

ENVIRONMENTAL PROTECTION COMMISSION
3165 McCrory Place, Suite 200
Orlando, FL 32803
Orange Blossom Conference Room and Via WebEx
September 30, 2020

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

Jonathan Huels* - Chairman
Mark Ausley* - Vice Chairman
Flormari Blackburn* - Member
Billy Butterfield* - Member
Mark Corbett - Member

ABSENT MEMBERS:

Oscar Anderson* - Member

VACANT POSITION:

Regulated Business or Municipality

***Denotes attending via WebEx**

**ENVIRONMENTAL PROTECTION
DIVISION (EPD)**

STAFF PRESENT:

David Jones*, Manager - EPD
Renee Parker*, Assistant Manager - EPD
Elizabeth R. Johnson, Assistant Manager - EPD
Georgiana Holmes* - OC Attorney's Office (OCAO)
Alcas Koos* - OC Attorney's Office (OCAO)
Tim Hull - EPD
Neal Thomas* - EPD
Nicole Salvatico* - EPD
Rebecca Bowden* - EPD
Taina Torres* - EPD
Jason Root* - EPD

GUESTS:

Sheila Cichra*
Charles Leo*
Dr. Heydari*
Mr. Phillips*
Mr. Merk*
Mrs. Chiozza*
Mr. Carlson*
Elaine Imbruglia*
Darrell Nunnelley*

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 Meeting Minutes – August 26, 2020

Upon a motion by Mark Corbett; with a second by Flomari Blackburn; with Oscar Anderson being absent and all members being present voting AYE by voice vote; the August 26, 2020 Meeting Minutes were approved.

IV. Environmental Protection Division Public Hearings

1. Majid Heydari - BD-20-04-070; Request for waiver to Section 15-343(b) (side setback waiver); 11533 Waterstone Loop Drive, Lake Butler; District

Neal Thomas gave a presentation. Sheila Cichra spoke for the applicant and requested that the case be continued to the October 28, 2020 meeting of the Environmental Protection Commission. No other public comments were provided. Chairman Huels then closed the public hearing. Discussion ensued.

Upon a motion by Jonathan Huels; seconded by Mark Ausley, with Oscar Anderson being absent and members being present voting AYE by voice vote; EPC voted to continue Majid Heydari - BD-20-04-070; Request for waiver to Section 15-343(b) (side setback distance); 11533 Waterstone Loop Drive, Lake Butler; District 1 to the October 28, 2020 Meeting of the Environmental Protection Commission. Motion passed unanimously.

2. David Lippert and Claire Chiozza - BD-20-05-077; request for variance Section 15-342(d) (floor elevation above NHWE); Waiver to Section 15-343(b) (side setback); 9953 Lake Georgia Drive, Lake Georgia; District 5

Neal Thomas gave a presentation. Mrs. Chiozza spoke in favor of the project and presented her position about the requests. Mr. Carlson spoke against the requests. No other public comments were provided. Chairman Huels then closed the public hearing. Discussion ensued.

Upon a motion by Mark Ausley; seconded by Mark Corbett, with Oscar Anderson being absent and members being present voting AYE by voice vote; EPC voted to overturn the recommendation of the Environmental Protection Officer (EPO) to deny the variance request and make a finding that the variance is consistent with Orange County Code, Chapter 15, Article IX, Sections 15-350(a)(1) and recommend approval of the request for variance to Section 15-342(d) to reduce the required floor elevation from one foot to 0.9-foot below the Normal High Water Elevation and to accept the findings and recommendation of the EPO, that the waiver request is not consistent with Orange County Code, Chapter 15, Article IX, Sections 15-350(a)(2) and made a recommendation to deny the request for waiver to Section 15-343(b) to reduce the side setback from 25 feet to 13 feet from the southern projected property line for the Lippert and Chiozza Dock Construction Permit BD-20-05-077. District 5. Motion passed unanimously.

3. Charles and Maria Leo - BD-20-07-118; request for waiver to Section 15-342(b) (terminal platform); variance to Section 15-343(a) (side setback); 112 Laken Lane, Lake Fairview; District 2.

Neal Thomas gave a presentation. Mr. Leo spoke as the applicant and agreed with staff recommendation. No other public comments were provided. Chairman Huels then closed the public hearing. Discussion ensued. Mr. Ausley stated that the EPC has approved much larger docks than the size being requested by the applicant and also pointed out the extreme pie-shape of the property.

Upon a motion by Mark Ausley; seconded by Mark Corbett, with all members being present voting AYE by voice vote; EPC voted to accept the findings and recommendation of the Environmental Protection Officer and make a finding that the waiver and variance requests are consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1) and Section 15-350(a)(2), respectively, and recommend approval of the request for waiver to 15-342(b) to increase the maximum allowable terminal platform size from 600 to 732 square feet with the payment of \$370 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and recommend approval of the request for variance to 15-343(a) to reduce the side setbacks from 10 feet to four and three feet for the southern and northern projected property lines, respectively, for the Charles and Maria Leo - BD-20-07-118; request for waiver to Section 15-342(b) (terminal platform); variance to Section 15-343(a) (side setback); 112 Laken Lane, Lake Fairview; District 2. Motion passed unanimously.

4. Gerard and Dolores Nordin - BD-20-06-101; request for variance to Section 15-343(a) (side setback); 10049 Little Alcove Loop, Hickory Nut Lake; District 1.

Neal Thomas gave a presentation. Sheila Cichra spoke for the applicant and agreed with staff recommendation. No other public comments were provided. Chairman Huels then closed the public hearing. Discussion ensued. Chairman Huels mentioned it was helpful that there was a LONO from the adjacent property owner and that the EPC has seen and approved similar requests for side setbacks within coves.

Upon a motion by Mark Corbett; seconded by Flormari Blackburn, with Oscar Anderson being absent and all remaining members being present voting AYE by voice vote; EPC voted to accept the findings and recommendation of the Environmental Protection Officer and make a finding that the request for variance is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(1) and recommend approval of the request for variance to Section 15-343(a) to reduce the side setback from 10 feet to negative (-) 20 feet from the northern projected property line and negative (-) 15 feet from the southeastern projected property line for the Nordin Dock Construction Permit BD-20-06-101. District 1. Motion passed unanimously.

5. Michael Ostendorf - BD-20-05-088; request for waiver to Section 15-342(b) (terminal platform size); request for variance to Section 15-342(g) (enclosed docks); Lake Down; District 1.

Chairman Huels indicated he had a conflict of interest and recused himself from this public hearing and handed the meeting over to Vice Chairman Ausley. Neal Thomas gave a presentation. Darrell Nunnelley was present as the agent for the applicant and agreed with staff recommendation. No other public comments were provided. Vice Chairman Ausley then closed the public hearing. Discussion ensued. Mr. Ausley mentioned it was helpful there were LONO's from the adjacent neighbors and that no modifications were being proposed to the enclosed structure.

Upon a motion by Flormari Blackburn; seconded by Billy Butterfield, with Oscar Anderson being absent and Jonathan Huels being recused, all remaining members being present voting AYE by voice vote; EPC voted to accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the request for waiver is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2), and recommend approval of the request for waiver to 15-342(b) to increase the maximum allowable terminal platform size from 800 square feet to 880 square feet with the payment of \$725 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and make a finding that the request for variance is consistent with Section 15-350(a)(1) and recommend approval of the request for variance to 15-342(g) to allow the enclosed dock to remain as constructed for the Ostendorf Dock Construction Permit BD-20-05-088. District 1. Motion passed unanimously.

V. Environmental Protection Division Report

None.

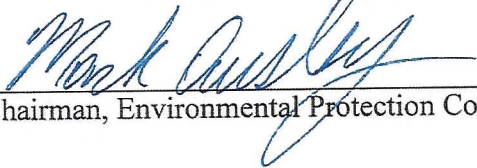
VI. Open Discussion

1. Next EPC Meeting - October 28, 2020
2. Virtual Meetings: Liz Johnson gave an update on the new requirements that a quorum of the board may need to be physically present at future meetings.
3. Schedule November/December 2020 Meeting. The November meeting will be canceled and the December meeting will held on December 9, 2020.
4. EPD staff thanked Mr. Johnathan Huels for his dedication and leadership of the EPC for the past six years. This will be his last meeting. The Board of County Commissioners will be tentatively appointing Ms. Elaine Imbruglia as his replacement on October 13, 2020. The Board of County Commissioners will be tentatively re-appointing Mr. Ausley on October 13, 2020.

VII. Non-Agenda Items

VIII. Adjournment

The September 30, 2020 meeting adjourned at 10:26 a.m.



Chairman, Environmental Protection Commission

10-28-20
Date

Elizabeth R. Johnson
for

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