

# TOWN OF WINDERMERE

## Development Review Board Meeting Minutes

September 15, 2020

Present were Chair Frank Chase, Board Members; Molly Rose, Stephen Withers, and Jennifer Roper. 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 Peter Fleck.

Chair Chase 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 comments.

### 2. NEW BUSINESS:

#### a. MINUTES:

##### i. August 18, 2020 Meeting Minutes

Member Rose made a motion to approve the minutes. Member Roper seconded the motion. All were in favor. Member Withers read his Form 8B into the record from the February 2020 DRB meeting.

#### b. GENERAL ITEMS FOR CONSIDERATION:

##### i. Z20-12: 1221 Oakdale Street – DR Developments, LLC – Variance to allow a 15-foot front yard setback and a 10-foot side yard setback for a noncontiguous corner lot

Chair Chase turned the floor over to Mr. Brad Cornelius. Mr. Cornelius reviewed the proposed variance request. He commented on the undeveloped right of way that abuts the property which is owned by the Town. Mr. Cornelius explained the setbacks that are required per code. He stated that the request is to allow a 15' setback instead of 25', and allow to reduce the south side from the 15' requires to 10'. Mr. Cornelius stated that all other codes would be met. He then commented on the width of the proposed home. Mr. Cornelius reported on the responses; 6 in support, 6 in opposition, and 2 in partial support/opposition. Member Rose questioned the hardship. Mr. Cornelius explained that the applicant feels that the right of way and the non-contiguous lot are the reasons for a hardship. Some discussion followed. Mr. Donn Sharpe of 1221 Oakdale Street introduced himself. He then explained how the home was situated on the lot. Mr. Sharpe commented that the setbacks could be adjusted to the 12 ½' on both sides. Discussion from the Board began. Member Withers stated he would allow a 15' setback to both the north and south. Member Rose agreed. Member Withers made a motion to recommend approval of a 15' setback to the north and south side setbacks. Member Rose seconded the motion. Withers – aye, Chase- aye, Rose – aye, and Roper – no. Motion carried 3-1.

##### ii. Z20-13: 12037 Lake Butler Blvd – Chuck Tompkins – Variance to allow the placement of a generator in the front yard of a corner lot

Chair Chase turned the floor over to Mr. Cornelius. Mr. Cornelius reviewed the proposed request to allow a generator in the front yard. He explained that this is also a corner lot; two fronts and two sides.

**TOWN OF WINDERMERE**

**Development Review Board  
Meeting Minutes**

**September 15, 2020**

Mr. Cornelius further explained that due to code, a generator is not allowed in the front yard. He also stated that there were no objection comments received. The Board discussed the current a/c location. Mr. Tompkins, owner of 12037 Lake Butler Blvd, introduced himself. He stated that the generator will only be used in emergency situations. He also stated that it would be located closest to Park Avenue, no immediate neighbor. Member Withers questioned the power supply. Mr. Tompkins stated a 24K (propane). Some discussion was made. Member Rose made a motion to recommend approval of the proposed variance request. Member Withers seconded the request. All were in favor.

**c. MEMBERSHIP APPLICATIONS:**

**ii. Irma Yapor**


**iii. Roger Heinz**

Chair Chase introduced this item. Manager Smith gave a review of each applicant and their backgrounds. After some discussion was made, Member Rose made a motion to recommend the approval of Roger Heinz to the Development Review Board as a new member. Member Withers seconded the motion. All were in favor.

**4. ADJOURN:**

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

The meeting adjourned at 7:04pm.

  
\_\_\_\_\_  
Dorothy Burkhalter, MMC, FCRM  
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 <b>WITHERS STEPHEN EDWARD</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>DEVELOPMENT REVIEW BOARD</b>
MAILING ADDRESS <b>712 MAIN ST</b>	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 <b>WINDERMERE      ORANGE</b>	NAME OF POLITICAL SUBDIVISION: <b>TOWN OF WINDERMERE</b>
DATE ON WHICH VOTE OCCURRED <b>FEB 18, 2020</b>	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)

**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.**