

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

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

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

ABSENT MEMBERS:

None

**ENVIRONMENTAL PROTECTION
DIVISION (EPD)**

STAFF PRESENT:

David Jones, Manager - EPD
Elizabeth R. Johnson, Assistant Manager - EPD
Georgiana Holmes - OC Attorney's Office (OCAO)
Melessia Lofgren - OC Attorney's Office
Aleas Koos - OC Attorney's Office
Tim Hull - EPD
Amanda Walter - EPD
Godfrey Dickson - EPD
Taina Torres - EPD
Ruth Armstrong - EPD
Denise Cochrane - EPD

GUESTS:

Sheila Cichra
Peter Fleck
AnaMarie Veiga
Imane Azzam-Rehai

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. Update on Chapter 2019-165, Florida Statutes (House Bill 7103)

Georgiana Holmes, Assistant County Attorney gave a presentation. No action was taken.

IV. Approval of Meeting Minutes – August 28, 2019

Upon a motion by Mark Corbett; with a second by Oscar Anderson; with all other members being present voting AYE by voice vote; the August 28, 2019 Meeting Minutes were approved.

V. Public Hearings

1. BD-19-08-076 (Delaney Park Mortgage and Investments, LLC) 408 Jennie Jewel Dr., Orlando, FL; Lake Jenny Jewel; Application for Waiver (terminal platform size) and Application for Variance (side setback); District 3.

Tim Hull gave a presentation. Chairman Huels stated that he read the original staff report and understands that the original variance request for side setback is no longer necessary as the dock has been adjusted to meet Code. He further stated that he appreciates the applicants' willingness to adjust the dock and satisfy any concerns. Chairman Huels opened the floor to public comment. Ms. Sheila Cichra spoke on behalf of the applicant in favor of the project. Chairman Huels then closed public comment.

Upon a motion by Oscar Anderson; seconded by Mark Ausley; with all other members present, EPC voted to accept the findings and recommendation of the Environmental Protection Officer (EPO) and make a finding that the waiver request is consistent with Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$493 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Delaney Park Mortgage and Investments, LLC Dock Construction Permit BD-19-08-076. Motion passed unanimously.

2. BD-19-08-086 (Todd Weiden) 14326 United Colonies Dr., Winter Garden, FL; Lake Hancock; Partial after-the-Fact Application for Waiver (terminal platform size); District 1.

Tim Hull gave a presentation. Flormari Blackburn asked if the current proposed plan is the same as the original plans approved under the previous permit. Tim Hull stated that the plans were largely the same with the exception of the addition of two jet-ski lifts and the square foot overage that was discovered during compliance. Further questioning by the Board led Chairman Huels to clarify that the original boat dock permit did not require a waiver at that time because the permitted terminal platform square footage was under the maximum size allowed by Code. Chairman Huels opened the floor to public comment in order for the agent to clarify why the dock was found to be oversized.

Peter Fleck spoke on behalf of the applicant and stated that a trim board was added to the terminal platform which put the dock oversize. He also stated that he believed there was some confusion and the jet-ski lift square footage was not included in the total square footage calculation. Mr. Fleck stated that he concurred with staff recommendations. Chairman Huels then closed public comment.

Upon a motion by Oscar Anderson; seconded by Flormari Blackburn; with all other members present, EPC voted to accept the findings and recommendation of the EPO and make a finding that the waiver request is consistent with Section 15-350(a)(2), and recommend approval of the request for waiver to Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$609 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Todd Weiden Dock Construction Permit BD-19-08-086. District 1.

3. Ross Astrup; BD-19-04-033; Application for Waiver (terminal platform size) and Application for Waiver (side setback); Lake Down; District 1

Tim Hull gave a presentation. Chairman Huels opened the floor to public comments. Mr. Fleck spoke on behalf of the applicant and in favor of the project. Chairman Huels closed the public comment. Chairmen Huels, commented on the lack of objections from neighbors. Oscar Anderson asked if the new dock will go out further than the existing dock. Chairman Huels responded to the question about the dock length. Mr. Anderson also asked if a navigability study was completed and if lily pads would be removed. Chairmen Huels responded to the question about a navigability study. Liz Johnson asked if lily pads would have to be cleared to reach open water. Tim Hull responded to the question about the lily pads. Liz Johnson provided the purpose behind navigation assessments conducted by the Orange County Sheriff's Office.

Upon a motion by Chairman Huels; seconded by Mark Ausley; with all other members present, EPC voted to accept the findings and recommendation of the Environmental Protection Officer and make a finding that the waiver requests are consistent with Section 15-350(a)(2), and recommend approval of the request for waivers to Section 15-343(b) (side setback) and Section 15-342(b) (terminal platform size) with the condition that the applicant pay \$725 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Ross Astrup Dock Construction Permit BD-19-04-033. Motion passes unanimously.

4. Anamaria Veiga, BD-19-04-036; Application for after-the-fact waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-343(b) (side setback distance), an after-the-fact waiver to Code, Chapter 15, Article IX, Section 15-342(b) (terminal platform size), and an after-the-fact variance to Code, Chapter 15, Article IX, Section 15-342(a) (water depth); Lake Down; District 1

Tim Hull gave a presentation. Chairman Huels asked for clarification on the projected property lines versus the riparian property lines. Tim Hull responded to the property lines question. Mark Corbett asked if the structure could be "grandfathered" in. Georgiana responded to the grandfathered status question. Neal responded to the grandfathered status question. Chairman Huels commented that the boat dock modification is not furthering a nonconforming issue; it is making it less of a conforming issue. Chairman Huels opened the floor to public comments.

Ms. Cichra spoke on behalf of the applicant and in favor of the project. Chairman Hues closed the public comment. Flormari Blackburn commentated that this is the reason we have after-the-fact permits. Chairman Huels commented to bring consistency to the use of riparian lines versus projected property lines next time Chapter 15 is opened. Chairman Huels asked if there is a driving force for why Orange County has different standards than Florida Department of Environmental Protection for property lines. Georgiana Holmes responded to the comment and question about Chapter 15 and property line standards.

Upon a motion by Mark Ausley; seconded by Oscar Anderson; with all other members present, EPC voted to accept the findings and recommendation of the Environmental Protection Officer and make a finding that the waiver requests are consistent with Section 15-350(a)(2), and recommend approval of the request for waivers to Section 15-343(b) (side setback) and Section 15-342(b) (terminal platform size), and make a finding that the variance request is consistent with Section 15-350(a)(1), and recommend

approval of the request for variance to Section 15-342(a) (water depth) with the condition that the applicant pay \$725 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Anamaria Veiga Dock Construction Permit BD-19-04-036. Motion passes unanimously.

VI. Environmental Protection Division Report

1. Applicant’s Handbook - Neal Thomas, Environmental Program Supervisor gave a presentation. No action was taken.

VII. Open Discussion

1. Discuss the November 27, 2019 and December 25, 2019 Meeting. EPC decided that the November and December meetings of the EPC would be cancelled and the next meeting would be on December 11, 2019.

VIII. Non-Agenda Items

None

VIII. Adjournment

The October 30, 2019 meeting adjourned at 9:45 a.m.

Chairman, Environmental Protection Commission

Date

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