

THE TOWN OF
Windermere



Agenda

Development Review Board

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

Council Liaison: Bill Martini

Agenda

September 21, 2021

6:30 PM

520 Main St.

Windermere, FL 34786

AMENDED

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. Development Review Board Meeting Minutes February 16, 2021
(Attachments-Board Option)

b. GENERAL ITEMS FOR CONSIDERATION

i. Z21-06 Jason and Anita Roland; Variance to allow for a generator to be
located in a front yard of a corner lot between the building and W. 1st Avenue
(Attachments-Board Option)

3. ADJOURN:

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

February 16, 2021

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

Chair Chase opened the floor to the public. First to speak, Ms. Debra Neill of 525 Oakdale Street. Ms. Neill spoke in opposition of the proposed development plan.

2. NEW BUSINESS:

a. MINUTES:

i. November 17, 2020 Meeting Minutes

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

b. GENERAL ITEMS FOR CONSIDERATION:

i. Z19-12: Rezone to Planned Unit Development and Approval of Preliminary Development Plan at the Northeast Corner of Main Street and E 6th Avenue-Windermere Downtown Property, LLC

Chair Chase turned the floor over to Mr. Brad Cornelius with Wade Trim. Mr. Cornelius introduced himself and gave a presentation regarding the proposed development plan. He commented on issues with the outdated tree survey, traffic study, 1' contours, gross floor area, set-backs, parking spaces, landscape buffers, adding of right hand turn only lane, building façade buffers, septic and waivers for the topographical survey, elevations, and façade. Mr. Cornelius stated that seven letters in support were received, eight opposed, and two undecideds. Member Withers commented on concerns with no current data, informing residents of the hard work that went into the 2004 Guidelines, parking vs. trees, site delivery trucks, dumpster, and submission of vague plans. Mr. Jim Hall, Developer, gave a presentation. He stated that the approval does not authorize the development. Mr. Hall then stated that prior to moving forward and expending funds, they would like an idea of what would be accepted and what wouldn't be accepted. He then stated that the development would be consistent and compatible with the Town's Comprehensive Plan. Mr. Hall commented that consideration to save as many trees possible is being made. Member Rose commented on additional traffic to an area where there is already a traffic problem. Discussion was made regarding loading/unloading of trucks, property lines, trees, dumpsters, septic, and stormwater/retention. Member Withers questioned if the stormwater could be placed underground. Mr. Fitzgibbon stated yes. He then stated for the record, "It does support the level but has to be responsible." Discussion was made regarding square footage for the project, parking and trees. Mr. Cornelius read comments for the record from Member Roper (attached). Chair Chase opened the floor to the public. First to speak was Daniel Floyd of 515 Oakdale Street. Mr. Floyd stated he had concerns with the zoning. Discussion ensued. For the record Mr. Floyd stated his response was a "no." Ms. Joan Laughner of 411 1st Street introduced herself

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

February 16, 2021

and spoke in opposition. She commented on the eighty-five parking spaces and the increased traffic. Town Council Liaison Martini questioned if there will be a left hand turn into the project on 6th Avenue heading east. Mr. Cornelius stated “no.” After some discussion followed, Member Sutton made a motion to recommend approval to include the waivers for Topography and Elevation/Façade. Member Fleck seconded the motion. Member Heinz apologized for comments he made that might have been offensive. Member Withers stated he would like to see better plans in the future. Chair Chase agreed. Roll call vote was as follows: Sutton – aye, Withers – aye, Chase – aye, Fleck – aye, Rose – no, and Heinz – aye. Motion carried 5-1.

4. ADJOURN:

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

The meeting adjourned at 8:43pm.

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

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 21, 2021

Town Council October 12, 2021

Case No.: Z21-03

Applicant/Representative: Jason and Anita Roland

Property Owner: Jason and Anita Roland

Requested Action: Variance to allow for a generator to be located in a front yard of a corner lot between the building and W. 1st Avenue.

Property Address: 1 1st Court

Legal Description: PLAT OF WINDERMERE G/36 BEG AT A POINT ON N SIDE OF 1 ST AVE AS RELOCATED 183 FT N 72 DEG E FROM SE COR LOT 459 RUN TH S 72 DEG W ALONG N SIDE OF FIRST AVE 203 FT TH N 17 DEG W 100 FT N 72 DEG E 258 FT TO PT IN LAKE BUTLER TH S 17 DEG E 45 FT TO A POINT IN LAKE BUTLER S 27 DEG W TO POB (LESS ANY RD R/W)

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

North: Residential/Residential
South: Residential/Residential
East: Lake Butler & Residential/Residential

West: Residential/Residential

CASE SUMMARY:

Jason and Anita Roland, owners of 1 1st Ct., 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 located in a front yard of a corner lot between the building and W. 1st Avenue. The Town's code requires generators to be located in a side or rear yard.

According to the Orange County Property Appraiser, the existing home was built in 1978. The subject property applied for and obtained a generator permit (21-07-004), approved on July 8, 2021, that permitted the generator in the North side yard to be located 6.5 feet from the North property line. The generator was instead installed in the South front yard and the applicants are applying for an after-the-fact variance.

The applicant is requesting a variance to allow for the generator to remain in the South front yard. The generator was installed approximately 20 feet from the South front property line.

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 currently approved location (North side yard) has a substantially large grade change, which is subject to water runoff and erosion. The requested variance location (South front yard) is a stable location with no water runoff issues.
2. The currently approved location (North side yard) has limited access, which could be difficult for emergency personnel to gain access. The requested variance location (South front yard) is easily accessible to emergency personnel.
3. The generator if installed in the approved location (North side yard) will create a sound issue for the neighbor's adjoining property to the North. The requested variance location (South front yard) allows sound to disperse.
4. The East yard [a side yard under the Town's code] is not a suitable location for the generator due to the flood zone, high water line, and yard grading to accommodate

the retention area. The East yard is also near a property line where children play.

5. The generator in the requested variance location (South side yard) is no more visible than the existing air conditioning units, blends with the house, and does not block lake views.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property (44 notices sent). As of September 9, 2021, 14 responses were returned; 13 in support, 1 in opposition, with the condition that support would be given if proper visual screening was installed. Updates regarding any responses received after September 9, 2021, will be provided at the Development Review Board and Town Council meetings.

TO:
DOROTHY BURKHALTER, TOWN CLERK
TOWN OF WINDERMERE
WINDERMERE, FL 34786
(407) 876-2563

RE: Variance Request, Permit # 1 1St Ct - 21-07-004

We, Jason & Anita Roland are requesting a zoning variance in the matter of a non-conforming standby home generator (Permit 1 1st Ct 21-07-004).

Our property is a corner lot which is visible from two street views (W 1st Ave and 1st Court.)

As a result of this placement, per the town code objects such as generators, are only allowed in the North Side yard or East front yard (facing the lake.) due to the view along W 1st Ave.
We are seeking an expectation to this for the following reasons.

For the currently permitted location (North Side) the placement of this unit is not suitable, as it's located very close between our house and the neighboring property in an area substantially large grade change in this area. This causes the area to be subject to water runoff, erosion, and limited access. Should an emergency occur, access to this unit for the fire department is difficult and could require the emergency personal to need to impede on the neighboring property.

Distance wise, this location while within allowable space, will create a sound issue in that sound waves will echo off both houses and reverberate amplifying its perceived sound level. As a neighbor we wish to be as good of one as we can be and wish to avoid this.

The East front yard location is not suitable due to the flood zone high water line and yard grading to accommodate the retention area causing the location of potential placement to be directly in a water runoff area. In addition, it is very close to the neighboring property line in an area that children are often playing in.

We are requesting a variance for the following location, W 1st Ave placement.

There is plenty of open space in this area, giving the sound waves created a full opportunity to disperse and absorb into the surrounding foliage with little to no echo.

The yard grading allows for a nice stable location without any water run off issues.

The location is easily accessible by fire / power companies for any emergency concerns.

We have placed the unit here, to provide absolute reference for concerns that it could reflect poorly on the character of the surrounding area. As you can see from the photos, the unit is no more visible than already approved air-conditioning units. It blends well with the house and does not create any blockage for any neighbors' view of the lake.

We have spoken with all relevant neighbors; they have all expressed their support of the variance request. They will be happy to respond to the town's solicitation request.

Thank you for your consideration.
Jason & Anita Roland.

Support Photos:

View Front 1st Court Towards Front of House.



View From Corner W 1st Ave / 1st Ct.



View From W 1st Ave Towards Side of House.

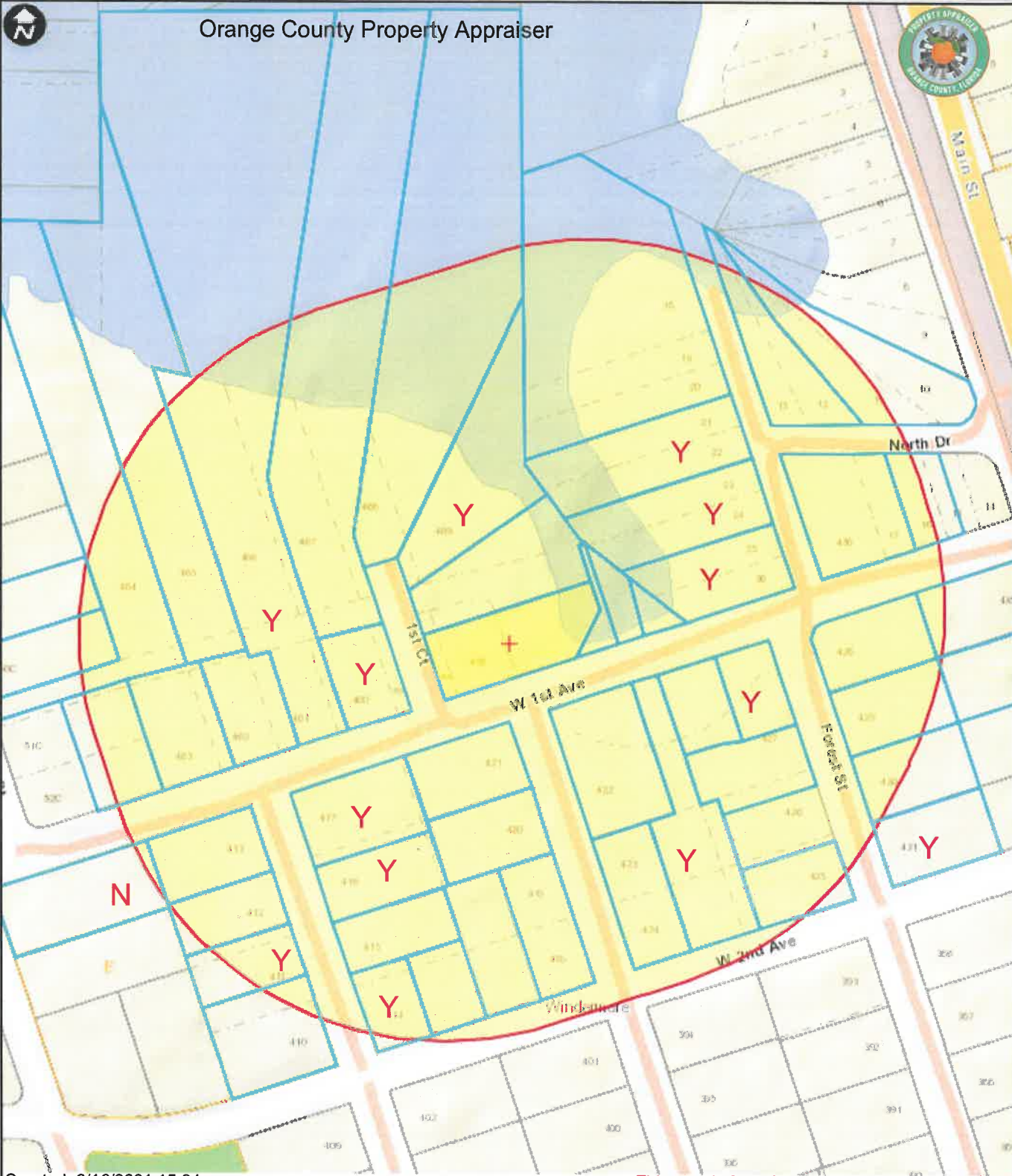


View From W 1st Ave Approaching 1st Court.



OCPA Web Map

- | | | | | | | |
|-------------------------|------------------|---------------|-----------------------|---------------------------------|-----------------|------------------|
| Florida Turnpike | Major Roads | 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 | Gas Road | Rail Road | Residential | Vacant Land | County Boundary | Building |
| Road Under Construction | Proposed SunRail | Agriculture | Agricultural Corridor | Parke | Hospital | |



RECOMMEND - Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: A Pearce DATE: 23 Aug 21

PEARCE ANTHONY

78 Forest St.
Windemere fi

RECOMMEND - Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Joyce E. Rose DATE: Aug 27, 2021

ROSE JOYCE E

Made Trim
AUG 30 2021
Received

RECOMMEND - Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: MB McAfee DATE: 8/23/21

MCAFEE MICHAEL B

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 17, 2021

HOGAN MICHAEL J
PO BOX 1437
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 1 1st Court Z21-03

Jason and Anita Roland, owners of 1 1st Court in the Town of Windermere 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 located in a front yard of a corner lot between the building and W. 1st Avenue. The Town's code requires generators to be located 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 using the enclosed stamped envelope to Wade Trim, Inc. by September 14, 2021.

This matter will be presented to the Development Review Board on Tuesday, September 21, 2021, at 6:30 p.m. Their recommendation will be heard by the Town Council on Tuesday, October 12, 2021, at 6:00 p.m. You may attend the meetings in person at Town Hall, located at 520 Main Street, or can access the meetings virtually on ZOOM. You can access links to the ZOOM 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 – Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Michael J Hogan DATE: 8/23/21

HOGAN MICHAEL J

RECOMMEND - Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: NO issue.

SIGNATURE: [Signature] DATE: 08/20/21

EAVES DAVID E

RECOMMEND - Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: would approve only if they camouflage the generator with some sort of hedge or fence.

SIGNATURE: [Signature] DATE: 8/19/2021

STEVENSON HARRY JOHN JR

RECOMMEND - Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Robert Woodard DATE: 8/22/21

WOODARD ROBERT E

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

Received
AUG 23 2021
Wade Trim

August 17, 2021

KUNKEL KENNETH E
331 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 1 1st Court Z21-03

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

RECOMMEND – Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: _____ DATE: 8/19/2021

KUNKEL KENNETH E

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 17, 2021

SZUKALSKI JEFFREY J
219 W 2ND AVE
WINDERMERE, FL 34786

Received

AUG 23 2021

Wade Trim

RE: Public Notice of Variance Public Hearing for 1 1st Court Z21-03

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

RECOMMEND – Z21-03 (1 1st Court)

APPROVAL: ✓✓✓ DISAPPROVAL: _____

COMMENTS: Strongly approve!!! Great looking house and yard. Please allow them to locate the gen where needed

SIGNATURE: Jeff Szukalski DATE: 8-18-21

SZUKALSKI JEFFREY J

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

Received
AUG 23 2021
Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

August 17, 2021

CHAMBLISS ROBERT NEAL
117 PALM ST
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 1 1st Court Z21-03

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

RECOMMEND – Z21-03 (1 1st Court)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: [Signature] DATE: 8/19/21

CHAMBLISS ROBERT NEAL

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

Received
AUG 28 2021
Wade Trim

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

August 17, 2021

AKEN KURT MICHAEL RICHARD
70 FOREST 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 - Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: AS long AS it is shielded
from view w/ fence

SIGNATURE: *Kurt Michael Richard* DATE: 8/20/21

AKEN KURT MICHAEL RICHARD

Town of Windermere

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

Received
AUG 23 2021



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Wade Trim

Clerk
DOROTHY BURKHALTER

August 17, 2021

MEALEY MARK D
5 1ST CT
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 1 1st Court Z21-03

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

RECOMMEND - Z21-03 (1 1st Court)

APPROVAL: yes DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: [Signature] DATE: 8/20/21

MEALEY MARK D

Town of Windermere

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

Received
AUG 23 2021
Wade Trim



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

August 17, 2021

GONZALEZ KATHRYN V
PO BOX 1386
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 1 1st Court Z21-03

Jason and Anita Roland, owners of 1 1st Court in the Town of Windermere 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 located in a front yard of a corner lot between the building and W. 1st Avenue. The Town's code requires generators to be located 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 using the enclosed stamped envelope to Wade Trim, Inc. by **September 14, 2021**.

This matter will be presented to the Development Review Board on **Tuesday, September 21, 2021, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, October 12, 2021, at 6:00 p.m.** You may attend the meetings in person at Town Hall, located at 520 Main Street, or can access the meetings virtually on ZOOM. You can access links to the ZOOM 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 - Z21-03 (1 1st Court)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Kathryn V. Gonzalez DATE: 08/19/2021
GONZALEZ KATHRYN V