

**ENVIRONMENTAL PROTECTION COMMISSION**  
**3165 McCrory Place, Suite 200**  
**Orlando, FL 32803**  
**Panther Training Rooms I and II**  
**January 30, 2019**

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**ENVIRONMENTAL PROTECTION  
COMMISSION (EPC)**

**MEMBERS PRESENT:**

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

**ABSENT MEMBERS:**

**Ted Geltz - Member**

**ENVIRONMENTAL PROTECTION  
DIVISION (EPD)**

**STAFF PRESENT:**

**David Jones - Manager, EPD**  
**Liz Johnson - Assistant Manager, EPD**  
**Georgiana Holmes - OC Attorney's Office (OCAO)**  
**Aleas Koos - OC Attorney's Office (OCAO)**  
**Karen Garrett-Kraus - EPD**  
**Tim Hull - EPD**  
**Neal Thomas - EPD**  
**Ed Rysak - EPD**  
**Godfrey Dickson - EPD**  
**Jason Root - EPD**  
**Ruth Armstrong - EPD**  
**Sharon Smeek - EPD**  
**Jacques Warleigh - EPD**

**GUESTS:**

**Sheila Cichra**  
**Coleen Sweet**

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**I. Call to Order:**

Chairman Huels called the meeting to order at 8:35 a.m. in Panther Training Rooms I & II.

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

None.

**III. Reappointments with terms expiring 12/20::**

- Flormari Blackburn
- Oscar Anderson
- Mark Corbett

**IV. Elections**

Ms. Johnson opened the topic of annual elections. Discussion ensued.

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**Upon a motion by Oscar Anderson; with a second by Perry Bamasi; with Ted Geltz being absent, all other members being present voting AYE by voice vote; the December 12, 2018 Meeting Minutes were approved.**

#### **V. Approval of Meeting Minutes**

- December 12, 2018

**Upon a motion by Mark Ausley; with a second by Mark Corbett; with Ted Geltz being absent, all other members being present voting AYE by voice vote; the December 12, 2018 Meeting Minutes were approved.**

#### **VI. Public Hearings**

1. Thompson BD-16-02-016, for applicants Michael and Georgette Thompson; After-the-fact request for waiver to Section 15-342(b) (terminal platform size), and after-the-fact variances for Section 15-342(c) (access walkway width and access walkway height through CA); 5518 Isleworth Country Club Drive, Lake Butler; District 1.

Tim Hull gave a presentation. The Commission asked staff for clarification regarding the definition of terminal platform and access walkway. Liz Johnson read the definitions in Article IX for terminal platform and access walkway. Oscar Anderson asked about the height of the walkway and EPD explained that the height requirement was to the ground surface. A site plan was passed around the Commission for their review. Chairman Huels asked staff if there were any objections and staff said no objections were received. Staff also confirmed that a Letter of No Objection was not received and that is why the side setback request is being considered today.

Sheila Cichra with Streamline Permitting, Inc. spoke for the applicant. Ms. Cichra said that the owner hired a contractor that was not familiar with Orange County regulations. She is not concerned about the terminal platform. She is concerned about the walkway and asked if the area below the dock walkway was a wetland. She said that it is a hardship – but not financial because it's a lot on Isleworth. She said it might be a greater impact to the environment to elevate the walkway over the wetlands. She said 9" isn't a big deal. She said that she took off the extra platform off the plans. She said that they would have to relocate the plumbing lines for the irrigation pipes if they have to remove the extra area. She said that she did not know was a wetland. She said that he would move the storage area on top of the platform.

Chairman Huels asked about why the height is required at 3 feet. Staff replied shading impacts and to allow for wildlife to move along the water's edge. Sheila said that the lower walkway wouldn't impact either. Sheila said that she told the applicant that the walkway had to be elevated 3 feet <sup>above</sup> the Normal High Water Elevation. Liz Johnson confirmed that Code says that the walkway must be 3 feet above ground surface. The Commission also asked how pilings are removed. Jetting vs. cutting them off at the lakebed was discussed.

Chairman Huels closed the public hearing. The Commission decided to discuss each item separately.

**Terminal Platform waiver request:**



Chairman Huels stated the Commission has approved larger terminal platform sizes in the past and there has been no objection to this waiver request. Flormari Blackburn made a comment that the reduced side setback is due to the unpermitted access walkway addition. They knew the increased access walkway would push them into setback issues. Chairman Huels clarified that no, the terminal platform meets the required side setbacks.

**Access Walkway and Side Setback Variance requests:**

Chairman Huels restated the variance criteria for the walkway width and height. He said the additional platform does not meet the criteria because it was a self-created hardship.

Chairman Huels spoke about the cost/benefit of making the applicant rebuild the walkway to meet the height requirement. He spoke about possibly raising the walkway over the wetland at the start of the dock and leaving the walkway height as constructed elsewhere, as alluded to by Ms. Cichra.

Liz Johnson spoke about the possibility of planting trees in the area currently occupied larger than allowed access walkway area. This could be considered as a way to partially offset adverse impacts to the wetlands as a result of the lower than required access walkway height. The Commission asked about the payment of mitigation to offset the impacts. Chairman Huels mentioned he would like to use the formula used for the other mitigation calculations for this impact.

**Upon a motion by Perry Bamasi; seconded by Flormari Blackburn; with Ted Geltz being absent, all other members being present voting AYE by voice vote; EPC voted to approve the request for waiver (after-the-fact) to Orange County Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$870 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners.**

**Upon a motion by Flormari Blackburn; seconded by Oscar Anderson; with Ted Geltz being absent, all other members being present voting AYE by voice vote; EPC voted to deny the request for waiver (after-the-fact) to Section 15-343(b) (side setback) and deny the request for variance to Section 15-342(c) (access walkway width) and require the applicant to modify the access walkway width to meet the originally permitted design within 90 days of the decision of the Board of County Commissioners.**

**Upon a motion by Mark Ausley; seconded by Perry Bamasi; with Ted Geltz being absent; with Jonathan Huels, Mark Ausley, Perry Bamasi, Flormari Blackburn, and Mark Corbett voting AYE by voice vote; Oscar Anderson voting NAY; EPC voted to, approve, in part, the request for variance to Section 15-342(c) (access walkway height) for the portion of the walkway below the Normal High Water Elevation (NHWE) with the condition that the applicant pay additional mitigation to the Conservation Trust Fund (to be determined by EPD) for the additional shading impacts; and deny the request for access walkway height for the portion of the walkway landward of the NHWE and require that it be raised to meet the three feet height requirement within 90 days of the decision of the Board of County Commissioners for the Michael Thompson Dock Construction Permit BD-16-02-016.**

**VII. Environmental Protection Division Report**

EPC Topics of Interest Draft Calendar (presented by Liz Johnson). Ms. Johnson reviewed the proposed schedule of topics. Discussion ensued. EPC agreed with the suggested topics and timeline.

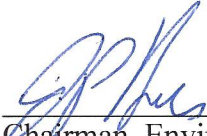
### **VIII. Open Discussion**

Next EPC Meeting – February 27, 2019

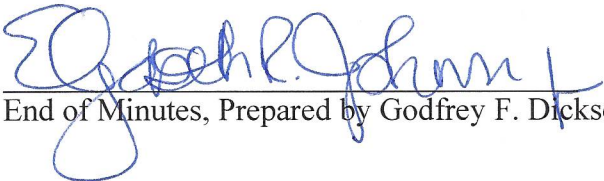
### **IX. Non-Agenda Items**

### **X. Adjournment**

The January 30, 2019 meeting adjourned at 9:50 a.m.

  
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Chairman, Environmental Protection Commission

3/27/19  
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Date

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