

ENVIRONMENTAL PROTECTION COMMISSION
3165 McCrory Place, Suite 200
Orlando, FL 32803
Panther Training Rooms I and II and Via WebEx
May 27, 2020

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

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

**ENVIRONMENTAL PROTECTION
DIVISION (EPD)**

STAFF PRESENT:

David Jones, Manager - EPD*
Elizabeth R. Johnson, Assistant Manager - EPD
Aleas Koos, Orange County Attorney's Office*
Renee Parker, Assistant Manager - EPD*
Tim Hull - EPD
Neal Thomas - EPD
Nicole Salvatico - EPD*
Jason Root - EPD*
Nidia Volpe - EPD*

ABSENT MEMBERS:

GUESTS:

Sheila Cichra*
Robert June*
Matt Langbehn*

*denotes attending via WebEx.

I. Call to Order:

Chairman Huels called the meeting to order at 8:30 a.m.

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

None.

III. Approval of Meeting Minutes – January 29, 2020

Upon a motion by Mark Ausley; with a second by Flormari Blackburn; with all other members being present voting AYE by voice vote; the January 29, 2020 Meeting Minutes were approved.

IV. Environmental Protection Division Public Hearing

1. Ewa Weston as Trustee of the Ewa Weston Revocable Trust– BD-20-02-017; request for variance to Section 15-343(a) (side setback); 3506 Gatlin Avenue, Lake Conway; District 3.

Neal Thomas gave a presentation. Matt Langbehn of Summertime Deck and Dock spoke for the applicant and agreed with staff recommendation. No other public comments were provided. Chairman Huels then closed the public hearing. Discussion ensued regarding the narrowly projected property lines, and whether construction of this dock would impede the construction of a dock at the neighboring parcel to the north. EPD staff responded that there is an appropriate amount of room to construct another dock, but that due to converging projected property lines, a similar variance request would very likely be needed. Additionally, staff stated they sent a letter to the previous property owner and have had conversations with the current property owner of that adjacent parcel, informing them of the likely need for a variance to construct a dock at their parcel.

Upon a motion by Oscar Anderson; seconded by Mark Ausley; EPC voted to accept the findings and recommendations of the Environmental Protection Officer and make a finding that the variance request is consistent with Section 15-350(a)(1)(2), and recommend approval of the request for the variance to Section 15-343(a) to reduce the required setback from the northwestern projected property line from 10 feet to 1.5 feet, with the requirement that the applicant resolve all outstanding fee penalties and corrective actions associated with EPD Enforcement Case 20-570153 prior to EPD approval of the dock building permit for the Weston Dock Construction Permit BD-20-02-017. District 3. Motion passed unanimously.

2. Greg Schreiber – BD-19-08-082; ATF request for variance to Section 15-342(e) (roof height); 5530 Sail Court, Lake Blanche; District 1

Neal Thomas gave a presentation. Sheila Cichra of Streamline Permitting spoke for the applicant and agreed with staff recommendation, an reiterated from the Application for Variance that the roof height requirement is difficult to adhere to when constructing a dock with a second story. No other public comments were provided. Chairman Huels then closed the public hearing. Discussion ensued to consider if the hardship is self-imposed. Chairman Huels remarked that the maximum height requirement set in Section 15-342(e) may in fact be difficult to attain, possibly making the hardship not self-imposed. He also stated that future updates of Article IX should possibly include an increase in the allowable roof height. Oscar Anderson pointed out that, while it may be difficult to construct a dock within that height, most other second story docks are constructed to meet that requirement.

Upon a motion by Mark Ausley; seconded by Mark Corbett; with Oscar Anderson voting Nay, the remaining members of EPC voted to accept the findings and recommendation of the Environmental Protection Officer and make a finding that the after-the-fact variance request is consistent with Section 15-350(a)(1)(2), and recommend approval of the request for after-the-fact variance to Section 15-342(e) to increase the allowable roof height from 12 feet to 13 feet with the condition that the applicant pay an administrative penalty of \$799 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, for the Greg Schreiber Dock Construction Permit BD-19-08-082. District 1. Motion passed 5 to 1.

3. Scott Phillips – BD-20-01-008; request for waiver to Section 15-342(b) (terminal platform); ATF variance request to Section 15-342(d) (floor elevation); 3907 Orange Lake Drive, Lake Irma; District 5

The applicant's agent, Sheila Cichra, requested a continuance.

Upon a motion by Mark Ausley; seconded by Flormari Blackburn, EPC voted to continue the public hearing to the June 24, 2020 Meeting.

4. Sand Lake Sound Homeowners Association, Inc. – BD-19-08-087; request for waiver to Section 15-344(a) (side setback); request for variance to Section 15-341(a) (principal use); Tract J, Bimini Twist Loop, Little Sand Lake; District 1

Neal Thomas gave a presentation. Robert June of CFL Landscapes spoke for the applicant and agreed with staff recommendation. No other public comments were provided. Chairman Huels then closed the public hearing. Discussion ensued regarding the requirements of Section 15-341(a) and how it affects semi-private docks. Chairman Huels remarked that it may benefit EPD and property owners if future updates of Article IX include an exception for community parcels where no primary structure is planned or considered to not have to adhere to the principal use requirement.

Upon a motion by Oscar Anderson; seconded by Mark Ausley, 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 Section 15-350(a)(2) and Section 15-350(a)(1), respectively, and recommend approval of the request for waiver to 15-344(a) to reduce the required setback from 25 feet to 10 feet from both projected property lines, and recommend approval of the variance to Section 15-341(a) to allow for the construction of a semi-private dock without an established principal use for the Sand Lake Sound Homeowners Association, Inc. Semi-Private Dock Construction Permit BD-19-08-087. District 1. Motion passed unanimously.

V. Environmental Protection Division Report
None.

VII. Open Discussion

1. Next EPC Meeting – June 24, 2020

VII. Non-Agenda Items

VIII. Adjournment

The May 27, 2020 meeting adjourned at 9:35 a.m.



Chairman, Environmental Protection Commission



Date

Elizabeth R. Johnson

for

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