

## *Agenda*

### Development Review Board

**Norma Sutton**

**William Yeager**

**Stephen Withers**

**Frank Chase**

**Jennifer Roper**

**Molly Rose**

**Peter Fleck**

**Council Liaison: Bill Martini**

## *Agenda*

**October 15, 2019**

**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:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
2. Prolonged conversations shall be conducted outside Council meeting hall.
3. Whistling, heckling, gesturing, loud conversations, or other disruptive behavior is prohibited.
4. 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.
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
8. 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**

- THE MEETING IS CALLED TO ORDER BY THE CHAIRMAN
  - 1. OPEN FORUM/PUBLIC COMMENT (3 Minute Limit):
  - 2. NEW BUSINESS
    - a. MINUTES
      - i. None at this time
    - b. GENERAL ITEMS FOR CONSIDERATION
      - i. Case# Z19-14: 219 W 2nd Avenue – Jeff and Rachelle Szukalski – Variance to allow 9 foot side setbacks for a boat dock (Attachments-Board Option)
  - 3. ADJOURN:
-

# 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 October 15, 2019

## Town Council November 19, 2019

**Case No.:** Z19-14

**Applicant/Representative:** Sheila Cichra

**Property Owners:** Jeff and Rachelle Szukalski

**Requested Action:** Variance to allow the construction of a new boat dock with a side setback of 9 feet on each side (East and West).

**Property Address:** 219 W 2<sup>nd</sup> Ave.

**Legal Description:** PLAT OF WINDERMERE G/36 THE E 40 FT OF LOT 422 & LAND ON N TO S BNDRY OF FIRST ST AS RELOCATED & BEG ON N BNDRY OF FIRST ST AS RELOCATED AT INTERSECTION OF NELY LINE OF LOT 422 PROJECTED RUN N 17 DEG W 100 FT N 51 DEG W 81 FT S 17 DEG E 150 FT TO N BDRY OF FIRST ST N 72 DEG E ALONG SAID N BNDRY 40 FT TO BEG & THE E 80 FT OF LOTS 423 & 424 & W 25 FT OF LOTS 425 & 426 IN 8-23-28 SW1/4

**Future Land Use/Zoning:** Residential/Residential

**Existing Use:** Residential (Single Family)

### Surrounding Future Land Use/Zoning

**North:** Lake Butler  
**South:** Residential/Residential

**East:** Residential/Residential  
**West:** Residential/Residential

**CASE SUMMARY:**

Sheila Cichra, on behalf of Jeff and Rachelle Szukalski, owners of 219 W 2nd Ave., 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 construction of a new boat dock with a side setback of 9 feet on each side (East and West).

The applicant states that due to the narrowness of the parcel (40 feet) on the lake, there isn't room for the standard side setbacks. The proposed dock is 10 feet wide, with a 10-foot wide boat slip, and a 2-foot wide walkway. The total width of the new proposed dock is 22 feet. With the application of the Town's standard 16-foot side setbacks, the total dock width would be limited to 8 feet (40 foot wide lot - 32 feet total side setbacks).

The applicant stated they obtained an OCEPD boat dock variance on August 28, 2019. The permit with OCEPD is still in process. The applicant has stated they've also obtained a FDEP permit for the dock.

The adjacent property owners (226 W 1<sup>st</sup> Ave. and 212 W 1<sup>st</sup> Ave.) have signed setback waivers.

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 these 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 narrowness of the parcel doesn't allow the standard side setbacks.

**PUBLIC NOTICE:**

Public notices were mailed to property owners within 500 feet of the subject property (60 notices sent). As of October 7, 2019, seven (7) responses were returned in support and one (1) in opposition.



Date: September 20, 2019  
To: Dorothy Burkhalter, Town Clerk  
From: Sheila Cichra  
Re: Variance Request for 219 West 2<sup>nd</sup> Avenue, Windermere  
Boat dock side setback from NHWE

The attached files are an application package for a side setback variance from 16' to 9' (on each side) for a proposed replacement boat dock.

The parcel belongs to Jeff and Rachelle Szukalski. It was recently permanently linked to their principle parcel.

We have obtained an OC EPD boat dock variance and the permit is about to be issued. We have also obtained a DEP permit for the dock.

The adjacent property owners have signed setback waivers and they are also attached.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Sheila Cichra".



Date: September 20, 2019  
To: Dorothy Burkhalter, Town Clerk  
From: Sheila Cichra  
Re: Variance Request for 219 West 2<sup>nd</sup> Avenue, Windermere  
Boat dock side setback from NHWE

The *Special Conditions and Circumstances* that exist on site are the odd shaped lot, which makes building even an average sized dock practically impossible.

The hardship was *Not Self-Created*. The owner thought that he could replace the existing dock. He did not realize that he couldn't expand it, without a variance.

There is *No Special Privilege being Conferred*, because many similar variances have been issued on oddly shaped, under-sized or narrow parcels in Windermere.

Regarding *Deprivation of Rights*, if this variance isn't approved, the owners won't be able to build a boathouse with a deck beside it – like everyone else has. Due to the narrowness of the parcel, there isn't room for the standard side setbacks.

We are requesting the *Minimum Possible Variance*. The boathouse that we are proposing is 2' narrower than the average starting point, because the deck is only 10' wide – not 12'.

The adjacent property owners are in support of the new boathouse. We believe that is a good example of the *Purpose and Intent* of such a zoning variance.

# TOWN OF WINDERMERE AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Jeff or Rachelle Szukalski, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 219 West 2nd Avenue, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Sheila Cichra, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, boat dock permit and variance, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 3-13-19

Jeff Szukalski  
Signature of Property Owner

Jeff Szukalski  
Print Name Property Owner

Date: \_\_\_\_\_

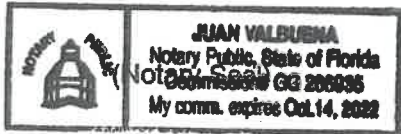
\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Name Property Owner

STATE OF FLORIDA :  
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 13 day of March, 2019 by Jeff Szukalski. He/she is personally known to me or has produced FL DL as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 13 day of March, in the year 2019.



Juan Valbuena  
Signature of Notary Public  
Notary Public for the State of Florida

My Commission Expires: Oct. 14, 2022

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #: <u>17-23-28-9336-04-231</u>
LEGAL DESCRIPTION: <u>PLAT OF WINDERMERE G/36 THE E 40 FT OF LOT 422 &amp; LAND ON N TO S BNDRY OF FIRST ST AS RELOCATED &amp; BEG ON N BNDRY OF FIRST ST AS RELOCATED AT INTERSECTION OF NELY LINE OF LOT 422 PROJECTED RUN N 17 DEG W 100 FT N 51 DEG W 81 FT S 17 DEG E 150 FT TO N BDRY OF FIRST ST N 72 DEG E ALONG SAID N BNDRY 40 FT TO BEG &amp; THE E 80 FT OF LOTS 423 &amp; 424 &amp; W 25 FT OF LOTS 425 &amp; 426 IN 8-23-28 SW1/4</u>



This Instrument Prepared by and Return to:

Deborah Bowman  
Central Florida Title Orlando, LLC  
19 E. Central Blvd.  
Orlando, FL 32801  
Our File No.: 18W-0204

Property Appraisers Parcel Identification (Folio) Numbers: 17-23-28-9336-04221 AND 17-23-28-9336-04231

Consideration: \$754,400.00

Space above this line for Recording Data

## WARRANTY DEED

THIS WARRANTY DEED, made the 26th day of March, 2018 by HAGERTYSMITH, LLC, a Florida limited liability company, whose post office address is 92 Pine St., Windermere, FL 34786 hereinafter called the Grantor, to

JEFFREY J. SZUKALSKI and RACHELLE SZUKALSKI, husband and wife, whose post office address is 219 W. 2nd Ave., Windermere, FL 34786, hereinafter called the Grantees:  
*(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)*

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in ORANGE County, State of Florida, viz.:

**Parcel I:**

The East 40 feet of Lot 422, measured at right angles from the Easterly side line of said Lot, and all land lying between the East and West side lines of the above description extended in the same direction, North 17 degrees 34' West to a straight line running from the Southwesterly corner of Lot 458 to the Southwesterly corner of Lot 456, Plat of Windermere, according to the Plat thereof, recorded in Plat Book G, Pages 36 through 39, of the Public Records of Orange County, Florida, less road right-of-way, and beginning at the Northwesterly corner of said land, run thence North 72 degrees 26' East along said straight line, 40 feet to the Northeasterly corner of said land; thence North 17 degrees 34' West 100 feet to a point in Lake Butler; thence North 51 degrees 39' 10" West 81 feet, more or less, to a point in Lake Butler situated North 17 degrees 34' West from Point of Beginning; thence South 17 degrees 34' East 150 feet, more or less, to Point of Beginning, Plat of Windermere, according to the Plat thereof recorded in Plat Book G, Pages 36 through 39, of the Public Records of Orange County, Florida, with First Avenue relocated in a straight line across said property as aforesaid.

AND

**Parcel II:**

A fractional part of Lots 423, 424, 425 and 426, Plat of Windermere, according to the Plat thereof, recorded in Plat Book G, Pages 36 through 39, of the Public Records of Orange County, Florida, to wit:

Beginning on the Northerly side of Second Avenue at a point 87.5 feet Northeasterly from the Northeast corner of the intersection of Butler Street and Second Avenue, Plat of Windermere, according to the Plat thereof, recorded in Plat Book G, Pages 36 through 39, of the Public Records of Orange County, Florida; thence run in Northwesterly direction and parallel to Butler Street 200 feet to a point on the Northwesterly line of Lot 423 of said Plat said point being 87.5 feet Northeasterly from the Northwesterly corner of said Lot 423; thence in a Northeasterly direction along the Northwesterly line of said Lot 423 and of Lot 426, a distance of 105 feet to a point on the Northwesterly line of said Lot 426, a distance of 25 feet from the Northwesterly corner of said Lot 426; thence Southeasterly and parallel to Butler Street, 200 feet to a point on the Southerly line of Lot 425 and on the Northerly line of Second Avenue, which point is 25 feet Northeasterly from the Southwesterly corner thereof; thence Southwesterly along said Southerly line of said Lots 425 and 424, a distance of 105 feet to the Point of Beginning, and being also and otherwise described as follows:

The Easterly 80 feet of Lots 423 and 424, and the Westerly 25 feet of Lots 425 and 426, Plat of Windermere, according to the Plat thereof, recorded in Plat Book G, Pages 36 through 39, of the Public Records of Orange County, Florida.

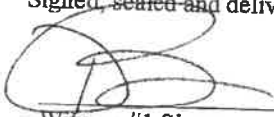
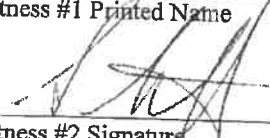
Subject to easements, restrictions and reservations of record and taxes for the year 2018 and thereafter.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, TO HAVE AND TO HOLD, the same in fee simple forever.



AND, the Grantor hereby covenants with said Grantees that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

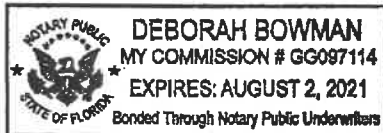
  
 Witness #1 Signature  
Deborah Bowman  
 Witness #1 Printed Name  
  
 Witness #2 Signature  
Steve Schiffer  
 Witness #2 Printed Name


HAGERTYSMITH, LLC, a Florida limited liability company

  
 Michael P. Hagerty, Managing Member  
  
 Raymond C. Smith, Managing Member

State of FLORIDA  
County of ORANGE

The foregoing instrument was acknowledged before me this 26th day of March, 2018, by Michael P. Hagerty, Managing Member and Raymond C. Smith, Managing Member of HAGERTYSMITH, LLC who is personally known to me or has produced Driver Licenses as identification.



  
 Notary Public  
 Printed Notary Name



AFFECTED ADJACENT PROPERTY OWNER
NOTORIZED STATEMENT OF NO OBJECTION
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code. Section 15-343(b) states: On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver, which shall be reviewed by the environmental protection division. Waivers from side setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver.

I, Judith Bayte, the executor of the Dorothy Parrish Estate, a legal property owner of property located at 212 W 1st Avenue, (Adjacent Property Owner Name) (Address) have reviewed the dock construction plans dated 3/28/19, for the property located at 219 W 2nd Avenue, and have no objections.

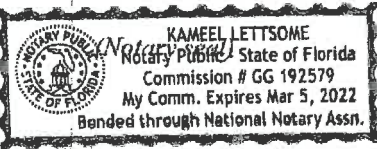
The dock construction plans include a side setback waiver request of 9 feet, in lieu of the minimum 25 feet required by Code.

Judith Bayte Per. Rep. (Signature - Adjacent Affected Property Owner) 05/01/2019 (Date) Judith Bayte (Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA COUNTY OF Orange

The foregoing instrument was acknowledged before me this 1st day of May, 2019, by Judith Bayte (Per. Rep)



(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification

Type of Identification Produced FLDL B300 HRS 458300

LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Jeff and Rachelle Szukalski (owner/applicant)  
219 W 2nd Avenue (address of project)  
Windermere, FL 34786

Word version

File No.:  
FROM: Judith Boyte the Executor of the Dorothy Parrish Estate (adjacent property owner)  
212 W 1st Avenue  
Windermere, FL 34786

Section 18-21.004(3)(d), Florida Administrative Code, provides:

Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; when a letter of concurrence is obtained from the affected adjacent upland riparian owner; or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / south / east / west) of the facility or activity proposed to be constructed or conducted by Jeff and Rachelle Szukalski (the applicant), as shown in the above referenced file (and on the attached drawing). I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line, as required by Chapter 18-21.004(3)(d), F.A.C. This file shows the structure will be located entirely within the applicant's riparian rights area and within 9 feet of the common riparian rights line between our parcels.

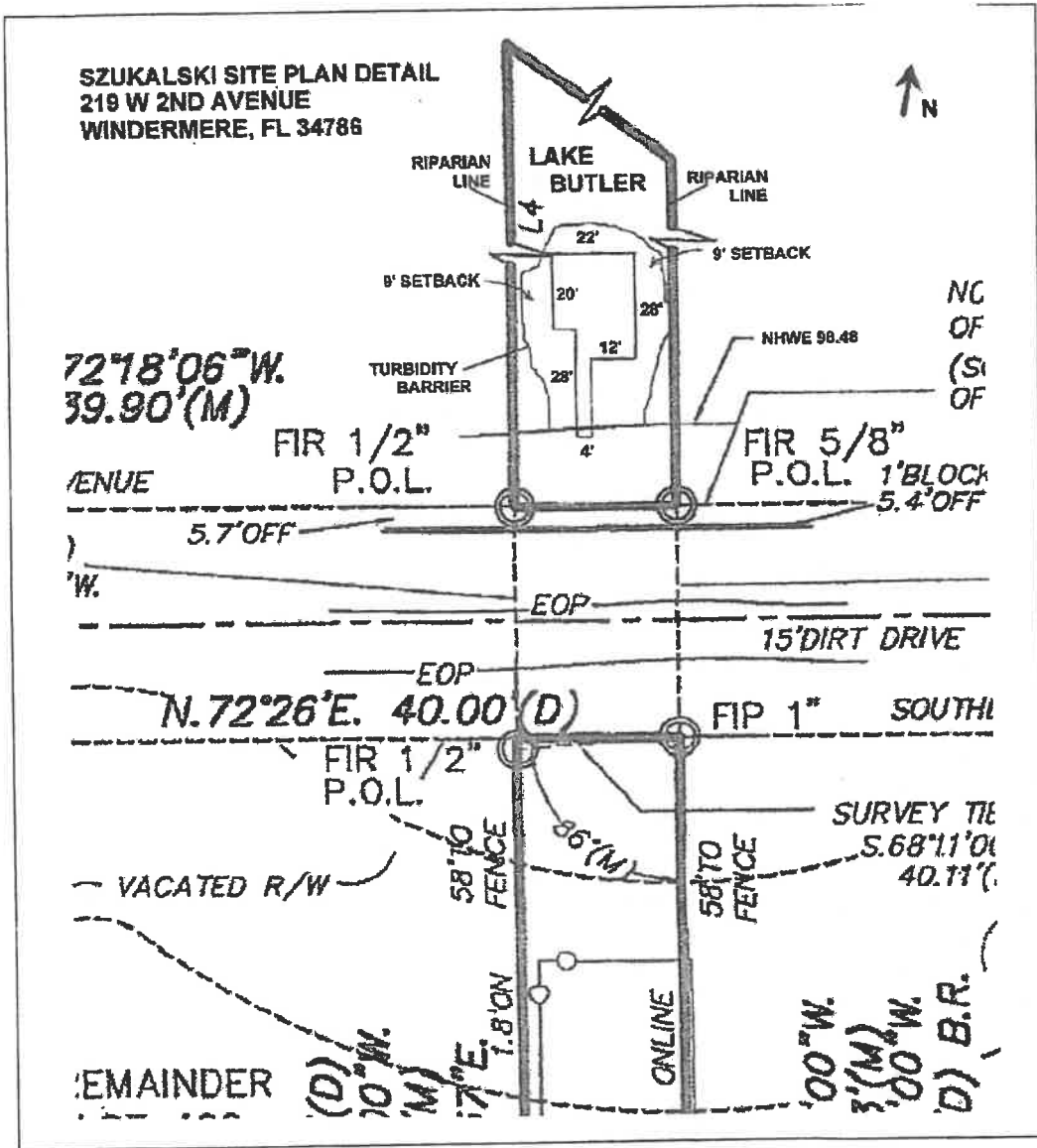
✓ Judith Boyte  
(Original signature of adjacent owner)  
Judith Boyte  
(Printed name of adjacent owner)

20/19  
May 1, 2019  
(Date signed)

This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

LETTER OF CONCURRENCE FOR SETBACK WAIVER

PAGE 2 - DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION



✓ JB (Initials of adjacent owner)

May 12 2019 (Date)



AFFECTED ADJACENT PROPERTY OWNER
NOTORIZED STATEMENT OF NO OBJECTION
TO BOAT DOCK SIDE-SETBACK WAIVER REQUEST

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code. Section 15-343(b) states: On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver, which shall be reviewed by the environmental protection division. Waivers from side setback requirements may be granted by the environmental protection officer if a notarized letter of no objection to the waiver is received from the shoreline property owner abutting the applicant's property line affected by the waiver.

I, Steve or Matine Pawlicki, a legal property owner of property located at 226 W 1st Avenue, (Adjacent Property Owner Name) (Address) have reviewed the dock construction plans dated 3/28/19, for the property located at 219 W 2nd Avenue, and have no objections.

The dock construction plans include a side setback waiver request of 9 feet, in lieu of the minimum 25 feet required by Code.

[Signature] (Signature - Adjacent Affected Property Owner) 4/25/19 (Date)
MATINE PAWLICKI (Print Name - Adjacent Affected Property Owner)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 25 day of 2019, by Matine Pawlicki



[Signature] (Signature of Notary Public - State of Florida) SCOTT T. PENIAK

Personally Known OR Produced Identification
Type of Identification Produced FL License



**LETTER OF CONCURRENCE FOR SETBACK WAIVER**

TO: Jeff and Rachelle Szukalski (owner/applicant)  
219 W 2nd Avenue (address of project)  
Windermere, FL 34786

Word version

File No.: \_\_\_\_\_

FROM: Steve and Matine Pawlicki (adjacent property owner)  
226 W 1st Avenue  
Windermere, FL 34786

Section 18-21.004(3)(d), Florida Administrative Code, provides:

**Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are:** private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any requirement for Board authorization; **when a letter of concurrence is obtained from the affected adjacent upland riparian owner;** or when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources.

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / south / east / west) of the facility or activity proposed to be constructed or conducted by Jeff and Rachelle Szukalski (the applicant), as shown in the above referenced file (and on the attached drawing). **I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line, as required by Chapter 18-21.004(3)(d), F.A.C.** This file shows the structure will be located entirely within the applicant's riparian rights area and within 9 feet of the common riparian rights line between our parcels.

Matine Pawlicki  
(Original signature of adjacent owner)

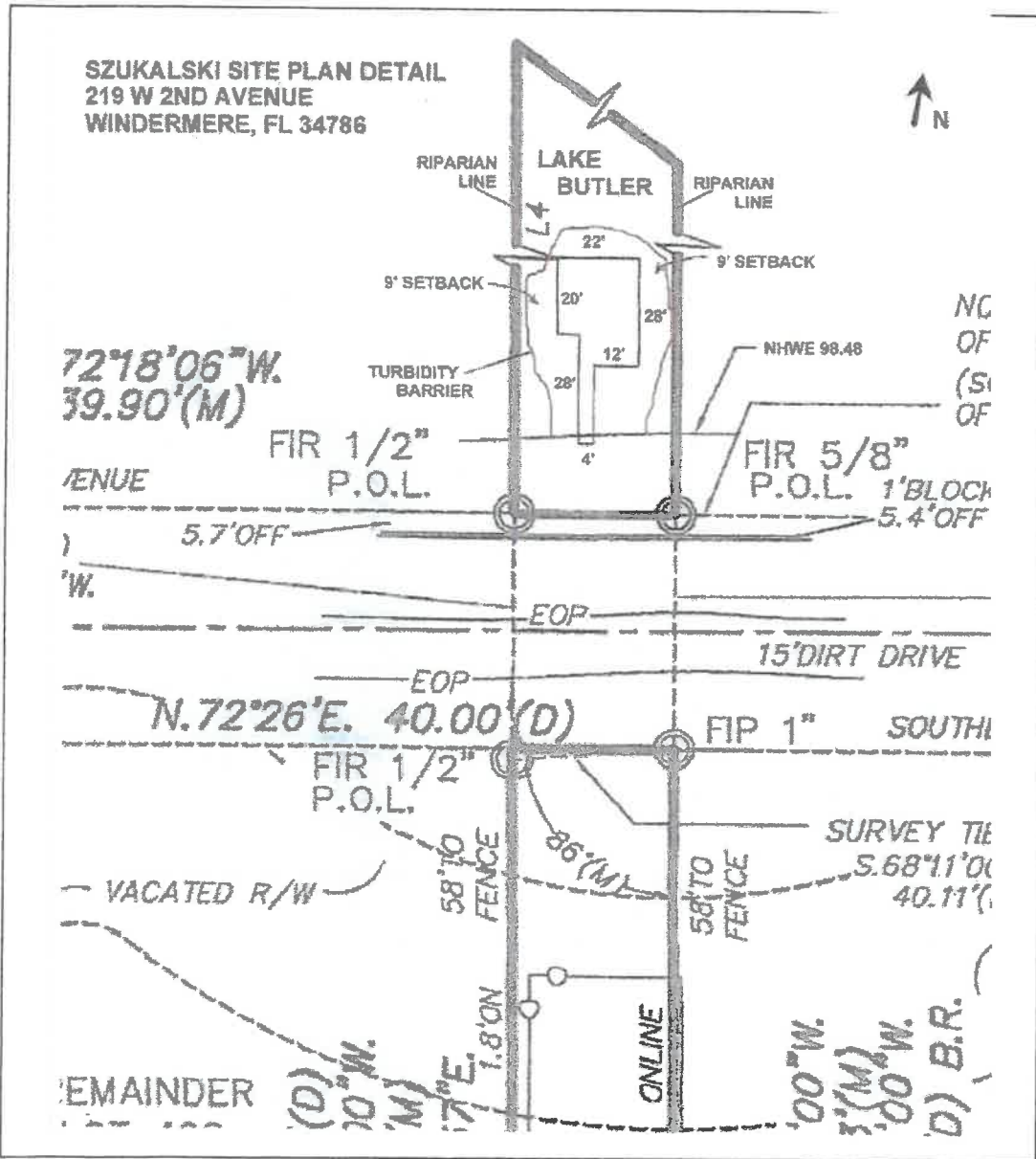
04/25/19  
(Date signed)

MATINE PAWLICKI  
(Printed name of adjacent owner)

**This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.**

LETTER OF CONCURRENCE FOR SETBACK WAIVER

PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION

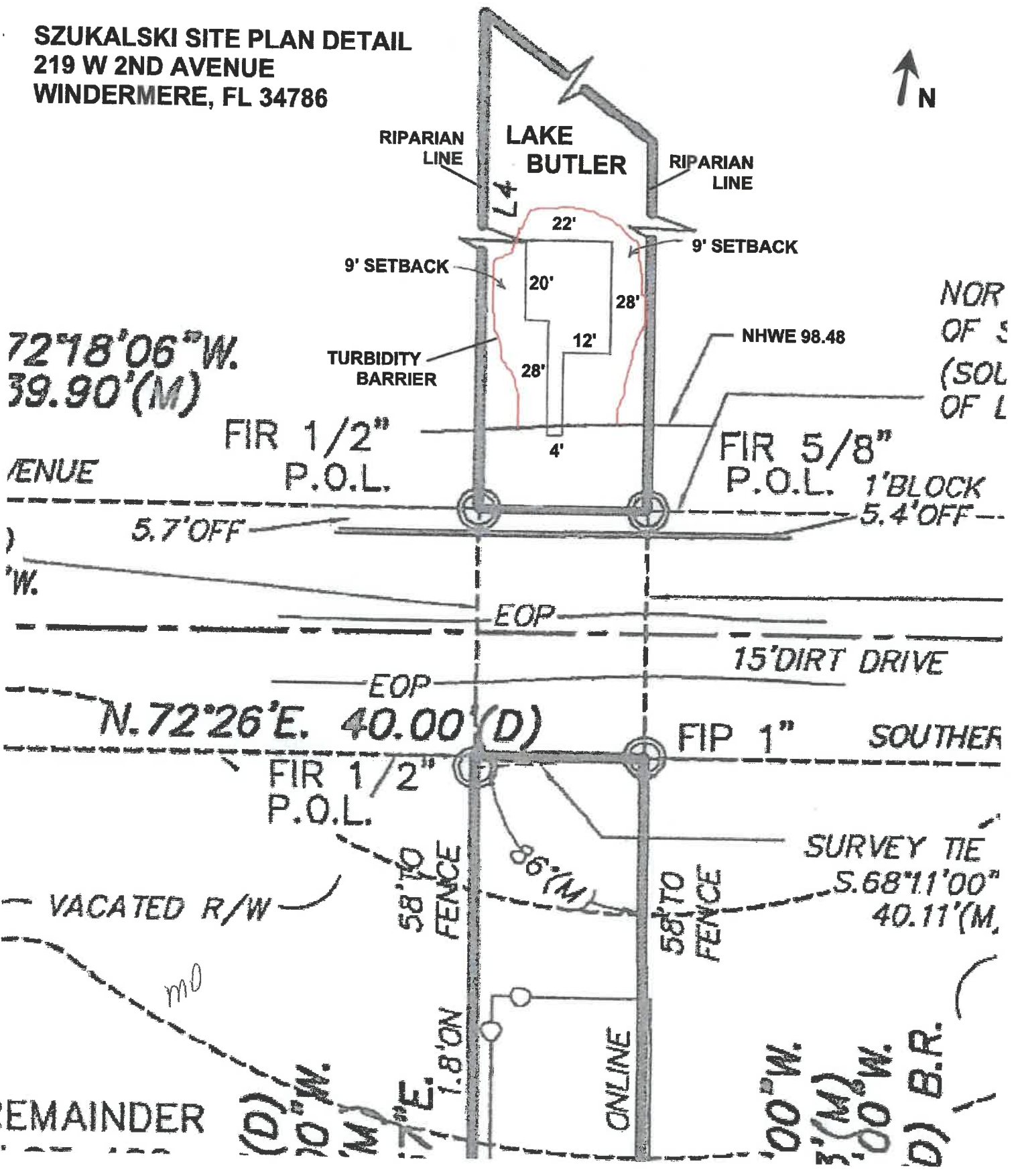


✓ MSP (Initials of adjacent owner)

1/21/2019 (Date)



**SZUKALSKI SITE PLAN DETAIL**  
**219 W 2ND AVENUE**  
**WINDERMERE, FL 34786**



**72° 18' 06" W.**  
**39.90' (M)**

**FIR 1/2"**  
**P.O.L.**

**FIR 5/8"**  
**P.O.L.** 1' BLOCK  
**5.4' OFF**

**N. 72° 26' E. 40.00' (D)**

**FIR 1/2"**  
**P.O.L.**

**FIP 1" SOUTHER**

**SURVEY TIE**  
**5.68° 11' 00"**  
**40.11' (M)**

**58' TO FENCE**

**58' TO FENCE**

**86' (M)**

**VACATED R/W**

**REMAINDER**

**(D) 70' W.**

**(M) 7' E.**

**1.8' ON**

**ONLINE**

**1' 00" W.**

**3' (M)**

**1' 00" W.**

**(D) B.R.**

**SZUKALSKI SITE PLAN DETAIL**  
**219 W 2ND AVENUE**  
**WINDERMERE, FL 34786**



EXISTING DOCK TO BE DEMOLISHED PRIOR TO CONSTRUCTION OF THE NEW DOCK

**72°18'06" W.**  
**39.90'(M)**

AVENUE

FIR 1/2" P.O.L.

FIR 5/8" P.O.L. 1' BLOCK 5.4' OFF

5.7' OFF

'W.

EOP

15' DIRT DRIVE

N. 72°26'E. 40.00'(D)

FIP 1" SOUTHER

FIR 1/2" P.O.L.

SURVEY TIE  
 S. 68°11'00"  
 40.11'(M)

VACATED R/W

58' TO FENCE

58' TO FENCE

REMAINDER

(D) 10° W.  
 (M) 7° E.  
 1.8' ON

ONLINE

100° W.  
 3'(M)  
 100° W.  
 (D) B.R.

RIPARIAN LINE

LAKE BUTLER

RIPARIAN LINE

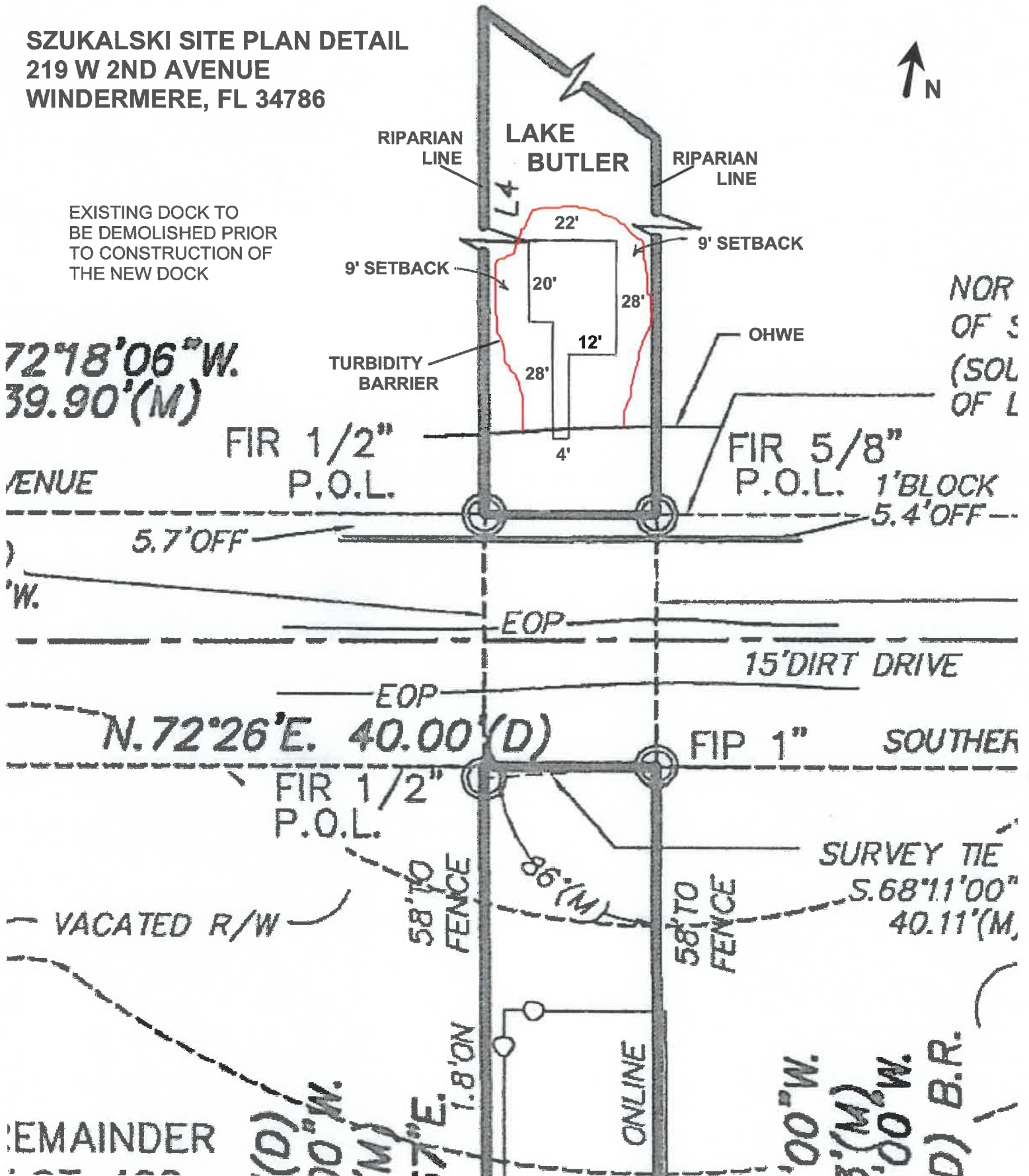
9' SETBACK

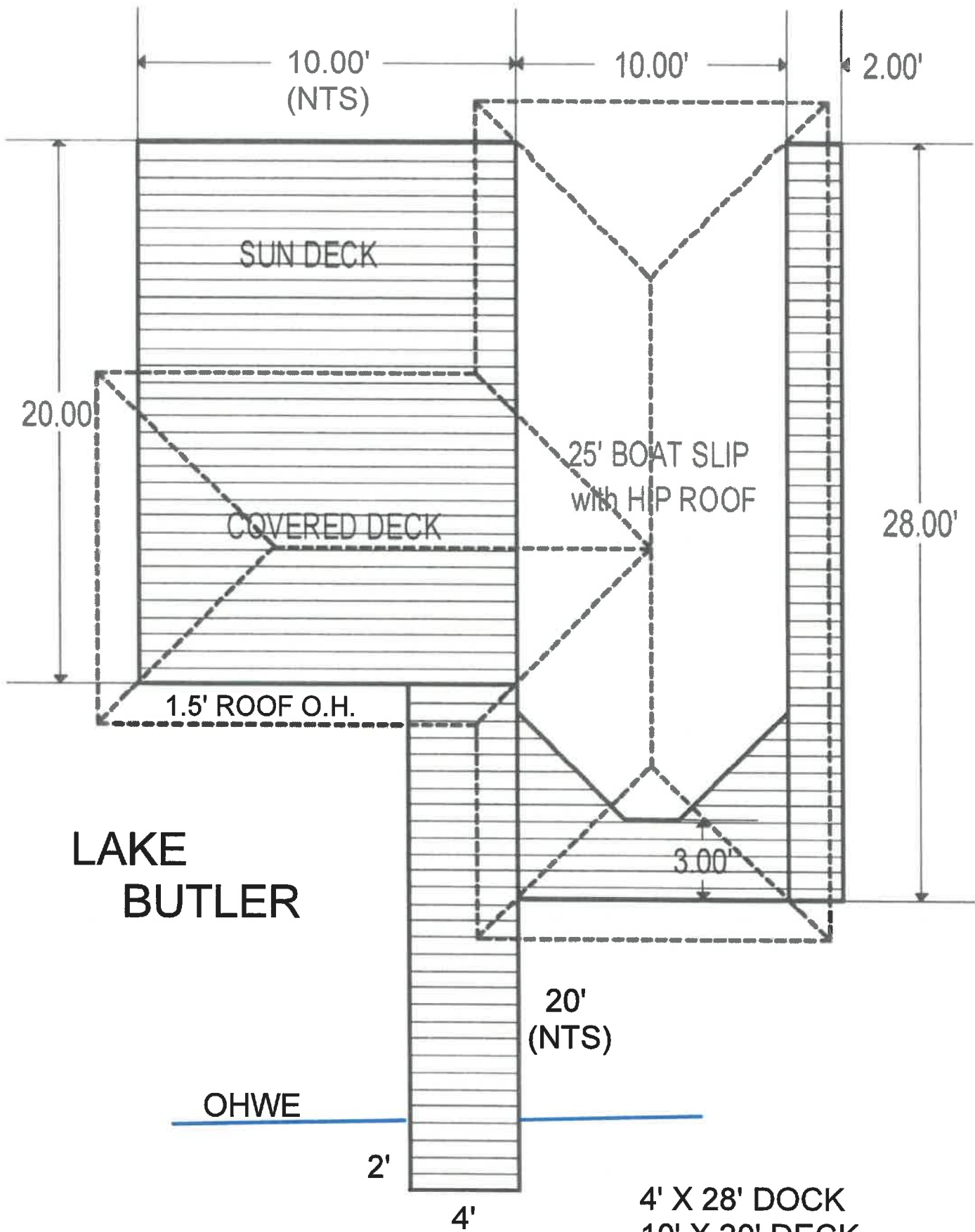
9' SETBACK

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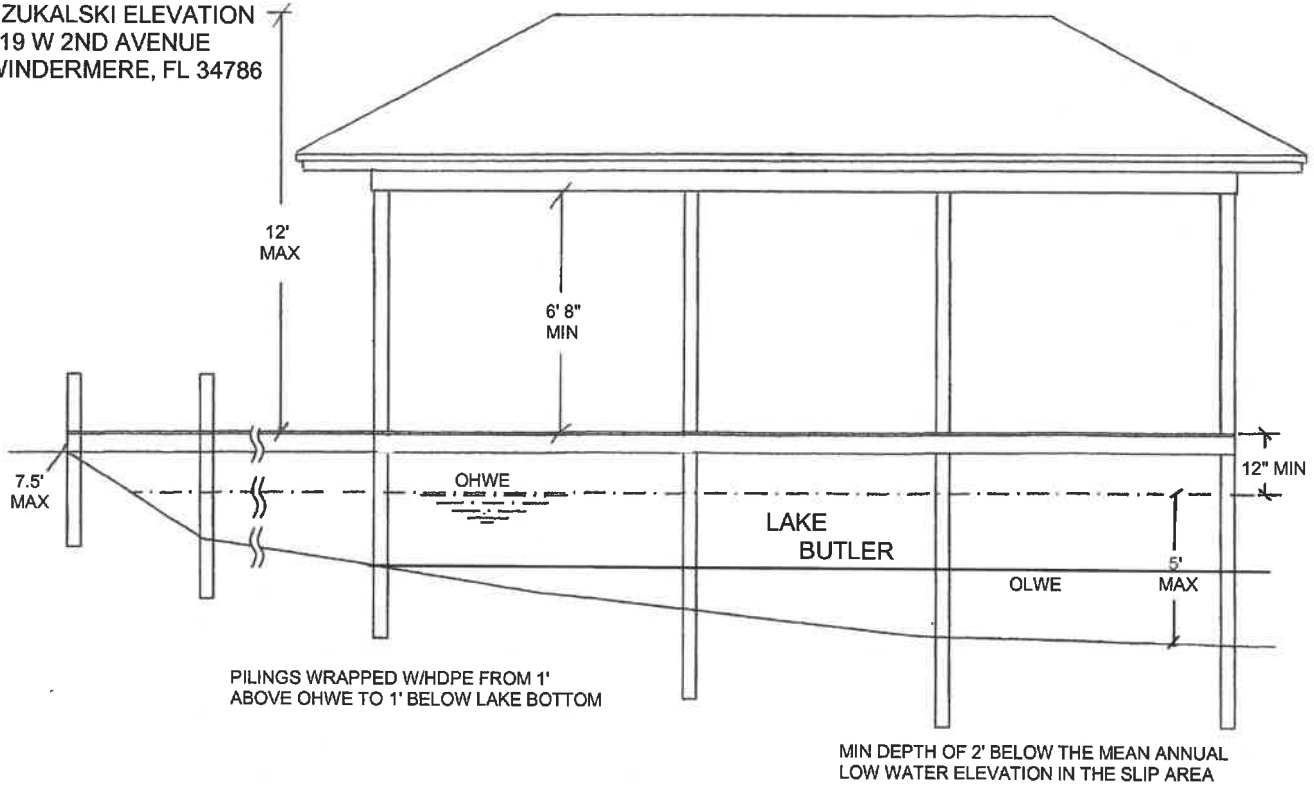




**SZUKALSKI PLAN VIEW**  
**219 W 2ND AVENUE**  
**WINDERMERE, FL 34786**

**4' X 28' DOCK**  
**10' X 20' DECK**  
**+ 28.5 SQ.FT. O.H.**  
**12' X 28' BOATHOUSE**  
**+ 36.75 SQ.FT. O.H.**  
**713.25 TOTAL SQ. FT.**

SZUKALSKI ELEVATION  
219 W 2ND AVENUE  
WINDERMERE, FL 34786







# 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

September 30, 2019

MCGHEE ANDREW RICHARD  
226 BUTLER ST  
WINDERMERE, FL 34786

## RE: Public Notice of Variance Public Hearing for 219 W 2<sup>nd</sup> Ave. Z19-14

Sheila Cichra, on behalf of Jeff and Rachelle Szukalski, owners of 219 W 2<sup>nd</sup> Ave., 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 construction of a new boat dock with a side setback of 9 feet on each side (East and West) instead of the required 16 feet.

Enclosed is additional information regarding this request.

Pursuant to the Town of Windermere Code of Ordinances, you as a surrounding property owner are entitled to comment on this matter. If you wish to comment, this form must be received by the Town of Windermere either by hand delivery to the Town Clerk or by use of the enclosed stamped envelope to Wade Trim, Inc. by **October 11, 2019**.

This matter will be presented to the Development Review Board on **Tuesday, October 15, 2019 at 6:30 p.m.** in the Town Hall, located at 520 Main Street, Windermere. Their recommendation will be heard by the Town Council on **Tuesday, November 19, 2019 at 6:00 p.m.** in the Town Hall, located at 520 Main Street, Windermere. All meetings are open to the public and you are welcome to attend. Feel free to contact me if you have any questions.

Sincerely,  
Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

RECOMMEND – Z19-14 (219 W 2<sup>nd</sup> Ave.)

APPROVAL:  DISAPPROVAL:

COMMENTS: Blanket Ordinances such as Division 10.02.00 do not help property owners who do not fall into typical lot sizes, which is a major disadvantage to the above mentioned property owner. This is a simple matter of

SIGNATURE: [Signature] DATE: 10/3/19

MCGHEE ANDREW RICHARD

Looking at the special circumstances this property owner is in and allowing a variance to suit their needs, I fully approve this variance.



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Mayor  
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Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

September 30, 2019

WOODARD ROBERT E  
PO BOX 670  
WINDERMERE, FL 34786

**RE: Public Notice of Variance Public Hearing for 219 W 2<sup>nd</sup> Ave. Z19-14**

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Encl.

Received  
OCT 07 2019  
Wade Trim

**RECOMMEND - Z19-14 (219 W 2<sup>nd</sup> Ave.)**

APPROVAL: \_\_\_\_\_ DISAPPROVAL

COMMENTS: This is ridiculous & This dock will dominate our small waterway for an owner that does not even live on the lake. I see no limits on dock size vertically - is it two stories? three stories? It appears this dock will extend

SIGNATURE: Robert E. Woodard DATE: 10/2/2019

WOODARD ROBERT E

Out into this small section of lake by 56 feet and is 22 feet wide - far larger than any other dock in the area. You would not approve of a dock for me years ago much smaller than this one. I strongly urge disapproval. These people have abused our lakefront with the current dock with jetskis zipping in & out at 40 to 50 MPH and with a commercial activity - fishing guides, etc.

RECOMMEND - Z19-14 (219 W 2<sup>nd</sup> Ave.)

APPROVAL:  DISAPPROVAL

COMMENTS: WE TOTALLY APPROVE TMC-DOCK  
AND HOPE HE ENJOYS IT AS MUCH AS WE DO  
WITH OUR FAMILY

SIGNATURE:  DATE: 10-3-2019

PEARCE ANTHONY 78 FOREST ST.

Received

OCT 07 2019

Wade Trim



RECOMMEND - Z19-14 (219 W 2<sup>nd</sup> Ave.)

APPROVAL:  DISAPPROVAL

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: Linda J. Cole DATE: 10-4-2019

COLE LINDA PARKER

Received  
OCT 07 2019  
Wade Trim



# Town of Windermere

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JIM O'BRIEN



Town Manager  
ROBERT SMITH  
  
Clerk  
DOROTHY BURKHALTER

September 30, 2019

KUNKEL KENNETH E  
331 W 2ND AVE  
WINDERMERE, FL 34786

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Encl.

Received  
OCT 07 2019  
Wade Trim

RECOMMEND – Z19-14 (219 W 2<sup>nd</sup> Ave.)

APPROVAL: X DISAPPROVAL \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE: [Signature] DATE: 10/4/19

KUNKEL KENNETH E

# Town of Windermere

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DOROTHY BURKHALTER

September 30, 2019

SGAMMA PHILIP  
105 W 3RD AVE  
WINDERMERE, FL 34786

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Encl.

**Received**  
**OCT 07 2019**  
**Wade Trim**

**RECOMMEND – Z19-14 (219 W 2<sup>nd</sup> Ave.)**

APPROVAL:   X   DISAPPROVAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

SIGNATURE:   *Phil Sgamma*   DATE:   10-4-19  

SGAMMA PHILIP

# Town of Windermere

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Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

September 30, 2019

ELLI R ATCHISON REVOCABLE TRUST  
536 W 2ND AVE  
WINDERMERE, FL 34786

Received

OCT 07 2019

**RE: Public Notice of Variance Public Hearing for 219 W 2<sup>nd</sup> Ave. Z19-14**

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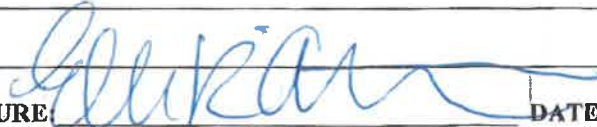
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Encl.

RECOMMEND – Z19-14 (219 W 2<sup>nd</sup> Ave.)

APPROVAL:  DISAPPROVAL

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE:  DATE: 10-3-19

ELLI R ATCHISON REVOCABLE TRUST