

THE TOWN OF
Windermere



Agenda

Development Review Board

Norma Sutton
Stephen Withers
Frank Chase
Jennifer Roper
Molly Rose
Peter Fleck

Council Liaison: Bill Martini

Agenda

September 15, 2020
6:30 PM

VIRTUAL MEETING

Join Zoom Meeting

[https://zoom.us/j/98578813008?pwd=VkVlcll0b0xBUGMwM2pQU0VVWGdpUT
09](https://zoom.us/j/98578813008?pwd=VkVlcll0b0xBUGMwM2pQU0VVWGdpUT09)

Meeting ID: 985 7881 3008

Passcode: 348422

One tap mobile

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Dial by your location

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Meeting ID: 985 7881 3008

Find your local number: <https://zoom.us/j/abjJ4r3aYg>

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):

- a. **Please email dburkhalter@town.windermere.fl.us prior to 5pm EST September 14, 2020**
- b. **At meeting, please open chat box and add name address and issue to discuss**

2. NEW BUSINESS

a. MINUTES

- i. **August 18, 2020 Board Meeting Minutes (Attachments-Board Option)**

b. GENERAL ITEMS FOR CONSIDERATION

- i. **Z20-12: 1221 Oakdale Street - DR Developments, LLC - Variance to allow a 15-foot front yard setback and 10-foot side yard setback for a noncontiguous corner lot. (Attachments-Board Option)**

- ii. **Z20-13: 12037 Lake Butler Boulevard - Chuck Tompkins - Variance to allow the placement of a generator in the front yard of a corner lot. (Attachments-Board Option)**

c. MEMBERSHIP APPLICATIONS:

- i. **Irma Yapor (Attachment-Board Option)**
- ii. **Roger Heinz (Attachment-Board Option)**

3. ADJOURN:

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Development Review Board Meeting Minutes

August 18, 2020

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

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

1. OPEN FORUM/PUBLIC COMMENTS:

Manager Smith commented on public that had submitted comments as well as signed up to speak. Chair Chase opened the floor to the public. First to speak was Mr. Frank Krens of 727 Forest Street. He questioned the operating rules for the Micro-Brewery. Manager Smith stated that discussion regarding rules and operation will take place in the future. Mr. Krens then stated he is in favor of the Brewery. Mr. Jonathan Huels and Mrs. Brandi Haines deferred until later items on the agenda are heard.

2. NEW BUSINESS:

a. MINUTES:

i. July 21, 2020 Meeting Minutes

Member Roper stated that the Pledge was not done prior to the last meeting as stated in the minutes. Chair Chase also clarified that he abstained due to his mother's property being "directly adjacent to the request," instead of across the street. With the clarifications, Member Rose made a motion to approve the minutes with the corrections. Member Roper seconded the motion. All were in favor. Chair Chase read his Form 8B into the record.

b. GENERAL ITEMS FOR CONSIDERATION:

i. Z19-11: 11W 5th Avenue - Owner 111 5th Ave, LLC – Request for Conditional Use Approval for Micro-Brewery and Taproom

Manager Smith stated that Member Fleck did speak with him regarding a possible conflict with work he performed on Mr. Ata's dock. He further stated that after discussion and review, there is not a conflict with Member Fleck voting on this item. The floor was then turned over to Mr. Brad Cornelius, Town Planner. Mr. Cornelius explained that there are two separate hearings regarding 111 W 5th Avenue. One for the Conditional Use and the other for the Major Development approval for commercial development. He then stated that the conditional use to allow alcohol can be rescinded by provisions in the Code. Mr. Cornelius then commented on the standards. He further commented on the production output, operation of the micro-brewery, on-site operation, proposed hours, deliveries, shared-use dumpster, parking and traffic, noise/live entertainment, and public responses received. Mr. Cornelius completed his presentation and turned the floor over to Mr. Andrew McGhee. Mr. McGhee, resident and co-founder of Windermere Brewery introduced himself and Dr. Joseph Ata. He then gave a presentation regarding the proposed Conditional Use and a Micro-Brewery. He then commented on micro-breweries/taprooms, product output, adults/minors, sales on-site/off-site, odors and control, flexible operating hours, entertainment noise, smoking prohibition, deliveries/pick-ups, waste water upcycling, production of non-

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alcoholic beverages, server safety training, ride share services, alcohol off-site/only within approved boundaries, and traffic and parking. Discussion from board member followed regarding; minors, water drainage into septic, dedicated septic system, zoning type, close of business by 10:00pm, upcycling for irrigation, outdoor seating/seating, entertainment/sound, and proximity from the winery and church/school. Chair Chase opened the floor to the public. First to speak was Ms. Brandi Haines of 836 Oakdale Street. She commented on the concerns for the immediate neighbors and operating hours. Mr. McGhee stated that the immediate neighbors have replied with approvals. Discussion with the Board began. Chair Chase stated that conditions could be placed in the motion. Member Roper questioned the number of seating. Mr. McGhee explained the number will be set by the Health Department. Chair Chase stated his concerns as traffic, neighbors, and noise. Member Roper stated her concerns regarding the church, parking, and that patrons may leave and drive through the neighborhoods. Member Rose stated that the residential use does not make sense being surrounded by commercial and the church. Discussion followed. Member Rose stated that the Town Council needs to reduce the hours to 10:00pm. Member Fleck commented that as he has heard the clarifying information in the meeting, he would support the request. Comments regarding parking was made. Manager Smith reminded everyone that Dixie Cream closes at 2:00pm. Member Rose made a motion to recommend approval of the Conditional Use request with the restriction of operating hours no later than 10:00pm on any day. Member Fleck seconded the motion. Voting was as follows: Rose – aye, Roper – no, Chase – no, Fleck – aye. Motion ended in a tie vote. Manager Smith stated that this item will go before the Town Council on September 8th.

ii. Z20-07: 111 W 5th Avenue – Owner 111 5th Ave, LLC – Request for Major Development Approval for Commercial Development

Chair Chase turned the floor over to Mr. Cornelius. Mr. Cornelius introduced this item. He then stated that the Town Council placed a condition on the past approval. Mr. Cornelius explained that the condition was that when a request for the Major Development came in, the development would need to go through the review process. He then reviewed the process and introduced the request. Mr. Cornelius explained that the analysis being presented is based on the micro-brewery. He also commented on the Design standards and how some may not comply with the proposed. Mr. Cornelius then commented on the site plan, square footage, setbacks, septic, traffic, parking, landscape plan, building elevations, renderings, and dumpsters. He then turned the floor over to Mr. McGhee. Mr. McGhee stated that he wanted to clarify that this approval is not contingent to the Brewery. Mr. Cornelius stated that he agreed that the approval is not for the Brewery. Member Roper questioned the distance for loading/unloading and the handicapped parking space. Mr. Cornelius stated that there are no concerns with the parking space. Member Roper questioned if the Floor Area Ratio is met. Mr. Cornelius stated yes. Member Roper questioned the septic system. Mr. Cornelius stated that any changes to the existing septic would need approval from the County. Member Rose stated that the septic will be based on the type of business that goes in. Member Rose made a motion to recommend approval of the Major Development Approval for Commercial Development request. Member Roper seconded the motion for discussion. Member Roper stated that in the packet it states that the proposed use is under separate review this approval does not bind anything to the conditional use. Mr. Cornelius agreed. Member Roper clarified that it is a redevelopment plan of a commercial building. She then commented on the need for the landscaped buffering. Some discussion followed. Member Roper stated she would like to include in the motion that the landscape buffering continues down the entire west side of the fence. Member Roper amended

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the motion to include that the entire westside of the fence be buffered with landscaping. Member Rose was friendly to the amendment. Member Fleck commented on security concerns with adding more landscaping. Chair Chase agreed with Member Fleck. Member Roper withdrew her amendment to the motion. Member Rose was friendly to the removal. Roll call vote was as follows: Rose – aye, Chase – aye, Roper – aye and Fleck – aye. Motion carried 4-0.

A recess was called at 8:29pm. The meeting was called back to order at 8:38pm

iii. Z20-10: 826 Oakdale Street – Owner Will and Anna Headley – Request for Variance to Allow a Floor Area Ratio of 51.1% and Impervious Area Ratio of 48.4%

Chair Chase turned the floor over to Mr. Cornelius. Mr. Cornelius reviewed the variance request which is to allow a bathroom addition to the back of the home. He then explained that the home was originally built in 2005/2006, permitted through Orange County. Mr. Cornelius stated that the FAR would increase to 51.1% instead of 38% allowed by code. He then stated that the pervious is currently 47.9% and with the addition it will be 48.4% which code is maximum of 45%. Mr. Cornelius stated that the existing site is non-conforming which is why this is before the Board. Mrs. Anna Headley, owner/resident of 826 Oakdale Street introduced herself. She then explained that she is requesting the variance to add an outdoor bathroom near the pool. Mrs. Headley stated she has two small children that is causing the need for the addition of the bathroom. Mr. Headley stated that the bathroom would not be visible to the neighbors or the road. Mr. Cornelius stated that all responses received were in favor except one. He explained the negative comment was related to a general stormwater issue in the area. Manager Smith stated that there is a stormwater issue in the area, however, the town will be working that area and the homeowner should not be penalized for the Town's issue. Mrs. Brandi Haines of 836 Oakdale Street stated she's not in opposition/favor as long as there is stormwater retention being done. Member Rose questioned if any existing concrete could be removed. Member Roper requested a site plan to show the concrete and retention. Discussion followed regarding pervious/impervious, berms/swales, offsetting the increase, and possible underground retention. Mr. Cornelius stated that the owners have enough space for aboveground retention. Further discussion ensued. Member Fleck made a motion to recommend approval of the site conditional an Engineer creating compensating storage to mitigate the impervious amount that's over code. Mr. Cornelius suggested stating the entire lot as a whole. Motion died for lack of a second. Further discussion followed regarding stormwater storage/runoff and pervious/impervious. Member Fleck made a motion to recommend approval with the condition that the owners provide engineered stormwater plans to accommodate for all impervious on site. Member Rose seconded the motion. Roll call vote was as follows: Rose – aye, Chase – aye, Roper – aye, and Fleck – aye. Motion carried 4-0.

iv. Z20-11: 11214 Lake Butler Boulevard – Owner Lewis and Janet Ashenheim – Request for Variance to Allow a 1,474 square foot addition to a Non-Conforming Detached Garage with a Guest Suite.

Chair Chase introduced this item. Manager Smith reiterated his comment from earlier in the meeting regarding a potential conflict with Member Fleck. As previously stated, there is no conflict. Mr. Cornelius introduced this request. He explained that the request is to enlarge the existing non-conforming detached garage that's in front of the home. Mr. Cornelius commented on two non-conforming issues. One

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being that the detached garage is non-conforming due to being in the front yard, per code allowed in side/rear yards. Number two, it doesn't meet the required set-back, currently 11 ½' from the side set back instead of the required of 14.2'. He then stated that the code restricts enlargement of non-conforming structures to no more than 10% of the floor area. Mr. Cornelius stated that the garage will double in size to allow for bedrooms and a bathroom, no kitchen. He then commented that 14 responses were received in favor and 2 in objection, 1 is an immediate neighbor who has signed in to speak. Mr. Cornelius stated that the addition will meet the setback requirement and be within the maximum FAR and ISR for the property. Member Roper questioned if the front setback would be met. Mr. Cornelius stated yes. Discussion followed regarding the requirements for an Accessory Structure and/or an Accessory Dwelling. Mrs. Ashenheim, owner of 11214 Lake Butler Blvd, introduced herself. She explained that there currently is a sink, coffee pot and a microwave in building. Mrs. Ashenheim stated that due to the large family, the extra space is needed. She then commented that all cooking takes place in the main home. Mrs. Ashenheim commented that this is their home and reassured that it would not be rented out. Member Roper questioned if the non-conforming was permitted. Mr. Cornelius stated yes, it has been permitted. Mr. Dirk Arace, home designer for Mr. and Mrs. Ashenheim, introduced himself. He then clarified the dwelling unit and the 45%, this request would apply for it. He then commented that due to the lot and pool, there is not another location for it. Member Rose stated that there is not a front setback issue. Mr. Arace commented on the total lot square footage. Chair Chase turned the floor over to Mr. Jonathan Huels, attorney for neighbor Mr. Shure. Mr. Jonathan Huels of Lowndes Law Group – 215 Lake Eola Drive Orlando, FL 32801, and representative for Mr. Shure introduced himself. He stated that after review of the request, Mr. Shure is in opposition to this request. Mr. Huels commented that the size of the request, the character of adding of bedrooms and a bathroom, and the proximity of this request is what's in opposition. He then reminded the Board that the burden is on the applicant to supply substantial evidence that the applicant meets all criteria for a variance. Mr. Huels further commented on the objection for Mr. Shure. A few being diminishing of property values, possible future of an AirBNB or rental, commented on Town's code regarding non-conforming structures, and future requests, application discrepancies, and an additional structure in the rear. Mrs. Ashenheim stated that the small structure in the rear was a child play house and has been removed. Some discussion followed. Member Fleck commented on the short-term rentals. Mr. Cornelius stated that the code prohibits rental of an accessory structure. Mr. Huels questioned if the Town wanted to be responsible for enforcing the no rentals. He then stated that he feels the burden has not been met. Mr. stated that variances are processed on a case by case basis, not precedent setting. Some discussion followed. Member Roper made a motion to deny the variance on the non-conforming building. Member Rose seconded the motion. Roll call vote was as follows: Roper – aye, Chase aye – Rose – no, and Fleck – no. Motion ended in a tie 2-2. Chair Chase stated that this item will be heard by the Town Council on September 8, 2020.

4. ADJOURN:

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

The meeting adjourned at 9:44pm.

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WITHERS STEPHEN EDWARD	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE DEVELOPMENT REVIEW BOARD
MAILING ADDRESS 712 MAIN ST	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY WINDERMERE ORANGE	NAME OF POLITICAL SUBDIVISION: TOWN OF WINDERMERE
DATE ON WHICH VOTE OCCURRED FEB 18, 2020	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME WITHERS STEPHEN EDWARD	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE DEVELOPMENT REVIEW BOARD
MAILING ADDRESS 712 MAIN ST	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY WINDERMERE ORANGE	NAME OF POLITICAL SUBDIVISION: TOWN OF WINDERMERE
DATE ON WHICH VOTE OCCURRED FEB 18, 2020	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

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* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, STEPHEN WITMERS, hereby disclose that on FEB 18, 2020, 20 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____ , by whom I am retained; or
- inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

• I AM A CONSULTANT TO TOWN FOR THE PROJECT CONCERNING THE VOTE,
 • PROJECT: TEMPORARY TOWN OFFICES.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Feb 19 2020

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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 September 15, 2020

Town Council October 13, 2020

Case No.: Z20-12

Applicant/Representative: Donn Sharpe, Davila Homes Construction

Property Owner: DR Developments, LLC (Thiago Davila)

Requested Action: Variance to allow for the north front setback on E 12th Ave. to be reduced from 25 feet to 15 feet and for the south side setback be reduced from 15 feet to 10 feet for a noncontiguous corner lot.

Property Address: 1221 Oakdale Street Windermere, FL 34786

Legal Description: PLAT OF WINDERMERE G/36 LOT 6 & N 20 FT OF LOT 5 & BEG NE COR LOT 6 RUN NELY ALONG PROJECTED N LINE OF LOT 6 TO E LINE OF SW1/4 OF NE1/4 S TO A PT OF PROJECTED LINE OF S LINE OF N 20 FT OF LOT 5 NLY TO POB

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

North: Residential/Residential
East: Lake Bessie
South: Residential/Residential
West: Residential/Residential

CASE SUMMARY:

The subject property is a noncontiguous corner lot. The minimum yard setbacks in residential zoning districts for noncontiguous corner are as follows: The front yard setback shall be 25 feet, the side yard setback shall be 15 feet and, if applicable, the rear yard setback shall be 35 feet. Because this is a corner lot, the subject property has two front yards. One front yard is along Oakdale Street, and the second front yard is along the undeveloped portion of E 12th Avenue. The applicant requests to allow for the north front setback on E 12th Avenue to be reduced from 25 feet to 15 feet and for the south side setback be reduced from 15 feet to 10 feet.

The subject property is 100 feet wide. If the subject lot was not a noncontiguous corner lot, then the applicable north and south side setback standard would be 12.5 feet, which is 2.5 feet greater than the 10 foot setback requested by the applicant on the southern property line, and 2.5 feet less than required by the applicant on the northern property line..

The portion of the E 12th Avenue ROW adjacent to the subject property is not developed and contains Town maintained stormwater facilities. See following pictures of the subject property and its relationship to E 12th Avenue.





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. “We are in need of this variance due to the unique circumstances of this lot being next to an unbuildable and unusable portion of 12th Avenue.”

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property (34 notices sent). As of September 8, 2020, 7 responses were returned, one (1) was in support, three (3) were in opposition, and two (2) were both in support and opposition.



8/11/20

TO: Dorothy Burkhalter, Town Clerk - Town of Windermere. Windermere, FL 34786

RE: 1221 Oakdale St Variance

To whom it may concern,

We are requesting a variance for 1221 Oakdale St. within the Town of Windermere, Florida for the side setback. We are requesting a variance on the northwestern side of the property along the unimproved street 'E. 12th Avenue'. This street, by the towns definition, treats this as a non-contiguous lot therefor the setback from 12th Avenue is 25'. We are requesting a reduced setback from 25' to 15' similar to the setback of a contiguous lot. We are also requesting a variance of the side setback on the interior lot line of 15' to 10'. We are in need of this variance due to the unique circumstances of this lot being next to an unbuildable and unusable portion of 12th Avenue.

Thank you,

Donn Sharpe | Director of Permitting
Davila Homes Construction
2211 W. Washington Street | Orlando, Florida 32805
P: 407.968.7195 xt 7000 | F: 407.237.3129
permitting@davilacustomhomes.com
www.davilacustomhomes.com

AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) THIAGO DAVILA, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 1221 Oakdale St. Windermere FL, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Donn Sharpe, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Variance and any related Permits, 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.

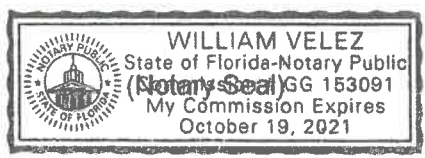
Date: 8-17-2020  Signature of Property Owner THIAGO DAVILA Print Name Property Owner


Date: _____ Signature of Property Owner _____ Print Name Property Owner

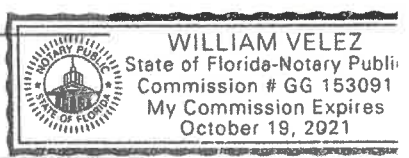
STATE OF FLORIDA :
 COUNTY OF LAKE :

I certify that the foregoing instrument was acknowledged before me this 11 day of August, 2020 by THIAGO DAVILA. 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 17 day of August, in the year 20.




 Signature of Notary Public
 Notary Public for the State of Florida
 My Commission Expires: 10-19-21



Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #: <u>17-23-28-9336-00-060</u>
LEGAL DESCRIPTION: <u>PLAT OF WINDERMERE G/36 LOT 6 & N 20 FT OF LOT 5 & BEG NE COR LOT 6 RUN NELY ALONG PROJECTED N LINE OF LOT 6 TO E LINE OF SW1/4 OF NE1/4 S TO A PT OF PROJECTED LINE OF S LINE OF N 20 FT OF LOT 5 NLY TO POB</u>

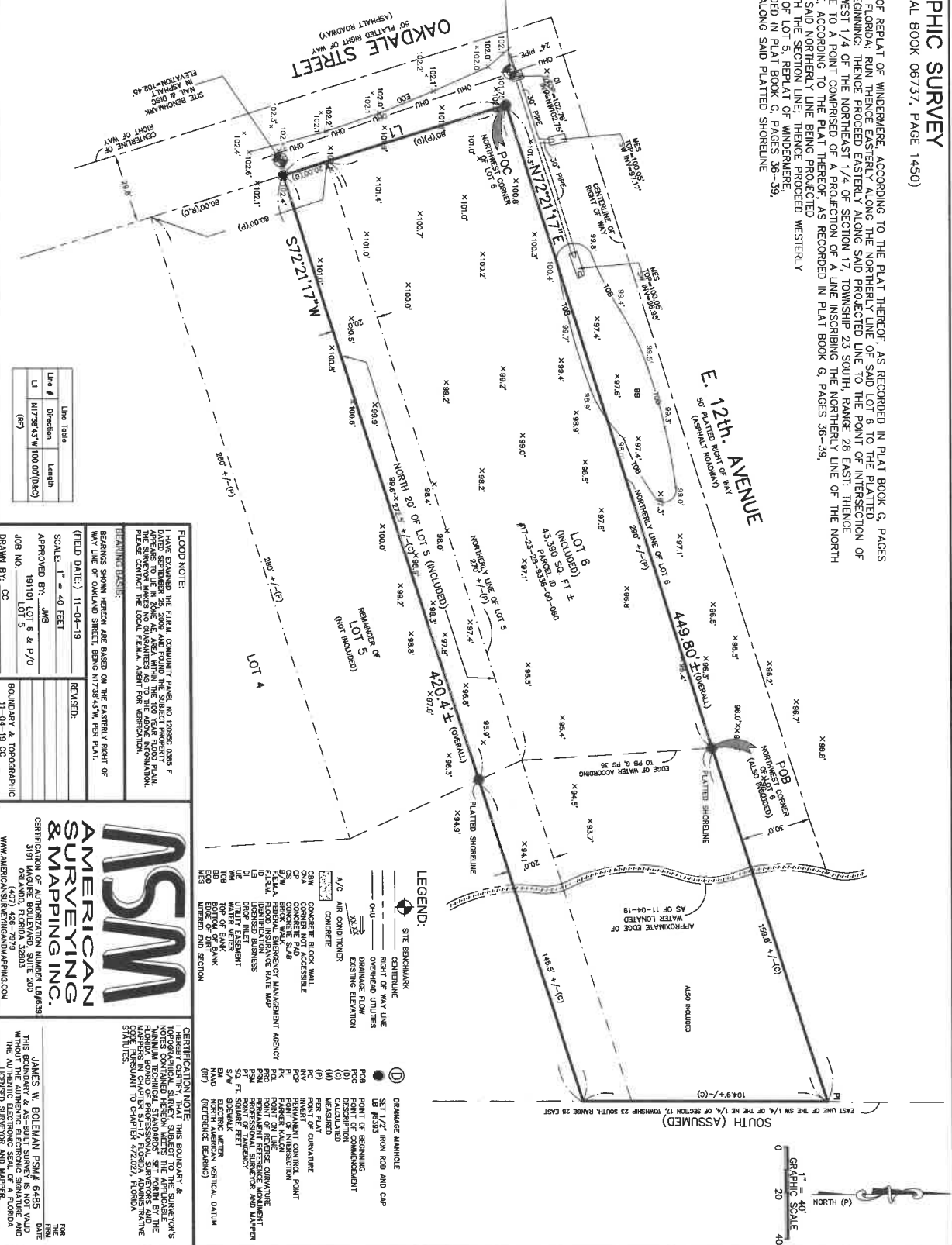
BOUNDARY & TOPOGRAPHIC SURVEY
 (PER INSTRUMENT #20030014622 OFFICIAL BOOK 06737, PAGE 1450)

BEGIN AT THE NORTHWEST CORNER OF LOT 6 OF REPLAT OF WINDERMERE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK G, PAGES 36-39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; RUN THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 6 TO THE PLATTED SHORELINE OF SAID LOT 6 FOR A POINT OF BEGINNING; THENCE PROCEED EASTERLY ALONG SAID PROJECTED LINE TO THE POINT OF INTERSECTION OF SAID LINE AND THE EAST SIDE OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 28 EAST; THENCE PROCEED SOUTHERLY ALONG SAID SECTION LINE TO A POINT COMPRISED OF THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 28 EAST; THENCE 20 FEET OF LOT 3 OF REPLAT OF WINDERMERE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK G, PAGES 36-39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE PROCEED WESTERLY ALONG THE SOUTHWESTERLY SHORELINE OF SAID SECTION LINE TO THE PLATTED SHORELINE OF LOT 5, REPLAT OF WINDERMERE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK G, PAGES 36-39, THENCE PROCEED NORTHERLY MORE OR LESS ALONG SAID PLATTED SHORELINE TO THE POINT OF BEGINNING.

ADDRESS:
 #1221 OAKDALE STREET
 WINDERMERE, FLORIDA 34786

FOR THE BENEFIT AND EXCLUSIVE USE OF:
 DAVILA HOMES CONSTRUCTION

NOTES:
 1. ALL DIRECTIONS AND DISTANCES HAVE BEEN FIELD VERIFIED. INCONSISTENCIES HAVE BEEN NOTED ON THE SURVEY, IF ANY.
 2. PROPERTY CORNERS SHOWN HEREON WERE SET/FOUND ON 11-04-19, UNLESS OTHERWISE SHOWN.
 3. THE SURVEYOR HAS NOT ASSRATED THE LAND REVISIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.
 5. LOTS 8 & PART OF LOT 5, ARE VACANT LOTS EXCEPT FOR UTILTY, AND MINOR IMPROVEMENTS SHOWN HEREON.
 6. ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY BENCHMARK # A1234014, ELEVATION=103.00', N.AVD 88 DATUM.



Line #	Line Type	Direction	Length
LT	N173°43'W	100.00(0.04)	(89)

FLOOD NOTE:
 I HAVE EXAMINED THE FIRM, COMMUNITY PANEL NO 12095C DUNE F DATED SEPTEMBER 23, 2008 AND FOUND THE SUBJECT PROPERTY IS NOT IN A FLOOD HAZARD ZONE. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL FLOOD AGENY FOR VERIFICATION.

BEARING BASIS:
 BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY RIGHT OF WAY LINE OF OAKDALE STREET, BEING N173°43'W, PER PLAT.

(FIELD DATE): 11-04-19

SCALE: 1" = 40 FEET

APPROVED BY: JMB

JOB NO.: 191101 LOT 5

BOUNDARY & TOPOGRAPHIC DRAWING BY: CC

REVISION:

AMERICAN SURVEYING & MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER: 64659

191101 LOT 5

3191 ORLANDO, FLORIDA 32835

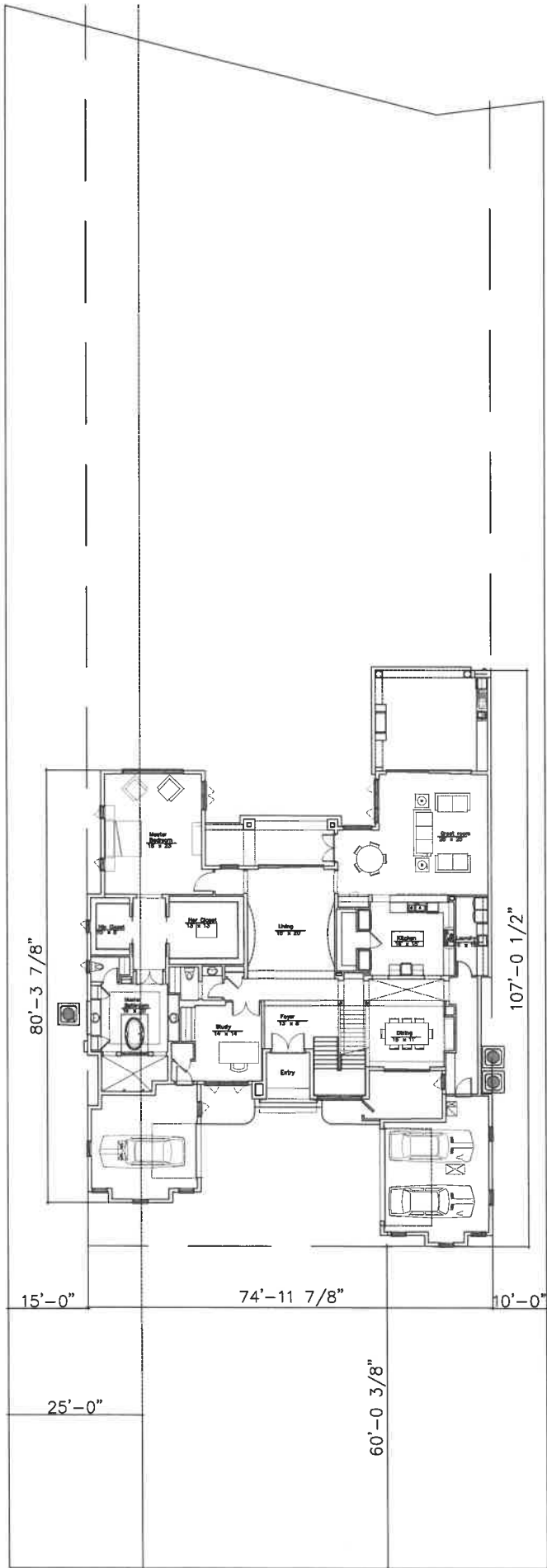
(407) 428-7979

WWW.AMERICANSURVEYINGANDMAPPING.COM

CERTIFICATION NOTE: THIS BOUNDARY & TOPOGRAPHIC SURVEY IS SUBJECT TO THE SURVEYOR'S PROFESSIONAL LIABILITY INSURANCE POLICY. THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND THE CORE PRESIDENT TO CHAPTER 422027, FLORIDA SURVEYORS.

JAMES W. BOLEMAN PSW #6455 DATE: 11-04-19

THIS BOUNDARY & TOPOGRAPHIC SURVEY IS MADE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



1221 Oakdale – Proposed

SCALE: 1/4"=1'-0"

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

August 28, 2020

JOHNSON PEGGY L
PO BOX 158
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 1221 Oakdale St. Z20-12

Donn Sharpe, on behalf of the owners of 1221 Oakdale St., 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 the north front setback on E 12th Ave. to be reduced from 25 feet to 15 feet and for the south side setback be reduced from 15 feet to 10 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 use of the enclosed stamped envelope to Wade Trim, Inc. by **September 11, 2020**.

This matter will be presented to the Development Review Board on **Tuesday, September 15, 2020 at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, October 13, 2020 at 6:00 p.m.** At this time, it is anticipated that both meetings will be held virtually on ZOOM. You can access links to the meetings on the Town's website at <https://town.windermere.fl.us/>. If you need help connecting to the meetings you can contact the Town at 407-876-2563. All meetings are open to the public and you are welcome to participate. 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 – Z20-12 (1221 Oakdale St.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: *Peggy L. Johnson* DATE: 8-31-20

JOHNSON PEGGY L

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

August 28, 2020

GREER DONALD R
1119 OAKDALE ST
WINDERMERE, FL 34786

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

RECOMMEND – Z20-12 (1221 Oakdale St.)

APPROVAL: X DISAPPROVAL X

COMMENTS: I HAVE NO PROBLEM REDUCING THE NORTH SETBACK
BUT THE TOWN NEEDS TO BE SURE THAT THERE IS ENOUGH ROOM
TO MAINTAIN THE TOWN'S RETENTION POND.

SIGNATURE: [Signature] DATE: 9/1/20

GREER DONALD R

I don't see ANY REASON TO REDUCE THE SOUTH SETBACK TO 10'
THAT PUTS THE N/C'S TOO CLOSE TO THE NEIGHBOR TO THE SOUTH

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

August 28, 2020

SMALL EVAN J
1127 OAKDALE ST
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 1221 Oakdale St. Z20-12

Donn Sharpe, on behalf of the owners of 1221 Oakdale St., 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 the north front setback on E 12th Ave. to be reduced from 25 feet to 15 feet and for the south side setback be reduced from 15 feet to 10 feet.

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

RECOMMEND - Z20-12 (1221 Oakdale St.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE:  DATE: 9/3/20

SMALL EVAN J

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

August 28, 2020

KEATOR CLARK L
1225 OAKDALE ST
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 1221 Oakdale St. Z20-12

Donn Sharpe, on behalf of the owners of 1221 Oakdale St., 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 the north front setback on E 12th Ave. to be reduced from 25 feet to 15 feet and for the south side setback be reduced from 15 feet to 10 feet.

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

RECOMMEND – Z20-12 (1221 Oakdale St.)

APPROVAL: _____ DISAPPROVAL: X

COMMENTS: The proposed site plan and size of home, appears to be over powering the lot as well as encroaching into the side set back of 15 ft. to the north. The plan indicates a AC unit installed within the requested variance area as well. We do not believe this proposed construction would be in alignment to the existing homes along Oakdale Street.

SIGNATURE: _____ DATE: 9/3/2020

KEATOR CLARK L

RECOMMEND - Z20-12 (1221 Oakdale St.)

APPROVAL: DISAPPROVAL

COMMENTS:

80 feet is plenty big to
build on this home. Put all 3 of
garage on the side. We do not feel

SIGNATURE: Gibben Bradley C

DATE: Sept 1, 2020

GEBBEN BRADLEY C

That this would be good. "Son of a Bitch" it
of course of Winkler means "Right Away" it
Serves all of Oakdale. We also want to

Reserve our privacy of 20 years. We have
all had to build within the strict guidelines
of Town of Windyknob to keep the
charm and quality of our Town. We
disagree with this Request.

RECOMMEND - Z20-12 (1221 Oakdale St.)

APPROVAL: _____ DISAPPROVAL _____

COMMENTS: I am ok with the variance along
E. 12th Ave, but not along the interior
lot line. NOT fair to neighbor.

SIGNATURE: [Signature] DATE: 9/2/20

ALOWAY JAMES E

RECOMMEND - Z20-12 (1221 Oakdale St.)

APPROVAL: _____ DISAPPROVAL

COMMENTS: THE OWNER KNEW WHAT THEY WERE GETTING
W/O SAID TO PURCHASE OF THE LAND. THE PARASOL
IS NOT APPLICABLE TO THE HOME ON EAST SIDE

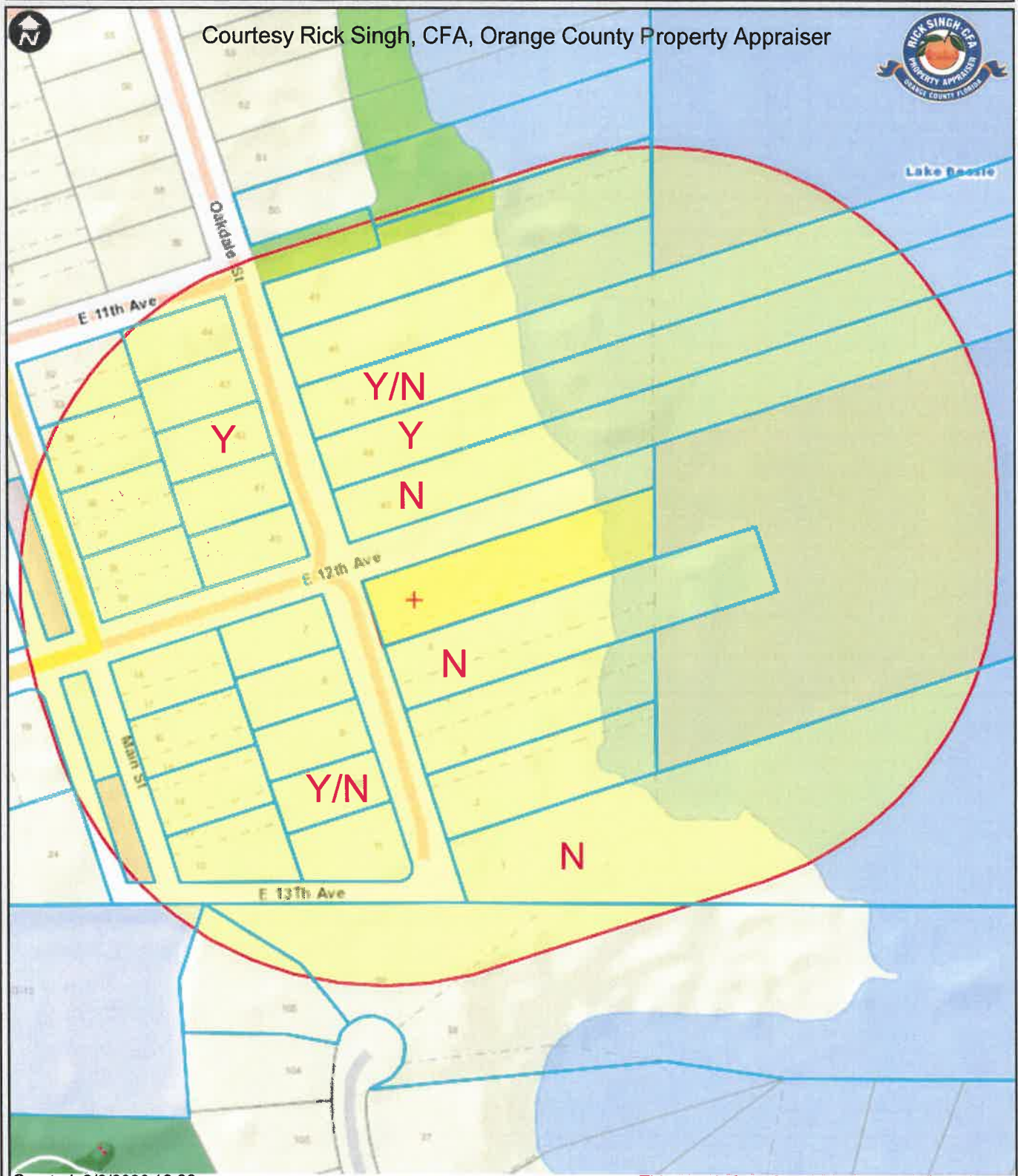
SIGNATURE: [Signature] DATE: 9/2/20

CRAMER CURTIS L

OCPA Web Map

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 9/8/2020 12:33

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

Development Review Board September 15, 2020

Town Council October 13, 2020

Case No.: Z20-13

Applicant/Representative: Chuck Tompkins

Property Owner: Chuck Tompkins

Requested Action: Variance to allow for a generator to be placed in a front yard of a corner lot. The Town requires generators to be in a side or rear yard.

Property Address: 12037 Lake Butler Blvd. Windermere, FL 34786

Legal Description: BUTLER BAY UNIT 1 11/92 LOT 91

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

North: Residential/Residential
East: Residential/Residential
South: Residential/Residential
West: Residential/Residential

CASE SUMMARY:

The subject property is a corner lot on the southeast corner of Lake Butler Boulevard and Park

Avenue. Due to the subject property being a corner lot, the subject property has two front yards. One front yard is along Lake Butler Boulevard, and the second front yard is along Park Avenue. The applicant desires to install a generator on the north side of the house within the front yard adjacent to Park Avenue. The Town's Code limits the placement of generators to the side or rear yards (Article VII, Land Development Code). The front yard adjacent to Park Avenue is heavily screened with landscaping and not readily visible from Park Avenue. See the following picture that is from Park Avenue looking at the screening in the front yard of the subject property. The proposed generator would be located behind the existing landscape screening.



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) There are practical or economic difficulties in carrying out the strict letter of the regulation.
 - a. The underground main electrical supply to the house is on the North side. Whole house emergency generators are normally installed where the house electric main enters the house. To put the generator on the south side would impose a significant increase in electrical wire run and significantly reduce efficiency of the generator.

- (2) The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
- a. No. There are several other reasons why the North Side of the property would be the best placement of the generator.
 - i. This North Side of the property already has house equipment. It has an AC outside unit and a pool pump. You cannot see or hear this existing equipment from the sidewalk on the other side of the landscape berm.
 - ii. The House Main Electrical box to the house is on this side of the house. The generator would be 5 feet away from the Main Electric Box where the manufacture recommends its placement.
 - iii. This North Side of the house has a four-foot landscape berm with significant landscape. You cannot see the side of the house from the street (Park Ave). The generator will be approximately 31 feet away from the property line next to sidewalk.
 - iv. If the generator is put on the South side of the house it will be approximately 50 feet away from the neighbor's house. If installed on the North side, it will be approximately 200 feet to the house across the street. This is an emergency generator that will be only used during power outages. This placement on the North Side would be the best sound protection for all neighbors. The generator is the new Quiet Generac Series. Much lower noise levels.
- (3) The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazards to the public.
- a. No effect on congestion, fire or any other hazards to the public.
- (4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
- a. This would increase property value. This side of the house is hidden from any view from the street or front yard. Does not change the character of the property.
- (5) 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. (6) The variance will not encourage further requests for changes where such a land use would not be deemed appropriate
- a. No negative affect on any of these codes. This makes the most common sense in physical placement of the generator that impacts the property and neighbors the least.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property (26 notices sent). As of September 8, 2020, two (2) responses were returned, both were in support.

Tompkins Generator Variance Request
Lot 34 Lake Butler Estates
12037 Lake Butler Blvd, Windermere, FL, 34786
Email – orcachuckt@gmail.com
Cell – (407) 325-5894

To Brad Cornelius (Wade Trim)

I am asking for a variance to put an emergency generator on the North side of my property. This side of the property is facing Park Ave which by Town of Windermere zoning rules is considered a Front Yard. My property has two sides facing streets, so by Town Zoning rules I have two Front Yards. My actual front yard faces West on Lake Butler Blvd. Considering this unique situation I am seeking this variance to show that my North side does not fit the criteria of a Front Yard.

The following is the “required finding” from the Town of Windermere Development Review Board to approve a variance. I have tried to answer all Land Development Codes requirements.

- (1) There are practical or economic difficulties in carrying out the strict letter of the regulation.
 - a. The underground main electrical supply to my house is on the North side. Whole House emergency generators are normally installed where the House Electric Main enters the house. To put the generator on the south side would impose a significant increase in electrical wire run and significantly reduce efficiency of the generator. The generator would be 150 feet away from the House Electric Main.
- (2) The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
 - a. No. There are several other reasons why the North Side of the property would be the best placement of the generator.
 - i. This North Side of my property already has house equipment. It has and AC outside unit and a pool pump. You cannot see or hear this existing equipment from the sidewalk on the other side of the landscape berm. Pictures attached
 - ii. The House Main Electrical box to my house is on this side of the house. The generator would be 5 feet away from the Main Electric Box where the manufacture recommends its placement.
 - iii. This North Side of the house has a four-foot landscape berm with significate landscape. You cannot see the side of my house from the street (Park Ave) - Pictures attached. The generator will be approximately 31 feet away from the property line next to sidewalk.
 - iv. If I put the generator on the South side of the house it will be approximately 50 feet away from my neighbor’s house. If installed on the North side, it will approximately 200 feet to the house across the street. All though this is an emergency generator that will be only used during power outages this placement on the North Side would be the best sound protection for all neighbors. The generator is the new Quiet Generac Series. Much lower noise levels.
- (3) The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazards to the public.
 - a. No effect on congestion, fire or any other hazards to the public.
- (4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
 - a. This would increase property value. This side of the house is hidden from any view from the street or front yard. Does not change the character of the property.

- (5) 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. (6) The variance will not encourage further requests for changes where such a land use would not be deemed appropriate
- a. No negative affect on any of these codes. This makes the most common sense in physical placement of the generator that impacts the property and neighbors the least.



Northside – Generator will be placed in front and 5 feet away from electrical panel box. Pool pump and AC unit already in location.



Northside 4' landscape berm in front of proposed generator placement.



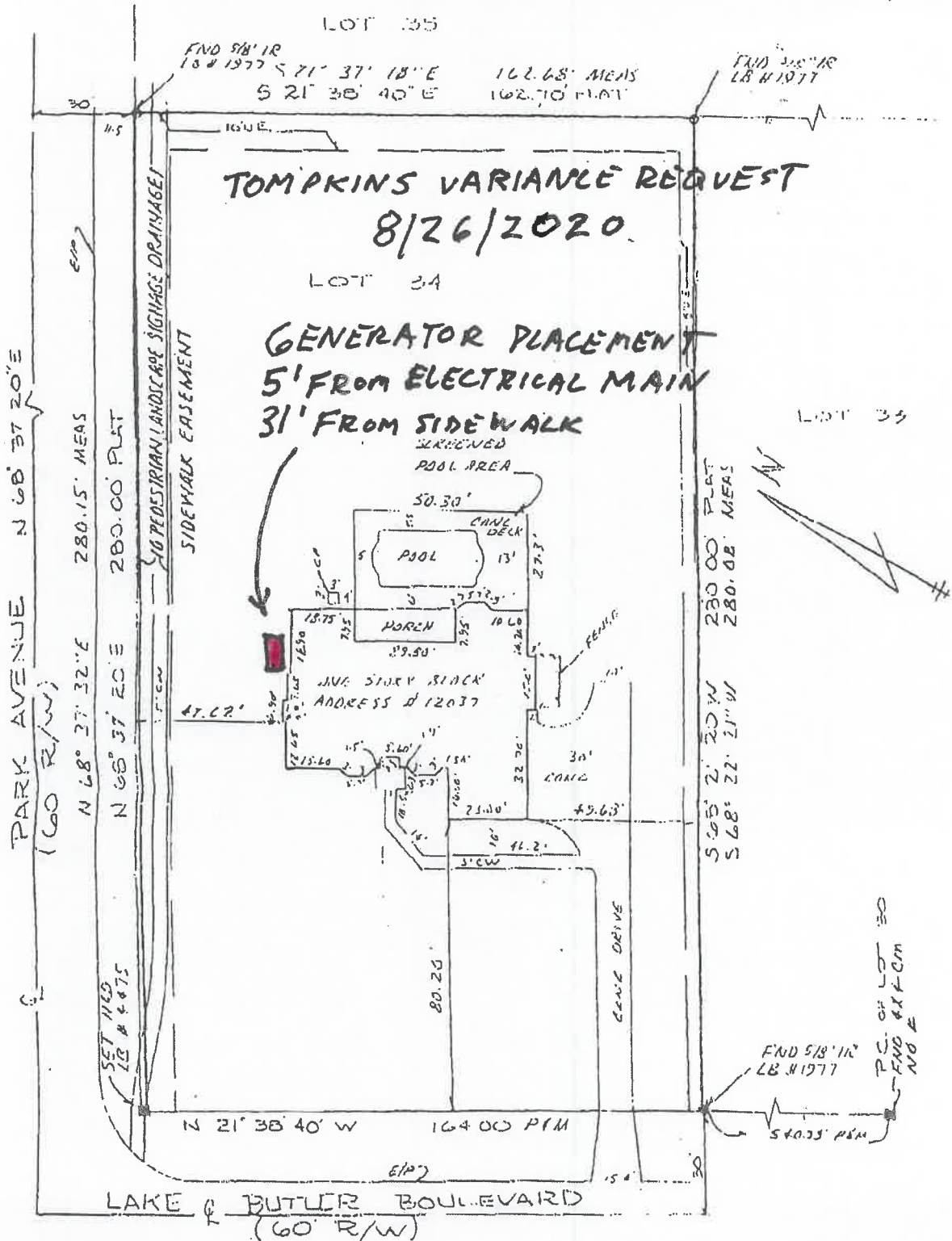
Landscape berm directly in front of proposed generator location. Two layers of landscaping hiding view and mitigating sound.



Front yard (westside) looking at side yard (northside). All views obscured with heavy landscaping.

PLAT OF SURVEY DESCRIPTION

LOT 34, LAKE BUTLER ESTATES
RECORDED IN PLAT BOOK 10, PAGE(S) 4748, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



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

August 28, 2020

NAIRN REVOCABLE TRUST
C/O KENNETH STEWART NAIRN CO-TRUSTEE | 2909 SUNBITTERN CT
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 12037 Lake Butler Blvd. Z20-13

Chuck Tompkins, owner of 12037 Lake Butler Blvd. 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 generator to be placed in a front yard. The town requires generators to be in a side or rear yard.

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 use of the enclosed stamped envelope to Wade Trim, Inc. by **September 11, 2020**.

This matter will be presented to the Development Review Board on **Tuesday, September 15, 2020 at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, October 13, 2020 at 6:00 p.m.** At this time, it is anticipated that both meetings will be held virtually on ZOOM. You can access links to the meetings on the Town's website at <https://town.windermere.fl.us/>. If you need help connecting to the meetings you can contact the Town at 407-876-2563. All meetings are open to the public and you are welcome to participate. Feel free to contact me if you have any questions.

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

RECOMMEND - Z20-13 (12037 Lake Butler Blvd.)

APPROVAL: DISAPPROVAL

COMMENTS: APPROVED

SIGNATURE:  DATE: 9/31/2020

NAIRN REVOCABLE TRUST

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

August 28, 2020

RIVERS JOHNNY SR
12101 CRESCENT COVE CT
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 12037 Lake Butler Blvd. Z20-13

Chuck Tompkins, owner of 12037 Lake Butler Blvd. 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 generator to be placed in a front yard. The town requires generators to be in a side or rear yard.

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

RECOMMEND - Z20-13 (12037 Lake Butler Blvd.)

APPROVAL: **DISAPPROVAL**

COMMENTS: I approve the generator. It is a great plan

SIGNATURE:

DATE:

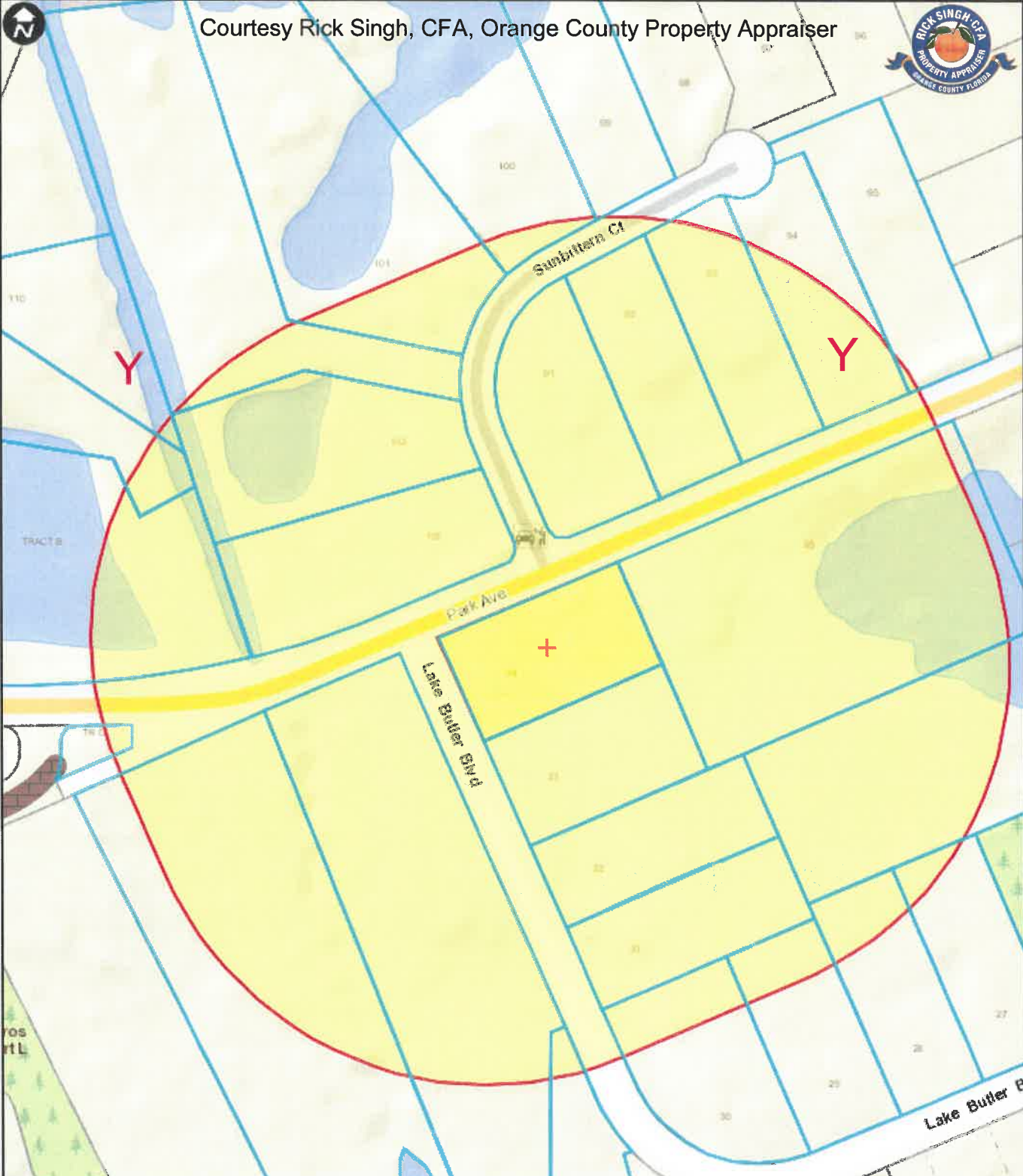
8/31/20

RIVERS JOHNNY SR

OCPA Web Map

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

Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 9/8/2020 12:34

This map is for reference only and is not a survey



Town of Windermere
P. O. Drawer 669
614 Main Street
Windermere, FL 34786

COMMITTEE APPLICATION FORM

1. Name: Irma G Yapor Home Phone: 407-909-9200
2. Home Address: 728 Oakdale St Windermere
3. Business: _____ Business Phone: _____
4. Business Address: _____
5. Email: irma@yapor.com
6. Brief Summary of Education and Experience:

Real Estate Broker / UCF Alumni BA Advertising-Marketing

7. Are you a U.S. Citizen? Yes X No _____
8. Are you a registered voter? Yes X No _____
9. Resident of the Town for 6 Months or longer? Yes X No _____
10. Do you hold public office? Yes _____ No X
11. Are you employed by the Town? Yes _____ No X
12. Do you now serve on a Town Board or Committee? Yes _____ No X

13. Indicate which Board(s) or Committee(s) you are interested in:
- | | |
|---|-------------------------------------|
| Code Enforcement Board _____ | Development Review Board <u>X</u> |
| Downtown Business Committee _____ | Elder's Committee _____ |
| Historical Preservation Committee _____ | Long Range Planning Committee _____ |
| Parks and Recreation Committee _____ | Traffic Committee _____ |
| Tree Board Committee _____ | |

14. Why do you think you are qualified to serve on this board? I'm a town resident, real estate broker and former Windermere Downtown Business Committee Member

***FINANCIAL DISCLOSURE FORMS MAY BE REQUIRED FOLLOWING APPOINTMENT**

Signature:  Date: 8/16/2020

Note: If you have any questions, please call the Town Clerk at (407) 876-2563 ext. 23.



Town of Windermere
 P. O. Drawer 669
 614 Main Street
 Windermere, FL 34786

COMMITTEE APPLICATION FORM

1. Name: Roger Heinz Home Phone: 407-624-2900

2. Home Address: 616 Forest St. Windermere

3. Business: Construction Business Phone: Same

4. Business Address: 616 Forest St.

5. Email: Roger@THEHEINZGRP.COM

6. Brief Summary of Education and Experience:
 Ex. UNC - Chapel Hill 2003-2007
 Ex. Construction Industry - 15 years

7. Are you a U.S. Citizen? Yes No

8. Are you a registered voter? Yes No

9. Resident of the Town for 6 Months or longer? Yes No

10. Do you hold public office? Yes No

11. Are you employed by the Town? Yes No

12. Do you now serve on a Town Board or Committee? Yes No

13. Indicate which Board(s) or Committee(s) you are interested in:
 Code Enforcement Board Development Review Board
 Downtown Business Committee Elder's Committee
 Historical Preservation Committee Long Range Planning Committee
 Parks and Recreation Committee Traffic Committee
 Tree Board Committee

14. Why do you think you are qualified to serve on this board? I am a licensed contractor with a vested interest in the future of the community.

***FINANCIAL DISCLOSURE FORMS MAY BE REQUIRED FOLLOWING APPOINTMENT**

Signature: [Signature] Date: 8/17/2020

Note: If you have any questions, please call the Town Clerk at (407) 876-2563 ext. 23.