

ENVIRONMENTAL PROTECTION COMMISSION
3165 McCrory Place, Suite 200
Orlando, FL 32803
Panther Training Rooms I and II and Via WebEx
September 29, 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 POSITIONS:

Regulated Business or Municipality (2)

***Denotes attending via WebEx**

**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* - OCAO
Tim Hull - EPD
Neal Thomas* - EPD
Nicole Salvatico - EPD
Karen Garrett-Kraus - EPD
Jason Root - EPD
Hannah O'Neil* - EPD
Hayden Denton* - EPD
Rebecca Bowden* - EPD
Jane Gregory* - EPD
Tim Madhanagopal - EPD
Quinn Outing* - EPD
Mary Lawrence* - EPD
Wanda Parker* - EPD
Jane Gregory - EPD
Brandy Driggers* - Assistant Manager, Zoning
Joanne Lavner* - Zoning
Ted Kozak* - Zoning

GUESTS:

Mark Allen*
Peter Fleck
Robin Lopez*
Anthony Rifenburg*
Sheila Cichra*
Joe Beemis

I. Call to Order:

Chairman Ausley called the meeting to order at 8:34 a.m. in Panther Training Rooms I & II.

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

None.

III. Approval of Meeting Minutes – August 4, 2021

Upon a motion by Billy Butterfield; with a second by Elaine Imbruglia; with Oscar Anderson being absent and members being present voting AYE by voice vote; the August 4, 2021 Meeting Minutes were approved.

IV. Public Hearings

1. 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.

This hearing was continued from the March 31, 2021 EPC meeting. Neal Thomas gave a presentation. Chairman Ausley asked if there was a current objector to the current request. Neal Thomas stated there is no objector on record for the current request. Chairman Ausley asked why the applicant shifted the location of the dock and Neal Thomas stated it was because of the recommendation of the EPC. Oscar Anderson asked if the EPC follows staff recommendation then the plan goes back to the original plan. Flormari Blackburn stated that the old request is not in front of them anymore and this is a new request. Flormari Blackburn asked if the original request included denial based on the same reason for denial. Oscar Anderson asked if EPD looked at other docks in the area and if it was comparable to those docks. Nicole Salvatico stated that there are many docks nearby, but this shoreline is smaller than some of the other properties.

John Beemis, the builder for the property owner spoke on behalf of the applicant. He stated they have LONO's from both neighbors. Anthony Rifenberg, the objector to the original plan spoke in opposition to the proposed dock and asked if they could reconfigure the dock to make it smaller to fit within the property boundary.

Chairman Ausley closed the public hearing. Chairman Ausley noted the dock appears to be in line with other docks that they've approved. Billy Butterfield stated he agrees with the objector that they can reduce the size and agrees that if they approve it then everyone will want an oversized dock. Oscar Anderson said that it appears the larger docks are across the lake on the larger lots. Flormari Blackburn reiterated that the original recommendation of denial was due to the size of the dock and this is the same situation. Chairman Ausley asked the builder if he could stack the dock as mentioned by the objector. John Beemis stated that this is a vacation home and it won't be utilized often and the walkways along the side are reduced as much as the engineer could design.

Billy Butterfield made a motion to recommend denial of the request for waiver to Section 15-342(b) (terminal platform size) and denial of the request for variance to Section 15-343(a) (side setback). There was no second and the motion died for lack of a second.

Elaine Imbruglia stated she is having an issue with staff's recommendation for approving the waiver, but denying the variance request because approval of the terminal platform size appears to cause the need for a side setback variance. Tim Hull stated this is because the terminal platform size request met the criteria for approval of the waiver since there were no objections and the effect on the environment would be offset by mitigation. Tim Hull further explained that the variance request did not meet the criteria for approval as it is a self-imposed hardship and that is why EPD recommended denial of this request.

Upon a motion by Flormari Blackburn; with a second by Elaine Imbruglia, with Mark Ausley, Flormari Blackburn, and Elaine Imbruglia voting AYE, and Billy Butterfield and Oscar Anderson voting NAY; the EPC voted to accept the finding and recommendation 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 600 to 999 square feet with a payment of \$572 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners; and

Overturn the findings and recommendation of the Environmental Protection Officer, and recommend approval of the request for variance to 15-343(a) to reduce the side setbacks from 10 feet to negative (-) five feet across the northern projected property line and eight feet from the southern projected property line for the Linda Puchyr Dock Construction Permit BD-20-11-186. District 1. The motion passes three to two.

2. Anne and Mark Allen – BD-21-03-052; Request for waiver to Section 15-342(b) (terminal platform); 920 Main Street; Lake Butler; District 1. (Karen Garrett-Kraus at 6-1496)

Neal Thomas gave a presentation. Chairman Ausley asked if the size of the existing structure was 775 square feet or if that is what they're allowed. Neal Thomas stated that was what was allowed by Code and Tim Hull stated the current dock is around 700 square feet. Mark Allen, the applicant and the agent, Robin Lopez stated that the new dock would not extend any further into the lake and not be any wider. Billy Butterfield and Oscar Anderson both commented that the increase in size was back towards the house. Chairman Ausley closed the public hearing.

Upon a motion by Oscar Anderson; with a second by Elaine Imbruglia; 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 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 775 to 1359 square feet with a payment of \$875 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Anne and Mark Allen Dock Construction Permit BD-21-03-052. District 1. The motion passed unanimously.

3. Michael and Sally McMahan – BD-19-10-121 MOD; Request for ATF Waiver to Section 15-343(b) (side setback); 2906 Midsummer Drive; Lake Down; District 1. (Nicole at 6-1494)

Neal Thomas gave a presentation. Flormari Blackburn asked if the replacement dock was in the general location of the old dock and if there was an as-built survey for the original dock. Was the original dock at 8.6 feet or was it Nicole Salvatico stated we did not have an as-built survey, but the addition was on the northern end so it did not appear to be any closer. Peter Fleck, the agent for the applicant, stated that they had an older survey that they thought was correct showing the setback as 10 feet. He stated the new dock was not constructed any closer to the property line. 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 make a finding that the request for after-the-fact waiver is consistent with Section 15-350(a)(2) and recommend approval of the request for after-the-fact waiver to 15-343(b) to reduce the side setback from 25 feet to 8.6 feet from the southern projected property line with the payment of \$639 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Michael and Sally McMahan Dock Construction Permit BD-19-10-121-MOD. District 1. The motion passed unanimously.

4. Daniel and Linda O'Keefe – BD-21-03-049; Request for Waiver to Section 15-343(b) (side setback); 11068 Bayshore Drive; Little Lake Down; District 1.

Neal Thomas gave a presentation. Peter Fleck, agent for the applicant, was present and available for comment. Oscar Anderson asked if they are putting the walkway on the outside and Peter Fleck stated they were.

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 make a finding that the request for waiver is consistent with Section 15-350(a)(2) and recommend approval of the request for waiver to 15-343(b) to reduce the side setback from 25 feet to 11.5 feet from the northern projected property line for the Daniel and Linda O’Keefe Dock Construction Permit BD-21-03-049. District 1. The motion passed unanimously.

5. Brian Arnott – BD-21-04-064; Request for waiver to Section 15-342(b) (terminal platform size) and request for variance to Section 15-343(a), (side setback); 5704 Moonlight Circle, Lake Jessamine; District 3
6. Brian Arnott – BD-21-04-065; Request for waiver to Section 15-342(b) (terminal platform size) and request for variance to Section 15-343(a), (side setback); 5710 Moonlight Circle, Lake Jessamine; District 3

Neal Thomas gave a combined presentation on the two Brian Arnott dock items since it is a shared dock. Oscar Anderson asked if anyone reviews the proposed easements. Neal Thomas stated that the Orange County Attorney’s Office does review the easement agreements prior to being recorded. Sheila Cichra, agent for the applicant, was present for questions. Chairman Ausley closed the public hearing. Chairman Ausley made a comments that shred docks were good and he was happy that an easement was in place.

Upon a motion by Oscar Anderson; with a second by Billy Butterfield; with Mark Corbett being absent, 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 and variance requests are consistent with Orange County Code Section 15-350(a)(2) and Section 15-350(a)(1), respectively, and recommend approval of the requests for waiver to Section 15-342(b) to increase the allowable terminal platform size from 420 square feet on lot 20 and 430 square feet on lot 30 to 680 square feet on each lot (total 1,360 square feet) with a payment of \$750 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners, and recommend approval of the requests for variance to Section 15-343(a) to reduce the required setback from 10 feet to 0 feet from the shared projected property line for the Arnott Dock Construction Permits BD-21-04-064 and BD-21-04-065. District 3. The motion passed unanimously.

V. Environmental Protection Division Report

None.

VI. Open Discussion

1. Presentation on Chapter 15, Article VIII, Tree Protection and Removal – Jane Gregory, Environmental Programs Administrator, EPD. Jane Gregory gave a presentation on the Tree Code. Discussion ensued. No action was taken.
2. Next EPC Meeting – October 27, 2021. The meeting will be a blended meeting again with a requirement for an in-person quorum. Members Ausley, Blackburn, Butterfield and Imbruglia have agreed to attend in person at EPD.

VII. Non-Agenda Items

None

VIII. Adjournment

The September 29, 2021 meeting adjourned at 10:50 a.m.

Chairman, Environmental Protection Commission

Date

Elizabeth R. Johnson

for

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