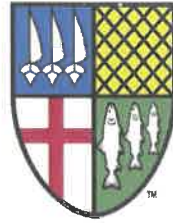


THE TOWN OF  
**Windermere**



**Development Review Board**

**Norma Sutton**

**William Yeager**

**Stephen Withers**

**Frank Chase**

**Jennifer Roper**

**Molly Rose**

**Peter Fleck**

**Council Liaison: Bill Martini**

*Agenda*

*Agenda*

**February 18, 2020**

**6:30 PM**

**WINDERMERE TOWN HALL**

**520 MAIN STREET.**

**WINDERMERE, FL 34786**

**PLEASE TURN OFF ALL CELL PHONES AND PAGERS**

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

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

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. January 21, 2020 Board Meeting Minutes (Attachments-Board Option)

b. GENERAL ITEMS FOR CONSIDERATION

- i. Z20-04 - 40 Main Street: Variance to allow pool construction less than 50 feet from normal high-water elevation.
- ii. Temporary Town Facilities

3. **ADJOURN:**

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# TOWN OF WINDERMERE

## Development Review Board Meeting Minutes

January 21, 2020

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

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

### 1. OPEN FORUM/PUBLIC COMMENTS:

No public comments were made.

### 2. NEW BUSINESS:

#### a. MINUTES:

##### i. December 17, 2019 Meeting Minutes

Member Rose made a motion to approve the December 17, 2019 meeting minutes. Member Roper seconded the motion. All were in favor.

#### b. GENERAL ITEMS FOR CONSIDERATION:

##### i. Z20-03: 1108 Main Street – William Stratton – Variance to allow an expansion of more than 10% of the existing gross floor area (request is for 161% increase) to an existing non-conforming home.

Chair Chase introduced this item. He then turned the floor over to Mr. Brad Cornelius. Mr. Cornelius reviewed the request. He stated that the owners would like to build an addition on their property. Mr. Cornelius explained that the current home is non-conforming as it has a 10' (ten foot) side setback to the south side of the property line instead of 15' (fifteen feet) that is required. He further explained that the proposed addition would be approximately 6,562 square feet, which would be an increase of 161%. Mr. Cornelius stated that the expansion will be made on the north side of the property. He further stated that the proposed addition will meet all zoning requirements. Mr. Cornelius explained that 41 notices were sent out. Eight were received in favor and one in objection. Discussion by the Board began. Member Rose questioned if the existing home will be modified after the new addition is built. Owner William Stratton of 1108 Main Street introduced himself. He then explained that the addition is needed due to family. Mr. Stratton commented that the existing home will be renovated after the addition is complete. Mr. Stratton's daughter, Mary commented on drainage issues with the lot and the proposed elevation. After some discussion was made, Member Rose made a motion to recommend approval of the variance request. Member Fleck seconded the motion. Member Sutton questioned the purpose of the Code restricting to the 10%. Member Rose explained that older homes were being torn down, leaving one wall for the grandfathered protection to be in place. After discussion was complete, all were in favor.

**TOWN OF WINDERMERE**

**Development Review Board  
Meeting Minutes**

**January 21, 2020**

**4. ADJOURN:**

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

The meeting adjourned at 6:48pm.

---

Dorothy Burkhalter, Town Clerk

---

Frank Chase, Chair

DRAFT

# 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 February 18, 2020

### Town Council March 10, 2020

**Case No.:** Z20-04

**Applicant/Representative:** Matt and Lindsey Tomaszewski

**Property Owners:** Matt and Lindsey Tomaszewski

**Requested Action:** Variance to allow a setback of less than 50 feet from the Normal High Water Elevation (NHWE) line. The applicant is requesting a minimum setback of 30 feet from the NHWE.

**Property Address:** 40 Main Street Windermere, FL 34786

**Legal Description:** THE SOUTHERLY 10 FEET OF LOT 4, ALL OF LOT 5 AND THE NORTH ONE HALF OF LOT 6, REPLAT OF LOT LOTS 3 THROUGH 13 INC. AND LOTS 18 THROUGH 26 INC., LAKE BUTLER PARK ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK R, PAGE 39, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

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

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

#### Surrounding Future Land Use/Zoning

<b>North:</b>	Residential/Residential	<b>East:</b>	Residential/Residential
<b>South:</b>	Residential/Residential	<b>West:</b>	Lake

## **CASE SUMMARY:**

The applicants state that they were under the impression from their realtor that they would be able to construct a pool at their property before they bought their home. When they applied for the permit to construct the pool, they realized that they were in fact not able to construct a pool because a pool would not fit in their yard and still meet the required 50-foot setback from the Normal High Water Elevation (NHWE) line. The subject property lakefront is curved and limits the placement of a pool in the rear yard. The placement of the proposed pool is consistent with the other required setbacks (10 feet from side property line for pool/5 feet for deck) and for the maximum allowed impervious surface for the property. In addition, at the time of permitting, the applicant will be required to also provide an engineered stormwater retention plan for the property as required by the Town code.

The applicants are requesting a variance to construct a pool and deck in their rear yard with the closest setback from the NHWE line being 30 feet.

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

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

## **CASE ANALYSIS:**

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

1. The need for the variance arises out of the physical surroundings, shape, topographical condition or other physical or environmental conditions that are unique to the subject property. Variances should be granted for conditions peculiar to the property and not the result of actions of the property owner;
2. There are practical or economic difficulties in carrying out the strict letter of the regulation;
3. The variance request is not based exclusively upon a desire to reduce the cost of developing the site;
4. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazard to the public;

5. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site;
6. The effect of the proposed variance is in harmony with the general intent of this Land Development Code and the specific intent of the relevant subject areas of this Land Development Code; and
7. The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.

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

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

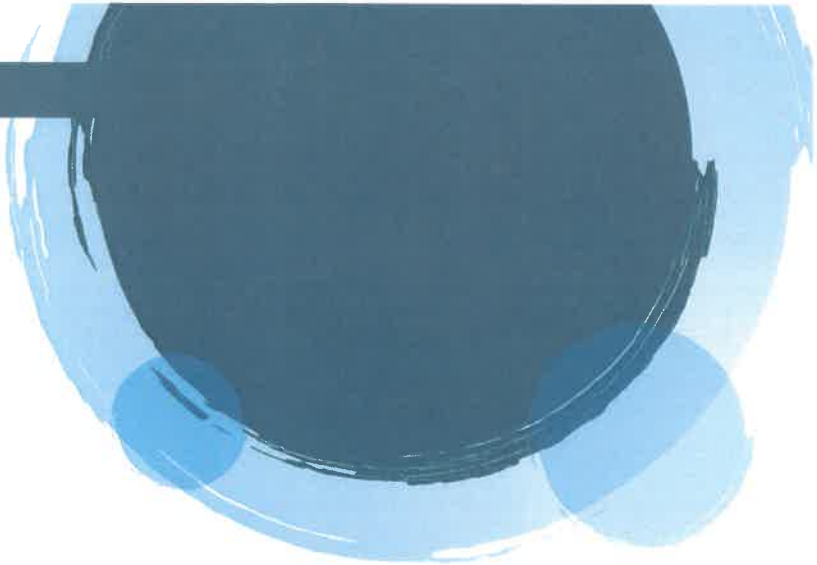

Section 10.02.02(c) of the LDC allows the imposition of conditions and restrictions as may be necessary to allow a positive finding to be made on any of the variance standards to minimize the negative effect of the variance. The conditions and restrictions should further the interest of the LDC.

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

1. The property was purchased by the family with the understanding that they would be able to construct a pool.
2. The odd shape of the lot does not allow for conformance with the 50 foot setback requirement.

**PUBLIC NOTICE:**

Public notices were mailed to property owners within 500 feet of the subject property (43 notices sent). As of February 11, 2020, five (5) responses were returned in support and one (1) response was returned in objection. An update to any responses received after February 11, 2020, will be provided at the DRB meeting.



Matt and Lindsey Tomaszewski  
40 Main Street Windermere, FL 34786  
407-719-5956  
[Matt@prpfl.com](mailto:Matt@prpfl.com)

**Town of Windermere: Variance Request**  
Town of Windermere  
Windermere, Florida 34786

Dear Mrs. Dorothy Burkhalter,

My wife, son and I purchased our beautiful dream lakefront home in downtown Windermere back in September of 2019. During the inspection period we did have a survey complete for the normal high waterline, which according to our pool builder, showed we could build a pool and still be within the fifty foot set back from the high waterline. We have one beautiful baby son who is 1.5 years, and are looking to expand our family in the near future. With Florida summers being so hot and rambunctious children at play, we felt that a family pool was essential. The findings of the survey during our inspection period gave us confidence that we would be able to build a family pool and ultimately made us move forward with the purchase of the home of our dream.

Fast forward a few short weeks after closing when we submitted our pool design for review with the Town and quickly our dreams were shattered as we learned the lot does not meet the setback requirements which we were told was a 50 foot radius from the normal high waterline. With this new information learned we realized we could no longer build our family pool and our dream home had a large piece of the pie now missing.

After learning we could apply for a variance that would allow us to still build our family pool, our hopes came back that we could stay in this home forever. Where we feel the hardship applies is that the north side of the property totals 196 feet of the property line and the south side has 121 feet, with the odd shape of the lot and the requirement of the Town's 50 feet radius setback the pool cannot conform to the lot. If the measurements were taken on a straight line the plans submitted for the pool would comply with the setback requirements. We ask from the bottom of our hearts to grant this variance which would allow us to move forward with our family pool and complete the home of our dreams to raise our growing family!

Warm regards,

**Matt and Lindsey Tomaszewski**

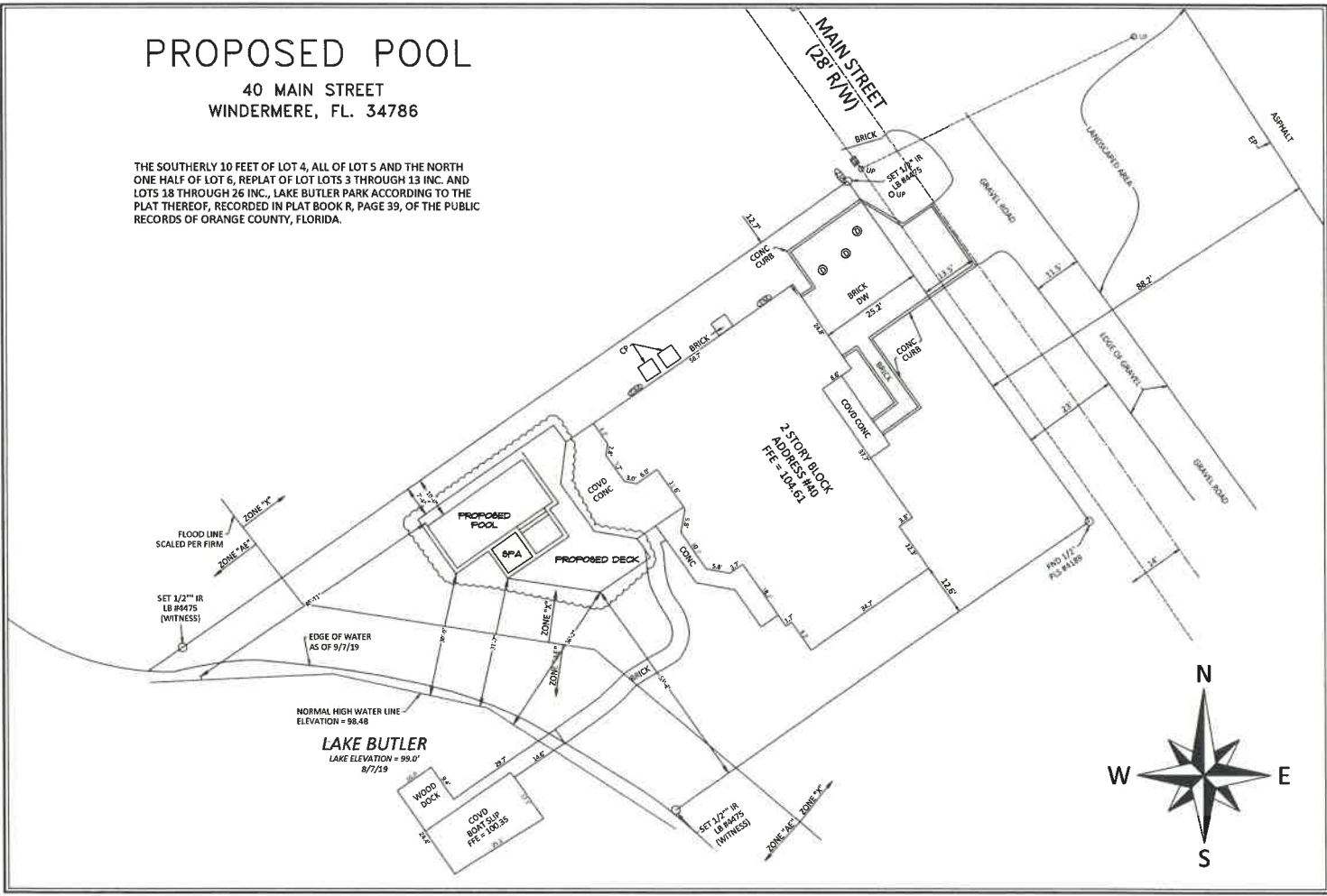




# PROPOSED POOL

40 MAIN STREET  
WINDERMERE, FL. 34786

THE SOUTHERLY 10 FEET OF LOT 4, ALL OF LOT 5 AND THE NORTH ONE HALF OF LOT 6, REPLAT OF LOT LOTS 3 THROUGH 13 INC. AND LOTS 18 THROUGH 26 INC., LAKE BUTLER PARK ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK R, PAGE 39, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



<p><b>PROPOSED POOL PLOT PLAN</b></p>
<p><b>TOMASZEWSKI RESIDENCE</b> 40 MAIN ST WINDERMERE FL</p>



# Town of Windermere

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

Received  
FEB 03 2020

Wade Trim

Mayor  
JIM O'BRIEN



Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

January 27, 2020

DOS SANTOS MARCIO LIMA  
20 MAIN ST  
WINDERMERE, FL 34786

**RE: Public Notice of Variance Public Hearing for 40 Main Street. Z20-04**

Matt and Lindsey Tomaszewski, owners of 40 Main Street, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow for a 30-foot setback from the Normal High Water Elevation (NHWE) line. The Town's Code requires a 50-foot setback from the NHWE.

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 **February 14, 2020**.

This matter will be presented to the Development Review Board on **Tuesday, February 18, 2020 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, March 10, 2020 at 6:00 p.m.** in the Town Hall, located at 520 Main Street, Windermere. All meetings are open to the public and you are welcome to attend. Feel free to contact me if you have any questions.

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

---

**RECOMMEND - Z20-04 (40 Main Street)**

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

COMMENTS: OUR FAMILY IS HOPING THAT EVERYTHING GOES  
VERY WELL.

SIGNATURE: [Signature] DATE: 01/29/2020

DOS SANTOS MARCIO LIMA

RECOMMEND - Z20-04 (40 Main Street)

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

COMMENTS: they can Build Closer to  
their house. Lake Butler needs all  
the protection it can get.

SIGNATURE: [Signature] DATE: 1.31.20

HIGGINS DANIEL J

Received  
FEB 06 2020  
Wade Trim

RECOMMEND - Z20-04 (40 Main Street)

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

COMMENTS: Enjoy your Pool.

SIGNATURE: A Pearce. DATE: \_\_\_\_\_

PEARCE ANTHONY 78 Forest Street, Windemere K.

Received  
FEB 04 2020  
Wade Trim

# Town of Windermere

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

Received

FEB 05 2020

Wade Trim

Mayor  
JIM O'BRIEN



Town Manager  
ROBERT SMITH

Clerk  
DOROTHY BURKHALTER

January 27, 2020

HUDSON RONALD J  
14 MAIN ST  
WINDERMERE, FL 34786

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813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

**RECOMMEND – Z20-04 (40 Main Street)**

APPROVAL:  DISAPPROVAL

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

\_\_\_\_\_

SIGNATURE:  DATE: 2/3/20

HUDSON RONALD J

Received

FEB 07 2020

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

January 27, 2020

TILGHMAN KELLY A  
58 MAIN ST  
WINDERMERE, FL 34786

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Encl.

---

**RECOMMEND – Z20-04 (40 Main Street)**

APPROVAL:  DISAPPROVAL

COMMENTS: *I am not familiar with why we have a 50' setback for the lakes but I trust the board will make the right call. I know how great it is to have a pool.*

SIGNATURE: *Kelly* DATE: *2/3/20*

TILGHMAN KELLY 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 BURKH

Received  
FEB 04 2020

Wade Trim

January 27, 2020

RUBIO LINDA C  
8 MAIN ST  
WINDERMERE, FL 34786

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Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

**RECOMMEND – Z20-04 (40 Main Street)**

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

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

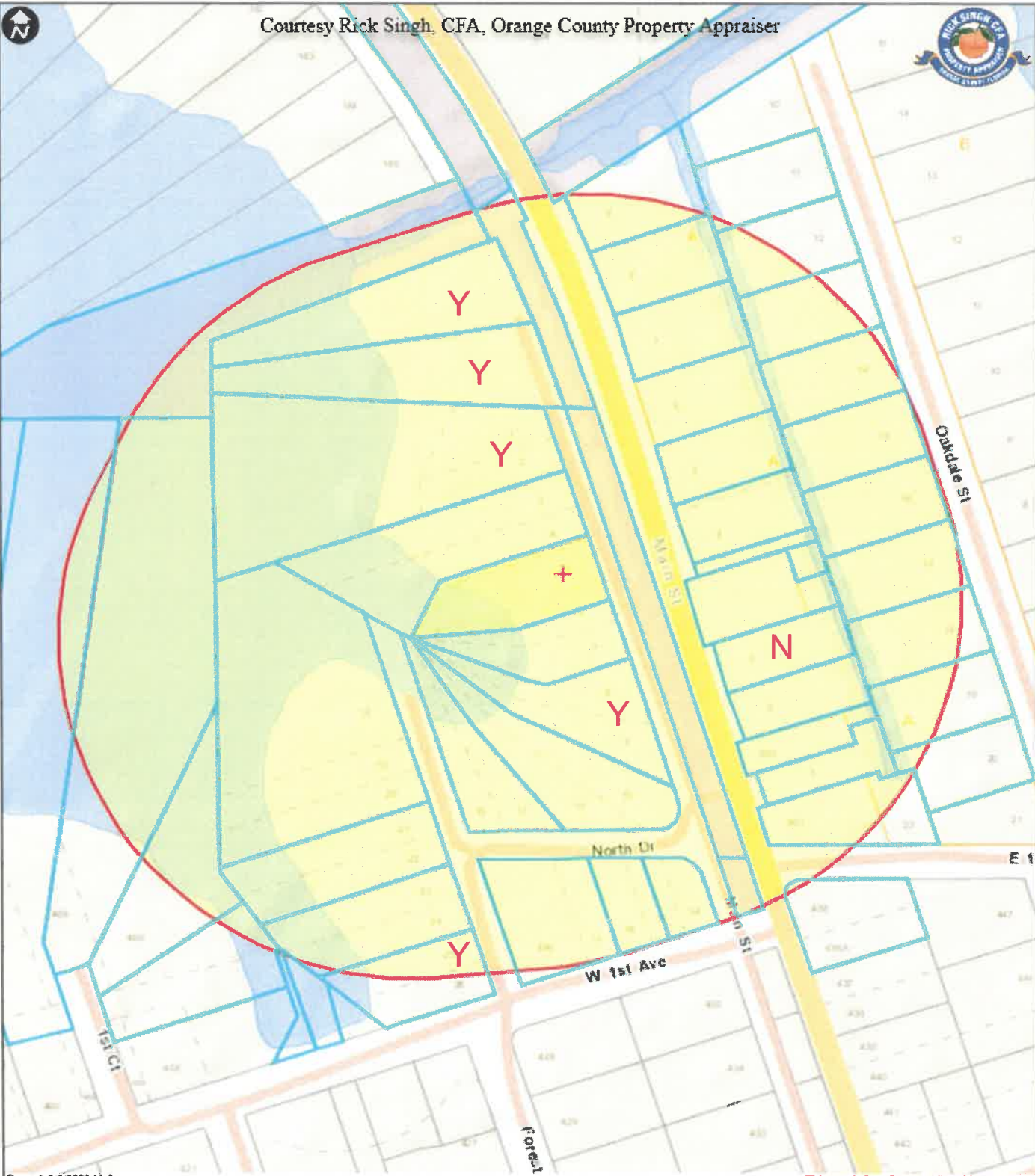
SIGNATURE: Linda C. Rubio DATE: Jan 30 2020

RUBIO LINDA C

OCPA Web Map

	Major Roads		Proposed Road		Block Line		Commercial/Institutional		Hydro		Golf Course
	Florida Turnpike		Public Roads		Lot Line		Governmental/Institutional/Misc.		Waste Land		Lakes and Rivers
	Interstate 4		Gated Roads		Residential		Commercial/Industrial/Vacant Land		County Boundary		Building
	Toll Road		Road Under Construction		Agriculture		Agricultural Curtilage		Parks		Hospital
	Brick Road		Rail Road								

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 2/3/2020 11:0

This map is for reference only and is not a survey



# 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: February 12, 2020

RE: Temporary Town Facilities Plan

The Town is in the process of moving forward with the construction of the new Town Administration facilities. In order to facilitate the demolition of the existing Town Administration facilities and construction of the new Town Administration facilities, it is necessary for the Town to install temporary facilities for its operation.

At the Town Council meeting on February 11, 2020, the Town Council reviewed the proposed temporary facility plan and approved the plan to move forward with review by the Development Review Board (DRB). The purpose of the review by the DRB is to identify any concerns or recommendations regarding the proposed temporary facility plan. After the DRB review, the temporary facility plan will go back to Town Council for final approval.

Please note this is a temporary facility. Appropriate buffering and other permanent improvements will be incorporated as part of the plan for the new permanent Town Administration facilities.

For the DRB's information and review, attached is the agenda item presented to Town Council on February 11, 2020.



southern most lot on the corner of 7<sup>th</sup> and Main. The temporary facilities for Public works will be coordinated with the Contractors site office during the construction phase.

**Recommendation**

Staff recommends Town Council approve the preliminary site plan. The plan will then be submitted to DRB on 2/18/2020 for review, comment and recommendation. DRB will provide recommendation to Town Council with the goal of final Town Council approval in the March 10, 2020 Council meeting.

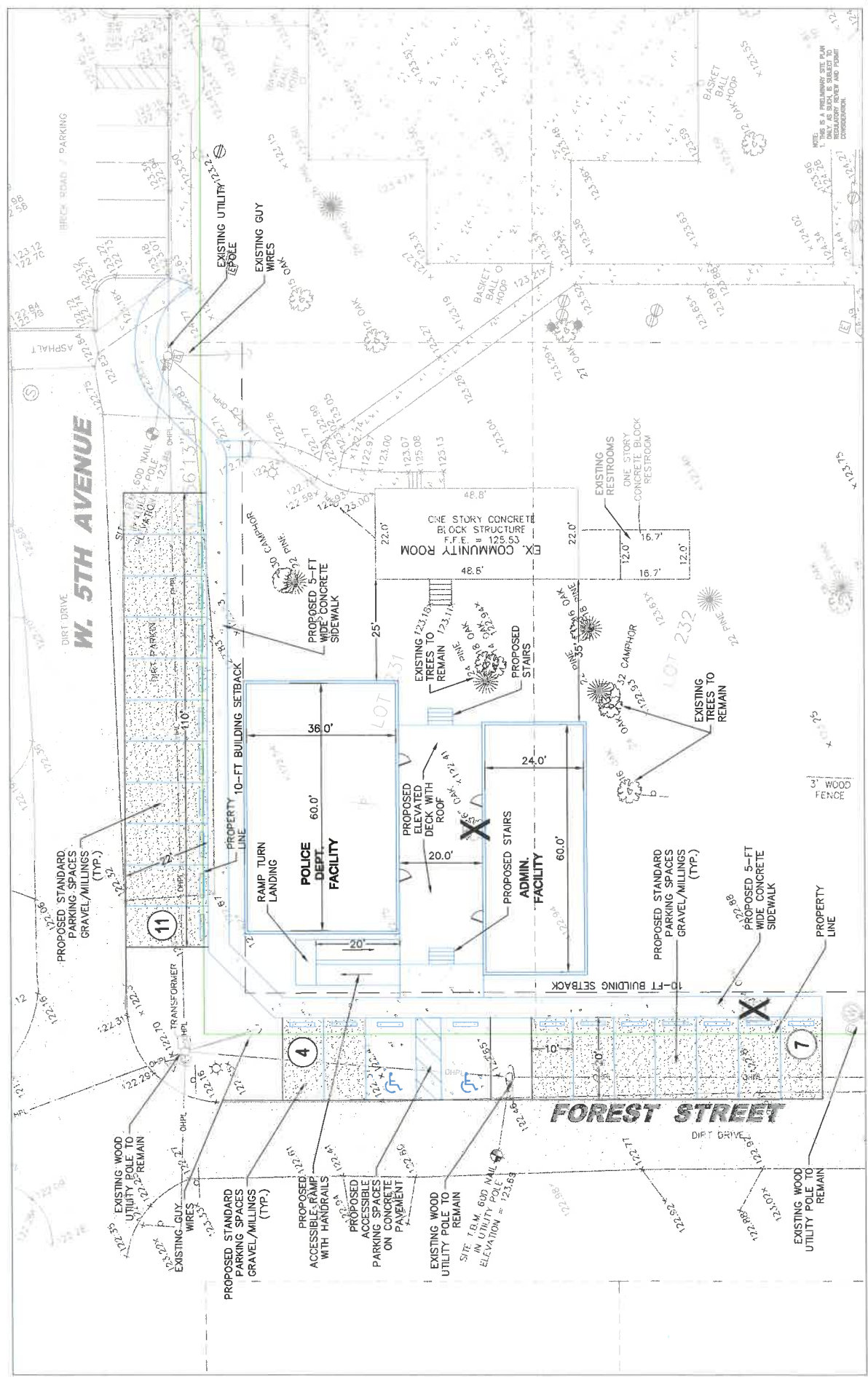


**SP-2**

**CONCEPTUAL SITE PLAN**

1/27/2020 - CONTACT: MIKE WOODWARD, P.E. - (407) 888-1511

**Temporary Facilities**  
CITY OF WINDERMERE, FL



X:\17\170\04818005-Temporary Facilities\Final\CONCEPT-2.dwg