



Interoffice Memorandum

05-15-17P12:45 RCVD

05-15-17P12:38 RCVD

(Handwritten initials)

May 8, 2017

TO: Katie Smith, Manager
Comptroller Clerk's Office

THROUGH: Cheryl Gillespie, Agenda Development Supervisor
Agenda Development

FROM: Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development
Services Department *L Cunniff*

STAFF PERSON: Elizabeth R. Johnson, Environmental Programs Administrator
Environmental Protection Division

PHONE #: 407-836-1511

SUBJECT: Request for Public Hearing on July 18, 2017, at 2:00 p.m. for an Appeal to the Recommendation of the Environmental Protection Commission regarding a Boat Dock Waiver located at 8313 Via Rosa, on Little Sand Lake, in Section 34, Township 23 South, Range 28 East; Parcel ID No. 34-23-28-5670-00-180

Appellants: Hasan Baig and Sergio Divine.

Type of Hearing: Appeal of the Recommendation of the Environmental Protection Commission for a boat dock waiver to increase the size of the terminal platform for a private boat dock.

Hearing required by Florida Statute # or Code: Chapter 15, Article IX, Section 15-349(b)

Advertising requirements: None.

Advertising timeframes: N/A.

Notification requirements: The applicant, agent, and appellant will be notified at least seven days prior to public hearing by the Environmental Protection Division (EPD).

Lake Advisory Board to be notified: N/A.

Estimated time required For public hearing: 2 minutes.

Hearing Controversial: No.

LEGISLATIVE FILE # 17-665

*July 18, 2017
@ 2pm*

May 8, 2017

Request for Public Hearing – Hasan Baig and Sergio Divine Appeal

Page 2 of 2

Municipality or other
Public Agency to be
notified:

South Florida Water Management District: mady@sfwmd.gov

District #:

1.

Materials being submitted as backup for public hearing request:

1. Boat Dock Waiver Application
2. Site Plans
3. Location Map
4. EPC Minutes (January 2017, March 2017, draft April 2017)
5. EPC Recommendation Letters
6. Objection Letters
7. Appeal from Mr. Baig
8. Appeal from Mr. Divine

Special Instructions to Clerk:

1. Once the Board of County Commissioners makes a decision on the appeal, please submit the decision letter to Michelle Gonzalez with EPD. EPD will issue the decision to the applicant.

JS/NT/ERJ/LC: mg

Attachments

- c: Chris Testerman, Assistant County Administrator
Jon V. Weiss, P.E., Director, Community, Environment and Development Services Department
Joel D. Prinsell, Deputy County Attorney

Appeal to the Recommendation of the EPC



Appeal to the Recommendation of the EPC

District #1

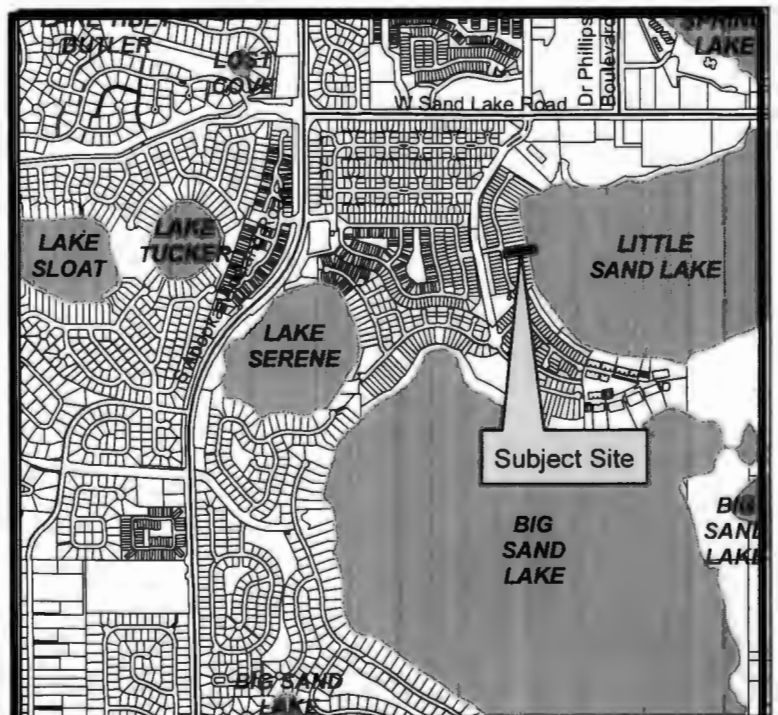
Applicant: Hasan Baig & Sergio Divine

Parcel IDs: 34-23-28-5670-00-180

Project Site



Property Location

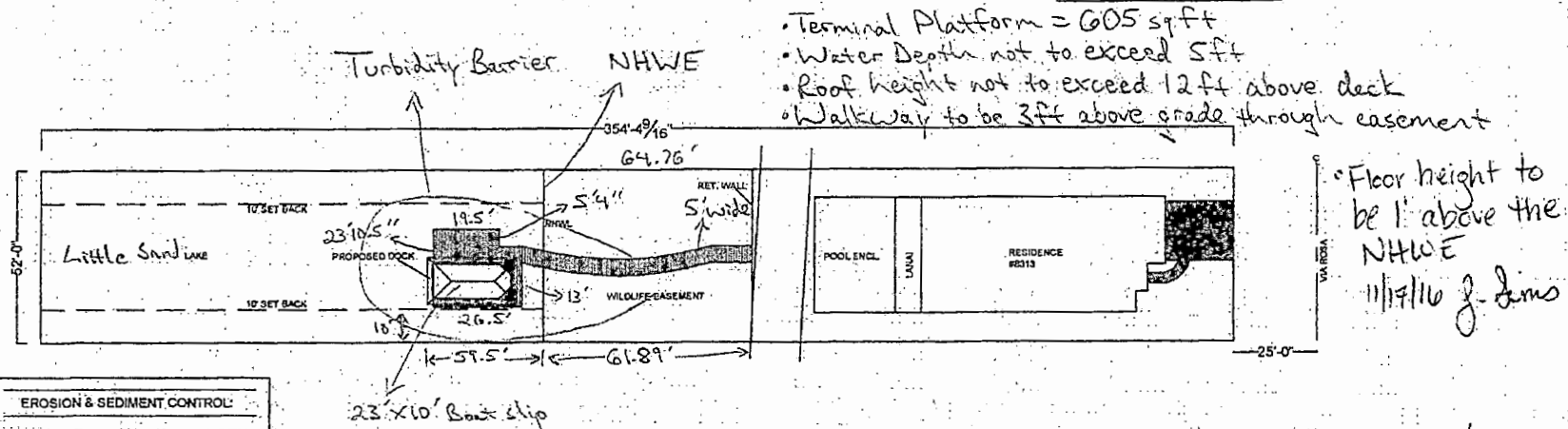


PROPOSED BOAT DOCK 8313 VIA ROSA ORLANDO, FL

ENGINEERING NOTES:
1. ENGINEERING MEETS OR EXCEEDS 2014 FLORIDA BUILDING CODE, RESIDENTIAL, PER SECTION R301, USING ASCE 7-10, 140 mph BASIC WIND SPEED (Vult), RISK CATEGORY II, Vasd = 108 mph.
2. EXPOSURE C
INTERNAL PRESSURE COEFFICIENT = +, - 0.18



Applicable Codes
1. FBC 2014
2. ASCE 7-10
3. NEC.10



EROSION & SEDIMENT CONTROL:

1. SILT FENCE, TURBIDITY BARRIERS AND/OR CURLEX MUST BE UTILIZED FOR EROSION CONTROL.
2. THE OWNER IS TO FOLLOW THE PROVISIONS ALLOWED UNDER THE SAINT JOKES WATER MANAGEMENT PROGRAM AND ALL APPLICABLE FEDERAL, FLORIDA STATE AND/OR LOCAL STATUTES FOR THE CONTROL OF SEDIMENTS AND CONSTRUCTION DEBRIS.
3. FURTHER LAND DEVELOPMENT ISSUES MUST BE HANDLED BY A LICENSED LAND DEVELOPMENT ENGINEER.
4. ANY PERMITS MUST BE OBTAINED PRIOR TO COMMENCEMENT.

PROPOSED SITE PLAN

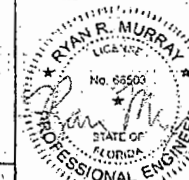
SCALE: 1/32" = 1'

NAWA NOTE:
1. CONTRACTOR TO VERIFY THE NAW ELEVATION WITH LOCAL CITY/COUNTY AUTHORITY. DOCK TO BE PLACED AT 1' ABOVE NAW ELEVATION.



3564 Avalon Park Blvd. E., Suite 1 #111
Orlando, FL 32828
Ph: 321.296.8080 | C.O.A. #28736

Proposed Boat Dock Lally Residence
8313 Via Rosa
Orlando, FL



Digitally signed by Ryan Murray, PE
Reason: I am approving this document
Date: 2016-08-04 17:55:04-00

Date: 08.01.16

Drawn: 01.10.15

Job No: 132-05-14

Page 1 of 6

Site Plan

ENVIRONMENTAL PROTECTION COMMISSION
3165 McCrory Place, Suite 200
Orlando, FL 32803
Panther Training Rooms I and II
January 25, 2017

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

David Ward - Chairman
Jonathan Huels - Vice Chair
Flormari Blackburn - Member
Mark Corbett - Member
Sally Atwell - Member
Mark Ausley - Member

ABSENT MEMBERS:
Alex Preisser - Member

**ENVIRONMENTAL PROTECTION
DIVISION (EPD)**

STAFF PRESENT:

Lori Cunniff - Deputy Director, CEDS
**Georgiana Holmes - Orange County Attorney's
Office**
Elizabeth Johnson - EPD
David Jones - EPD
Neal Thomas - EPD
Aimee Krivan - EPD
Julee Sims - EPD
Jason Root - EPD
Carolyn Schultz - EPD
Shana Thomas - EPD
Steve Rich - EPD
Sarah Given - EPD
Godfrey Dickson - EPD

GUESTS:

Gimera Howell
Robin Lopez
Matt Langbehn
Chris Prunty
Sergio Divine
Sheila Cichra

I. Call to Order:

Chairman Ward called the meeting to order at 8:35 a.m. in Panther Training Rooms I & II. He welcomed new member Flormari Blackburn to EPC.

II. Public Comment(s) (Resolution No. 2013-M-41)
None.

III. Approval of December 14, 2016 Meeting Minutes:

Upon a motion by Jonathan Huels; seconded by Mark Corbett; with Alex Preisser being absent, all members present voting AYE by voice vote; the December 14, 2016 Meeting Minutes were approved.

IV. Public Hearings

1. Mahesh Chaddah, BD-15-10-112, Request for an after-the-fact variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback), Little Sand Lake. Neal Thomas, Environmental Program Supervisor, gave a presentation. A letter of objection from Mr. Divine, received by EPD on January 24, 2017, was entered into the record. The applicant's agent, Mr. Lopez, spoke in favor of the request. Sergio Divine spoke against the project. Chairman Ward opened the floor to public comments. After closing the public hearing, Board discussions ensued including the content of the objection letter.

Upon a motion by Jonathan Huels; seconded by Mark Ausley; with Alex Preisser being absent, all members present voting AYE by voice vote; the Environmental Protection Commission voted to uphold the recommendation of the EPO and approve the Mahesh Chaddah, BD-15-10-112, request for an after-the-fact variance to Orange County Code, Chapter 15, Article IX, Section 15-343(a) (side setback), Little Sand Lake. Motion passes unanimously.

2. Via Rosa Revocable Trust, BD-16-07-079, Request for Waiver to Section 15-342(b)(terminal platform size), Little Sand Lake. Neal Thomas, Environmental Program Supervisor, gave a presentation. A letter of objection from Mr. Divine and Mr. Baig, received by EPD on January 25, 2017 at 8:26AM and 8:33AM, respectively, was entered into the record. The applicant's agent, Chris Prunty, spoke in favor of the request. Sergio Divine spoke against the project. Chairman Ward opened the floor to public comments. After closing the public hearing, Board discussions ensued, including the content of the objection letters as well as the waiver criteria.

Upon a motion by Sally Atwell; seconded by Mark Ausley; with Alex Preisser being absent, all members present voting AYE by voice vote; the Environmental Protection Commission voted to uphold the recommendation of the EPO and approve the Via Rosa Revocable Trust, BD-16-07-079, Request for Waiver to Section 15-342(b)(terminal platform size), Little Sand Lake. Motion passes unanimously.

3. Kent Howell, BD-15-05-052, Request for an after-the-fact Variance to Section 15-342(e)(roof height), Lake Hancock. Neal Thomas, Environmental Program Supervisor gave a presentation. Mrs. Howell spoke in favor of the request. Chairman Ward opened the floor to public comments. After closing the public hearing, Board discussions ensued.

Upon a motion by Jonathan Huels; seconded by Flormari Blackburn; with Alex Preisser being absent, the Environmental Protection Commission voted to uphold the recommendation of the EPO and approve the Kent Howell, BD-15-05-052, After-the-Fact request for Variance to Section 15-342(e)(roof height), Lake Hancock. Motion passes unanimously.

4. Janine and Christopher Seppi, BD-16-10-096, Request for an after-the-fact Variance to Section 15-343(a) (side setback) and Waiver to Section 15-342(b) (terminal platform size), Lake Speer. Neal Thomas, Environmental Program Supervisor, gave a presentation. The applicant's agent,

Sheila Cichra, spoke in favor of the request. Chairman Ward opened the floor to public comments. After closing the public hearing, Board discussions ensued.

Upon a motion by Mark Ausley; seconded by Mark Corbett; the Environmental Protection Commission voted to uphold the recommendation of the EPO and approve the Janine and Christopher Seppi, BD-16-10-096, After-the-Fact request for Variance to Section 15-343(a) (side setback) and Waiver to Section 15-342(b) (terminal platform size), Lake Speer. Motion passes unanimously.

V. Environmental Protection Division Report

1. Boat Dock Waiver and Variance Statistics Update. Neal Thomas, Environmental Program Supervisor, gave a presentation. Board discussion ensued. No action was taken.

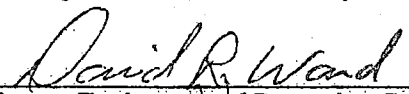
VI. Open Discussion


1. The next EPC meeting will be February 22, 2017.

VII. Non-Agenda Items

None.

VIII. Adjournment: The January 25, 2017 meeting adjourned at 9:55a.m.


Chairman, Environmental Protection Commission


Date Feb 22, 2017

End of Minutes, Prepared by Elizabeth R. Johnson



ENVIRONMENTAL
PROTECTION
COMMISSION

David Ward
Chairman

Jonathan Huels
Vice Chairman

Sally Atwell

Alex Preisser

Mark Corbett

Mark Ausley

Florian Blackburn

ENVIRONMENTAL PROTECTION DIVISION
Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development Services Department
3165 McCrory Place, Suite 200
Orlando, FL 32803-3727
407-836-1400 • Fax 407-836-1499
www.ocfl.net

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION

January 25, 2017

PROJECT NAME: Via Rosa Revocable Trust
PERMIT APPLICATION NUMBER: BD-16-07-079
LOCATION/ADDRESS: 8313 Via Rosa

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), APPROVE THE REQUEST FOR WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(B) WITH THE CONDITION THAT THE APPLICANT PAY \$406.00 TO THE CONSERVATION TRUST FUND, FOR THE VIA ROSA REVOCABLE TRUST DOCK CONSTRUCTION PERMIT BD-16-07-079.

✓ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS
MADE THE FOLLOWING RECOMMENDATION:

Signature of EPC Chairman: David R. Ward

DATE EPC RECOMMENDATION RENDERED: 1/25/17

ENVIRONMENTAL PROTECTION COMMISSION
3165 McCrory Place, Suite 200
Orlando, FL 32803
Panther Training Rooms I and II
March 29, 2017

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

David Ward - Chairman
Jonathan Huels - Vice Chair
Flormari Blackburn - Member
Alex Preisser - Member
Sally Atwell - Member
Mark Ausley - Member
Mark Corbett - Member

ABSENT MEMBERS:

**ENVIRONMENTAL PROTECTION
DIVISION (EPD)**

STAFF PRESENT:

**Georgiana Holmes - Orange County Attorney's
Office (OCAO)**
David Jones - EPD
Arnaldo Mercado - EPD
Jane Gregory - EPD
Neal Thomas - EPD
Aimee Krivan - EPD
Julee Sims - EPD
Tim Hull - EPD
Jason Root - EPD
Natalie Ocampo - EPD
Renee Parker - EPD
Jane Heppner - EPD
Julie Bortles - EPD
Godfrey Dickson - EPD
Laurhyn Cooper - EPD
Brandon Price - OCAO
Elizabeth Henin - OCAO

GUESTS:

Gabriella St. Croix
Juan Angel
Diana Varona

I. Call to Order:

Chairman Ward 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 February 22, 2017 Meeting Minutes:

Upon a motion by Jonathan Huels; seconded by Sally Atwell; with no members being absent, all members present voting AYE by voice vote; the February 22, 2017 Meeting Minutes were approved.

IV. Public Hearings - None

V. Environmental Protection Division Report

Environmental Streamlining Task Force (ESTF) Recommendations Update - presented by David Jones, Environmental Programs Administrator. Mr. Jones summarized the current implementation status and plans for each of the recommendations made by the ESTF in their report that was presented to the Board of County Commissioners in July 2012. Board Discussion ensued. No action was taken.

VI. Open Discussion

1. Via Rosa Revocable Trust, BD-16-07-079, Request for Waiver to Section 15-342(b) (terminal platform size), Little Sand Lake.

Georgiana Holmes, Orange County Assistant Attorney, suggested changes to the January 23, 2017 Minutes to more accurately reflect the change in staff recommendation for this item at the hearing as follows:

Neal Thomas, Environmental Program Supervisor, gave a presentation. A letter of objection from Mr. Divine and Mr. Baig, received by EPD on January 25, 2017 at 8:26AM and 8:33AM, respectively, was entered into the record. The applicant's agent, Chris Prunty, spoke in favor of the request. Sergio Divine spoke against the project. Chairman Ward opened the floor to public comments. After closing the public hearing, Board discussions ensued, including the content of the objection letters as well as the waiver criteria. EPD was asked if receipt of the objections letters changes their recommendation. EPD responded yes, based on the receipt of the objection letters, their recommendation changes to a recommendation of denial.

Upon a motion by Sally Atwell; seconded by Mark Ausley; with Alex Preisser being absent, all members present voting AYE by voice vote; the Environmental Protection Commission voted to uphold the overturn the recommendation of the EPO and approve the Via Rosa Revocable Trust, BD-16-07-079, Request for Waiver to Section 15-342(b) (terminal platform size), Little Sand Lake. Motion passes unanimously.

Upon a motion by Mark Ausley; seconded by Alex Preisser; with none being absent, but with Ms. Preisser abstaining since she was not present at the January 25, 2017 meeting, all other members present voting AYE by voice vote; the Environmental Protection Commission voted to amend the January 23, 2017 Minutes as reflected above for the Via Rosa Revocable Trust, BD-16-07-079, Request for Waiver to Section 15-342(b) (terminal platform size), Little Sand Lake. Motion passes unanimously.

2. Georgiana Holmes informed the board members that an Appeal had been submitted by the objectors regarding the Via Rosa Revocable Trust, BD-16-07-079 case. A discussion ensued, led by Ms. Holmes, regarding options if the EPC wanted to potentially consider bringing the issue back to EPC for a second hearing that would need to take place at the April 26, 2017 hearing.

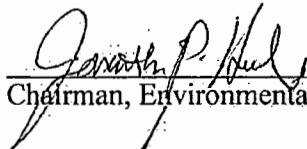
Jonathan Huels requested staff place the Via Rosa Revocable Trust case on the Agenda for the April 26, 2017 EPC meeting.

3. The next EPC meeting will be April 26, 2017.

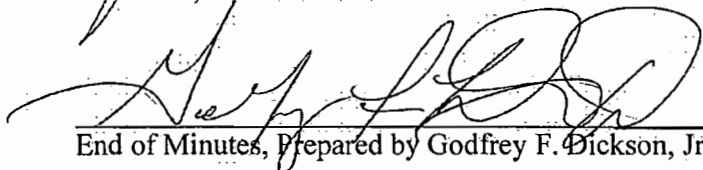
VII. Non-Agenda Items – None.

VIII. Adjournment

The March 29, 2017 meeting adjourned at 9:23 a.m.


Chairman, Environmental Protection Commission

4/26/17
Date


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

ENVIRONMENTAL PROTECTION COMMISSION

3165 McCrory Place, Suite 200

Orlando, FL 32803

Panther Training Rooms I and II

April 26, 2017

**ENVIRONMENTAL PROTECTION
COMMISSION (EPC)**

MEMBERS PRESENT:

**Jonathan Huels - Vice Chair
Flormari Blackburn - Member
Alex Preisser - Member
Sally Atwell - Member
Mark Ausley - Member
Mark Corbett - Member**

**ENVIRONMENTAL PROTECTION
DIVISION (EPD)**

STAFF PRESENT:

**Georgiana Holmes - OC Attorney's Office (OCAO)
Lori Cunniff - EPD
Dennis Weatherford - EPD
Elizabeth "Liz" Johnson - EPD
David Jones - EPD
Arnaldo Mercado - EPD
Jane Gregory - EPD
Neal Thomas - EPD
Sarah Giver - EPD
Julee Sims - EPD
Jason Root - EPD
Tenee Parker - EPD
Jane Ruppner - EPD
Julie Burt - EPD
Godfrey Dickson - EPD
Latashyn Cooper - EPD**

ABSENT MEMBERS:

David Ward - Chairman

GUESTS:

**Bob Floyd
Michael Jones
Mac Carraway
Rick Beard
Isaiah Likens
Mike Swanson
Toby Gaudin
David Botimin
Tom Sorval
Pam Wolters
Billy Butterfield
Heather Russo
Paul Gauy
Sergio Divine
Gabriel Rodriguez
James Orris
John Witherington
Ian Cox
Eric Rollines
Todd Josko
Laurie Trenholm**

Mike Agate
Celeste White
Dale Smith
Scott Rothsling
Kevin Campbell
Lionel Robbins
John Miklos
Matt Houston
Jennifer Bryan
Eric A. Brean
Maria Bolton-Joubert
Rissel Workman
Cheryl Hilderbrand
Chris Prunty
Marjorie Holt
Melessia Lofgren
Raj Lolli
Karina Slindix
Marty Sullivan
Kathrein Clarke

I. Call to Order:

Vice-Chairman Huels 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 March 29, 2017 Meeting Minutes:

Upon a motion by Sally Atwell; seconded by Flormari Blackburn; with David Ward being absent, all members present voting AYE by voice vote; the March 29, 2017 Meeting Minutes were approved.

Alex Preisser entered the meeting at 8:48 AM

IV. Public Hearings –

1. Shuler BD-17-02-012, request for waiver to side setback, Lake Holden, Orange County Code, Section 15-343(b). Neal Thomas, Environmental Program Supervisor, gave a presentation. Sheila Cichra spoke in favor of request and also provided a revised site plan at the hearing and stated that the applicant has agreed to increase the side setback from 15' to 18'. Paul Guay spoke against the project. Vice-Chairman Huels opened the floor to public comments. After closing the public hearing, Board discussions ensued.

Upon a motion by Flormari Blackburn; seconded by Mark Ausley; with David Ward, being absent, all members present voting AYE by voice vote; the Environmental Protection Commission voted to overturn the EPO recommendation to deny request for waiver to side setback, but to increase the side setback from 15' to 18' (from the northern property line) for the side setback, for Shuler, BD-17-02-012, Request for Waiver to Orange County Code, Section 15-343 (b), side setback, Lake Holden. Motion passes unanimously.

2. Park Place Advantage BD-17-02-008, after the fact request variance to access walkway width, Lake Holden, Orange County Code 15-342 (c). Neal Thomas gave a presentation. Cheryl Hildebrand spoke in favor of project. Lionel Robbins spoke against the project. Board discussions ensued.

Upon a motion by Mark Ausley; seconded by Sally Atwell; with David Ward being absent, all members present voting AYE by voice vote; Alex Preiser voting NAY by voice vote; the Environmental Protection Commission voted to uphold the EPO recommendation and deny the After-the-Fact Request Variance, Park Place Advantage, BD-17-02-009, Lake Holden, Orange County Code 15-342 (c). Motion passes 5-1.

3. Martin Krytus BD-15-03-028, request for waiver to terminal platform size, variances to side setback and water depth, Lake Butler, Orange County Code Sections 15-342 (b), 15-343 (a), and 15-342 (a). Mark Ausley stated that he had a conflict of interest due to his company (Bio-Tech) working on this project and that he would need to recuse himself and not vote. Neal Thomas gave a presentation. John Miller spoke in favor of the request. Board discussions ensued.

Upon a motion by Alex Preisser; seconded by Mark Corbett; with David Ward being absent, all members present voting AYE by voice vote; the Environmental Protection Commission voted to approve the request for waiver to Orange County Code, Chapter 15, Article IX, Section 15-342(b) Terminal Platform size, request for variance to section 15-343(a) Side Setback, and request for variance to Section 15-342(a) Water Depth for the Martin Krytus Permit BD-15-03-028; with Mark Ausley not voting. Motion passes.

4. Via Rosa Revocable Trust, BD-16-07-079, Request for Waiver to Section 15-342(b) (terminal platform size), Little Sand Lake. Georgiana Holmes, Orange County Attorney gave background on case and provided several options for EPC to consider as a path forward.

Upon a motion by Jonathan Huels; seconded by Sally Atwell; EPC voted to rescind the January 25, 2017 decision of the EPC concerning the Via Rosa Revocable Trust, BD-16-07-079; with David Ward being absent, all members present voting AYE by voice vote. Motion passed unanimously.

Via Rosa Revocable Trust, BD-16-07-079, Request for Waiver to Section 15-342(b) (terminal platform size), Little Sand Lake, was then reopened as a public hearing. Neal Thomas gave the presentation. Chris Prunty and Raj Lolli spoke in favor of the request. Sergio Divine spoke against the request. Mr. Baig, one of the objectors, was not present. Pamela Wolters, Manager of Mirabella at Vizcaya Homeowner's Association spoke against the project. Board discussions ensued.

Upon a motion by Mark Ausley; seconded by Alex Preisser; with David Ward being absent, all members present voting AYE by voice vote; the Environmental Protection Commission voted to overturn the recommendation of the EPO and approve the request for Waiver to Section 15-342 (b) (terminal platform size), and require a payment of \$406.00 to the Conservation Trust Fund, for the Via Rosa Revocable Trust Permit BD-16-07-079. Motion passes unanimously.

V. Environmental Protection Division Report

Article VXII Fertilizer Management Ordinance Update – Julie Bottles, Regulatory Compliance Coordinator gave a presentation. Board Discussion ensued. The following members of the public provided comments:

Michael Jones – Windermere, FL, Orange Audubon
Todd Josko – TruGreen
Mac Carraway – Carraway Consulting
Marty Sullivan – League of Women Voters for Orange County
Dr. Eric Brown – Director of Agronomics, Massey Services
Dr. Laurie Trenholm – University of Florida, Professor
Eric Rollings – Orange County Soil & Water Conservation District
David Bottomley – President, Woodbury Pines HOA
Toby Gandin – Service Director for Home Depot Outdoor, Heron Ridge
Margie Holt – Vice Chair, Sierra Club
Maria Bolton-Joubert – Citizen
John Witherington – Witherington Pest
Katrina Shadix – Bear Marrow's United
Jennifer Bryan – Florida Golf Course Superintendents
Celeste White – Orange County UF Cooperative Extension

After Board discussion, Jonathan Threl stated that ordinance as is acceptable as is. He stated that more enforcement on the resident training would be beneficial. Lori Cuniff stated that the ordinances are currently reviewed every 3 years unless there are issues to arise.

Upon a motion by Mark Ausley; seconded by Alex Preisser; with David Ward being absent all member present voting AYE by voice; the Environmental Protection Commission voted to approve Article VXII Fertilizer Management Ordinance Update.

VI. Open Discussion

1. The next EPC meeting will be May 31, 2017.

VII. Non-Agenda Items – None.

VIII. Adjournment

The April 26, 2017 meeting adjourned at 11:16 a.m.

Chairman, Environmental Protection Commission

Date

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

DRAFT



ENVIRONMENTAL
PROTECTION
COMMISSION

David Ward
Chairman

Jonathan Huels
Vice Chairman

Sally Atwell

Alex Preisser

Mark Corbett

Mark Ausley

Flormari Blackburn

ENVIRONMENTAL PROTECTION DIVISION
Lori Cunniff, CEP, CHMM, Deputy Director
Community, Environmental and Development Services Department
3165 McCrory Place, Suite 200
Orlando, FL 32803-3727
407-836-1400 • Fax 407-836-1499
www.ocfl.net

ORANGE COUNTY
ENVIRONMENTAL PROTECTION COMMISSION

April 26, 2017

PROJECT NAME: Via Rosa Revocable Trust
PERMIT APPLICATION NUMBER: BD-16-07-079
LOCATION/ADDRESS: 8313 Via Rosa

RECOMMENDATION:

PURSUANT TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-350(B), DENY THE REQUEST FOR WAIVER TO ORANGE COUNTY CODE, CHAPTER 15, ARTICLE IX, SECTION 15-342(B) FOR THE VIA ROSA REVOCABLE TRUST DOCK CONSTRUCTION PERMIT BD-16-07-079.

☐ EPC AGREES WITH THE ACTION REQUESTED, AS PRESENTED

☒ EPC DISAGREES WITH THE ACTION REQUESTED, AS PRESENTED AND HAS MADE THE FOLLOWING RECOMMENDATION:

Overturn the recommendation of the EPC and approve the waiver to terminal platform size for BD-16-07-079 w/ a payment of 406.00 to the CTF.

Signature of EPC Chairman: _____

DATE EPC RECOMMENDATION RENDERED: _____

January 25, 2017

Elizabeth R. Johnson, CEP, PWS
Environmental Programs Administrator
Environmental Protection Division
Orange County Government
Via Email: Liz.Johnson@ocfl.net

Re: Application No: BD-16-07-079
Applicant: Via Rosa Revocable Trust
Site Address: 8313 Via Rosa
OBJECTION TO WAIVER

Dear Ms. Johnson,

Please accept this letter of objection to the Request for Waiver to Section 15-342(b) Terminal Platform Size. Objection submitted as a citizen of Orange County residing at 8226 Livorno Dr.

The permit description indicates "Permit issued 07/29/2016. EPD received Application for Waiver to Terminal Platform Size on 11/7/2016. I assume that this is after-the-fact, although it did not include an as-built survey. The application also included payment of a Variance fee (409) which is not appropriate."

It appears the applicant does not demonstrate that the strict compliance with terminal platform size would impose a unique and unnecessary hardship on the applicant, furthermore it clearly appears the hardship to be self-imposed by dock builder/applicant.

The effect of the proposed variance on abutting shoreline owners may be detrimental resulting in reduced view of the lake, given the increased size of terminal platform and the roof on the dock as shown in proposed boat dock building plans.

Existing docks on Little Sand Lake do not have roofs; approving this variance would set a precedent, which may be detrimental to the public's interest, specially to lake front owners in Little Sand Lake given the narrow size of lots in Mirabella at Vizcaya.

Additionally, the construction of a roof on docks in Little Sand Lake may result in other dock owners building roofs on their docks similarly as it occurred in Vizcaya Master HOA area.

Roofs on docks were not allowed by the Vizcaya Master ARB as indicated by objections letters sent in November 2010 to EPD by Vizcaya Master developer Mr. David Kohn, and Ms. Marie Cholas, both members of Vizcaya Master Architectural Review Board ARB. (see attached).

Unfortunately, Vizcaya Master did not file the intended lawsuit against the violating owner; subsequently, many dock owners built roofs on their docks causing great

grievance to many neighbors who claim that the dock roofs reduce their view of the lake.

Mirabella at Vizcaya HOA was contacted yesterday regarding this issue and will determine whether the applicant submitted and obtained approval by ARB.

In summary, this objection is to the waiver requested given the applicant's possible negative impact on current/future abutting shoreline owners, and the possibility for this waiver to be against the public's interest.

I pray for the Environmental Protection Commission to deny the request for waiver of terminal platform size.

Thanks for the attention to this matter.

Sincerely,

Sergio Divine, M.S

January 25, 2017

Elizabeth R. Johnson, CEP, PWS
Environmental Programs Administrator
Environmental Protection Division
Orange County Government
Via Email: Liz.Johnson@ocfl.net

Re: Application No: BD-16-07-079
Applicant: Via Rosa Revocable Trust
Site Address: 8313 Via Rosa
OBJECTION TO WAIVER

Dear Ms. Johnson,

Please accept this letter of objection to the Request for Waiver to Section 15-342(b) Terminal Platform Size. Objection submitted as a citizen of Orange County residing at 8226 Livorno Dr.

The permit description indicates "Permit issued 07/29/2016. EPD received Application for Waiver to Terminal Platform Size on 11/7/2016. I assume that this is after-the-fact, although it did not include an as-built survey. The application also included payment of a Variance fee (409) which is not appropriate."

It appears the applicant does not demonstrate that the strict compliance with terminal platform size would impose a unique and unnecessary hardship on the applicant, furthermore it clearly appears the hardship to be self-imposed by dock builder/applicant.

The effect of the proposed variance on abutting shoreline owners may be detrimental resulting in reduced view of the lake, given the increased size of terminal platform and the roof on the dock as shown in proposed boat dock building plans.

Existing docks on Little Sand Lake do not have roofs; approving this variance would set a precedent, which may be detrimental to the public's interest, specially to lake front owners in Little Sand Lake given the narrow size of lots in Mirabella at Vizcaya.

Additionally, the construction of a roof on docks in Little Sand Lake may result in other dock owners building roofs on their docks similarly as it occurred in Vizcaya Master HOA area.

Roofs on docks were not allowed by the Vizcaya Master ARB as indicated by objections letters sent in November 2010 to EPD by Vizcaya Master developer Mr. David Kohn, and Ms. Marie Cholas, both members of Vizcaya Master Architectural Review Board ARB. (see attached).

Unfortunately, Vizcaya Master did not file the intended lawsuit against the violating owner; subsequently, many dock owners built roofs on their docks causing great

grievance to many neighbors who claim that the dock roofs reduce their view of the lake.

Mirabella at Vizcaya HOA was contacted yesterday regarding this issue and will determine whether the applicant submitted and obtained approval by ARB.

In summary, this objection is to the waiver requested given the applicant's possible negative impact on current/future abutting shoreline owners, and the possibility for this waiver to be against the public's interest.

I pray for the Environmental Protection Commission to deny the request for waiver of terminal platform size.

Thanks for the attention to this matter.

Sincerely,

Hasan Baig

Mirza H. Baig

Neighbor

8319 Via Rosa, Orlando FL 32836

Mail: P.O.Box 690913, Orlando, FL 32869

MIRABELLA AT VIZCAYA HOMEOWNERS ASSOCIATION INC.

April 11, 2017

Elizabeth R. Johnson, CEP, PWS
Environmental Programs Administrator
Environmental Protection Division
Orange County Government
Via Email: Liz.Johnson@ocfl.net

Re: Application No: BD-16-07-079
Applicant: Via Rosa Revocable Trust
C/O Rajinder Singh Lally Trustee
Subject Site Address: 8313 Via Rosa

OBJECTION TO WAIVER - TERMINAL PLATFORM SIZE

Dear Ms. Johnson,

Please accept this letter on behalf of the Mirabella at Vizcaya Homeowners Association, Inc.

The applicant's property is within Mirabella at Vizcaya Homeowners Association, Inc. (herein The Association). The applicant seeks a waiver to Orange County Code, Chapter 15, Article IX, Section 15-342 (d) terminal platform size.

The Association herein submits its irrevocable objection to the waiver to terminal platform size.

The Association agrees with EPD recommendation of denial, indicated in the EPC hearing meeting on January 25, 2017.

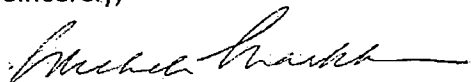
The homeowner submitted a different plan for dock construction to the Association's ARB Architectural Review Board review than the plan submitted to Orange County. The dock proposed to the County is of different size as it includes a roof.

The Association notified the homeowner that the Association did not approve the structure shown in the applicant's submitted plans to Orange County.

The Association considered the objection of the abutting neighbor, the discrepancy in submitted plans above mentioned, thus the Association's decision not to allow new docks with waivers/variances to Orange County Code, Chapter 15, Article IX, Dock Construction.

Thanks for the attention to this matter.

Sincerely,



Michele Markham
Vice President, Mirabella at Vizcaya HOA

February 9, 2017

Elizabeth R. Johnson, CEP, PWS
Environmental Programs Administrator
Environmental Protection Division
Orange County Government
Via Email: Liz.Johnson@ocfl.net

Re: Application No: BD-16-07-079

Site Address: 8313 Via Rosa

**APPEAL FROM DECISION OF
Environmental Protection Commission EPC**

Dear Ms. Johnson,

Please accept this letter as appeal to the decision by the Environmental Protection Commission EPC Hearing - Application No: BD-16-07-079 Request for Waiver to Section 15-342(b) Terminal Platform Size.

Appeal submitted as a citizen of Orange County residing at 8226 Livorno Dr. in the Vizcaya development, following my objection to the waiver submitted on January 25, 2017.

Appellant's Information:

Name: Sergio Divine
Property Address: 8226 Livorno Dr. Orlando, FL 32836
Phone Number: 407-473-8500

Ground for Appeals:

This appeal joints the appeal filed by abutting parcel owner Mr. Mirza H. Baig 8319 Via Rosa.

During EPC hearing, the Chairman of the EPC initially objected to reviewing the sent objections. The Chairman of the EPC was reminded that the event was a public hearing and that objections may be presented the day of the hearing.

Mr. Baig was not able to physically attend the hearing, however Mr. Baig was available to attend via telephone, which the EPC was informed and apparently did not wish to hear his plea.

The effect of the proposed variance on the abutting shoreline property would be detrimental and result in reduced view of the lake, given the increased size of terminal platform and the roof on the dock as shown in proposed boat dock building plans.

I and many others are concerned of the value of Mr. Baig's property being adversely affected, which may negatively affect the value of other properties in the community, if the view of the lake from Mr. Baig's property is partially inhibited by the applicant's proposed dock.

For many years, in the Vizcaya development there have been many environmental violations including docks/structures built without permits, setbacks violations, requests for increase terminal platform size, damage to the preservation area, environmental waivers / variances etc.

These problems may adversely impact the environment, neighbor's quality of life and the community. Furthermore, I and many other people are concerned of the effect that such violations / variances / waivers may have on the value of properties and resale marketability of the dwellings in the community.

Furthermore, it appears the applicant did not demonstrate that the strict compliance with terminal platform size would impose a unique and unnecessary hardship on the applicant, and it clearly appears the hardship to be self-imposed by dock builder/applicant.

Appellant contends requires reversal of the decision:

Pursuant to Orange County Code Article IX Dock Construction.

The waiver does not meet the requirements of effect of the proposed waiver on abutting shoreline owners pursuant to OC Code Article IX Section 15-350 (a) (2).

The presumption of no objection per OC Code Article IX Section 15-347 (b), was canceled given the abutting owner's objection sent the day of the hearing.

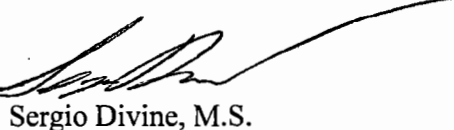
If the hearing had been rescheduled to a following date as proposed by EPD Environmental Program Supervisor, then given abutting shoreline owner's objection it is possible that the Environmental Protection Officer EPO would have issued a recommendation for denial for the waiver.

At the hearing it was officially recorded my objection and the objection of the abutting shoreline owner to the waiver requested.

Pursuant to Orange County Code Article IX Dock Construction, I hereby appeal the decision of the Environmental Protection Commission for the waiver for terminal size platform size.

Thanks for the attention to this matter.

Sincerely,



Sergio Divine, M.S.

February 8, 2017

Elizabeth R. Johnson, CEP, PWS
Environmental Programs Administrator
Environmental Protection Division
Orange County Government
Via Email: Liz.Johnson@ocfl.net

Re: Application No: BD-16-07-079
Site Address: 8313 Via Rosa
APPEAL FROM DECISION OF
Environmental Protection Commission EPC

Dear Ms. Johnson,

Please accept this letter as appeal to the decision by the Environmental Protection Commission EPC Hearing Date January 26, 2017, Request for Waiver to Section 15-342(b) Terminal Platform Size. Appeal submitted as a citizen of Orange County and owner of 8319 Via Rosa, abutting shoreline property to the applicant's parcel, following my objection to the waiver submitted on January 25, 2017.

Appellant's Information:

Name: Mirza H. Baig
Property Address: 8319 Via Rosa, Orlando, FL 32836
Mailing Address: P.O. Box 690913 Orlando, FL 32869
Phone Number: 304-922-2094

Ground for Appeals:

As affected owner of abutting shoreline parcel to waiver approved by EPC - BD-16-07-079.

During EPC hearing, the Chairman of the EPC initially objected to reviewing my sent objection. He was reminded that the event was a public hearing and that objections may be presented the day of the hearing, with further discussion.

Unfortunately I was not able to physically attend the hearing, however I was available to attend via telephone, which the EPC was informed and apparently did not wish to hear my plea.

The affect of the proposed variance on my abutting shoreline property would be detrimental and result in reduced view of the lake, given the increased size of terminal platform and the roof on the dock as shown in proposed boat dock building plans.

I am concerned of the value of my property being adversely affected if the view of the lake is partially inhibited by the applicant's dock structure.

Furthermore, it appears the applicant did not demonstrate that the strict compliance with terminal platform size would impose a unique and unnecessary hardship on the applicant, furthermore it clearly appears the hardship to be self-imposed by dock builder/applicant.

Appellant contends requires reversal of the decision:

Pursuant to Orange County Code Article IX Dock Construction.

The waiver does not meet the requirements of effect of the proposed waiver on abutting shoreline owners pursuant to OC Code Article IX Section 15-350 (a) (2).

The presumption of no objection per OC Code Article IX Section 15-347 (b), was canceled given my objection sent the day of the hearing.

If the hearing had been rescheduled to a following date as proposed by EPD Environmental Program Supervisor, then given my objection as the abutting shoreline owner, it is possible that the Environmental Protection Officer EPO would have issued a recommendation for denial for the waiver.

At the hearing it was officially recorded my objection as the abutting shoreline owner to the waiver requested.

Pursuant to Orange County Code Article IX Dock Construction, I hereby appeal the decision of the Environmental Protection Commission for the waiver for terminal size platform size.

Thanks for the attention to this matter.

Sincerely,


Mirza H. Baig