

Development Review Board

Norma Sutton

Timothy Balding

Stephen Withers

Frank Chase

Jennifer Roper

Molly Rose

Peter Fleck

Council Liaison: Bill Martini

Agenda

Agenda

June 18, 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. DRB Meeting Minutes April 16, 2019 (Attachment-Staff Recommends Approval)

b. GENERAL ITEMS FOR CONSIDERATION

- i. Z19-006 - 235 Magnolia Street - Robert & Leslie Hartzog - Variances to allow greater than 10% expansion of non-conforming home and to allow a reduced side setback. (Attachments-Board Option)
- ii. Z19-007 - Windermere Elementary School - Orange County School Board - Variances to allow a ground sign in excess of 20 square feet and to allow an illuminated LED sign. (Attachments-Board Option)

3. **ADJOURN:**

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

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

April 16, 2019

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

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

April 16, 2019

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

DRAFT

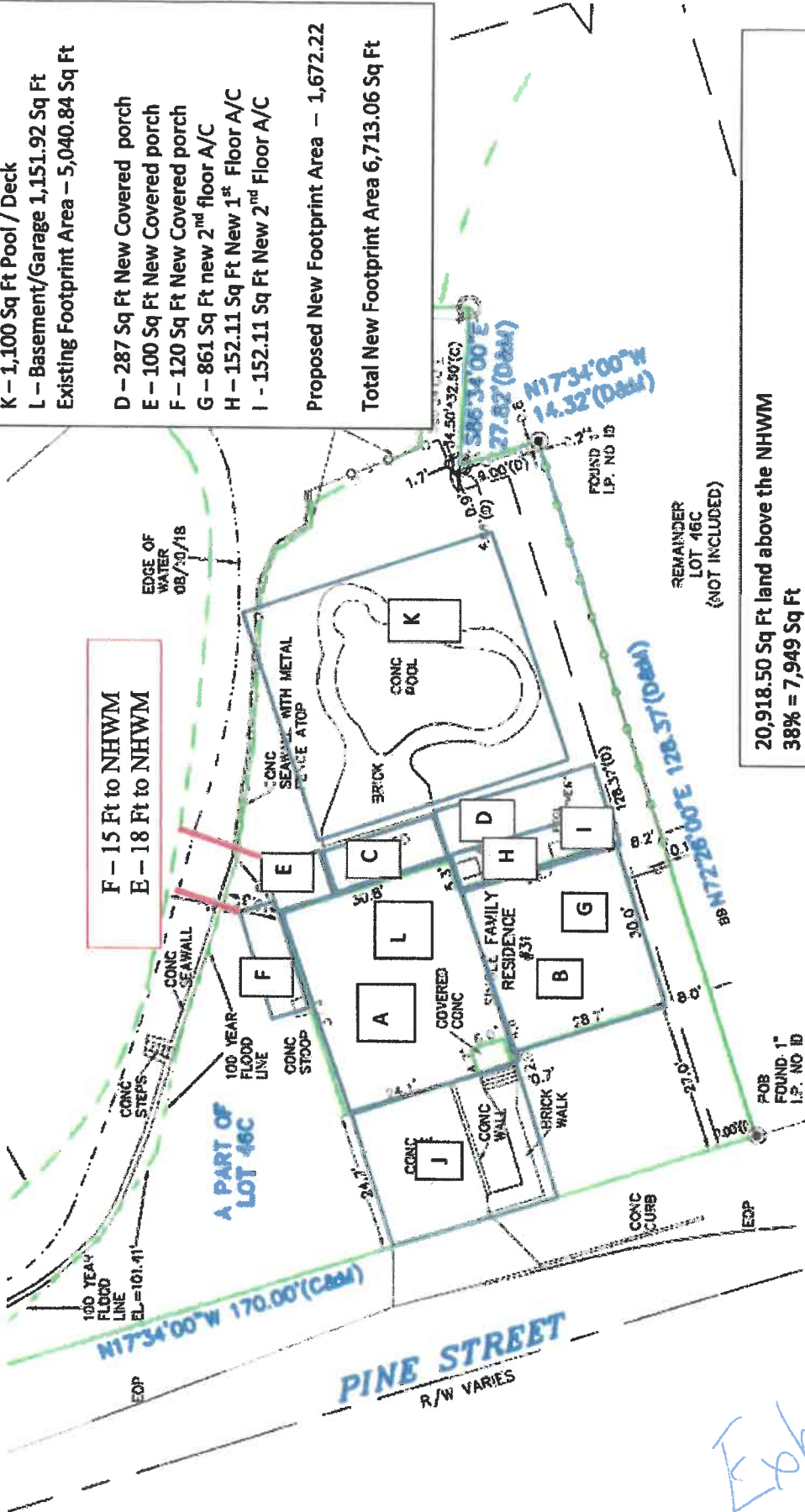
31 Pine St Windermere
Impervious Surface Ratio

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

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 June 18, 2019

Town Council July 9, 2019

Case No.: Z19-006

Applicant: Robert and Leslie Hartog

Property Owner: Robert and Leslie Hartog

Representative: Dean and Lesha Miller

Requested Action: Variance to allow a greater than 10% expansion to a non-conforming home for an addition up to 2,608 square feet (82% increase) and allow for the north side setback at 10.03 feet for Area A, 9.84 feet for Area B, and 9.89 feet for Area C.

Property Address: 235 Magnolia Street

Legal Description: PLAT OF WINDERMERE G/36 THE SOUTH 80 FEET OF BLOCK C

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

North: Residential/Residential
South: E 3rd Avenue passive green space
East: Lake Butler
West: Residential/Residential

CASE SUMMARY:

Scott and Leslie Hartog, who are the owners of 235 Magnolia Street, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow a greater than 10% expansion to a non-conforming home for an addition up to 2,608 square feet (82% increase from 3,180.5 SF to 5,788.0 SF) and allow for the north side setback at 10.03 feet for Area A, 9.84 feet for Area B, and 9.89 feet for Area C. See attached information.

The existing home on this property was constructed in 1969. The existing home on this property is non-conforming in that it does not meet the side (North) setback. The existing structure has a side (North) setback of 9.9 feet at the front corner of the building and 10.0 feet at the back corner of the building (10.75 feet required).

The applicant is requesting a variance to allow for an expansion of 82% of the existing non-conforming home. The proposed expansion increases the gross floor area of the existing home from 3,180.5 square feet to 5,788 square feet. The applicant is requesting a variance to allow for the addition areas A, B, and C be less than the required 10.75-foot side setback. The side setback for proposed Area A is 10.03 feet, the proposed side setback for Area B is 9.84 feet, and the setback for the proposed Area C is 9.89 feet. The proposed Areas A, B, and C are in line with the existing footprint of the building. The difference in the side setback distances is a result of the shape of the lot. The proposed additions are compliant with all other setbacks, gross floor area limitations, and impervious area limitations.

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 another 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. Desire to renovate existing house to maintain consistency with neighborhood;
2. Existing house on a relative narrow lot for neighborhood;
3. Increase the livability, value of the property, enhance exterior aesthetics of home and lakefront lot.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property on May 31, 2019 (35 notices sent). As of June 6, 2019, 0 responses were returned. An update to any responses received after June 6, 2019, will be provided at the DRB meeting.



Courtesy Rick Singh, CPA, Orange County Property Appraiser



	Florida template
	Interstate-4
	Toll Road
	Major Roads
	Public Roads
	Gated Roads
	Road Under Construction
	Proposed Road
	US Road
	State Road
	County Road
	Toll Ramp
	Interstate Ramp
	One Way
	Brick Road
	Rail Road
	Proposed SunRail
	Ebook Line
	Lot Line
	Residential
	Agriculture
	Commercial/Institutional
	Governmental/Institutional/Misc
	Commercial/Industrial/Vacant Land
	Hydro
	Waste Land
	Agricultural/Courtlage
	County Boundary
	Parks
	Golf Course
	Lakes and Rivers
	Building
	Power Plant

Created: 4/29/2019 9:40 Aerial 2019

This map is for reference only and is not a survey

Scott and Leslie Hartog
3326 Just a Mere Ct.
Windermere, FL 34786
scott@hartog.net
(407)963-9029

May 28, 2019

Mr. Brad Cornelius, Vice-President
WadeTrim
8010 Woodland Center Blvd. Ste. 1200
Tampa, FL 33614

Dear Mr. Cornelius,

We are writing to seek a variance for a renovation at a single-family home that we recently purchased at 235 Magnolia St. in Windermere. We plan to reside in the home once the renovations are complete, and these renovations are necessary to update and improve the livability of the home, increase the value of the property, and enhance the exterior aesthetics of the home and lakefront lot, which is adjacent to a town public area.

It is our desire to renovate the existing home rather than rebuild. This allows us to achieve our desired home size and design, enhance the property in keeping with the surrounding neighborhood, and stay within our budget. However, it means that we must work with the existing location of the house, which was built before lot lines and setback regulations were in effect. Changes to the current location and footprint are also constrained because of the unusually narrow lot.

Variances are required because the current house is nonconforming with the north side setback of 9.9 and 10 feet, compared to the required setback of 10.75 feet. Any expansion without a variance is thus limited to a maximum of 10% of the existing gross floor area. As such, we are requesting the following two variances. Please refer to the pictures and marked up survey attached to this letter. The setbacks of the proposed changes are less than an inch different than the existing setbacks.

- 1) Allow the expansion of a non-conforming home by 82.0% (3,180 square feet to 5,788.0 square feet). Please see the attached "Under Roof Increase Calculation" page for more details on this calculation.
 - Area A — Extend roof to form covered patio on east side of home
 - Dim: 20.0 x 33.7 + 11.4 x 33.3 feet
 - Area: 1053.6 square feet
 - Some of this area may be under A/C.
 - Area B — Add area for attached garage
 - Dim: 35.0 x 26.0 feet (rectangular)
 - Area: 910.0 square feet
 - If Area C is not in the final build plan, then Area B will move east 10 feet and be abutted to the house.
 - Area C — Utility/laundry room under A/C
 - Dim: 10x10 feet (rectangular)
 - Area: 100.0 square feet

- Area D — Add roof over existing entry way
 - Dim: 18.1 x 12.0 feet (rectangular)
 - Area: 217.2 square feet
 - Area E — Main house area under A/C
 - Dim: 6.0 x 62.6 feet (rectangular)
 - Area: 375.6 square feet
- 2) Allow an addition on the north side with a side setback at 10.03 feet for Area A, a side setback of 9.84 feet for Area B, and a side setback of 9.89 feet for Area C. The required side setback is 10.75 feet (12.5% of the lot width at the widest point of the home which the front entryway where Area D is proposed).
- The proposed setback for Area A is about 1/8" more than the setback of the current NE patio corner, and the proposed setback for Area B is about 5/8" less than the setback of the current NW corner of the house. Adhering to the required setback of 10.75 feet would require offsets of the roof lines, slab, and wall of 9 and 11 inches for the patio and garage respectively, which would be non-aesthetic.
 - This requested setback from the property line is consistent with the immediate neighbors who have a pool house within five feet of the property line.

The plans are in compliance with requirements for a 50-foot setback from the Normal High Water Elevation and the 25-ft setback from the front property line. Public areas and streets are unaffected. It is not anticipated that there will be a need for additional variances.

If approved, these enhancements would require relocating and installing a new septic system on the west (street) side of the home. Note on the survey that the existing 50-year old septic system is currently located in the back yard, on the lake side of the home. Additionally, new berms and swales would be likely be required to provide adequate water retention on the property. Both of these modifications would be beneficial to preserving the water quality of Lake Down.

The proposed modifications change the non-permeable ratio from 20.0% to 25.9%. Please see the attached "Non-permeable Ratio Calculation" page for more details on this calculation.

We hope that you agree that this variance request is reasonable and necessary and that the planned renovations will improve the value of our property and the surrounding neighborhood.

Respectfully,

Scott and Leslie Hartog

PERRY SURVEYING

370 Waymont Court • Lake Mary, FL 32746 • VOICE: 407.688.9727 • FAX: 407.688.7691 • frontdesk@perrysurveying.com

**SEE SEPARATE ENLARGEMENT
OF HOUSE FOR MORE DETAIL**

**Existing under roof:
3180.5sqft**

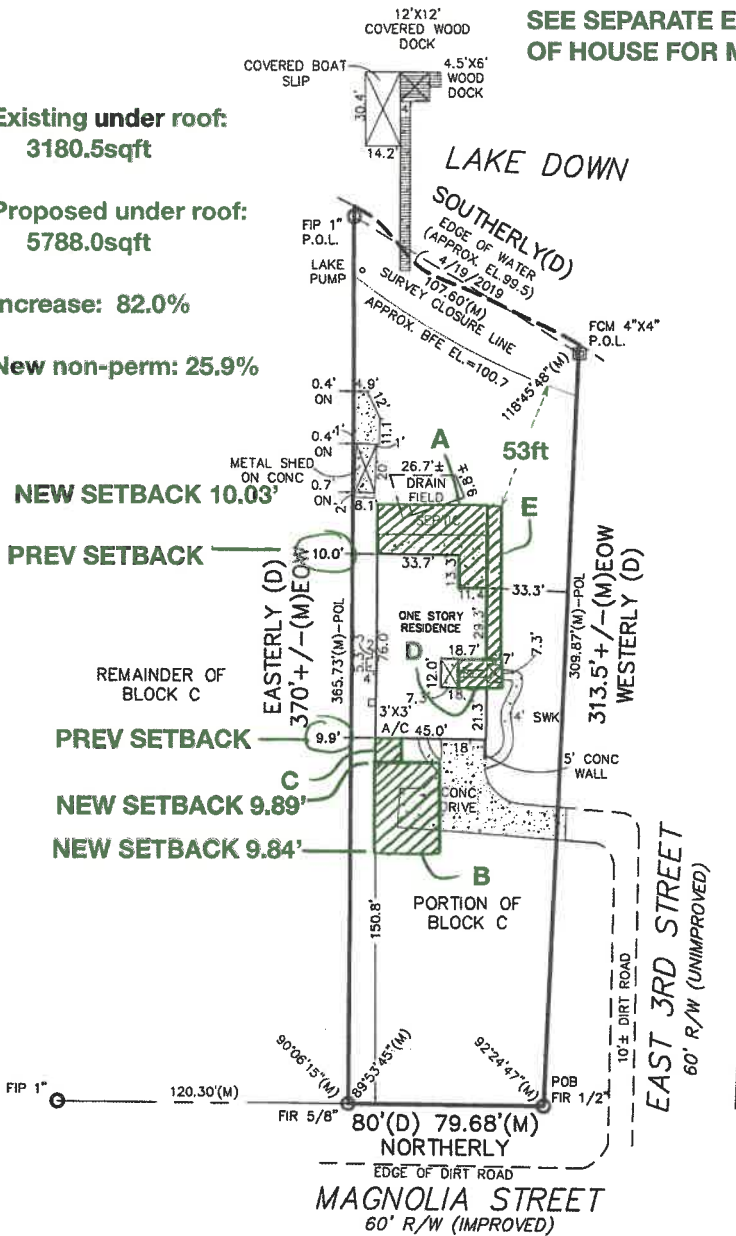
**Proposed under roof:
5788.0sqft**

Increase: 82.0%

New non-perm: 25.9%



SCALE: 1"=60'



NORMAL HIGH WATER LINE
ELEVATION=99.5 DATED: 11/1/92
PER ORANGE COUNTY LAKE INDEX
DATED: 6/2009

**A — Dim: 20.0 x 33.7ft
+ 11.4 x 33.3ft
Area: 1053.6sqft
Covered porch
Under A/C**

**B — Dim: 35.0 x 26.0ft
Area: 910.0sqft
Garage**

**C — Dim: 10.0 x 10.0ft
Area: 100.0sqft
Under A/C**

**D — Dim: 18.1 x 12.0ft
Area: 217.2sqft
Covered entry**

**E — Dim: 6.0 x 62.6ft
Area: 375.6sqft
Under A/C
Covered porch**

Property Address:
235 Magnolia Street
Windermere, FL 34786

Survey number: PS 10826

LEGEND

- Wire Fence
- Wood Fence
- Overhead Utilities
- P.P. Power Pole
- W.M. Water Meter
- or Electrical Facility
- Asphalt
- Black Wall
- Brick/Pavers
- Concrete/Hard Surface
- Covered Area
- Centerline
- Center Angle/Offset
- Line Break Not to Scale
- A/C Air Conditioner
- B.R. Bearing Reference
- B.M. Bench Mark
- CATV Cable Riser
- C. Calculated
- C.L.F. Chain Link Fence
- CH. Chord
- CB. Chain Bearing
- CBS. Conc. Block & Stucco
- CONC. Concrete
- C.M. Concrete Monument
- COV. Covered

- D. Description of Demol.
- D.E. Drainage Easement
- D.U.E. Drainage & Utility Easement
- D.W. Driveway
- E. Easement
- E.O.P. Edge of Pavement
- E.O.W. Edge of Water
- ENCR. Encroachment
- F. Field
- FD. Found
- FND. Found Nail & Disc
- F.C.M. Found Concrete Monument
- F.I.P. Found Iron Pipe
- F.I.R. Found Iron Rod
- L. LENGTH
- L.B. Licensee Business
- M. FIELD MEASURED
- M.H. Manhole
- O.K.B. Official Records Book
- ONPL. On Property Line
- P.G. Page
- P.V.C. Vinyl Fence
- P.V.M. Pavement
- P.C.P. Permanent Control Point
- P.R.M. Permanent Reference Monument
- P. Plat

- P.B. Plat Book
- P.E. Pool Equipment
- P.O.B. Point of Beginning
- P.O.C. Point of Commencement
- P.C.C. Point of Compound Curve
- P.C. Point of Curvature
- P.I. Point of Intersection
- P.R.C. Point of Reverse Curvature
- P.T. Point of Tangency
- P.O.L. Point on Line
- P.L. Property Line
- R. Record
- R/W. Right of Way
- S.I.R. Set Iron Rod & Cap
- SWK. Sidewalk
- T.B.L. Telephone Facilities
- T.O.B. Top of Bank
- S.I.R. Set Iron Rod & Cap
- W.F. Wood Fence
- W.C. Wreath Corner

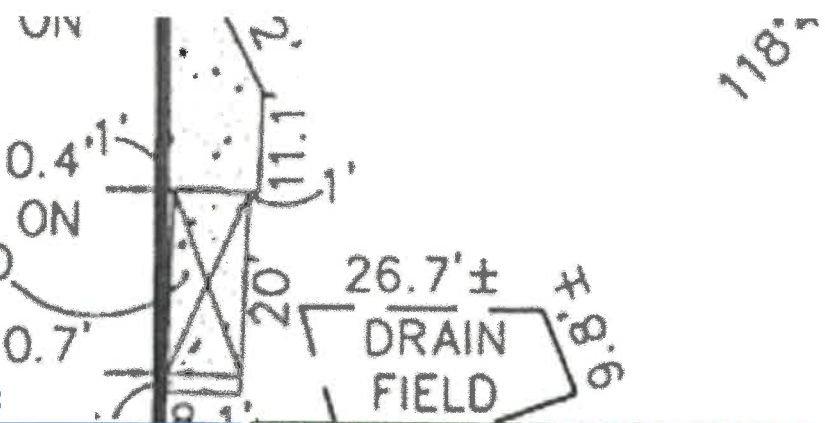
GENERAL NOTES

1. Legal descriptions provided by others.
2. There may be additional easements and/or restrictions either recorded or unrecorded not shown hereon that may affect this property.
3. Only visible encroachments located.
4. This is a BOUNDARY SURVEY unless otherwise noted.
5. This survey and the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and registrar.
6. This survey is not to be used for any other purpose than that for which it was prepared.
7. Unless otherwise noted, flood zone information provided by others.
8. Spot elevations and drain-field locations shown hereon are APPROXIMATE and are based upon visual inspection only.
9. Fence locations along property lines may be exaggerated for clarity.
10. This survey meets or exceeds the Standards of Practice established by the Florida Board of Professional Land Surveyors, Chapter 461 of the Florida Administrative Code, Section 461.002, Florida Statutes.

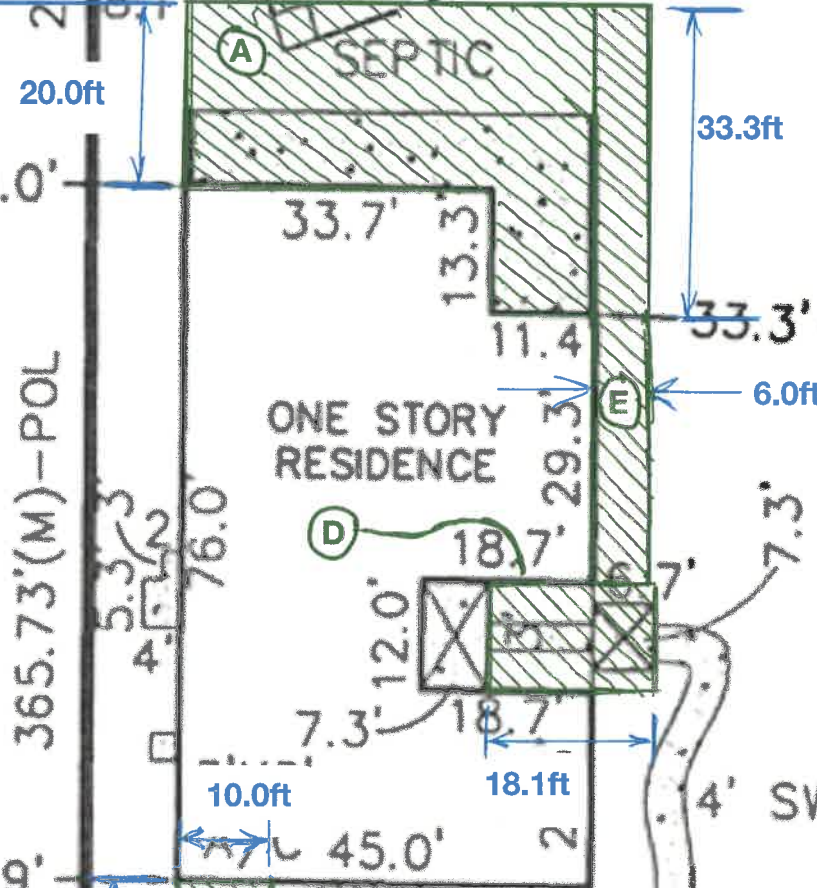
Jeffrey S. Perry, J.D. (Professional Seal)
I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

ETAL SHED
ON CONC

New setback:
10.03ft



EASTERLY (D)
370' + / - (M)EOW



309.87'(M)-POL
313.5' + / - (M)EOW

New setback: 9.89ft

New setback: 9.84ft

10.0ft
35.0ft

50.8'
PORTION OF
BLOCK C

5' CONC
WALL

Under Roof Increase Calculation

Original House Under Roof

Main rect	3420	(from survey dimensions)
SE corner	-151.62	(from survey dimensions)
Entry	-224.4	(from survey dimensions)
Covered Entr	87.6	(from survey dimensions)
	<u>3131.6</u>	3131.58

Original Under Roof

Front turret	48.9	(from survey dimensions)
	<u>48.9</u>	48.9

Proposed New Under Roof

Area A	1053.6	
Area B	910.0	
Area C	100.0	
Area D	168.3	(excludes existing front entry turret under roof)
Area E	375.6	
	<u>2607.5</u>	2607.5

Original Under Roof	3180.5
Proposed Under Roof	5788.0
Proposed Increase:	82.0%

Non-permeable Ratio Calculation

Lot	Main rect	24773.8	(from survey dimensions, dividing lot into rectangle and trapezoid)
	South Tri	1836.7	
	Back Tri	<u>2573.4</u>	
		29183.9	

Original House			
	Main rect	3420	(from survey dimensions)
	SE corner	-151.62	(from survey dimensions)
	Entry	-224.4	(from survey dimensions)
	Covered Entr	<u>87.6</u>	(from survey dimensions)
		3131.6	3131.58

Original Other			
	Front turret	48.9	(from survey dimensions)
	Entry walk	34.2	(from survey dimensions)
	Back Patio	516.9	(current patio at 8.1 feet measured from survey)
	Front path	52.6	(from survey traced in CAD program)
	Side path	190.5	(from survey traced in CAD program)
	Driveway	1482.1	(from survey traced in CAD program)
	Shed	178.2	(from survey dimensions)
	Shed Patio	<u>193.2</u>	(from survey dimensions)
		2696.7	2696.7

Proposed			
	Area A	536.7	(excludes existing patio area)
	Area B	597.3	(excludes existing front path and intersecting part of drive)
	Area C	100.0	
	Area D	134.1	(excludes existing entry walk and turret)
	Area E	<u>375.6</u>	
		1743.7	1743.7

Original Non-permeable Ratio	20.0%
Proposed Non-permeable Ratio	25.9%

Area A



Area B



Area C



Area D



Area E



Adjacent lot to the north from NE corner



Property line towards Lake Down



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 June 18, 2019

Town Council July 9, 2019

Case No.: Z19-007

Applicant: Orange County School Board of Florida

Property Owner: Orange County School Board of Florida

Representative: CT Allen

Requested Action: The purpose of the variance request is to allow for a larger sign area of 29.63 sq. ft., compared to the allowed 20 sq. ft. for a two-sided sign and to allow an illuminated LED marquee sign.

Property Address: 11125 Park Avenue

Legal Description: REPLAT OF METCALF PARK Q/18 FROM N1/4 COR SEC 7-23-28 RUN N 88 DEG E 1415.25 FT FOR A POB TH N 21 DEG W 344.24 FT N 32 DEG E 400 FT E 570 FT TO W R/W RR SLY ALONG R/W TO N R/W PARK AVE S 57 DEG W 716 FT N 21 DEG W 466.11 FT TO POB & BEG AT INT OF N R/W LINE OF PARK AVE & W R/W LINE OF SCL R/R RUN NLY 614 FT E 60 FT SLY 580.01 FT S 57 DEG W 60.66 FT TO POB IN SEC 6-23-28 SE1/4 & 7-23-28 NE1/4 SEE 4233/4336 (LESS COMM NE COR OF NE1/4 OF SEC 07-23-28 TH N89-11-20W 69.60 FT CONT N89-11-20W 411.28 FT TO ELY R/W OF ABANDONED RR R/W & POB & A CURVE CONCAVE NELY W/ RAD OF 1402.43 FT & CHORD BEARING OF S19-03-40E TH SELY THROUGH CENT ANG OF 01-33-

31 FOR 38.15 FT TH S61-32-02W 60.66 FT TO WLY R/W OF ABANDONED RR R/W & A NON-TAN CURVE CONCAVE NELY W/ RAD OF 1462.43 FT & CHORD BEARING OF N15-55-47W TH NWLY THROUGH CENT ANG OF 217.63 FT TH N78-20-14E 60 FT TO ELY RR R/W & A NON-TAN CURVE CONCAVE NELY W/ RAD OF 1402.43 FT & CHORD BEARING OF S14-58-20E TH SELY THROUGH CENT ANG OF 06-37-09 FOR 162.02 FT TO POB

Future Land Use/Zoning: Public Use/ Public Use

Existing Use: School (Public Use)

Surrounding Future Land Use/Zoning

North: Residential & Recreation /Residential& Recreation
South: Residential/Residential
East: Residential & Recreation /Residential & Recreation
West: Conservation/Conservation

CASE SUMMARY:

Orange County School District in regard to Windermere Elementary School, located at 11125 PARK AVE, submitted a request with their authorized agent CT Allen, 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 for a larger sign area of 29.63 sq. ft., compared to the allowed 20 sq. ft. for a two-sided sign and to allow an illuminated LED marquee sign. All other setbacks and height limitations are compliant with the code. See attached information.

The applicant wishes to replace the existing school sign with an updated state-of-the-art LED marquee sign that will allow the school to get information out to parents easier and faster. The proposed sign is 94" high, two-sided with a proposed 66% sign area of 29.63 sq. ft.

Section 8.05.01 of the Town's Land Development Code states "when two sign faces are placed back to back and the faces are at no point more than 4-inches apart, the area of the sign shall be taken at 66% of the sum of the two faces. The area of a ground sign shall not exceed 20 square feet."

The height from the finished grade to the base of the supporting structure is 94" or 7.8 feet high, which is under the 8-foot requirement per Section 08.05.03 and is not included as part of this variance request.

However, the proposed sign is two-sided. As shown in the rendering, the copy area on each side is 37.8" H x 68" L or 17.85 square feet per side, for a total of 35.70 square feet on both sides. Applying the factor of 66%, the total copy area is 29.63 square feet. The applicant is requesting a 9.63 square foot variance to allow the sign to exceed the 20 sq. ft. allowable area.

Section 08.02.02 of the LDC states “The following signs are expressly prohibited – Signs that are internally lit or with visible luminary, as well as lights or illuminations that flash or flicker, neon lighting emitting diode, and fiber optic signs.” The applicant is requesting a variance from this section regarding illumination to allow for the proposed illuminated LED marquee sign.

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 another 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 the proposed sign rendering 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:

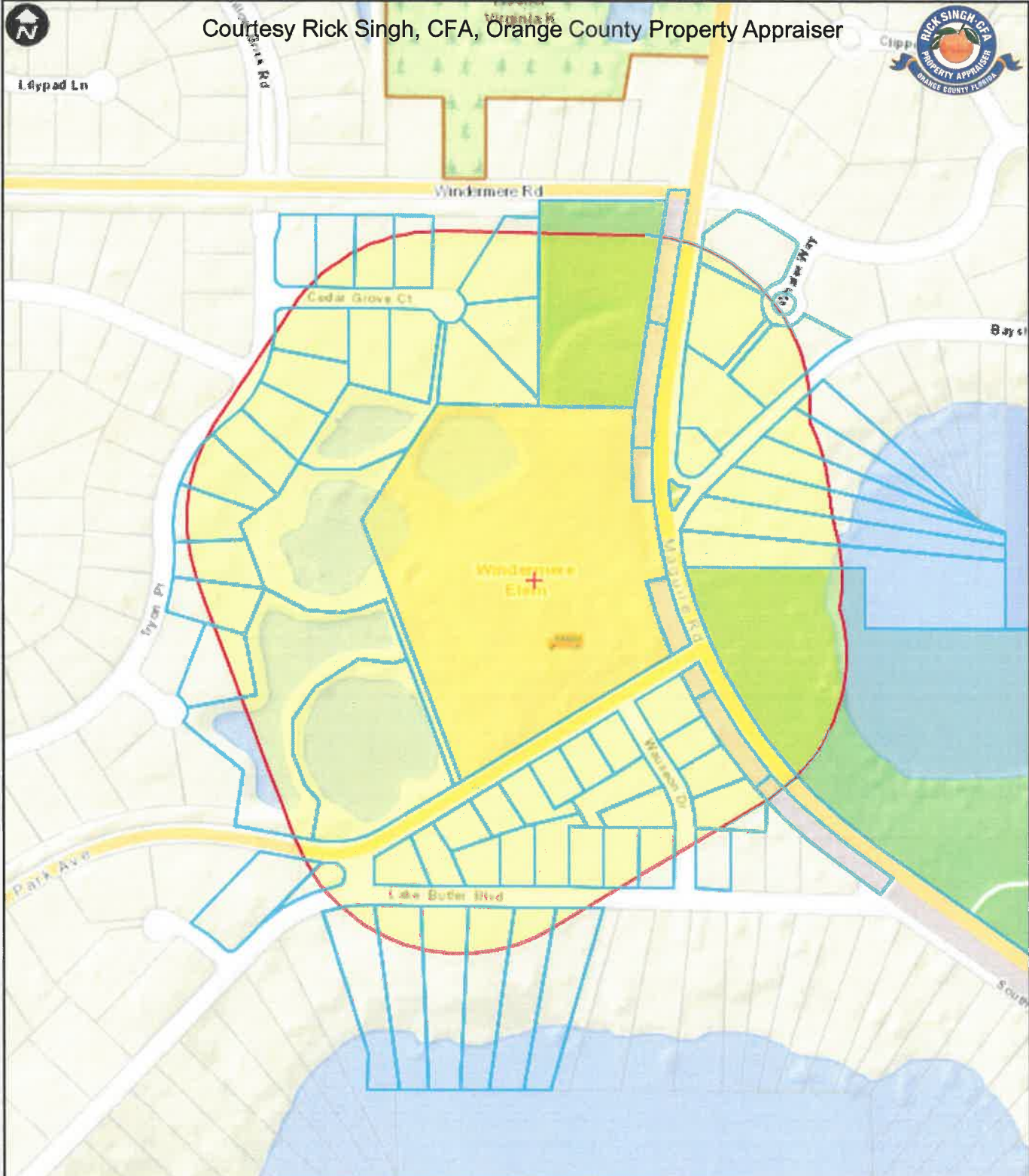
1. Desire to replace the school's sign is a final part of a series of renovations to make the school more state-of-the-art;
2. The sign is will be completely paid for by the Mustang Education Fund, not taxpayer dollars;
3. The new sign is proposed to be placed in the same location as the existing sign;
4. The sign was designed to enhance information getting to parents, and to not have an impact on our surrounding neighbors;
5. The school will have the capability to dim and turn off the sign at programmable times.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property on May 31, 2019 (64 notices sent). As of June 6, 2019, 0 responses were returned. An update to any responses received after June 6, 2019, will be provided at the DRB meeting.

OCA Web Map											
	Major Roads		Proposed Road		Block Line		Commercial/Institutional		Hydro		Golf Course
	Florida Turnpike		Public Roads		Brick Road		Lot Line		Waste Land		Lakes and Rivers
	Interstate 4		Galad Roads		Rail Road		Residential		County Boundary		Building
	Toll Road		Road Under Construction		Proposed SunRail		Agriculture		Agricultural Curtilage		Parks
											Hospital

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 5/29/2019 9:36

This map is for reference only and is not a survey



6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

May 22, 2019

VIA E-MAIL: bcornelius@wadetrim.com

Mr. Brad Cornelius
Wade Trim
One Tampa City Center
201 N. Franklin Street, Suite 1350
Tampa, Florida 33602

RE: Windermere Elementary School sign

Dear Mr. Cornelius,

As we discussed, attached is the agent authorization and related materials in order to request a variance for the Windermere Elementary School electronic sign. Please accept this letter as OCPS's formal request to initiate a variance request from Article VIII - Signs, Section 8, of the Town's Land Development Code ("LDC"). This request is being submitted by The School Board of Orange County, Florida in conjunction with Ms. CT Allen.

The variance is being requested from the following applicable Sections of the LDC:

- 1) Section 8.05.01 Sign area. When two sign faces are placed back to back and the faces are at no point more than 4-inches apart, the area of the sign shall be taken at 66% of the sum of the two faces. The area of a ground sign shall not exceed 20 square feet.
 - a. Attached is a rendering with dimensions of the proposed sign. The height from the finished grade to the base of the supporting structure is 94" or 7.8 feet high, which is under the 8-foot requirement per Section 08.05.03 and is not included as part of this variance request.

However, the proposed sign is two-sided. As shown in the rendering, the copy area on each side is 37.8" H x 68" L or 17.85 square feet per side, for a total of 35.70 square feet on both sides. Applying the factor of 66%, the total copy area is 29.63 square feet. This application requests a 9.63 square foot variance from this provision.

2) Section 08.02.02 Specifically. The following signs are expressly prohibited – Signs that are internally lit or with visibly luminary, as well as signs with lights or illuminations that flash or flicker, neon lighting emitting diode, and fiber optic signs.

a. This application requests a variance from this section regarding illumination since the proposed sign is an illuminated LED marquee.

I am available to meet at a time convenient to you or other staff should you wish to review any of these materials in person.

Thank you for your assistance in this matter.

If you have any questions, please contact me at 407-317-3700 ext. 2022391 or via e-mail at jamie.diluzioboerger@ocps.net.

Sincerely,



**Jamie Boerger, AICP, LEED AP
Administrator
Facilities Planning**

cc: CT Allen (via e-mail)
Robert Smith, Town Manager, Town of Windermere (via e-mail)
Laura Kelly, OCPS (via e-mail)

72" L

94" H

54" H

 WINDERMERE
ELEMENTARY SCHOOL 

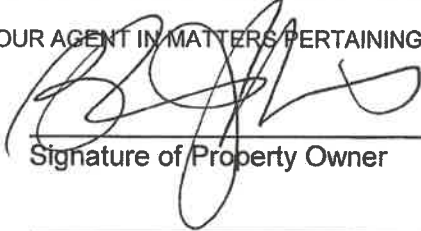
LED VIDEO MESSAGE
CENTER
VIEWABLE AREA:
37.8H X 68L



AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Barbara M. Jenkins, Ed.D., Superintendent, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 11125 Park Avenue, Windermere, Florida 34786, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Jamie Boerger, AICP, Orange County Public Schools, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Variance application through the Town of Windermere for the Windermere Elementary School sign, AND CT Allen acting as applicant 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: 5/8/19


Signature of Property Owner

Barbara Jenkins
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 8th day of MAY, 2019 by Barbara Jenkins He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 8th day of MAY, in the year 2019.



Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: _____



Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #: 07-23-28-5616-00-012
LEGAL DESCRIPTION: See attached page



7525 Currency Drive, Orlando, FL 32809
 TEL: 407-999-2215 WEB: www.DragonFireIndustries.com
 FAX: 407-999-0177 EMAIL: Tim@DragonFireIndustries.com

QUOTATION

Date: 2-5-18

Name:	Amy Diederich		
Company:	Windermere ES-OCPS		
Address:			
City, State Zip:			
Phone:		Fax:	Email:

Windermere ES Digital Marquee

Item Description Includes Install	Qty	Unit Cost	Total
Standard Digital Marquee 3' x 8' EMC and new cabinet as per OCPS specs installed between existing brick columns	1	\$19,896.00	\$19,896.00
Remove old sign and dispose	9.0 hours	\$75.00	\$675.00
Electrical run additional power/circuits from electrical room (Semco)	10%	\$9,975.28	\$10,972.81
Labor for programming antennas and hook up to school WiFi	6.5 hours	\$75.00	\$487.00

THANK YOU FOR THIS OPPORTUNITY

All invoices are payable upon receipt. A service charge of 2% per month will be charge on balances unpaid after 30 days. There is a \$30 charge on all returned checks. Once a deposit is made and production commences, the deposit amount is non-refundable. Once the layout is approved for production, any subsequent changes will be at an additional charge. All art work created remains our exclusive property and is not eligible for distribution in any form. Until the order balance is paid in full, all signs and related materials remain the property of DragonFire Industries, Inc. and may be removed or uninstalled in the event of non-payment. When a product is picked up by you or your agent, it is understood that it is acceptable "as is" and should any subsequent changes be deemed necessary, it will be at an additional charge. The prevailing party in any action brought to enforce the terms and provisions of this agreement shall be entitled to recover its reasonable attorney fees and court costs. The exclusive venue shall lie in Orange County, Florida.

Subtotal	\$32,030.81
Sales Tax (6.5%)	
Total	\$32,030.81

SEMCO ELECTRIC COMPANY
Vendor #125506

Prepared by: Kishor Pherwani
 kishor@semcoelectric.com
 407-749-2622

Windermere Elementary School ; Power to new sign

1. Install (1) HV contactor controlled by new timer
2. Install (1) Transformer and panel for sign
3. Install new (1") conduit underground including excavation & directional bore under driveway
4. Install (3) new circuits 120V/20A for new marquee sign
5. Install (1) new surge arrester

Bid Item #	Bid Item Description	Unit	Estimated Qty	Unit Price	Extended Price
	Furnish & install PVC conduit sch 40, 1" diameter, , incl 2 terminations, support, and couplings .	L.F.	100	2.20	220.00
	Furnish & install EMT metallic conduit, 1" diameter, , incl 2 terminations, support, and couplings .	L.F.	20	2.80	56.00
	Install 10/2 Metal-Clad Cable w/ground including connectors and termination of cable an	L.F.	150	3.00	450.00
	Labor cost to pull 4 of #12 cu wire into empty conduit length in Linear Foot	L.F.	20	1.50	30.00
	Labor cost to pull 4 of #10 cu wire into empty conduit length in Linear Foot	L.F.	300	1.80	540.00
	Install S.P. circuit breaker in panel (Square D or equivalent)*****	Ea.	3	25.00	75.00

\$1,371.00

Qty	Non Bid Item Description	Unit	Bare Mat +5% mark up	Bare Labor \$35/Hour	Total
1	Loadcenter, 1Ph, 125A, mainbreaker, N3R, 6 space	Ea.	533.13	155.25	\$688.38
1	Transformer, 3kVA, 1Ph, 480VAC Pri / 120B/208V Sec, N3R	Ea.	777.75	187.42	\$965.17
1	Disconnect, 600VAC, 1Ph, 30A, N3R	Ea.	239.59	86.55	\$326.14
1	Square D 2P / 20A / 480V breaker	Ea.	864.73	322.50	\$987.23
1	Ground rod 5/8" x 10', copper clad	Ea.	43.17	124.75	\$167.92
1	Ground rod clamps	Ea.	38.19	54.15	\$92.34
1	Timer, electromechanical, 277VAC DPDT	Ea.	355.05	190.45	\$545.50
1	Surge arrester, 1Ph, 120/208VAC	Ea.	513.00	281.15	\$794.15
4	PVC conduit fittings incl. conduit-body, elbows, adaptors & fittings	C.L.F	18.52	44.60	\$63.12
9	Wire, copper, stranded, 600 volt, #10, type THWN-THHN, in raceway	C.L.F	421.19	219.15	\$640.34
2	Wire, copper, stranded, 600 volt, #12, type THWN-THHN, in raceway	C.L.F	70.56	43.50	\$114.06
1	Weatherproof box, metallic, 2G	Ea.	36.62	61.50	\$98.12
1	While-in-use cover, weatherproof box, 2G	Ea.	12.58	32.50	\$45.08
1	Switch, toggle, 2P, 20A	Ea.	18.18	25.75	\$43.93
100	Excavate trench to maximum depth of 36" in soft soil incl. backfill to grade	L.F	0.00	350.00	\$350.00
1	Directional drilling underground including GPR borepath	Ea.	2,683.80	0.00	\$2,683.80

Totals \$6,426.06 \$2,179.22 \$8,605.28

Total Bid \$9,976.28



WINDERMERE
ELEMENTARY SCHOOL



LED VIDEO MESSAGE
CENTER
VIEWABLE AREA:
37.8H X 68L



72" L

94" H

54" H


WINDERMERE
 ELEMENTARY SCHOOL



LED VIDEO MESSAGE
 CENTER
 VIEWABLE AREA:
 37.8H X 68L

To whom it may concern:

Hello, my name is CT Allen, and I am a past parent of Windermere Elementary School and a resident of the Town of Windermere.

I am advocating on behalf of the faculty and parents of Windermere Elementary for the school to receive a new LED informational sign.

8 years ago, a parent driven initiative to create a Tech Fund at the school was established, the Mustang Education Fund (MEF). Within these past years, the MEF has raised and put back into the school several hundreds of thousands of dollars to create a state-of-the-art curriculum and environment for the students to get a jump on 21st century learning, which we all know is technology driven.

Using no tax payer dollars, the parents have purchased over 300 iPad, laptops, Chromebooks, and iMacs; created a state-of-the-art Newsroom with production capabilities, refurbished the science room with state of the art lab desks, microscopes and stem kits, added 3-D printers, sent numerous teachers and faculty to training seminars to be able to embrace the new technology.

These are a sampling of some of the projects that have been accomplished. These were also the tangible items.

The non-tangible successes were the re-energized teachers with new teaching tools. Students' excitement at being able to use an iPad or a laptop for the first time. The amazement in 1st graders eyes watching something come to life in 3-D that they drew. Science being taught at a whole new level with exciting experiments and the whole class seeing through a microscope what the teacher is looking at. New clubs that were established because of this new excitement and technology, such as the Tech Club that now produces all the videos the school needs for special occasions and the News Crew producing a morning show. It is these non-tangibles that we as parents were aiming for.

The infrastructure goal is now complete.

Now we need the outside of the building to reflect what is on the inside, which is a state-of-the-art technological learning facility in our neighborhood and available for our children.

Late last year a \$20,000 landscaping project was completed by dollars from Windermere Wine & Dine.

The last piece of the puzzle is a new sign. A sign that will reflect the advancements made on the inside. This sign will be on OCPS property in the current location of the existing sign and fit into the iconic brick pillars visible to cars coming and leaving the school. The school will have the capability to dim and turn off the sign at programmable times. The sign was designed to enhance information getting to our parents, and to not have an impact on our surrounding neighbors. And...it will be completely paid for by the Mustang Education Fund, not taxpayer dollars.

Windermere Elementary School is a cornerstone of our Town and Community. It is where most of our children start their education and become excited about learning.

This sign request is coming from Administrators, Faculty, and Parents.
We are hoping that you will also see its value.

CT Allen
Founder MEF, Parent, Resident, Chair/Founder Windermere Wine & Dine
305 Palm Street, Windermere FL 34786
407-832-3596