

Development Review Board

Norma Sutton

William Yeager

Stephen Withers

Frank Chase

Jennifer Roper

Molly Rose

Peter Fleck

Council Liaison: Bill Martini

Agenda

Agenda

December 17, 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. **OLD BUSINESS**
 - a. **Z19-14 – 219 W 2nd Avenue – Jeff and Rachelle Szukalski – Boat Dock Variance Request-Previously Tabled. (Attachments-Board Option)**
 - 3. **NEW BUSINESS**
 - a. **MINUTES**
 - i. **October 15, 2019 Board Meeting Minutes (Attachments-Board Option)**
 - ii. **November 19, 2019 Board Meeting Minutes (Attachments-Board Option)**
 - b. **GENERAL ITEMS FOR CONSIDERATION**
 - 4. **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

TO: Development Review Board

FROM: Brad Cornelius, AICP, Contracted Town Planner

DATE: December 5, 2019

RE: Z19-14 – 219 W 2nd Avenue Boat Dock Variance Request – Revised Plan

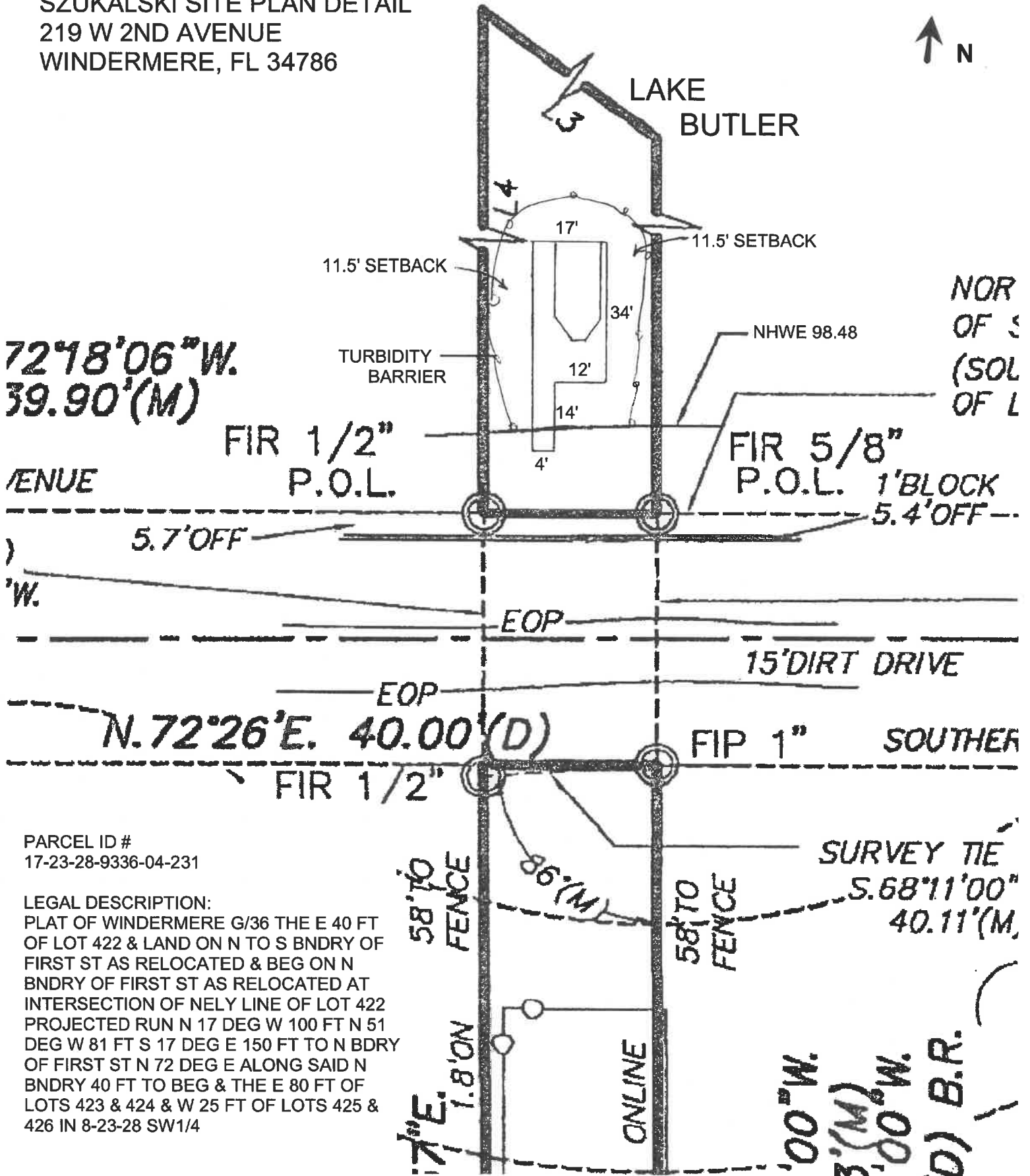
At the November 12, 2019, Development Review Board (DRB) meeting, the DRB held a public hearing to consider a variance request for a new boat dock at 219 W 2nd Avenue. The proposed boat dock was a total of 22 feet wide and required a reduction in the side setbacks from 16 feet to 9 feet.

In review of the variance, the DRB found that the proposed dock was too large for the constraints of the property and its location on the lake. The DRB tabled the variance case to allow the applicant to develop a revised dock plan that reduced the size of the dock. The DRB expressed a preference for the dock to be reduced from 22 feet in width to 14 feet in width with 13 foot setbacks.

On December 3, 2019, Sheila Cichra, owner's authorized representative, submitted a revised plan for the boat dock. The revised plan reduces the width of the boat dock from 22 feet to 17 feet and increases the setbacks from 9 feet to 11.5 feet. The width dimensions of the dock originally were 10 foot deck, 10 foot boat slip, and 2 foot walkway (22 feet) and are now proposed at 5 foot walkway 10 foot boat slip, and 2 foot walkway (17 feet). The length of the dock into the lake is the same (48 feet) in the original and revised plans. Ms. Cichra provided a revised site plan (to scale), an aerial that shows the dock outline, and a revised dock plan view. The new plans are attached.

Also attached is the original staff report with the original dock proposal.

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



72° 18' 06" W.
39.90' (M)

AVENUE

FIR 1/2"
 P.O.L.

5.7' OFF

11.5' SETBACK

TURBIDITY
 BARRIER

LAKE
 BUTLER

11.5' SETBACK

NHWE 98.48

NOR
 OF S
 (SOL
 OF L

FIR 5/8"
 P.O.L.

1' BLOCK
 5.4' OFF

'W.

EOP

15' DIRT DRIVE

N. 72° 26' E. 40.00' (D)

FIP 1" SOUTHER

FIR 1/2"

PARCEL ID #
 17-23-28-9336-04-231

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 BDY
 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

58' TO
 FENCE

86° (M)

58' TO
 FENCE

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

7° E.
 1.8' ON

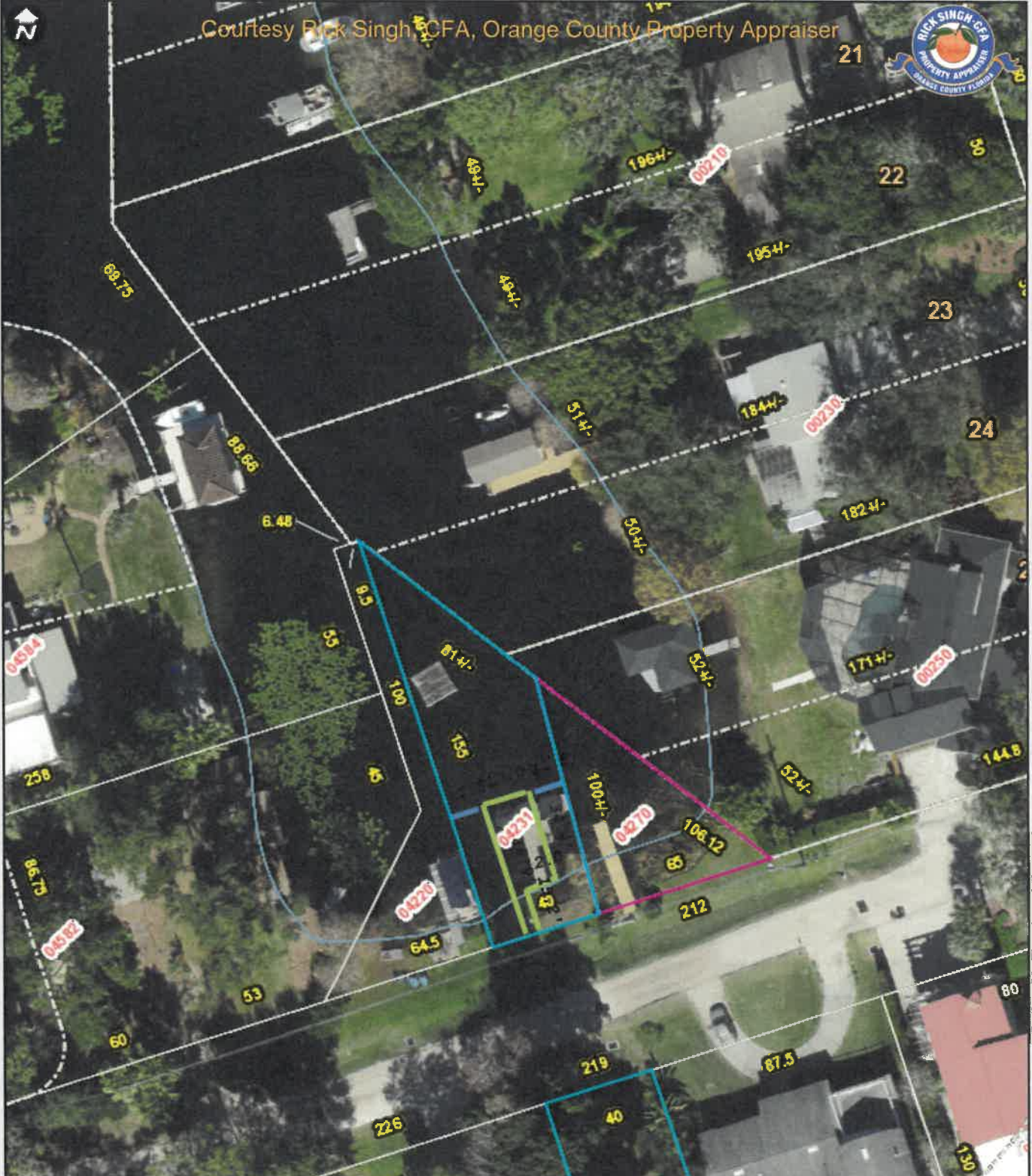
ONLINE

00" W.
 3' (M)
 00" W.
 0) B.R.

OCA Web Map

	Major Roads		Proposed Roe		Residential		Commercial/Industrial/Vacant Land		Parks		6 Lot Number
	Florida Turnpike		Public Roads		Agriculture		Agricultural Curtilage		Lakes and Rivers		06060 Parcel Number
	Interstate 4		Gated Roads		Commercial/Institutional		Hydro		Building		3106 Parcel Address
	Toll Road		Road Under Construction		Governmental/Institutional/Misc		Waste Land		E Block Number		111.9 Parcel Dimension
	Brick Road		Block Line		Lot Line						

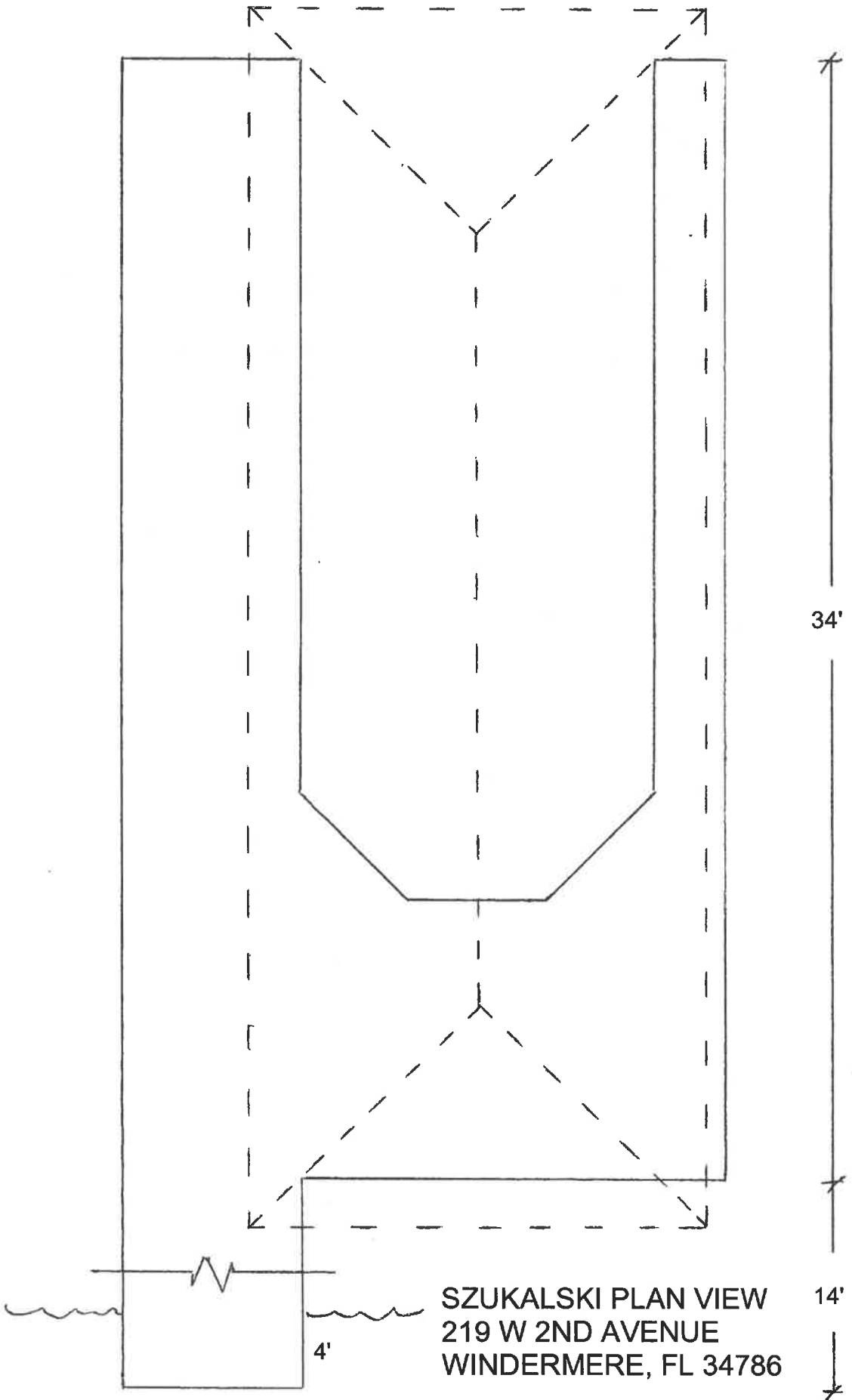
Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 12/3/2019 9:30 Aerial 2019

This map is for reference only and is not a survey

5' 10' 2'



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

34'

14'

4'

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 2nd 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 1st Ave. and 212 W 1st 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 2nd 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 2nd 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.

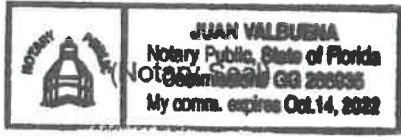
Date: 3-13-19 Jeff Szukalski Jeff Szukalski
 Signature of Property Owner Print Name Property Owner

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: 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

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.

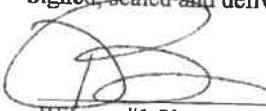
Subject to easements, restrictions and reservations of record and taxes for the year 2018 and thereafter.

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

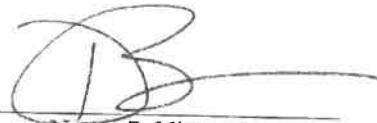
HAGERTYSMITH, LLC, a Florida limited liability company


Michael P. Hagerty, Managing Member


Raymond C. Smith, Managing Member

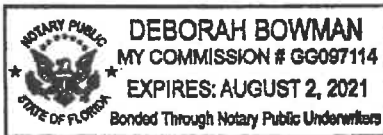
State of FLORIDA
County of ORANGE

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.

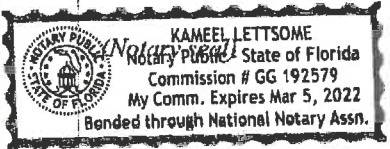
The dock construction plans include a side setback waiver request of 9 feet, in lieu of the minimum 25 feet required by Code.

Judith Bayte PC. 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, by Judith Bayte (Per. Rep)



(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification

Type of Identification Produced FWDL B300 HES458300

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.

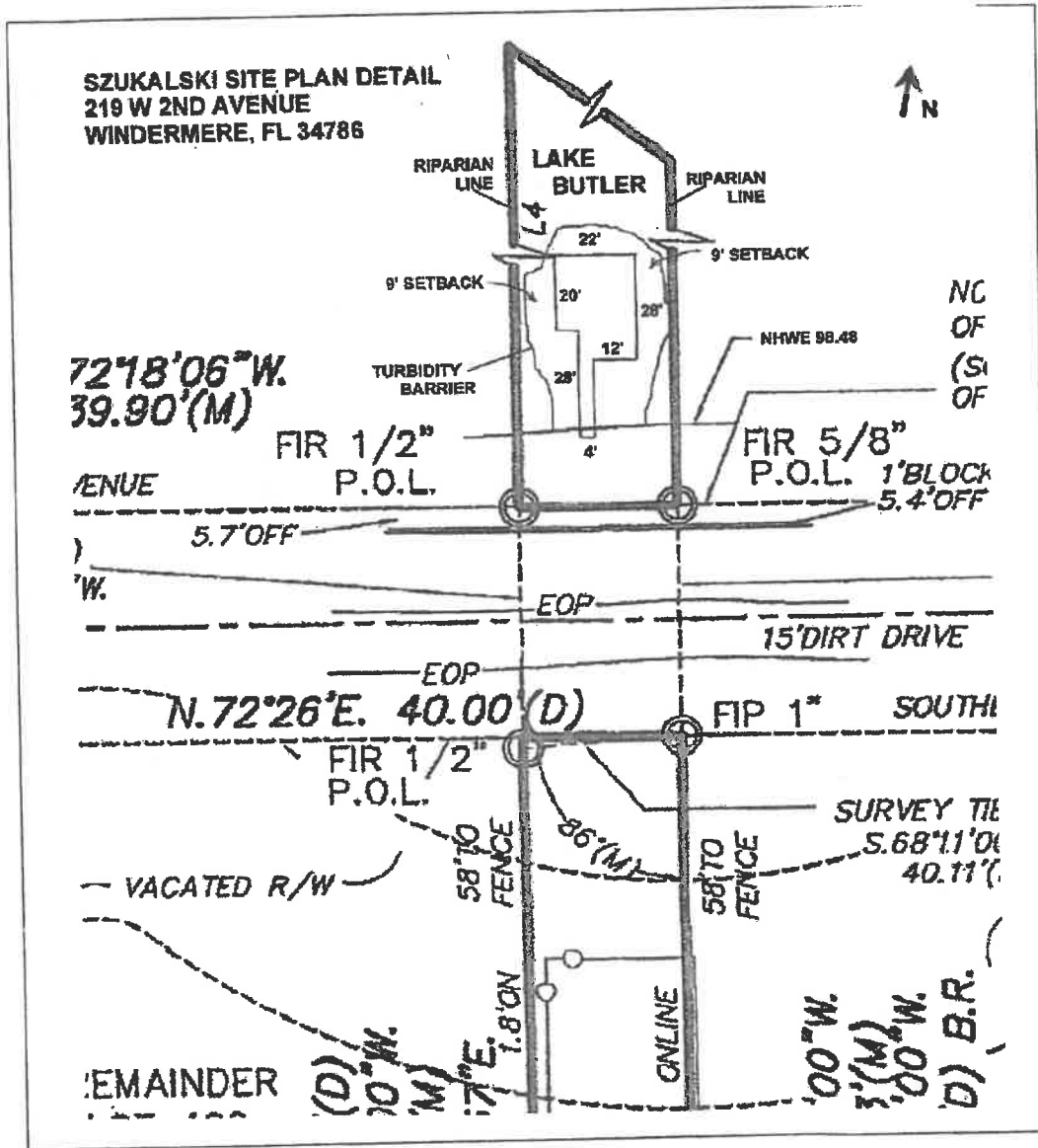
✓ Judith Boyte
(Original signature of adjacent owner)
Judith Boyte
(Printed name of adjacent owner)

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: Matine C Pawlicki (Date: 4/25/19)
(Print Name: MATINE PAWLICKI)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF ORANGE

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



SCOTT PENYAK
MY COMMISSION # GG 062154
EXPIRES: April 6, 2021
Bonded Thru Budget Notary Services

EXP 04-06-21

(Signature of Notary Public - State of Florida) Scott T. Penyak

Personally Known OR Produced Identification

Type of Identification Produced PL 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)

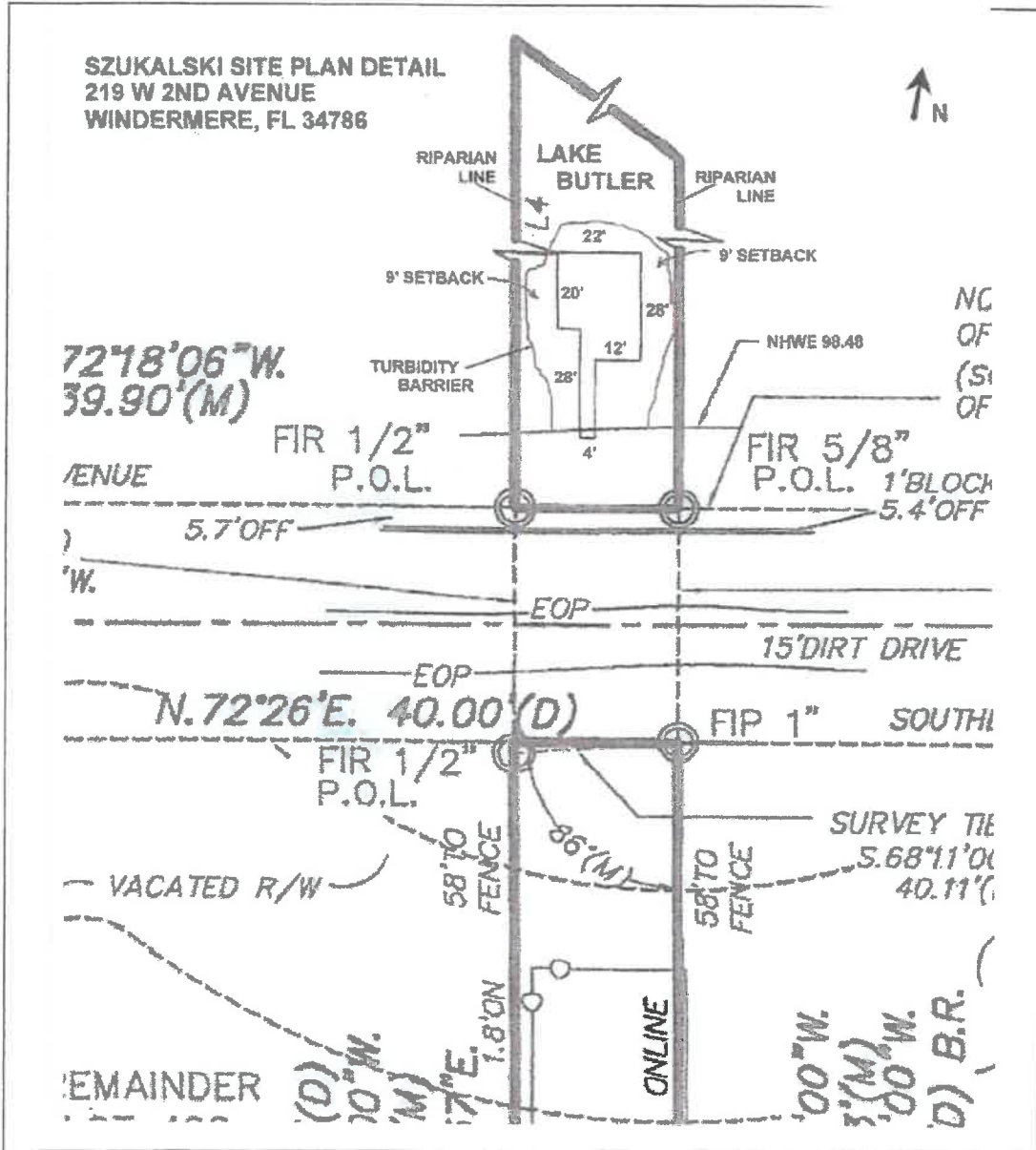
04/25/19
 (Date signed)

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

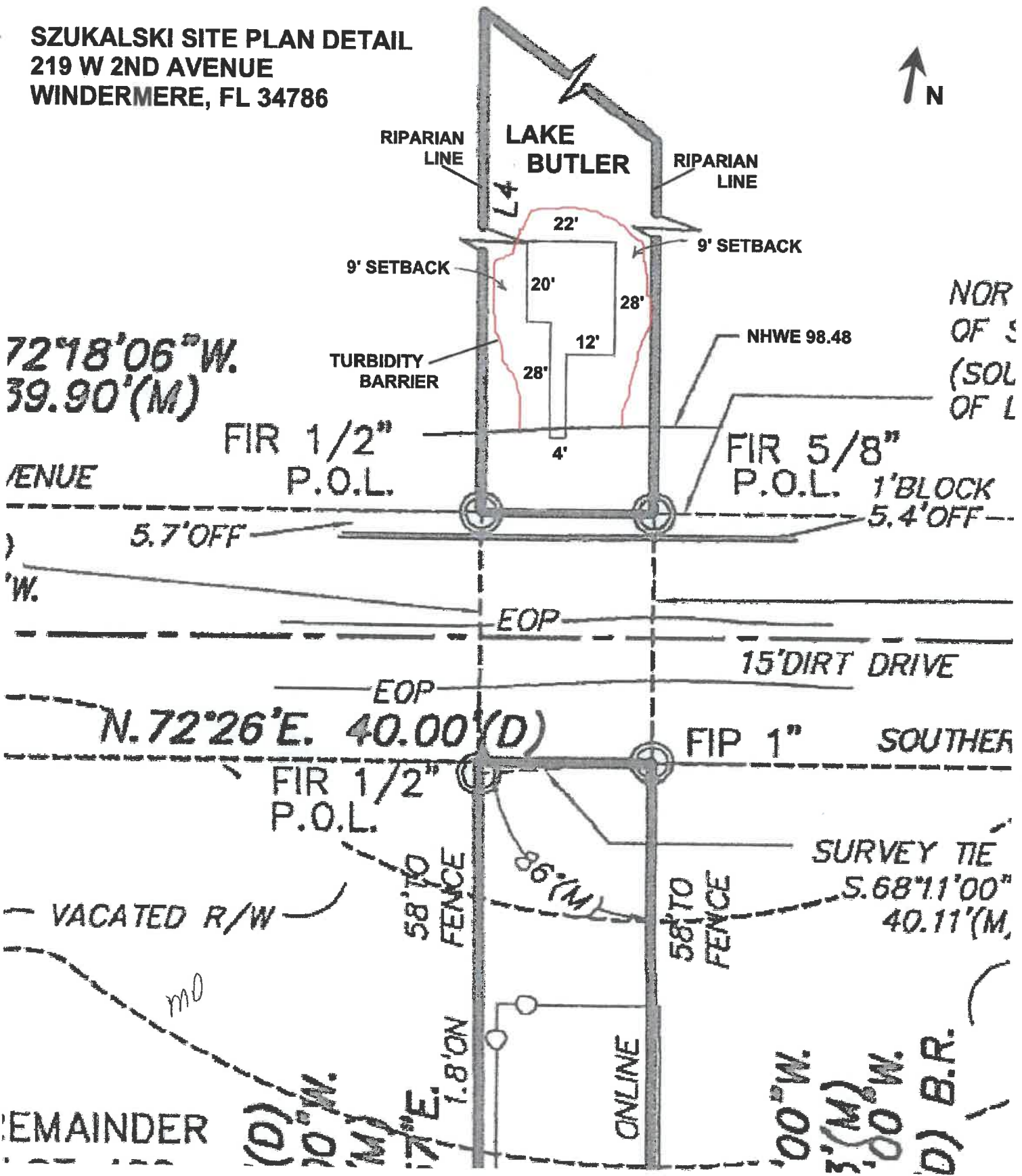
PAGE 2 - DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION



✓ MFP (Initials of adjacent owner)

04/25/19 (Date)

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



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

EOP

15' DIRT DRIVE

N. 72°26'E. 40.00' (D)

FIP 1" SOUTHER

FIR 1/2" P.O.L.

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

VACATED R/W

58' TO FENCE

58' TO FENCE

86° (M)

REMAINDER

(D) 10° W.

(M) 7° E. 1.8' ON

ONLINE

00° W.

3' (M) 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.

5.7' OFF

RIPARIAN LINE

LAKE BUTLER

RIPARIAN LINE

9' SETBACK

9' SETBACK

TURBIDITY BARRIER

OHWE

NOR
 OF S
 (SOL
 OF L

FIR 5/8" P.O.L.

1' BLOCK
 5.4' OFF

EOP

15' DIRT DRIVE

N. 72°26'E. 40.00'(D)

FIP 1" SOUTHER

FIR 1/2" P.O.L.

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

VACATED R/W

58' TO FENCE

58' TO FENCE

86'(M)

ONLINE

REMAINDER

(D) 70° W.

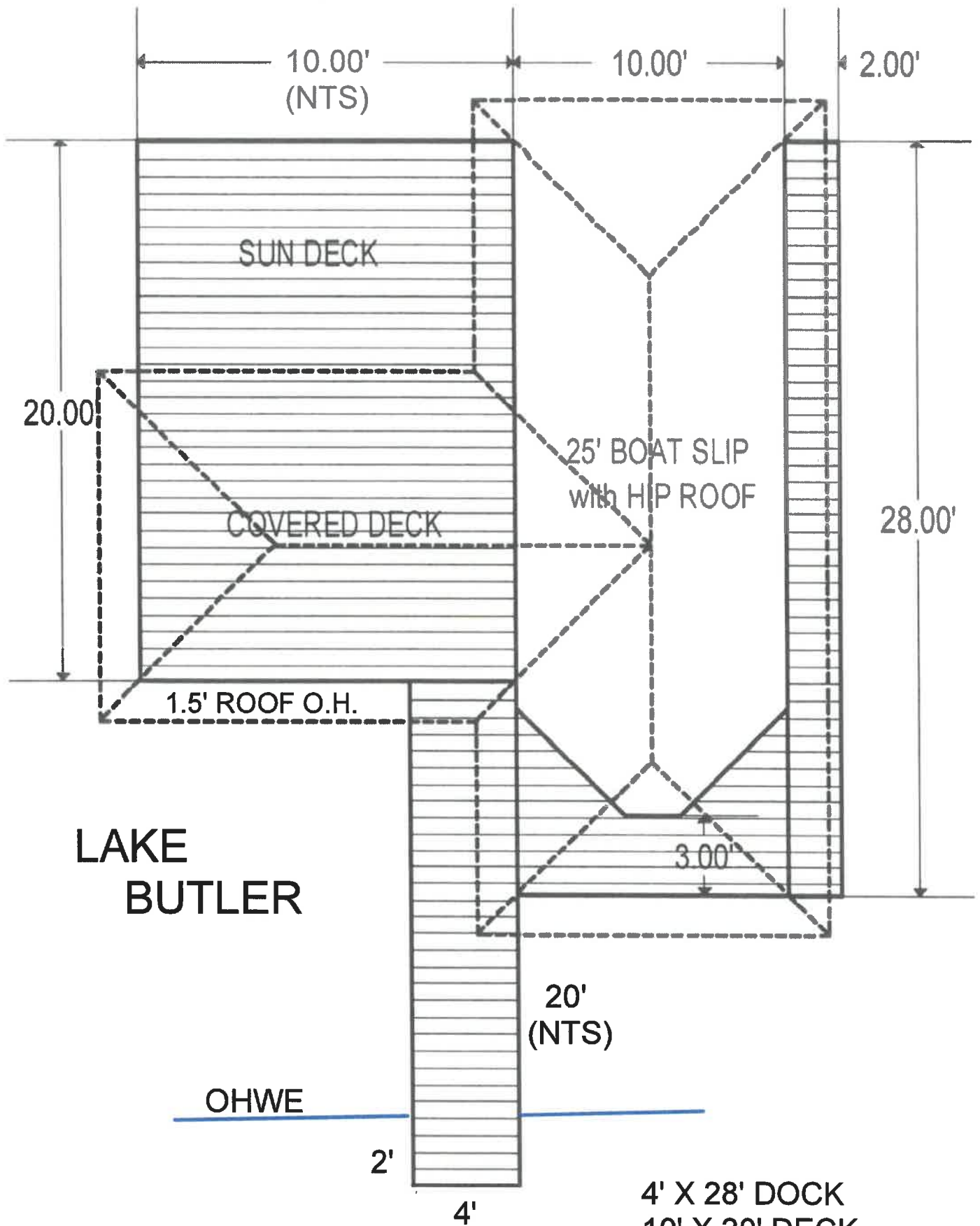
(M) 7° E. 1.8' ON

00° W.

3'(M)

00° W.

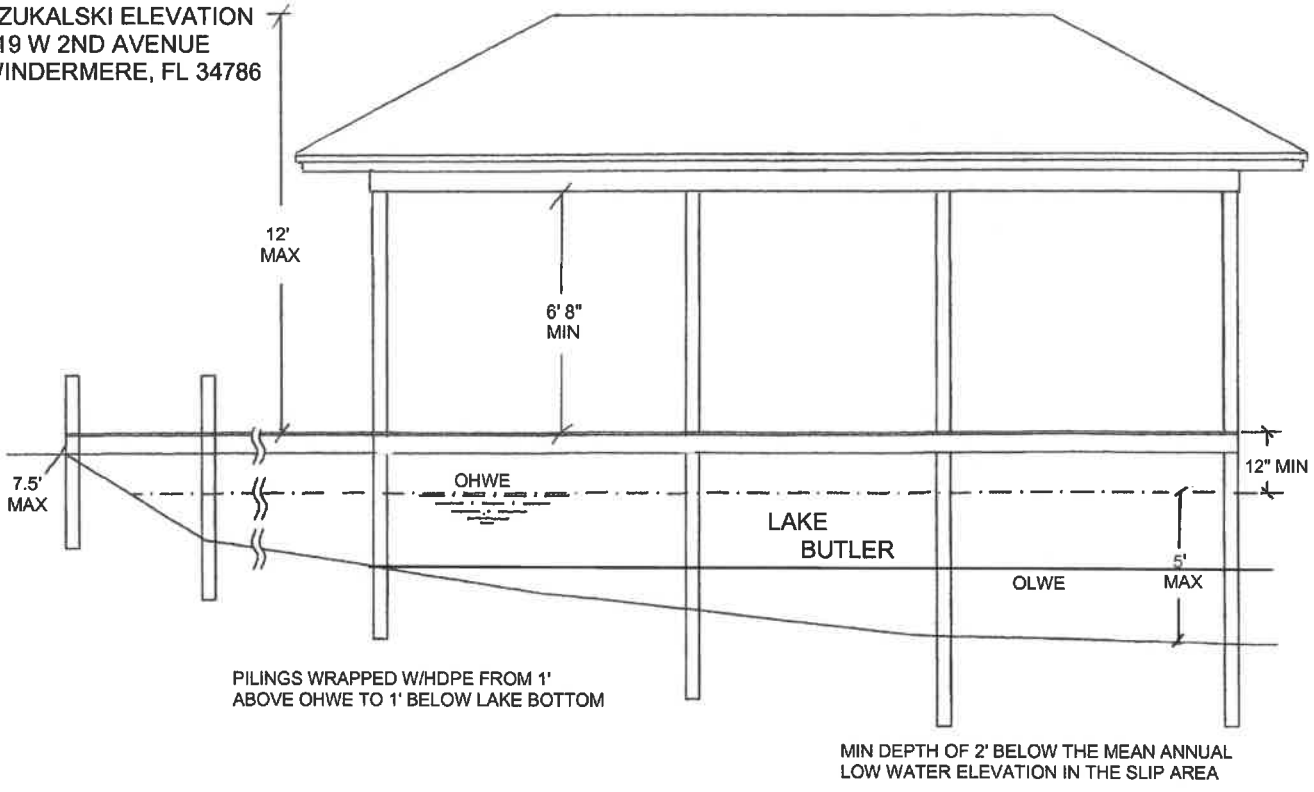
(D) B.R.



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.

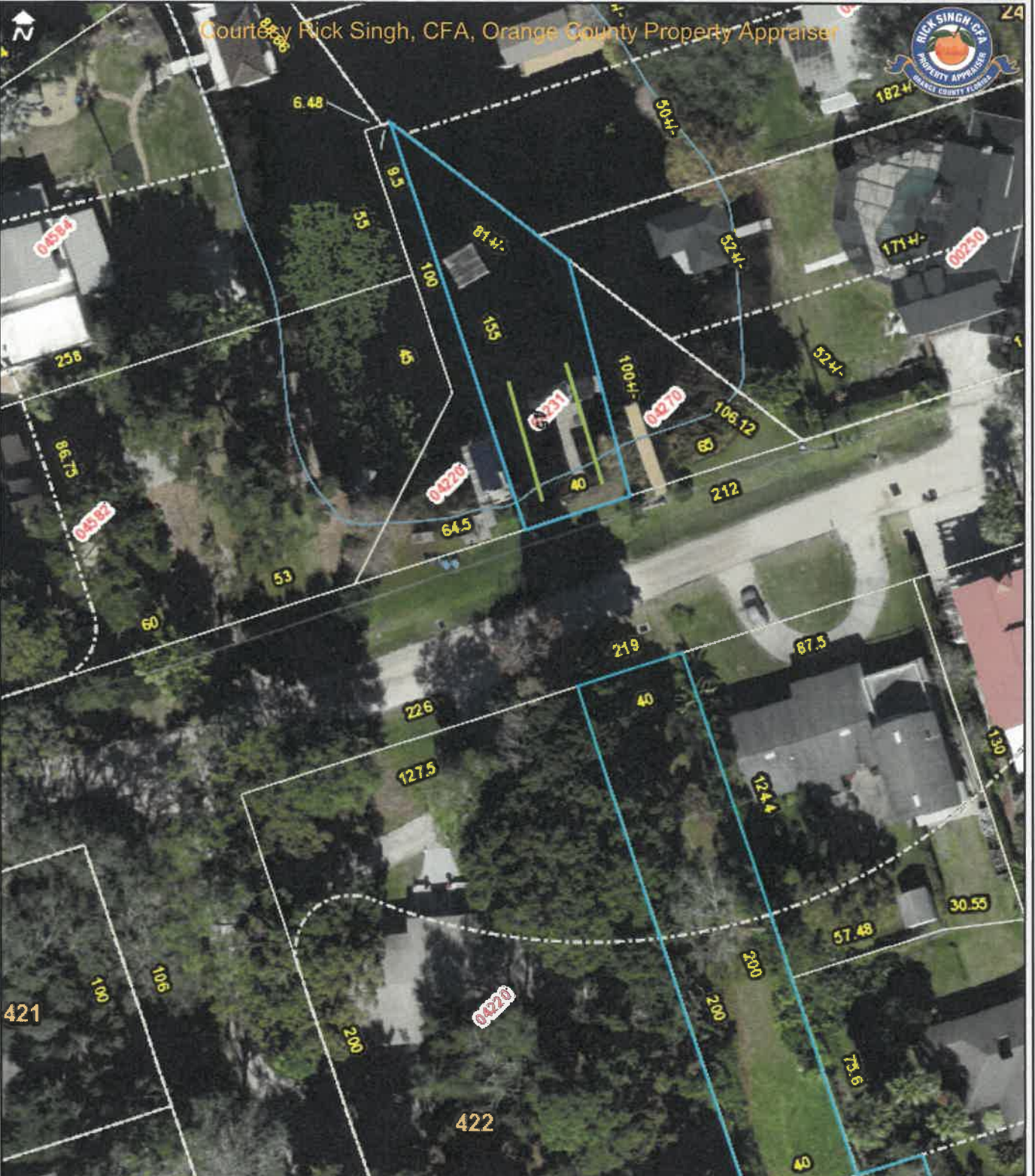
SZUKALSKI PLAN VIEW
 219 W 2ND AVENUE
 WINDERMERE, FL 34786

SZUKALSKI ELEVATION
219 W 2ND AVENUE
WINDERMERE, FL 34786



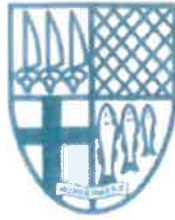
OCPA Web Map

	Major Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Parks		Lot Number	
	Florida Turnpike		Brick Road		Agriculture		Agricultural Curtilage		Lakes and Rivers		06060	Parcel Number
	Interstate 4		Gated Roads		Commercial/Institutional		Hydro		Building		3106	Parcel Address
	Toll Road		Road Under Construction		Lot Line		Governmental/Institutional/Misc		Waste Land		E	Block Number
											111.9	Parcel Dimension



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 2nd Ave. Z19-14

Sheila Cichra, on behalf of Jeff and Rachele 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) 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
Encl.

RECOMMEND – Z19-14 (219 W 2nd 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.

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

WOODARD ROBERT E
PO BOX 670
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 219 W 2nd Ave. Z19-14

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

Received
OCT 07 2019
Wade Trim

RECOMMEND – Z19-14 (219 W 2nd 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*

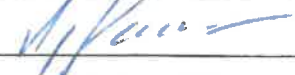
SIGNATURE: Robert E. Woodard DATE: 10/2/2019

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 2nd Ave.)

APPROVAL: DISAPPROVAL

COMMENTS: WE TOTALLY APPROVE TMO-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 2nd Ave.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

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

COLE LINDA PARKER

Received
OCT 07 2019
Wade Trim

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

LINCOLN TIMOTHY W
PO BOX 163
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 219 W 2nd Ave. Z19-14

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com
Encl.

Received
OCT 07 2019
Wade Trim

RECOMMEND – Z19-14 (219 W 2nd Ave.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE:  DATE: 10/4/19

LINCOLN TIMOTHY W

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

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

RE: Public Notice of Variance Public Hearing for 219 W 2nd Ave. Z19-14

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com
Encl.

Received
OCT 07 2019
Wade Trim

RECOMMEND - Z19-14 (219 W 2nd Ave.)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE:  DATE: 10/4/19

KUNKEL KENNETH E

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

SGAMMA PHILIP
105 W 3RD AVE
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 219 W 2nd Ave. Z19-14

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
town@wadetrim.com
Encl.

Received
OCT 07 2019
Wade Trim

RECOMMEND – Z19-14 (219 W 2nd Ave.)

APPROVAL: X **DISAPPROVAL** _____

COMMENTS: _____

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

SGAMMA PHILIP

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

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 2nd Ave. Z19-14

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Enclosed is additional information regarding this request.

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com
Encl.

RECOMMEND – Z19-14 (219 W 2nd Ave.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE:  DATE: 10-3-19

ELLI R ATCHISON REVOCABLE TRUST

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

October 15, 2019

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

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

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

No public comments were made.

2. **OLD BUSINESS: NONE**

3. **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.**

Chair Chase introduced this item and turned the floor over to Mr. Brad Cornelius. Mr. Cornelius introduced himself. He then stated that the variance request is to allow a boat dock to sit 9' for each side property line instead of 16' as required. Mr. Cornelius explained the location of the property. He stated that the existing dock will be demolished and a new one built. Mr. Cornelius explained that the current lot is 40' and with the requirement of 16' on each side, it would only leave 8' for a dock. He further explained that Orange County, through a variance process, approved the dock. Mr. Cornelius stated that 60 notices were sent out, with 14 being received back. Thirteen were in favor and one was in opposition. Mr. Cornelius stated that the immediate neighbors both approved the request. Member Roper questioned the variance from Orange County. Mr. Cornelius explained the set-back, deck size and the floating were the items requested to the County. Member Withers presented a drawing that he drew. He then commented on the shape of the lot, and a hardship. Discussion followed. Mr. Jeff Szukalski of 219 W 2nd Avenue introduced himself. He commented on the dock and the location of his boat. Mr. Szukalski explained why the dock is needed. He then stated on the record that there has never been a jet ski tied to the dock. Member Yeager commented that the request is not only for a dock but for the deck as well. Chair Chase explained the County and Town requirements. He further commented on the required 16' side setback for the Town. Member Withers requested that the applicant return with a drawing that shows exactly what they are proposing to do. Mr. Cornelius commented on the process that would need to take place if this item is tabled. Member Withers made a motion to table this request until there is a drawing that clearly defines the

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

October 15, 2019

proposed intent. Ms. Chicra stated that clarification is needed. Member Sutton seconded the motion. Mrs. Szukalski stated that 13 notices in favor were received. She then commented on a few of the approving comments. Some discussion followed regarding the size, set-backs, deck area, and the catwalk and safety. Chair Chase then reiterated the request and motion. Voting was as follows: Fleck yes, Roper – no, Chase – yes, Withers – yes, Yeager – yes, and Sutton – yes. Motion carried 5-1.

4. ADJOURN:

The meeting adjourned at 7:05pm

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

DRAFT

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

November 19, 2019

Present were Chair Frank Chase, Board Members; William Yeager, Stephen Withers, Molly Rose, Jennifer Roper (arrived at 6:41pm), and Peter Fleck. Liaison Bill Martini, Town Clerk Dorothy Burkhalter, and Town Planner Brad Cornelius were also present. Member Norma Sutton 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. He then welcomed new member William Yeager.

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**

This item was tabled until the December 17, 2019 meeting.

3. NEW BUSINESS:

a. **MINUTES:**

i. **August 20, 2019 Meeting Minutes**

Member Fleck read for the record Form B Voting Conflict. Member Rose made a motion to approve the minutes as presented. Member Withers seconded the motion. All were in favor.

b. **GENERAL ITEMS FOR CONSIDERATION:**

i. **Z20-02: 58 Main Street – Variance to allow greater than 10% expansion, allow for a 9-foot side setback, and allow for a 15.5-foot front setback**

Chair Chase introduced this item and turned the floor over to Mr. Brad Cornelius. Mr. Cornelius introduced himself. He then explained that the variance request is to allow for more than 10% floor area increase to an existing nonconforming home, allow for a 9-foot side setback instead of the required 15-foot side setback for additional master bedroom space, and allow for a 15.5-foot front setback instead of the required 25 feet for a garage expansion. Mr. Cornelius further explained that past and current surveys are conflicting, which is causing the need for a variance. He then stated that notices were mailed out, with 8 being received in support and 1 in opposition. Member Rose stated that she feels that the Town has been strict with the 25' setback in the front yard. Member Withers agreed. Discussion was made regarding current and proposed setbacks, lot cover, shape of lot, hardship, additional square footage/FAR, septic and the right of way between dirt and paved Main Street. Ms. Kelly Tilghman owner of 58 Main Street introduced herself. She then explained the need for the variances. Ms. Tilghman stated that safety for her daughter, and the need for more living and storage space is the reason for the variance request. Mr. Dirk

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

November 19, 2019

Arace, designer for Ms. Tilghman, introduced himself. He approached the Board and showed the proposed plan. Discussion followed. Member Withers made a motion to handle each item individually and require a motion for each item. Member Roper seconded the motion. All were in favor. Member Fleck made a motion to approve option a to include the septic upgrade. Motion died for lack of a second. Mr. Cornelius stated that the Health Department will determine the needed size for the septic tank. Member Fleck commented that he would like to see the upgraded system utilized. Member Withers made a motion to recommend approval of variance "B" with a 9' setback. Member Fleck seconded the motion. All were in favor. Member Withers made a motion to recommend to deny the 15'6" variance request for the garage. Member Rose seconded the motion. Member Fleck commented on the letters that were mailed out and the clarity of the current encroachment of the front setback. Some discussion followed. Voting was as follows: Roper – no, Fleck – no, Rose – yes, Chase – no, Withers – yes, and Yeager – no. Motion failed 2-4. Member Fleck made a motion to recommend approval of the 15'6" setback as presented. Member Roper seconded the motion. Roll call vote was as follows: Roper – yes, Fleck – yes, Rose – no, Chase – yes, Withers – n and Yeager – yes. Motion carried 4-2. Member Fleck made a motion to recommend approval of item "A" not to exceed 6,590 square feet and include the condition of the upgraded septic system. Member Withers seconded the motion. Mr. Cornelius questioned if the recommendation if it is not required by the Health Department or not? Member Fleck stated "yes." Mr. Cornelius explained that the Town is preempted by the State and he'd be cautious. Mrs. Tilghman stated that she is intrigued with the new system. Chair Chase called for the vote. All were in favor. Chair Chase informed the applicant the this is a recommending Board and this item will go before the Town Council December 18th for final approval.

4. ADJOURN:

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

The meeting adjourned at 7:30pm

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair