

Agenda

Development Review Board

Norma Sutton William Yeager Stephen Withers **Frank Chase** Jennifer Roper **Molly Rose Peter Fleck** Council Liaison: Bill Martini

> **January 21, 2020** 6:30 PM

WINDERMERE TOWN HALL **520 MAIN STREET.** WINDERMERE, FL 34786

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceeding should contact the Office of the Town Clerk at least 48 hours beforehand at (407) 876-2563

Pursuant to Resolution No. 2005-12 adopted on December 13, 2005, the following Civility Code shall govern all proceedings before the Town of Windermere Town Council:

- All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced. 1.
- 2. Prolonged conversations shall be conducted outside Council meeting hall.
- 3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
- Only those individuals who have signed the speaker list and/or who have been recognized by the Mayor (or Chair) may address comments to the Council. 4.
- 5. Comments at public hearings shall be limited to the subject being considered by the Council.
- 6. Comments at Open Forums shall be directed to Town issues.
- 7. All public comments shall avoid personal attacks and abusive language
- No person attending a Town Council meeting is to harass, annoy, or otherwise disturb any other person in the room.

Any member of the public whose behavior is disruptive and violates the Town of Windermere Civility Code is subject to removal from the Town Council meeting by an officer and such other actions as may be appropriate. PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.0105: Any person who desires to appeal any decision at this meeting will need a record of this proceeding. For this, such person may need to ensure that a verbatim record of such proceeding is made which includes the testimony and evidence upon which the appeal is to be based.

Agenda

AGENDA

- THE MEETING IS CALLED TO ORDER BY THE CHAIRMAN
- 1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit):
- 2. <u>NEW BUSINESS</u>
 - a. MINUTES
 - i. December 17, 2019 Board Meeting Minutes (Attachments-Board Option)
 - b. GENERAL ITEMS FOR CONSIDERATION
 - i. Z20-03: 1108 Main Street William Stratton Variance to allow an expansion of more than 10% of the existing gross floor area (request is for 161% increase) to an existing non-conforming home.
- 3. ADJOURN:

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

December 17, 2019

Present were Chair Frank Chase, Board Members; Norma Sutton, William Yeager, Molly Rose, Jennifer Roper, and Peter Fleck. Liaison Bill Martini, Town Clerk Dorothy Burkhalter, and Town Planner Amanda Warner were also present. Member William Yeager, Member Stephen Withers, and Town Manager Robert Smith were absent.

Chair Chase called the meeting to order at 6:30pm. He then led everyone in the Pledge of Allegiance.

1. **OPEN FORUM/PUBLIC COMMENTS:**

No public comments were made.

2. OLD BUSINESS:

a. Z19-14: 219 W 2nd Avenue – Boat Dock Variance – Tabled to December 17, 2019

Chair Chase introduced this item. He stated that this item had been previously tabled. Chair Chase turned the floor over to Ms. Amanda Warner, representative from Wade Trim. Ms. Warner introduced case Z19-14. She explained that this had been previously tabled due to the size that was be requested. Ms. Warner stated that the plans have been revised and that the applicant is now requesting a boat dock width of 17 feet which increases the side setbacks from the original submitted request of 9 feet to 11.5 feet. She further stated that the original width request was 22 feet; 10 feet for the deck, 10 feet for the slip, and two feet for a walkway. Ms. Warner explained the new request as 17 feet; 5 feet for a walkway, 10 feet for the boat slip, and 2 feet for a walkway. Member Rose questioned the location of the dock. She then commented that the location of the proposed dock is located on Wauseon Bay which is in the cove and looks like a marina, not open water ways. Discussion followed regarding the location, size, existing dock, and notification letters. Mr. Jeff Szukalski, and Mrs. Rachelle Szukalski owners of 219 W 2nd Avenue introduced themselves. Mrs. Szukalski reassured the Board that the complaint regarding jet skis is not theirs, as they do not own any jet skis. Mr. Szukalski commented on the size, needs and location of the boat dock. Ms. Shelia Cichra, agent for the owner, also explained the need for the additional space and safety access. After some discussion was made, Member Rose made a motion to recommend approval. Motion died for lack of a second. Member Roper questioned the total length of the dock. Ms. Cichra stated that it would be 8° from the end of the existing dock, which is where the boat is currently tied to. Discussion was made regarding the platform, and future requests. Member Roper made a motion to recommend approval to allow a maximum of 147 in width. Motion died for lack of a second. Member Fleck made a motion to recommend approval to allow a maximum of 16' (4-10-2). Member Rose seconded the motion. Voting was as follows: Sutton-no, Chase-yes, Rose-yes, Roper-yes, and Fleck-yes. Motion carried 4-1. Chair Chase stated that this is a recommending board and the Town Council will make the final decision at their meeting in January.

3. **NEW BUSINESS:**

a. MINUTES:

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

December 17, 2019

i. October 15, 2019 Meeting Minutes

Member Rose made a motion to approve the October 15, 2019 meeting minutes. Member Sutton seconded the motion. All were in favor.

ii. November 19, 2019 Meeting Minutes

Member Sutton made a motion to approve the November 19, 2019 meeting minutes. Member Roper seconded the motion. All were in favor.

b. GENERAL ITEMS FOR CONSIDERATION:

NONE

4. ADJOURN:

Member Rose made a motion to adjourn. Member Sutton seconded the motion. All were in favor

The meeting adjourned at 7:02pm

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

Town of Windermere

614 Main Street Windermere, FL 34786 Office: (407) 876-2563 Fax: (407) 876-0103

Mayor

JIM O'BRIEN



Town Manager ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Development Review Board January 21, 2020

Town Council February 11, 2020

Case No.:

Z20-03

Applicant/Representative: Andrew Fogg, Mary Blair-Fogg, Dean and Lesha Miller,

Chris Warfel, Mike Keese

Property Owner:

William Stratton

Requested Action:

Variance to allow an expansion of a non-conforming home by more than 10% of the existing gross floor area. Request

is to expand the home by 161%.

Property Address:

1108 Main Street

Legal Description:

PLAT OF WINDERMERE G/36 LOTS 30 & 31 & S1/2 OF

VACATED PORTION OF ST ON N LOT 31 & VAC SS

RR R/W ON E 40 FT WIDE

Future Land Use/Zoning:

Residential/Residential

Existing Use:

Residential (Single Family)

Surrounding Future Land Use/Zoning

North:

Residential/Residential

South:

Residential/Residential

East:

Residential/Residential

West:

Lake

CASE SUMMARY:

William Stratton, owner of 1108 Main Street, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow the existing non-conforming home to be expanded by more than 10% of the existing gross floor area. The proposed expansion is from 4,075 square feet to 10,637 square feet, which is an addition of 6,562 square feet (161% or existing gross floor area).

According to the Orange County Property Appraiser, the existing home was built in 1953. The existing home is a 4,075 square foot single-story home. The existing home is non-compliant with its existing side setback on the south side of the lot. The required side setbacks for this property is 15-feet from the side property lines. The existing home is approximately 10-feet from the south side property line, which is non-conforming. The existing home is conforming in all other zoning requirements.

The applicant is proposing to construct a 6,562 square foot two-story addition on the north side of the home. The proposed addition would meet the required 15-foot setback on the north side property line, the required 25-foot setback from the front property line and greater than the required 50-foot setback from the normal high water elevation of the lake. In addition, the proposed addition is within the limitation of the maximum floor area and impervious area allowed for the property. The addition results in the total gross floor area of the existing home to increase to 10,637 square feet, which is 25.1% of the lot area (maximum allowed is 38%). The addition results in the total impervious of the lot to increase to 9,078 square feet, which is 21.5% of the lot area (maximum allowed is 45%). The addition will be required to meet the Town's stormwater retention requirements. The proposed addition is also compliant with the 35-foot height limitation. According to the applicant, the septic system was recently upgraded. Any impact to existing trees will require separate permitting through the Town.

Division 10.02.00 of the LDC empowers the Development Review Board to review and make recommendations for approval, approval with conditions or denial to the Town Council on variance requests.

Division 10.02.00 of the LDC requires the Town Council to consider the recommendation of the Development Review Board and to take final action to either approve or deny the variance request.

CASE ANALYSIS:

Section 10.02.02 of the LDC provides the specific standards by which the Development Review Board and Town Council are to review to consider the approval or denial of a variance application. In addition, this Section requires a positive finding, based on substantial competent evidence, for each of the standards. These standards are summarized as follows:

1. The need for the variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are

unique to the subject property. Variances should be granted for conditions peculiar to the property and not the result of actions of the property owner;

- 2. There are practical or economic difficulties in carrying out the strict letter of the regulation;
- 3. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
- 4. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazard to the public;
- 5. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
- 6. The effect of the proposed variance is in harmony with the general intent of this Land Development Code and the specific intent of the relevant subject areas of this Land Development Code; and
- 7. The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.

It is also important to note that this Section also provides specific standards that are not to be considered in the review of a variance application. These standards are:

- 1. That the implementation of these regulations would impose an economic hardship on the cost of the building or redevelopment project;
- 2. That these regulations impose a hardship by decreasing the maximum density of a property in terms of the number of units, square footage of buildings, etc.; and
- 3. That other adjacent lands, structures or buildings not in conformance with these regulations provide a rationale for a lessening of their application in this specific case.

Section 10.02.02(c) of the LDC allows the imposition of conditions and restrictions as may be necessary to allow a positive finding to be made on any of the variance standards to minimize the negative effect of the variance. The conditions and restrictions should further the interest of the LDC.

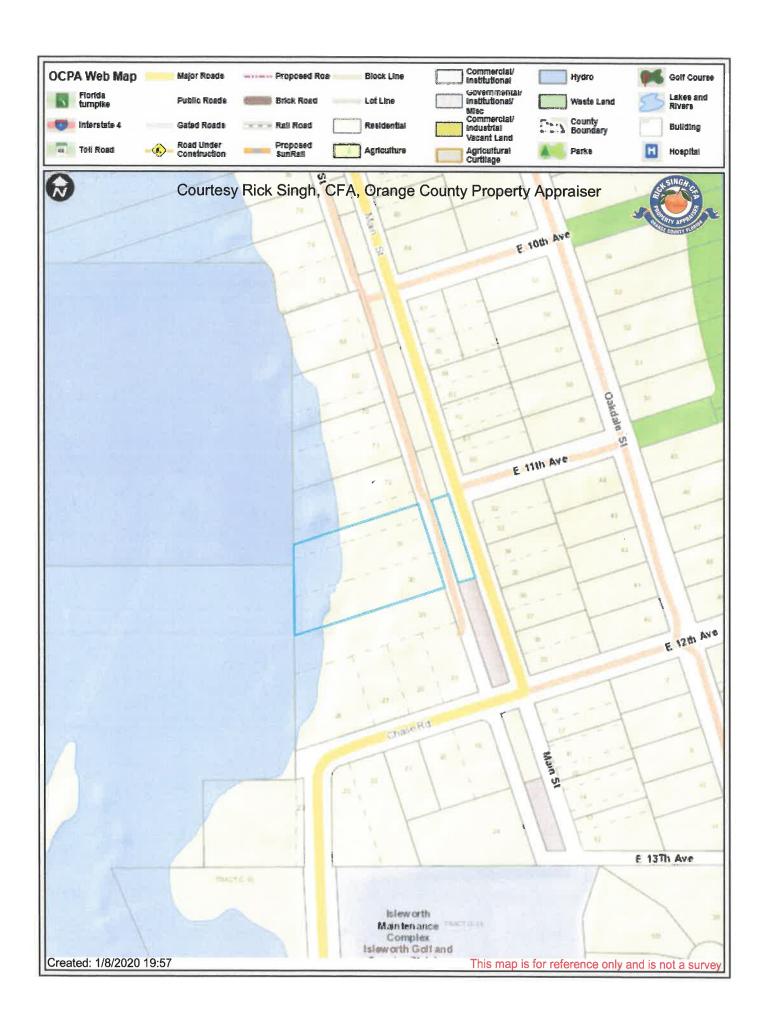
The applicant submitted a site plan and other materials in support of the variance request. The following is a summary of the information provided by the applicant in support of their variance request:

1. The property was purchased by the family in 1968 and was compliant at the time.

- 2. The expansion of the home beyond 10% does not result in exceeding the 38% gross floor area limitation nor the 45% impervious surface area limitation;
- 3. The expansion of the home meets all setback requirements and other zoning requirements;
- 4. In January 2019, the applicant installed a new septic system on the east side of the property, away from the lake, that is sufficient for the addition.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property (41 notices sent). As of January 8, 2020, no responses were returned. An update to any responses received after January 8, 2020, will be provided at the DRB meeting.



Dear Mr. Cornelius.

We live at 1108 Main Street in Old Town Windermere and would like to submit a variance request in order add additional square footage to our house. My father in-law, William Curdts and his wife Tatty, bought the house in 1968, and since then the town codes have been revised so our lot is no longer a compliant lot on the South end.

The variance we are requesting is for an FAR increase as the addition we hope to build is greater than 10% of our existing structure. We were careful to plan our addition so that we are not exceeding the current setback codes on the West, North, and East property lines. But our existing structure is non-compliant and we feel a variance is the most practical route.

Our goal is to add some flex space for a game room and additional bedrooms and bathrooms. When the addition is complete, it will allow us more flexibility to update the look of the current home to match the exterior and update the interior plumbing and electrical.

We proactively installed 2 brand new septic systems and drain fields in January 2019 on the east side of the property, away from the lake. These systems are large enough to accommodate the addition we are proposing, and feature sump pumps to avoid unsightly humps in the front yard. We feel that this has added practical and ecological value to the property while being considerate of how our property is viewed from Main Street.

Our family loves this property and the Town of Windermere, and we have many wonderful memories here. The home has been in our family since the 1960's and we intend to keep it in the family for many more years to come. My children learned to ski, sail, and drive a boat on this lake. We've spent Easters searching for eggs, and Christmases opening presents and watching Santa ski by on Lake Butler. We've had proposals, weddings, 90th birthday parties, and many other priceless memories as a family here. Adding onto this house would allow our growing family to continue to enjoy the property and continue to make wonderful memories. We simply need a little more elbow room.

Thank you for your consideration,

William Stratton

er Wade Trim's instructions, Agent Authorization Forms will be notarized by the owner in the	
ate of Florida and resubmitted to the town before the official review.	

Cornelius, Brad

From: Dean Miller <dean@deanallencompany.com>

Sent: Monday, January 6, 2020 2:11 PM

To: Cornelius, Brad; Warner, Amanda; Mastison, Sarah

Subject: corrections for 1108 Main St.

Attachments: 19-3167 Fogg Residence 1.pdf; 19-3167 Fogg Residence 2.pdf

Good afternoon, we met with the Fogg's today. They would like to move forward with the variance. There intent is to modify the existing home to match the addition and use the addition to live in while they modify since they know all of the plumbing and electrical needs updating.

Attached are the plans from the architect with the roof numbers.

Thanks so much, Lesha

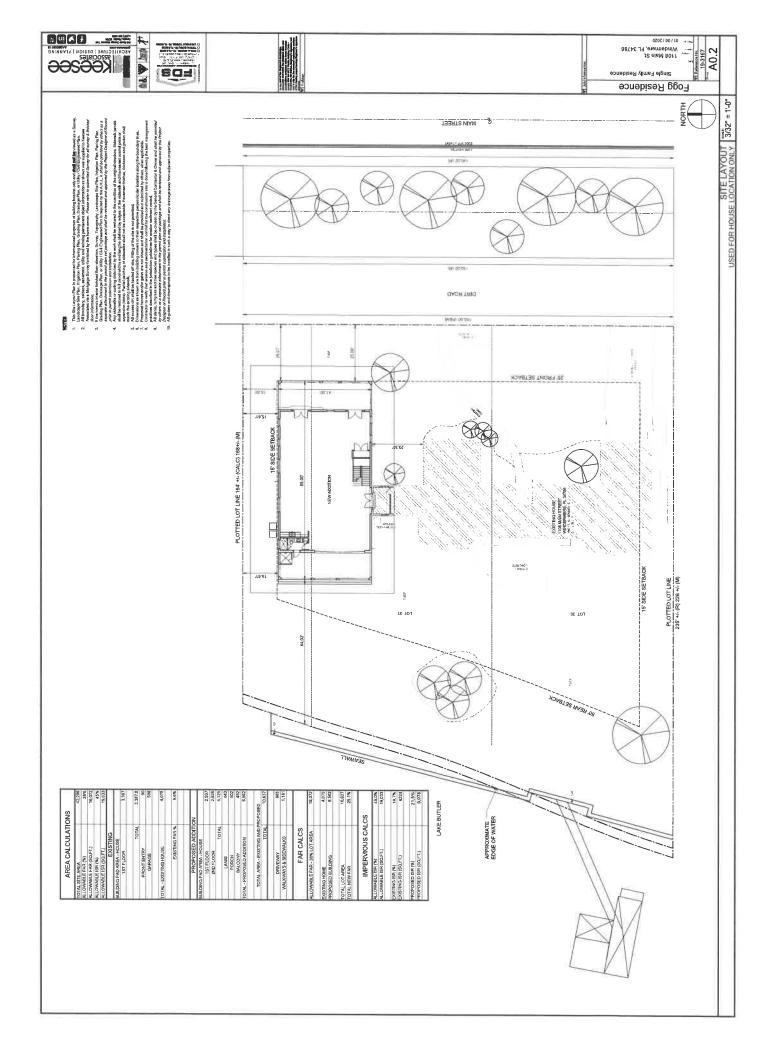
Dean Allen Miller | President

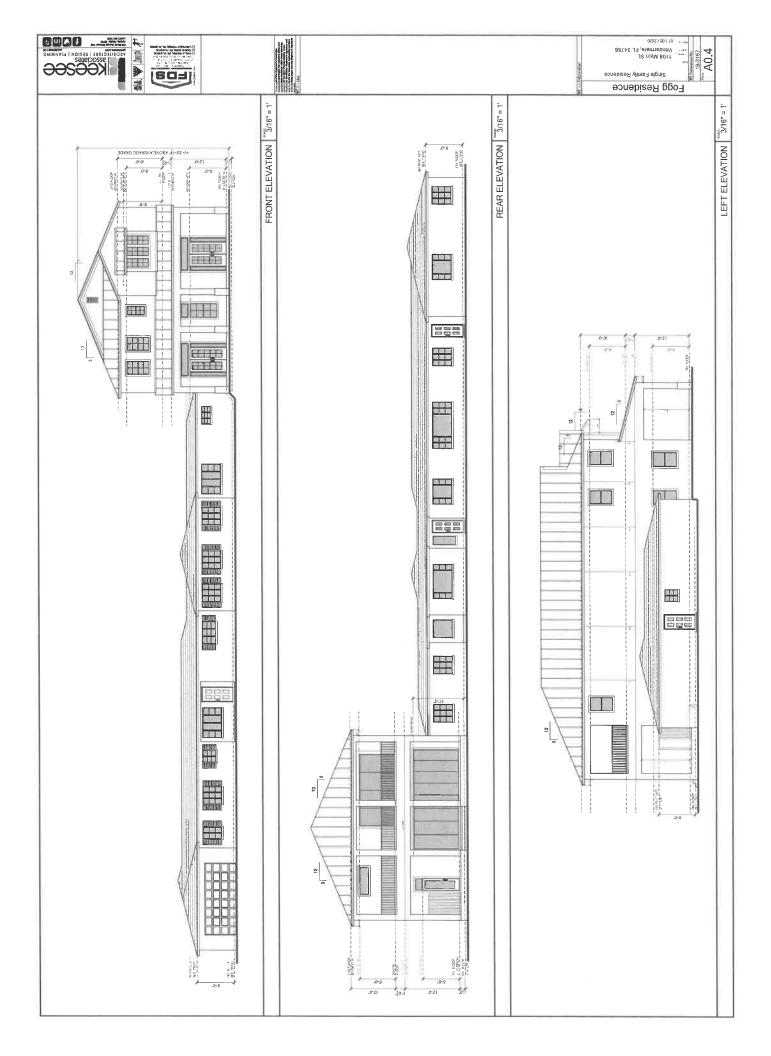
dean@deanallencompany.com | 407-876-2562

PO Box 75, Windermere, FL 34786

deanallencompany.com







I/WE, (PRINT PROPERTY OWNER NAME) WILLIA	m Allen Strattain
REAL PROPERTY DESCRIBED AS FOLLOWS. 110	8 Main & Windermore 2408/
HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PR	NT AGENT'S NAME) AND THE TOTAL
	NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED
AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS	THE APPLICATION APPROVAL REQUESTED
APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINIS	TRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS
APPLICATION AND TO ACT IN ALL RESPECTS AS OUR	AGENT IN MATTERS DESTRIBING TO THE ACRUSATION
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Signature of Propert	y Owner Print Name Property Owner
Date:	
Signature of Propert	y Owner Print Name Property Owner
STATE OF FLORIDA : COUNTY OF	
as identification ar	as acknowledged before me this day of
(Notary Seal)	Signature of Notary Public Notary Public for the State of Florida
	My Commission Expires:
Legal Description(s) or Parcel Identification Number(s)	are required;
PARCEL ID #:	
LEGAL DESCRIPTION:	

I/WE, (PRINT PROPERTY OWNER NAME) WILLIAM ALLEN STRATTON , AS THE OWNER(S) OF THE
REAL PROPERTY DESCRIBED AS FOLLOWS, 1108 Main St Windermere, F1 34786,
HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Man-Blair Frag
TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTS
AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS,, AND 1
APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING TH
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Date: 12-19-8019 Signature of Property Owner Print Name Property Owner
Date:
Signature of Property Owner Print Name Property Owner
STATE OF FLORIDA : COUNTY OF
I certify that the foregoing instrument was acknowledged before me this day of
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Witness my hand and official seal in the county and state stated above on the day, in the year Signature of Notary Public Notary Public for the State of Florida
Signature of Notary Public
Signature of Notary Public (Notary Seal) Signature of Notary Public Notary Public for the State of Florida
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Signature of Notary Public (Notary Seal) Notary Public for the State of Florida My Commission Expires: Legal Description(s) or Parcel Identification Number(s) are required:
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Signature of Notary Public (Notary Seal) My Commission Expires: Legal Description(s) or Parcel Identification Number(s) are required: PARCEL ID #:

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LEGAL DESCRIPTION:				
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HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Lesha Miller			
	NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED		
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Signature of Property	Owner Print Name Property Owner		
Date: Signature of Property	Owner Print Name Property Owner		
STATE OF FLORIDA : COUNTY OF :			
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			, Mike heesee
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			SLATIVE BODY IN THE COUNTY CONSIDERING THIS
			PERTAINING TO THE APPLICATION.
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Date:	Signature of Propert	y Owner	Print Name Property Owner
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