

ENVIRONMENTAL PROTECTION COMMISSION
3165 McCrory Place, Suite 200
Orlando, FL 32803
Panther Training Rooms I and II and Via WebEx
March 31, 2021

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

Mark Ausley - Chairman
Flormari Blackburn - Member
Mark Corbett - Member
Billy Butterfield - Member
Elaine Imbruglia* - Member

ABSENT MEMBERS:

Oscar Anderson - Vice Chairman

VACANT POSITION:

Regulated Business or Municipality

**ENVIRONMENTAL PROTECTION
DIVISION (EPD)**

STAFF PRESENT:

David Jones*, Manager - EPD
Elizabeth R. Johnson, Assistant Manager - EPD
Georgiana Holmes* - OC Attorney's Office (OCAO)
Aleas Koos* - OCAO
Tim Hull - EPD
Neal Thomas* - EPD
Nicole Salvatico* - EPD
Jason Root* - EPD

GUESTS:

Anna Long
Tara Baucom
Sheila Cichra*
Chris Prunty*
Lynne Rhode*
Samantha Omine*
Tim Ronceovich*
William Kim*
Anthony Rifenberg *
Alan Horn
Linda Puchyr*
Brian Wilcox
John Bemis
Jim Newman*
Mr. and Mrs. Derek Creech
Patrick Willis
Ricardo Diaz
Maria Richardson*
Loretta Mazol
Eric Young*
Meredith Weeks*

***Denotes attending via WebEx**

I. Call to Order:

Chairman Ausley called the meeting to order at 8:40 a.m. in Panther Training Rooms I & II.

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

None.

III. Approval of Meeting Minutes – February 24, 2021

Upon a motion by Billy Butterfield; with a second by Mark Corbett; with Oscar Anderson being absent and members being present voting AYE by voice vote; the February 24, 2021 Meeting Minutes were approved.

IV. Public Hearings

1. Request for Appeal of EPO issuance of BD-20-12-203; 7024 Billie Court, Lake Hancock; District 1

Neal Thomas gave a presentation. Chairman Ausley asked if the dock permit ever came before the EPC. Neal Thomas stated that the waiver was administratively approved and did not need to go to the EPC. Flormari Blackburn asked who is notified for the appeal. Tim Hull stated that per County code, only parties that have previously filed objections or submitted an appeal of a permit are notified.

The appellant, Derek Creech, spoke in support of his appeal of the dock permit. He discussed how he had tried to get all the residents on Billie Court to agree to build their docks straight out, that EPD should consider resident's views of the lake, that the projected property lines contradict Florida law on riparian rights, and that the real issue is over the projected property lines. Chairman Ausley asked the appellant if he knew of the property lines when he bought the property. Mr. Creech stated that prior to purchasing his house it was not apparent that a dock would need to follow these property lines, and he never considered this configuration as a possibility based on looking at other docks on the lake. Mr. Jim Newman stated he was on the HOA board when the application came in and said they sent out notices to the affected property owners and had a meeting to discuss placement of docks. He stated the consensus of those at the meeting was that the dock should not be placed where it was permitted. Mr. Tim Roncevich complimented Mr. Neal Thomas and Ms. Nicole Salvatico with EPD on the work they have done on the application and for providing great customer service. He stated that there are several instances on Lake Hancock where a dock has been approved to cross projected property lines in order for the dock to remain behind the house. Mr. Roncevich suggested that the EPC compromise and approve with modifications by moving the dock further to the left towards the back of the Baucom property. Mr. William Kim spoke on behalf of the appellant and also suggested there should be a compromise in the position of the dock. Mr. Ricardo Diaz spoke on behalf of the appellant and said it should be up to the community to come to an equitable compromise. John Bemis (dock contractor) ran out property lines for Mr. Creech and said they would have to go out 80 feet to reach five feet of water.

Patrick Willis, representative for the Baucoms, spoke on behalf of the applicants. He stated that in order to shift the dock to the south it would then be placed behind the adjacent house to the south. He stated that the affected property owner to the south would not consent to that request. He also stated the HOA approved of the dock and that it meets Orange County Code. He said that if the property lines were extended straight out it would affect the riparian rights of Lot 307

and they would not be able to construct a dock. Anna Long, spoke on behalf of the two property owners to the south of the Baucoms, Lots 306 and 307. She said they would not be in favor of shifting the docks over on her client's properties and that her clients support the dock permit as issued.

Mr. Creech stated he is asking for a survey that properly re-establishes riparian lines.

Board discussion ensued. Flormari Blackburn asked if the property lines and riparian lines were the same for this lot. Tim Hull stated that riparian lines may be different from projected property lines, riparian lines are drawn by a surveyor, and that staff had not been provided any riparian lines for the Baucom's lot. Chairman Ausley said that the applicant went above and beyond to reduce the setback to the south and there is nothing stopping the appellant from obtaining a dock permit and viewing the lake. Elaine Imbruglia stated she was sympathetic to Mr. Creech's situation, but the permit as approved meets County Code. Billy Butterfield asked whether the HOA has a say and can deny the dock? Tim Hull stated the HOA could deny it based on their rules, but it wouldn't have any effect on the County's issuance of the permit. Flormari Blackburn also said she felt for the appellant, but there was nothing in the Code to justify an overturn. Mark Corbett stated that the application met the rule and that is what they have to judge it on.

Upon a motion by Flormari Blackburn; with a second by Mark Corbett; with Oscar Anderson being absent, with all members present voting AYE by voice vote; EPC voted to accept the findings and recommendation of the Environmental Protection Officer, and make a finding that issuance of the boat dock permit is consistent with Orange County Code, Chapter 15, Article IX and render a recommendation to the Board of County Commissioners of approval for the Levi and Tara Baucom Dock Construction Permit BD-20-12-203. District 1. The motion passed unanimously.

2. Sand Lake 2019, LLC – BD-21-01-009; Request for waiver to Section 15-342(b) (terminal platform size); 6265 Sand Lake Vista Drive, Big Sand Lake; District 1.

Neal Thomas gave a presentation. The applicant's agent, Alan Horn, stated the length of the gangway was due to the water level fluctuations in Big Sand Lake. Chairman Ausley closed the public hearing.

Upon a motion by Billy Butterfield; with a second by Mark Corbett; with Oscar Anderson being absent, with all members 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 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 Section 15-342(b) to increase the maximum terminal platform size from 1,000 square feet to 1,468 square feet with a payment of \$1,080 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Sand Lake 2019, LLC Semi-Private Dock Construction Permit BD-21-01-009. District 1. The motion passed unanimously.

3. Jay and Brittany Pitman – BD-21-01-000; Request for waiver to Section 15-342(b) (terminal platform); 7657 Green Mountain Way; Lake Hancock; District 1.

Neal Thomas gave a presentation. The applicant's agent, Sheila Cichra, was present and stated she agreed with staff recommendation. Chairman Ausley closed the public hearing.

Upon a motion by Mark Corbett; with a second by Flormari Blackburn; with Oscar Anderson being absent, with all members 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 waiver request is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 651 to 878 square feet with a payment of \$500 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Jay and Brittany Pitman Dock Construction Permit BD-21-01-000. District 1. The motion passed unanimously.

4. Linda Puchyr – BD-20-11-186; Request for waiver to Section 15-342(b) (terminal platform) and variance to 15-343(a) (side setback); 7025 Billie Court; Lake Hancock; District 1.

Neal Thomas gave a presentation. Chairman Ausley noted the objection received which cited navigation as a potential issue and asked if the Orange County Sheriff's Office provided a navigation assessment. Neal Thomas stated that they went out, but assessed the wrong lot. The dock contractor, Mr. John Bemis, spoke on behalf of the applicant. Mr. Brian Wilcox, who resides in the home with the applicant also spoke. Tim Hull provided information to the Board that the proposed dock will extend 37 feet waterward of the NHWE and the width of the lake at this point is 300+ feet.

The objector, Anthony Rifenberg, spoke in opposition of the waiver and variance requests. He stated his main concern is the size of the dock and having four slips with boats coming in and out of the narrow channel of the lake. Flormari Blackburn asked what the Sheriff's Office looks at during their review. Tim Hull said they haven't shared their evaluation criteria, but they look at bathymetry, the length of the dock, location of neighboring docks, etc.

Chairman Ausley says he does not see an issue with the size of the dock as they just approved two similar-sized docks previously. He thought it would be a good idea to shift the dock to the north and center it between the platted lines. Chairman Ausley closed the public hearing. Neal Thomas pointed out that revising the site plans would invalidate the LONOs, as they state agreement with one foot setbacks. Discussion ensued.

Anthony Rifenberg asked if the County would approve this size dock and reiterated that a larger dock would set a precedent. Chairman Ausley reminded everyone that the public discussion period had been closed. Tim Hull stated that one option for the Board may be to continue the hearing and have the applicant revise the location of the dock, and allow the two adjacent neighbors and the Orange County Sheriff's Office to review the revised plans. Chairman Ausley agreed that a motion to continue may be best. Eric Young (the applicant's neighbor to the south) entered the meeting and apologized for being late and stated his approval of the proposed dock location. Tim Hull asked Georgiana Holmes to confirm if EPC can make a motion to approve with several conditions, including the condition the applicant relocate the dock. Georgiana Holmes responded that it is possible; however, also suggested that having a revised site plan prior to approval would be beneficial. Chairman Ausley stated that if the desire is that the applicant move the proposed dock location, the case should be continued to give them an opportunity to do that. Tim Hull pointed out that revised site plans would also require EPD to re-notice adjacent shoreline owners.

Upon a motion by Flormari Blackburn; with a second by Mark Corbett; with Oscar Anderson being absent, with all members present voting AYE by voice vote; EPC voted to continue the request to an unspecified date. District 1. The motion passed unanimously.

V. Environmental Protection Division Report

None.

VI. Open Discussion

Next EPC Meeting – April 28, 2021. The meeting will be a blended meeting again with a requirement for an in-person quorum. Members Ausley, Blackburn, Butterfield, Corbett, and Imbruglia (if needed), have agreed to attend in person at EPD.

VII. Non-Agenda Items

None

VIII. Adjournment

The March 31, 2021 meeting adjourned at 12:06 p.m.

Chairman, Environmental Protection Commission

Date

Elizabeth R. Johnson

for

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