

**ENVIRONMENTAL PROTECTION COMMISSION**  
**3165 McCrory Place, Suite 200**  
**Orlando, FL 32803**  
**Panther Training Rooms I and II**  
**October 31, 2018**

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**ENVIRONMENTAL PROTECTION  
COMMISSION (EPC)**

**MEMBERS PRESENT:**

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

**ABSENT MEMBERS:**

**Oscar Anderson - Member**

**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**  
**Amanda Walter - EPD**  
**Sarah Given - EPD**  
**Godfrey Dickson - EPD**  
**Arnaldo Mercado - EPD**  
**Jason Root - EPD**  
**Ruth Armstrong - EPD**  
**Aimee Krivan - EPD**

**GUESTS:**

**Sheila Cichra**  
**David Rooney**  
**Timothy James**  
**Mr. and Mrs. Mathemeier**  
**Eric and Eva Mathemeier**  
**Brian Phan**  
**Mark Burnley**  
**Chris Rivera**

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**I. Call to Order:**

Chairman Huels called the meeting to order at 8:30 a.m. in Panther Training Rooms I & II.

**II. Public Comment(s) (Resolution No. 2013-M-41)**

**None.**

**III. Approval of September 26, 2018 Meeting Minutes:**

**Upon a motion by Mark Ausley; seconded by Mark Corbett; with Oscar Anderson being absent, all other members being present voting AYE by voice vote; the September 26, 2018 Meeting Minutes were approved.**

#### IV. Public Hearings

1. BD-18-05-056 (Mathemeier) - Request for After-the-Fact Variance to Side Setback, Section 15-343(a); 9184 Grand Island Way, Winter Garden; Lake Lartigue; District: 1

Tim Hull gave a presentation. Chairman Huels opened the floor to public comments. Mr. Mathemeier gave a presentation and spoke in favor of the request. He cited these reasons for why the request should be supported: the dock would have no effect on the objector's land rights, it does not adversely affect the public, has no impact on the natural habitat of the lake, and the dock is not on his parcel. He can build his own dock. The dock does not impeded his ability to do so. The public is not affected, no one has objected except the neighbor. The hardship is not self-imposed. They just followed direction from EPD\*. Not one tree was removed. The view of the lake is not impeded by the proposed dock, as alleged by the objector. The dock blends in on purpose. The dock does not adversely affect the objector's property values. His family and friends has praised the dock and never mentioned eyesore.

Mrs. Mathemeier then spoke in favor of the request. She said that they had open communication to all of her neighbors on what their plans were. She said they followed all of the rules and have all of their HOA approvals in regards to work on the lake. Friends and family have enjoyed the dock, as well as the objector.

Timothy James, the objector, spoke against the request. He lives at 9178 Grand Island Way. He said he is not there to defend false allegations and that this is about rules and laws. He stated that no one is above the rules and laws. This is just a series of mis-steps by the applicant and is a violation of the permit. The Mathemeiers should have gone back to the Board for approvals. This is about property rights. He just wants rules to be enforced. This is not a neighbor issue, this is about not following the rules. This is a result of their own doing,

Sheila Cichra, agent for the applicants, spoke in favor of the requested after the fact variance. She said was this was not the applicant fault; it was the builder's fault. It was surveyed and staked. It does not adversely affected the environment. It would be worse to relocate it. It does not impact the objector.

Chairman Huels closed the public hearing. Environmental Protection Commission (EPC) discussion ensued. Chairman asked about EPD's site inspection where information was given regarding avoided impacts to trees. At the site inspection, EPD conveyed that they needed to stay within the permitted alignment and any deviations would need to be approved by EPD. Chairman said it's basically half (50%) of the required setback. The Chairman said that the work should have stopped and EPD should have been consulted when the issue regarding the trees was encountered. The Chairman then asked Mr. Hull to go over the relevant review criteria. Mark Ausley indicated that there is no navigation issue. Flormari Blackburn asked staff if the Conservation Area Authorization or Lakeshore Protection Permit created the conflict with the placement of the dock. Staff replied no. The Chairman said that the EPC was brought in to weigh in on the rules and requirements relating to the variance, not because it was a neighbor issue. If the dock was in compliance, there would be no public hearing. He posed the question, is there an effect on the adjacent owner? Mark Ausley said that real or not, the neighbor says there is one. Perry Bamasi said that the dock could have been built but the way it was permitted,

but it wasn't. The Chairman thinks the hardship was self-imposed. Mr. Geltz asked who would pay for the relocation if the hearing does not go the applicant's way. Ms. Cichra replied that the contractor would pay for its relocation. Chairman Huels then asked for next steps. Attorney Holmes said either Board of County Commissioners on the Consent Agenda or it can be appealed to the BCC as a public hearing.

**Upon a motion by Mark Ausley; seconded by Mark Corbett; with Oscar Anderson being absent, all other members being present voting AYE by voice vote; EPC voted to deny the BD-18-05-056 (Mathemeier) - Request for After-the-Fact Variance to Side Setback, Section 15-343(a); 9184 Grand Island Way, Winter Garden; Lake Lartigue. Motion passes.**

**V. Environmental Protection Division Report -**

EPD Budget FY2018/2019 – David Jones, EPD Manager, gave a presentation. No action was taken.

**VI. Open Discussion**

The November 30, 2018 and December 30, 2018 Meetings of the EPC will be cancelled. The EPC will meet on December 12, 2018.

**VII. Non-Agenda Items**

**VIII. Adjournment**

The October 31, 2018 meeting adjourned at 10:55 a.m.

  
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Chairman, Environmental Protection Commission

12/13/18  
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Date

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