

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

April 16, 2019

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

Acting Chair Withers called the meeting to order at 6:30pm. He then led everyone in the pledge of Allegiance.

1. OPEN FORUM/PUBLIC COMMENTS:

There were no public speakers.

2. OLD BUSINESS: NONE

3. NEW BUSINESS:

a. MINUTES:

i. DRB meeting minutes February 19, 2019

Member Roper made a motion to approve the DRB minutes of February 19, 2019 as presented. Member Fleck seconded the motion. All were in favor.

b. GENERAL ITEMS FOR CONSIDERATION:

i. Z-19-001: 31 Pine Street – Variance to allow an expansion of an existing non-conforming home by more than 10%, allow a reduced side setback of 8.2 feet, and allow a reduced setback from the normal high-water elevation of 15 feet

Acting Chair Withers turned the floor over to Mr. Brad Cornelius. Mr. Cornelius introduced the variance request of 31 Pine Street. He explained that there are three variance requests. One, is to allow an expansion of over 10% for an additional 1600 square feet. Second is for a second story on the south side with a reduced side yard setback of 8.2' not the required 15' side yard setback to align with the footprint of the existing home, and third, to reduce the rear setback to the normal high water elevation of the lake to 15' not the 50' required for a porch. Mr. Cornelius stated that thirty-six (36) notices were sent out. He stated as of April 8th no responses were received. Responses received after the 8th were provided to the Board. Mr. Cornelius further stated that 10 responses were received after the deadline, in which nine (9) were in support of the request and one (1) in opposition. He then stated that he has spoken by phone with the adjacent neighbor to the south who has reservations regarding the request. Mr. Cornelius completed his presentation. Discussion began. Member Roper questioned the reservations of the neighbor. Mr. Cornelius stated view to the lake and the hardship. Acting Chair Withers stated that the house is currently for sale. He then questioned who was making the application and why. Mr. Darrell Nunnelley, realtor for the property and authorized representative for the property owners, introduced himself. He then stated that he originally

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made the application for the sellers. Acting Chair Withers stated that the home was built in 1966. He then questioned when the seawall was installed, when the pool was put in, and when the pool porch was built. Mr. Cornelius stated he was unsure. Acting Chair Withers commented on the seawall and past water testing in that area. He then questioned where the existing septic tank was located. Mr. Nunnelley stated he believed in the front of the house. He then stated that the septic company is scheduled for next week. Discussion was made regarding the existing septic system and a proposed Hyper septic system. Mr. Nunnelley then described Exhibit A (attached) which shows the existing and proposed changes, and pervious and impervious areas, the proposed porch and balcony, the seawall, stormwater retention, and the addition of two bathrooms. Member Roper commented that this house was originally built with Orange County's guidelines which the rear setback would have been 35'. She further commented that she feels that the lot shape/design is a hardship. Acting Chair Withers stated that this request is for a non-compliant house and an addition that is non-compliant. Member Sutton stated that the setbacks are not changing, only the side for the porch. She then stated that the 10% maximum increase for square footage is also in question. Discussion followed. Liaison Martini explained he had a similar issue regarding the encroachment of a second-floor balcony. He stated that he had to use a pillar and leave the bottom floor an open aired porch. Mr. Nunnelley stated that H, and I, would be brought out flat to match the house. Locations D, C and E will be open two layered air porches. Mr. Cornelius stated that the existing square footage of the home is 3,364. He stated that the addition including the porches would be 1,672.22 square feet, which is a little less than 50%. Member Fleck stated he would like to see some native aquatic plants placed back at the shoreline. He then stated that a high-performance septic system should be utilized as well. Member Fleck also stated that adding the aquatic plants and the new septic, it would aid in the water quality in that area. Some discussion followed. Member Sutton commented on the surrounding homes on Pine Street. Acting Chair Withers stated he has a lake impact issue. He then stated that he would not like to set a precedent. Member Roper stated that the shape of the lot is unique. Member Fleck made a motion to recommend approval for the variance request with the condition of adding a high-performance septic system, add adequate berms and swales, and add native aquatic plants along 80% of the shoreline. Member Roper seconded the motion for discussion. Member Roper stated that she wanted to be accurate on the 80% coverage. Member Fleck explained that he stated 80% due to the cove. Member Fleck stated that an access corridor will be needed. Member Roper stated that she would like to remove porch "F" from the recommendation. After some discussion was made, Member Fleck amended his motion to add recommending approval to include the denial of proposed porch "F". Member Roper was friendly to the amendment. Roll call vote was as follows: Sutton – yes, Withers – no, Roper – yes, and Fleck – yes. Motion carried 3-1.

Manager Smith stated that this item will be before the Town Council on May 14th. Discussion was regarding placement of variance items on the Town Council consent agendas.

4. ADJOURN:


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

The meeting adjourned at 7:18pm

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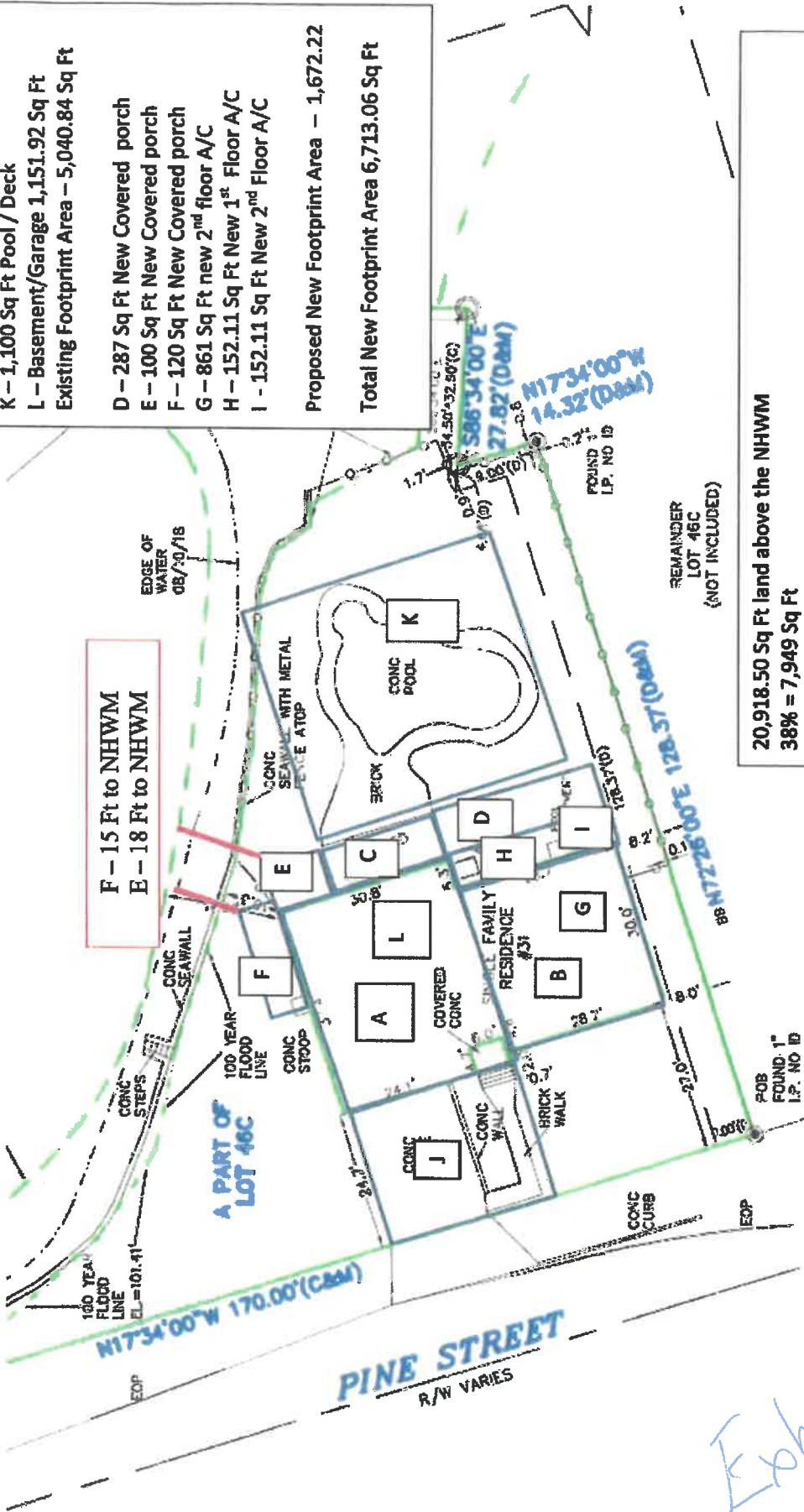
Dorothy Burkhalter, Town Clerk



Frank Chase, Chair

31 Pine St Windermere
Impervious Surface Ratio

F - 15 Ft to NHWM
E - 18 Ft to NHWM



- A - 1,151.92 Sq Ft A/C
 - B - 861 Sq Ft A/C
 - C - 200 Sq Ft covered porch
 - J - 576 Sq Ft Driveway/Walkway
 - K - 1,100 Sq Ft Pool / Deck
 - L - Basement/Garage 1,151.92 Sq Ft
- Existing Footprint Area - 5,040.84 Sq Ft

- D - 287 Sq Ft New Covered porch
 - E - 100 Sq Ft New Covered porch
 - F - 120 Sq Ft New Covered porch
 - G - 861 Sq Ft new 2nd floor A/C
 - H - 152.11 Sq Ft New 1st Floor A/C
 - I - 152.11 Sq Ft New 2nd Floor A/C
- Proposed New Footprint Area - 1,672.22
- Total New Footprint Area 6,713.06 Sq Ft

20,918.50 Sq Ft land above the NHWM
38% = 7,949 Sq Ft
45% = 9,413 Sq Ft

Existing Footprint Area - 5,040.84 Sq Ft or under 24%

Proposed New Footprint Area - 1,672.22 Sq Ft or under 8%

Total New Footprint Area 6,713.06 Sq Ft or under 32%

(Subject to Professional verification)

Exhibit "A"