairman Huels stated he had a conflict with this item and would refrain from participating in this item and Vice-Chairman Ausley would take his place. Tim Hull gave a presentation. Vice-Chairman Ausley opened the floor to public comments. Mr. and Mrs. Stauffer and Sheila Cichra, agent for the applicants, spoke in favor of the requested waiver and variance. Regarding construction of the dock proceeding without an EPD permit, the Stauffers indicated that they had been waiting a long time to get going on the dock and they mistakenly thought a permit they received in the mail [from the State] was the Orange County permit. They also generally stated; they want the pitch of the roof to match the house; the Larsen's own two lots and only live there a few months of the year; the Larsens would be looking over their dock because their lot is so high; and the pictures are deceiving because of the angles that they were taken from. The Larsens did not have any questions about the waiver and variance requests.

A neighboring property owner, Riley Warddrip, spoke in favor of the requests and submitted a petition signed by 18 neighboring property owners (11 homes) also in favor of the requests. He said that the Larsens would see five feet over the proposed dock. He also said that Lake County's roof height regulation is 15 feet maximum. Lake County is only several docks away. He stated he wants the Stauffers to be able to store and showcase their antique boats. He stated what they are asking for is smaller than what everyone else has on the lake, and that he is a Lake County Lake Watch volunteer and does monthly water level readings.

Becky Wilson, attorney for the objectors Mr. and Mrs. Larsen, gave a presentation and spoke against approval of the requested waiver and variance. In her presentation, she reviewed the dock code variance and waiver review criteria and presented pictures from the center of the Larsen's backyard. She said that the Larsens want the Stauffers to have a dock, just not the one that is being proposed. She stated that the neighbors that submitted the petition are outside of the noticing buffer, and that the reason why her client changed their mind [and withdrew the Letter of No Objection] is because construction of the dock was initiated and their options were limited to compromise. Ms. Wilson stated that the Stauffers have not demonstrated any type of hardship that requires a higher roof height and noted that the dock is proposed to be 45% bigger than allowed. Ms. Wilson also stated the dock not only is higher, but it has a sundeck. She reiterated the Stauffers started construction at their own risk, and that the dock will indeed impact her client's view.

Vice Chairman Ausley closed the public hearing. Environmental Protection Commission (EPC) discussion ensued. Clarifications were made about the site plan and setback distances. EPC questioned why the 12 foot height was selected when the Code was written. Staff stated that no one currently on staff was present when Code revisions were last drafted. Tim Hull offered that the height may have been selected to accommodate the housing of most boats

utilized on County waterbodies at that time [2004], and that as popularity of larger boats has increased, requests for larger and taller boathouses have become more frequent in the last few years. Flormari Blackburn asked Mr. Hull to review the criteria. Mr. Bamasi asked if the petition weighs into the EPC's area of consideration. The response was no. Mr. Anderson asked if a dock could be built to accommodate two boats with a roof height of 12 feet. Staff replied yes. Mr. Ausley asked about compromises. Ms. Wilson said that her client would agree to the structure if the roof height is lowered to 12 feet and remove the sundeck. Mr. Anderson asked about the 35 days timeframe to submit letters of no objections/objection letters. Mr. Anderson said that if the letter of objection was received before the June 2018 EPC hearing, the outcome might have been different. Attorney Holmes discussed the requirement and process.

Flormari Blackburn made a motion to accept staff's recommendation to deny the request for waiver and variance. There was no second of the motion and therefore, the motion died.

Perry Bamasi made a motion to approve the request for waiver and variance. There was no second of the motion and therefore, the motion died.

Attorney Holmes, explained that the motion did not have to be for approval or denial of both the waiver and the variance, but could be split if that was the issue for the EPC with obtaining a second for the motions. She also said a motion to continue could be made if EPC felt it needed more information to make a recommendation.

**Upon a motion by Oscar Anderson; seconded by Mark Corbett; with Mark Ausley, Oscar Anderson, Mark Corbett, and Theodore Geltz voting AYE, Perry Bamasi and Flormari Blackburn voting NAY, and Jonathan Huels abstaining, EPC voted to approve the request for waiver to Section 15-342(b) (terminal platform size) and deny the request for variance to Section 15-342(e) (roof height) for the Stauffer Dock Construction Permit BD-18-04-046. Motion passes (4-2).**

- 2) Burt Boat Dock - Request for Waiver to Terminal Platform size, Section 15-342(b), BD-18-03-037; Lake Tibet; District 1

Tim Hull gave a presentation. Chairman Huels opened the floor to public comments. Peter Fleck spoke in favor of the request. EPC discussion ensued. Chairman Huels noted that the board was only voting on the terminal platform waiver, not the side setback waiver which can be approved administratively by the Environmental Protection Officer. He also stated that the request was similar to what has been approved before.

**Upon a motion by Mark Ausley; seconded by Oscar Anderson; with all members being present voting AYE by voice, EPC voted to approve the request for waiver to Section 15-342(b) (terminal platform size) for the Burt Dock Construction Permit BD-18-03-037. Motion passes unanimously.**

- 3) Gregory Moore Boat Dock; Request for After-the-Fact Waiver to Section 15-343(b) (side setback). 3788 N. Econlockhatchee Trail; Lake Irma, District 5.

Tim Hull gave a presentation. Chairman Huels opened the floor to public comments. Mr. Moore gave a presentation in favor of the waiver request. Daniel DeLiguori, attorney for Mr. and Mrs. Rivas, spoke against approval of the waiver request. Board discussion ensued. The Commission agreed that the dock contractor was to blame for the dock being constructed

almost one foot into the required 25-foot setback. He stated that it appears the dock was constructed at a slight angle, which caused the setback issue. After seeing photos of the constructed dock the EPC decided the impact to the neighboring property owner was minor.

**Upon a motion by Mark Ausley; seconded by Theodore Geltz; with all members being present voting AYE, EPC voted to approve the request for after-the-fact variance to Section 15-343(b) (side setback) for the Moore Dock Construction Permit BD-17-08-083. Motion passes unanimously.**

**V. Environmental Protection Division Report - None**

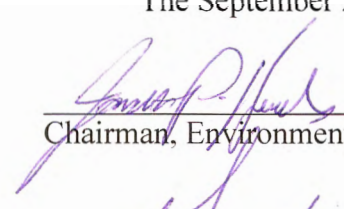
**VI. Open Discussion**

The next EPC meeting will be October 31, 2018.

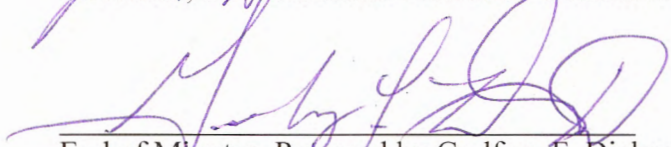
**VII. Non-Agenda Items**

**VIII. Adjournment**

The September 26, 2018 meeting adjourned at 10:20 a.m.

  
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Chairman, Environmental Protection Commission

  
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Date

  
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End of Minutes, Prepared by Godfrey F. Dickson, Jr.