

ENVIRONMENTAL PROTECTION COMMISSION
3165 McCrory Place, Suite 200
Orlando, FL 32803
Panther Training Rooms I and II and Via WebEx
June 30, 2021

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

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

ABSENT MEMBERS:

Mark Corbett - 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
Georgiana Holmes* - OC Attorney's Office (OCAO)
Aleas Koos* - OCAO
Tim Hull - EPD
Neal Thomas* - EPD
Nicole Salvatico* - EPD
Jason Root - EPD
Rebecca Bowden* - EPD
Hannah O'Neil* - EPD
Katie Grablow* - EPD

GUESTS:

Peter Fleck
Sheila Cichra
Tamara Gilliard
Jerry Gilliard
Jeff Teague
Kim Warner*
Andrew Young*
Nikki Prickett*

I. Call to Order:

Chairman Ausley 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 – May 26, 2021

Upon a motion by Elaine Imbruglia; with a second by Flormari Blackburn; with Mark Corbett being absent and members being present voting AYE by voice vote; the May 26, 2021 Meeting Minutes were approved.

IV. Public Hearings

1. Tamara and Jerry Gilliard - BD-20-12-205; Request for waiver to Section 15-343(b)(side setback); 4611 Ola Beach Drive; Lake Ola; District 2

Neal Thomas gave a presentation. Flormari Blackburn asked why the -82' setback was the only measurement stated in the action requested. Tim Hull explained that the -82' is the most restrictive measurement. Chairman Ausley asked if there was a boat ramp on the adjacent property. Neal confirmed there is a boat ramp, but was unsure of the permitting history. Sheila Cichra with Streamline Permitting, Inc. spoke on behalf of the applicants. Ms. Cichra shared a presentation that showed riparian lines based on how the State of Florida would permit the dock and how they differ from the projected lines that Orange County uses. Ms. Cichra said if they were to construct a dock within their property boundaries they would be a lot closer to the boat ramp on the Ola Beach property. Flormari Blackburn asked if she needed a permit or variance from the State of Florida for the proposed dock. Sheila stated that she did not need a permit for the proposed dock because it is less than 1,000 square feet. Kim Warner with the Ola Beach Improvement Association gave a presentation. The main concern of the association is safe boat passage from the association boat ramp and the proposed Gilliard boat dock. Ms. Warner also questioned the position of the stakes where the dock was to be located and when the Orange County Sheriff's Office completed their navigation assessment. She stated that the distance from the proposed dock to the passageway of the association boat ramp is only 20 feet. Andrew Young spoke in objection to the requested waiver. He said he believes the proposed dock is too far out and would impact his view. He suggested that the applicants cut the length down to half and remove the terminal platform. Nicki Prickett from the association spoke and stated she was in support of shortening the dock. The applicant, Tamara Gilliard, said if they were to shorten the dock they would have to impact additional lake vegetation. The boat that would be tied to the dock would be moored at the end of the proposed dock, not to the side. She stated that shortening the dock would not improve visibility and would cause the dock to not be usable during times of low water. Chairman Ausley stated that the applicant is open to changes and asked the objectors if they were willing to work with the applicant to come up with a compromise on the proposed dock. Andrew Young said the applicant should cut the length in half and remove the terminal platform. Chairman Ausley closed the public hearing. Billy Butterfield asked where they could build a dock and not require a variance. Discussion by the EPC members was that a waiver would be required for a usable dock. Oscar Anderson suggested continuing the case to allow the applicant and the objectors to talk. Chairman Ausley said it did not appear there was a compromise agreeable to all parties. Chairman Ausley asked if there was a minimum depth requirement. Tim Hull said there was no minimum depth requirement, but there is a maximum depth requirement of five feet. Elaine Imbruglia said she struggles with projected property lines and riparian lines and believes the applicant has the right to construct a dock. Flormari Blackburn said this area is like a cove and wherever the dock is to be constructed it will be in the view of other property owners. Discussion ensued.

Upon a motion by Flormari Blackburn; with a second by Elaine Imbruglia; with Mark Corbett being absent, with Mark Ausley, Flormari Blackburn, Elaine Imbruglia voting AYE by voice vote; Oscar Anderson and Billy Butterfield voting NAY; the EPC voted to overturn the findings and recommendation of the Environmental Protection Officer, and recommend approval of the request for waiver to Section 15-343(b) to reduce the side setback distance from 25 feet to negative (-) 82 feet from the southern projected property line for the Tamara and Jerry Gilliard Dock Construction Permit BD-20-12-205. District 2. The motion passes 3 to 2.

2. Daniel D Whitney Revocable Trust and Cara G Whitney Revocable Trust – BD-21-01-010; Request for waiver to Section 15-342(b) (terminal platform); 11536 Lake Butler Blvd., Lake Butler; District 1

Neal Thomas gave a presentation. Peter Fleck spoke on behalf of the applicant. He stated the applicant has a pontoon boat that will not fit in the existing structure which is the reason for needing the larger terminal platform. Chairman Ausley closed the public hearing. Discussion ensued.

Upon a motion by Oscar Anderson; with a second by Billy Butterfield; with Mark Corbett 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 made a finding that the waiver request is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommended approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 1,000 to 1,596 square feet with a payment of \$1,035 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Daniel D Whitney Revocable Trust and Cara G Whitney Revocable Trust Dock Construction Permit BD-21-01-010. District 1. The motion passed unanimously.

3. Scott and Lauren McIver – BD-21-03-033; Request for waiver to Section 15-343(b) (side setback distance) and a waiver to Section 15-342(b) (terminal platform size); 11521 Waterstone Loop Drive; Lake Butler; District 1.

Neal Thomas gave a presentation. Chairman Ausley asked if the previously approved addition was still going to be constructed or if this was going to replace the previous addition. Jason Root stated that the previous approval was to be replaced with this new plan. Jeff Teague was present for the applicant and did not have anything to add to the presentation, but was available for questions. Chairman Ausley closed the public hearing. Discussion ensued.

Upon a motion by Billy Butterfield; with a second by Flormari Blackburn; with Mark Corbett 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 made a finding that the waiver requests are consistent with Section 15-350(a)(2) and recommended approval of the request for waiver to Section 15-343(b) to reduce the side setback from 25 feet to 18.1 feet from the northern projected property line, and recommended approval of the waiver to Section 15-342(b) to increase the allowable terminal platform size from 980 square feet to 1,603 square feet with the condition that the applicant pay an additional \$348 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Scott and Lauren McIver Dock

Construction Permit Modification BD-21-03-033. District 1. The motion passed unanimously.

V. Environmental Protection Division Report

MMRB Sunset Review – Update
Tim Hull gave an update on the MMRB Sunset Review.

VI. Open Discussion

Next EPC Meeting – July 28, 2021.

A few members stated there was a conflict with the July meeting date. Tim Hull suggested that the July 28, 2021 meeting be combined with the August meeting and have just one meeting for both months. He suggested the July/August meeting be held August 4, 2021, and all members present agreed to that date. The meeting will be a blended meeting again with a requirement for an in-person quorum. Members Ausley, Anderson, Blackburn, Butterfield and Imbruglia have agreed to attend in person at EPD.

VII. Non-Agenda Items

None

VIII. Adjournment

The June 30, 2021 meeting adjourned at 10:23 a.m.

Chairman, Environmental Protection Commission

Date

Elizabeth R. Johnson

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