

ENVIRONMENTAL PROTECTION COMMISSION
3165 McCrory Place, Suite 200
Orlando, FL 32803
Orange Blossom Conference Room and Via WebEx
October 28, 2020

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

Mark Ausley* - Chairman
Oscar Anderson* - Vice-Chair
Flormari Blackburn* - Member
Billy Butterfield* - Member
Mark Corbett - Member
Elaine Imbruglia* - Member

ABSENT MEMBERS:

None

VACANT POSITION:

VACANT - Regulated Business or
Municipality

**ENVIRONMENTAL PROTECTION
DIVISION (EPD)**

STAFF PRESENT:

David Jones*, Manager - EPD
Elizabeth R. Johnson, Assistant Manager – EPD
Renee Parker*, Assistant Manager - EPD
Georgiana Holmes* - OC Attorney's Office (OCAO)
Aleas Koos* - OC Attorney's Office (OCAO)
Tim Hull* - EPD
Neal Thomas* - EPD
Jason Root* - EPD
Rebecca Bowden* - EPD
Karen Garrett-Kraus* - EPD

GUESTS:

Sheila Cichra*
Dr. Heydari*
Tom Garland
Matthew Davies-Lane
Dr. Greg Mathison
Greg Merk
Anna Long
Donna Fontaine

***Denotes attending via WebEx**

I. Call to Order:

Vice Chairman Ausley called the meeting to order at 8:30 a.m. in Orange Blossom Conference Room and via WebEx.

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

None.

III. Elections

Mark Corbett nominated Mark Ausley as Chairman of the Environmental Protection Commission (EPC); seconded by Billy Butterfield; with all members present voting AYE by voice vote; Mark Ausley was elected as Chairman of the EPC.

Flormari Blackburn nominated Oscar Anderson as Vice-Chairman; seconded by Mark Corbett; with all members present voting AYE by voice vote; Oscar Anderson was elected as Vice-Chairman of the EPC.

IV. Approval of Meeting Minutes – September 30, 2020

Upon a motion by Flormari Blackburn; with a second by Mark Corbett; with all members being present voting AYE by voice vote; the September 30, 2020 Meeting Minutes were approved.

V. Environmental Protection Division Public Hearings

1. This item was continued from the September 20, 2020 meeting of the Environmental Protection Commission: Majid Heydari - BD-20-04-070; Request for waiver to Section 15-343(b) (side setback waiver); 11533 Waterstone Loop Drive, Lake Butler; District 1

Neal Thomas stated that EPD had received new site plans on October 26, 2020 and that EPD has requested a navigational assessment by the Orange County Sherriff's Office. Mr. Thomas also stated that the applicant and the attorney representing two objectors in this case have both requested a continuance. Finally, Mr. Thomas stated that due to noticing timeframes, the earliest that this item could come back to the EPC for a hearing would be January 27, 2021.

Upon a motion by Mark Ausley; seconded by Oscar Anderson, all 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 waiver); 11533 Waterstone Loop Drive on Lake Butler; to the January 27, 2021 Meeting of the Environmental Protection Commission. The motion passed unanimously.

2. Mulligan Constructors, Inc. – BD-19-11-132 request for after-the fact variance to Section 15-342(e) (roof height); 10561 Down Lakeview Circle; Down Lake; District 1.

Neal Thomas gave a presentation. Sheila Cichra spoke for the applicant. No other public comments were provided. Chairman Ausley then closed the public hearing. A discussion among the members of the committee ensued. Vice Chairman Anderson expressed concern about voting to recommend approval for after-the-fact variances and that this variance was self-imposed. Vice Chairman Anderson stated that he felt that the roof could be lowered and the applicant could bear the cost of fixing the dock versus an administrative penalty. Ms. Blackburn and Mr. Corbett voiced similar concerns. Ms. Blackburn expressed concerns about the number of after-the-fact the roof height variances that had been approved and the message that implies to applicants and contractors. Chairman Ausley expressed his concerns about the cost to a homeowner for fixing the dock. EPD reported that there have been a total of nine roof height variance applications since 2006. Five of those were after-the-fact. They have ranged from 12.5 feet to 15 feet in height. Generally, if there have been

no objections, EPC has approved the requests. Mr. Anderson stated that there is no way that this is not self-imposed and that he would be voting against it. He felt that the contractor changed the design from tile to a metal roof which somehow resulted in a higher roof design at some point after both the EPD and building permits were issued, and that he/she did not come back to change the permit to request additional height before completion. He stated that he would like to somehow change the code or change the process to go after the contractors that do this and then just assume that the County will approve it after-the-fact.

Upon a motion by Oscar Anderson; seconded by Flormari Blackburn, with all members being present voting by voice vote; EPC voted three in favor and three opposed to deny the after-the-fact variance application; therefore, this motion failed (Ausley, Corbett, and Imbruglia voting no with Anderson, Blackburn, and Butterfield voting yes).

Upon further discussion by EPC (with input from staff and the agent Sheila Cichra), Billy Butterfield made a motion to approve the after-the-fact variance application with an increase to the amount of the administrative penalty from \$799 to \$1,499; seconded by Mark Ausley; with members Ausley, Butterfield, Corbett and Imbruglia voting yes and Anderson and Blackburn voting no. The motion to approve the after-the-fact variance with the increased penalty amount for the Mulligan Constructors, Inc. (BD-19-11-132) after-the-fact request for variance to Section 15-342(e) (roof height); 10561 Down Lakeview Circle on Lake Down passed by a vote of 4:2.

3. North Shore at Lake Hart HOA, Inc. - BD-20-07-126; Request for variance to Section 15-341(a) (principal use); 10398 Mallard Landings Way, Lake Hart; District 4.

Neal Thomas gave a presentation. Flormari Blackburn asked Neal about the two closest objectors and Neal read from the objection letters provided by those two residents. Sheila Cichra spoke for the applicant and stated the dock will be in the same location and they are only expanding the terminal platform slightly. Bruce Burtoff spoke in opposition to the proposed project. Dr. Greg Mathison also spoke against the proposed project. No other public comments were provided. Chairman Ausley then closed the public hearing. Discussion ensued. Oscar Anderson asked if the only question in front of the Board is the issue of the property not having principal use and Mark Ausley confirmed that was the case. Flormari Blackburn asked what the purpose behind requiring principal use and Neal Thomas explained that it was a way to avoid a situation where a dock would become a gathering place or party dock which is not associated with a residential property. Mark Ausley commented that this property was intended to be used as a park for the community and concerns over outsiders accessing the dock have been addressed with the proposed height and railings.

Upon a motion by Billy Butterfield; seconded by Oscar Anderson; with all members 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 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 15-341(a) to allow a dock to be constructed on a parcel without an established principal use for the North Shore Homeowners Association, Inc. Dock Construction Permit BD-20-07-126. District 4. The motion passed unanimously.

V. Environmental Protection Division Report

None.

VI. Open Discussion

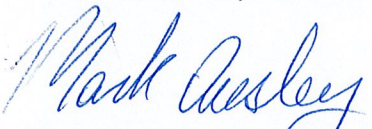
1. Next EPC Meeting – December 9, 2020. Liz Johnson indicated Governor DeSantis has changed the requirement for virtual board meetings. A physical quorum is now required. Members Ausley, Butterfield, Blackburn and Corbett have agreed to participate at the EPD office.

VII. Non-Agenda Items

None.

VIII. Adjournment

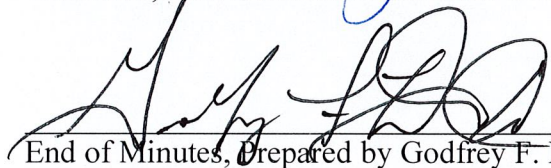
The October 28, 2020 meeting adjourned at 10:11 a.m.



Chairman, Environmental Protection Commission

12-9-20

Date



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