

THE TOWN OF
Windermere



Development Review Board

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

Council Liaison: Bill Martini

Agenda

Agenda

December 21, 2021

6:30 PM

520 Main St.

Windermere, FL 34786

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 October 19, 2021 (Attachments-Board Option)**

b. GENERAL ITEMS FOR CONSIDERATION

- i. **Case# Z21-08: 11536 Lake Butler Blvd.– Variance to allow a reduced side setback for a boat dock (Attachments-Board Option)**
- ii. **Case#: Z21-09: 435 Butler St.– Variance to allow a reduced garage setback (Attachments-Board Option)**
- iii. **Case#: Z21-10: 11 Main St.-Variance to allow a reduced setback from the Normal High Water Line for a swimming pool (Attachments-Board Option)**

3. **ADJOURN:**

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

October 19, 2021

Present were Chair Frank Chase, Board Members; Norma Sutton, Roger Heinz, Stephen Withers, Molly Rose, Jennifer Roper, and Peter Fleck. Town Manager Robert Smith, Town Planner Brad Cornelius, Town Council Liaison Bill Martini (arrived at 6:42pm), and Town Clerk Dorothy Burkhalter were also present.

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. There were no public speakers.

2. NEW BUSINESS:

a. MINUTES:

i. September 21, 2021 Meeting Minutes

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

b. GENERAL ITEMS FOR CONSIDERATION:

i. Z21-04 – 1035 Oakdale ST – Elli R. Atchison Revocable Trust/David and Tiffany Matthews – Variance to allow for a 10’ setback from the North side property line and a 15’ setback from the South front property line for a non-contiguous corner lot.

Chair Chase turned the floor over to Mr. Cornelius. Mr. Cornelius presented case Z21-04. He explained that the variance request is to allow for a 10’ setback from the North side property line and a 15’ setback from the South front property line. Mr. Cornelius commented on the code regarding noncontiguous corner lots. He then stated that 42 notices were mailed out with 11 received in favor and 1 in objection. Some discussion followed regarding setbacks, right-of-ways and Town’s future use, trees, and best use of the property. Member Rose made a motion to recommend approval for the variance request. Member Fleck seconded the motion. All were in favor.

ii. Z21-05 – 47 Pine Street – Susan Huber/Stacy Huber – Variance to allow for a rear setback of 32 feet

Chair Chase turned the floor over to Mr. Cornelius. Mr. Cornelius explained the variance request for a 3’ variance from the required 35’ rear setback. He explained that the request is regarding the protection of a large tree. Mr. Cornelius stated that a condition could be placed that an Arborist report be in place that states protection of the tree before, during, and after construction. He commented that 42 notices were mailed out with 8 received in support. Mr. Don Huber, father of the applicant, read a letter from an Arborist, received earlier in the day, stating that the tree will need to be removed. Letter attached for the record. He stated that the variance is no longer needed. Applicant withdrew request.

TOWN OF WINDERMERE

Development Review Board
Meeting Minutes

October 19, 2021

iii. Proposed Comprehensive Plan Amendments – New Private Property Rights Elements and Designate Fernwood Park as a boat ramp only for town residents

Mr. Cornelius explained the proposed Comp Plan amendments. One being for the Private Property Element and two for Fernwood Park. Some discussion followed regarding current issues, designated swim areas and enforcement. Member Heinz made a motion to recommend approval to the Town Council for the Comp Plan amendments. Member Rose seconded the motion. All were in favor.

4. **ADJOURN:**

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

The meeting adjourned at 7:00pm.

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair



October 19, 2021

Don Huber
47 Pine Street
Windermere, FL 347896

RE: Mature laurel oak tree on vacant property (South side)

Laurel oak tree presently has cracks and visible separation between the multiple stems arising from its single trunk. Slime flux (bacteria) oozes from major limbs and branches throughout. Cavities are also present on most of the major limbs. This tree is presently at the end of its life span, and is a high failure risk for any buildings or people in its space. Recommend removal.

Regards,

Tim Muench

Certified Arborist #0469













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 December 21, 2021

Town Council January 11, 2022

Case No.: Z21-08

Applicant/Representative: Peter Fleck

Property Owners: Daniel and Cara Whitney Revocable Trust

Requested Action: Variance to allow for a negative (-) 107.4-foot side setback from the northeastern projected property line for the replacement/expansion of an existing non-conforming boat dock.

Property Address: 11536 Lake Butler Blvd. Windermere, FL 34786

Legal Description: REPLAT OF METCALF PARK Q/18 & H/59 THAT PART OF PLAT SHOWN AS LOTS 140 TO 141 ON PLAT BOOK H/59 & 60 & THAT PART OF LOT 139 DESC AS BEG NWLY COR OF LOT 140 RUN S 44 DEG W ALONG R/W LAKE BUTLER BLVD 25 FT S 45 DEG E 185.77 FT S 57 DEG E 116.93 FT TH NWLY ALONG SWLY LINE LOT 140 TO POB (LESS ANY RIGHT OR CLAIM IN THE FOLLOWING COMM AT A PRM 1434.1 FT E & 619.4 FT S OF THE NW CORNER OF THE NE 1/4 OF SEC 17 SAID PT BEING TH NW CORNER OF LOT 8 BLK A OF WAUSEON RIDGE PB X PG 49 TH N3-17W 56.2 FT TH S44-30W 2432 FT TH S45-30E 398FT TO POB TH CONT S45-30E 385 FT TH N44-30E 70 FT TH N45-30W 328.77 FT TH S83-16-40W 89.79 FT TO THE POB PER OR 1568 PG 949) (LESS ALL THAT PART OF AN UPLAND PENINSULA LOCATED IN THE SW PORTION OF WAUSEON BAY LYING SELY OF LOTS 140 & 141 & NELY OF LOT 139 MET CALF PARK PB H/59 PER 11009/8425)

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

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

CASE SUMMARY:

The applicant would like to replace and expand an existing nonconforming boat dock. The existing boat dock extends beyond the northeastern projected side property line by 107.4 feet. The proposed expansion will not increase the nonconformity. The Town requires that boat dock be at least 16 feet from the side property line. The applicant has received a setback waiver from the adjacent neighbor to the east (11500 Lake Butler Blvd.) County permit. The applicant has received a OCEPD permit.

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 applicants in support of their variance request:

1. The configuration of the shoreline is unique.
2. The proposed dock does not increase the existing nonconformity.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property. As of December 13, 2021, four (4) responses were returned in support, one (1) response was received in opposition. An update to any responses received after December 15, 2021, will be provided at the DRB meeting.



1 0 0 W e s t P l a n t S t .
W i n t e r G a r d e n , F l . 3 4 7 8 7

Date 11-16-21

To Whom it may concern:

The variance request is due to an unusual property line as it relates to the shoreline of this property. The dock that is being built and added to is 250.5' away from the side of the property but because of the way the county projects property lines at the intersection of the NHWE it is a negative 107 across the property line but still on his property.

This is a situation where the process the county uses for setback determination below the NHWE works 99% of the time but not in this situation.

This has created a hardship that the client did not create because he did not set this policy. The dock has been in this location for years without issue and is now just being renovated to meet his needs.

Sincerely

Q-ICE BUILDERS

DOCK PLANS

Whitney Boat Dock

Prepared For

Q-Ice Builders

Prepared By



Engineer: Michael Thompson, MSc, P.E. (#47509)

4401 Vineland Road, Suite 46

Orlando, Florida 32811

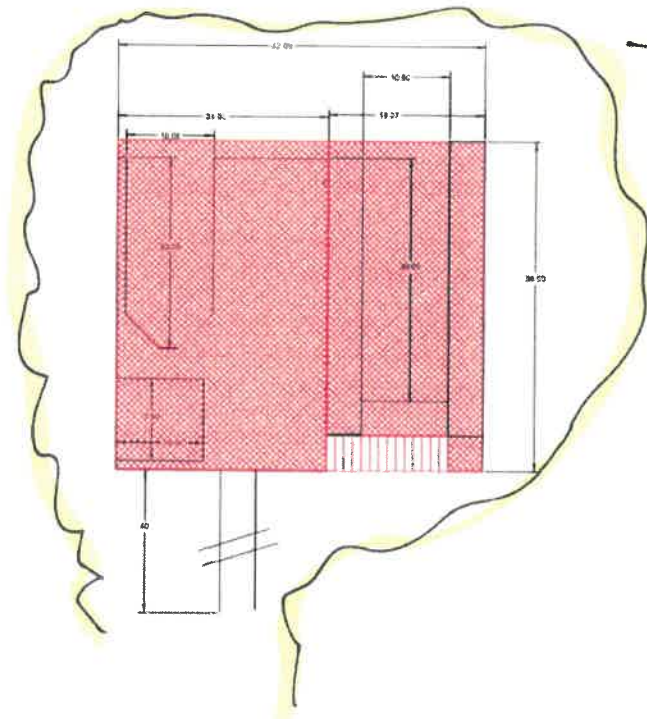
Ph: 407-529-3306

Fax: 407-529-3306

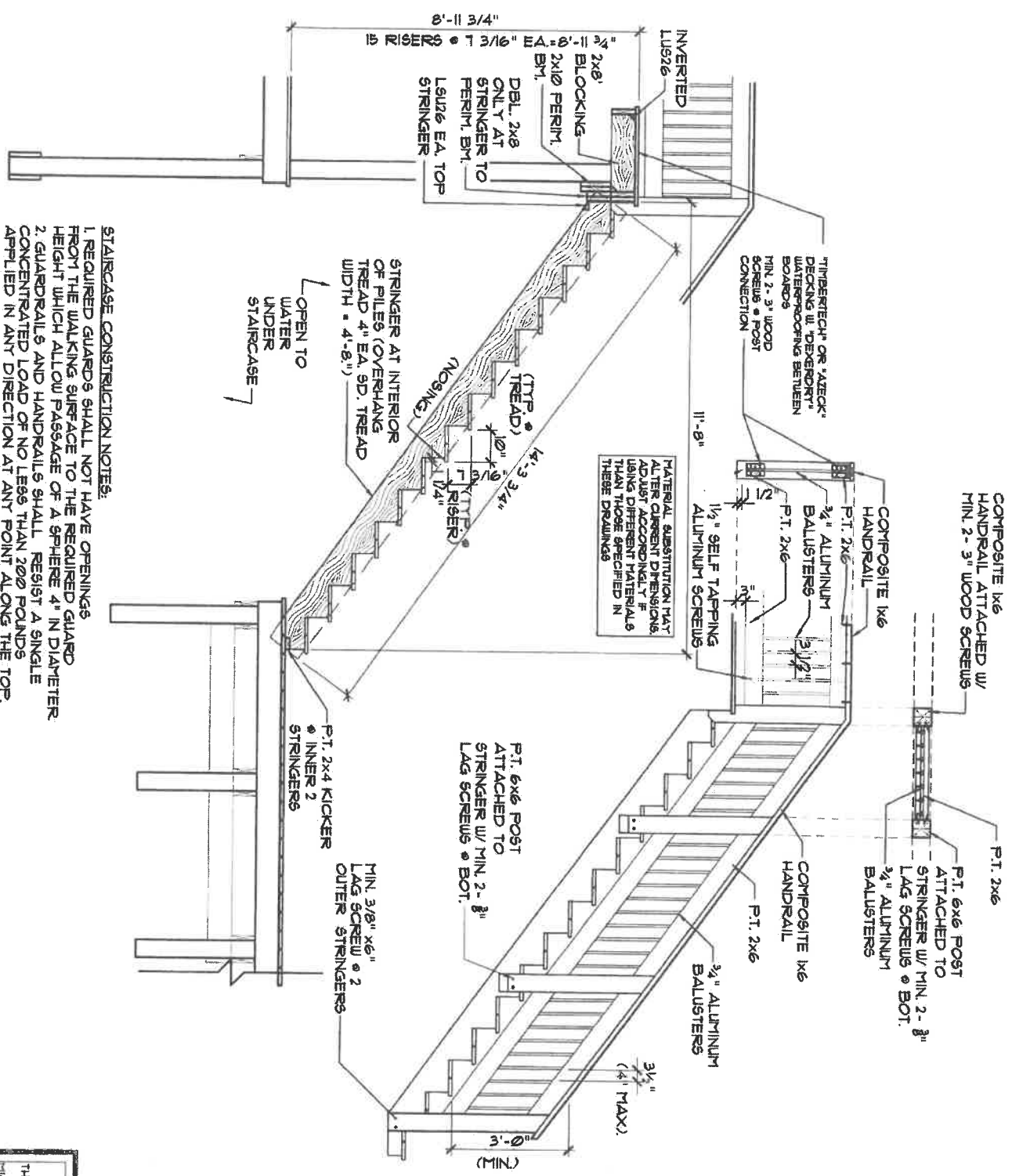
Certificate of Authorization No. 30060

www.thompsoneng.com

January, 2021



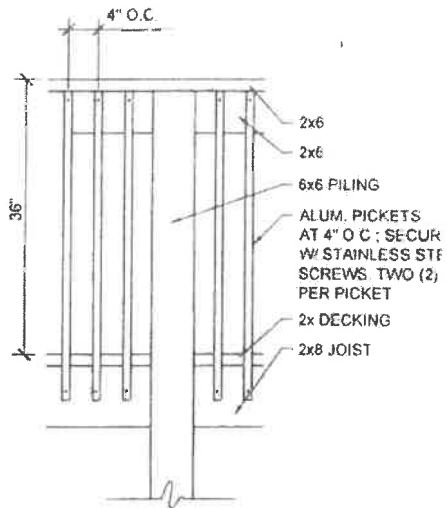
- Turbidity
Barrier



STAIRCASE CONSTRUCTION NOTES:
 1. REQUIRED GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT WHICH ALLOW PASSAGE OF A SPHERE 4" IN DIAMETER.
 2. GUARDRAILS AND HANDRAILS SHALL RESIST A SINGLE CONCENTRATED LOAD OF NO LESS THAN 200 POUNDS APPLIED IN ANY DIRECTION AT ANY POINT ALONG THE TOP.

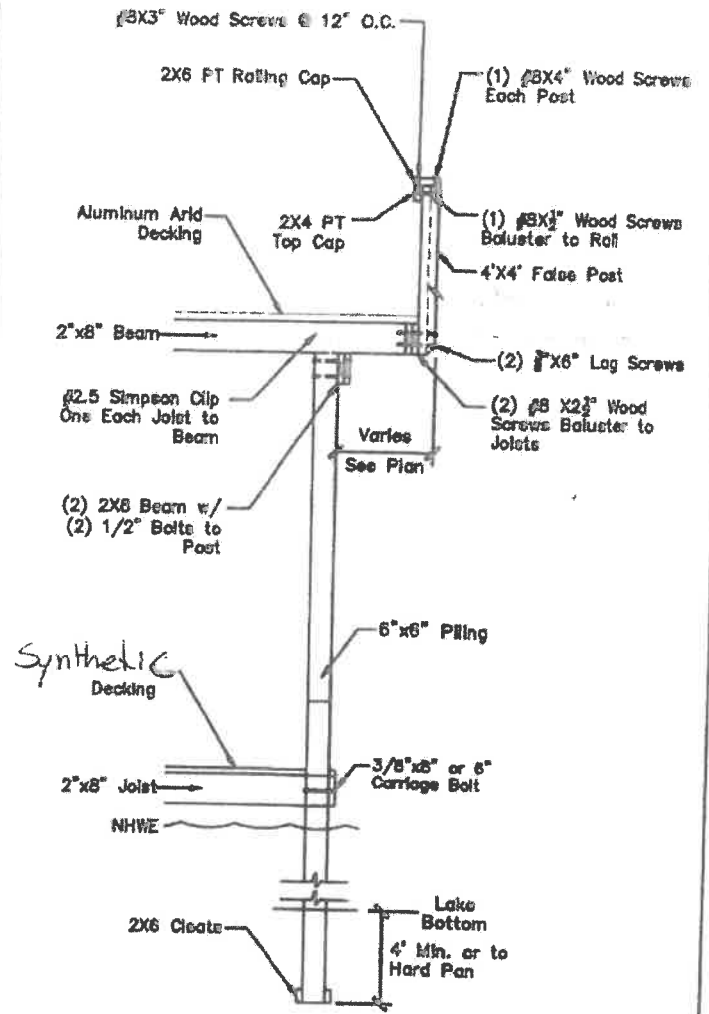
Stair & Railing Details
 SCALE: NOT TO SCALE

Seal
 THOMPSON ENGINEERING GROUP (TEG)
 MICHAEL THOMPSON, P.E.
 FL # 47509
 4401 VINELAND ROAD
 SUITE A6
 ORLANDO, FL 32811
 Ph: (407) 734-1450



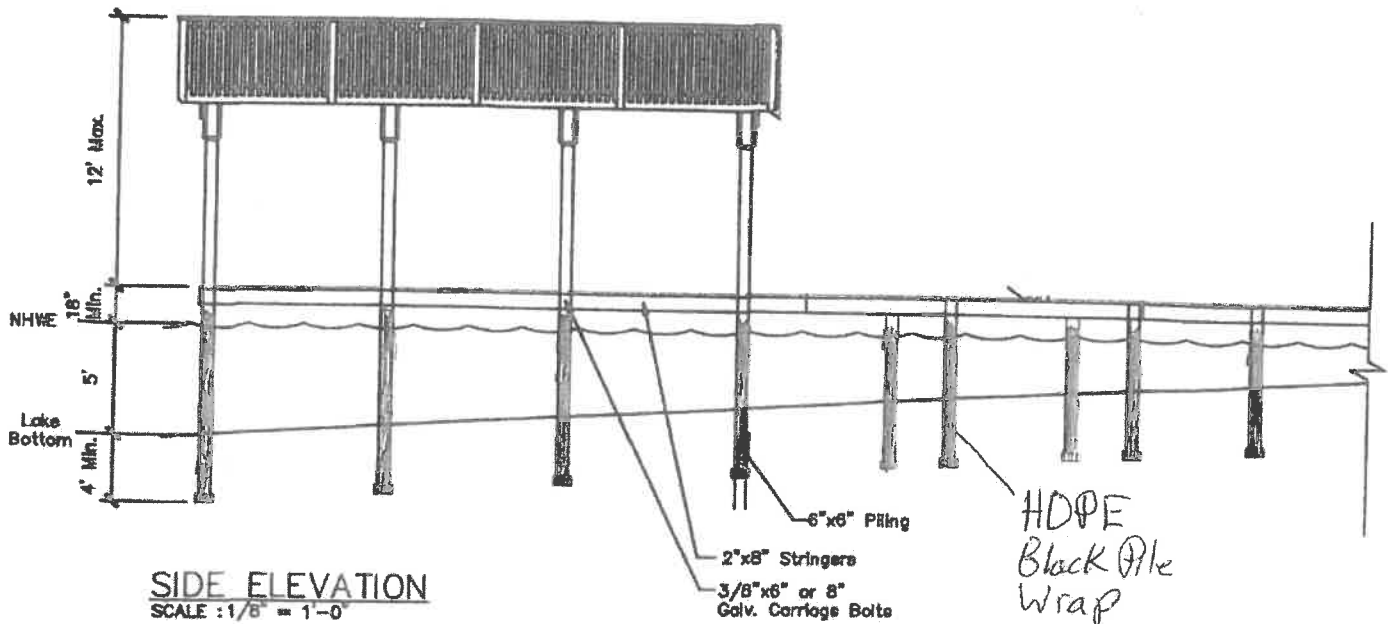
GUARDRAIL DETAIL

1/2" = 1'-0"



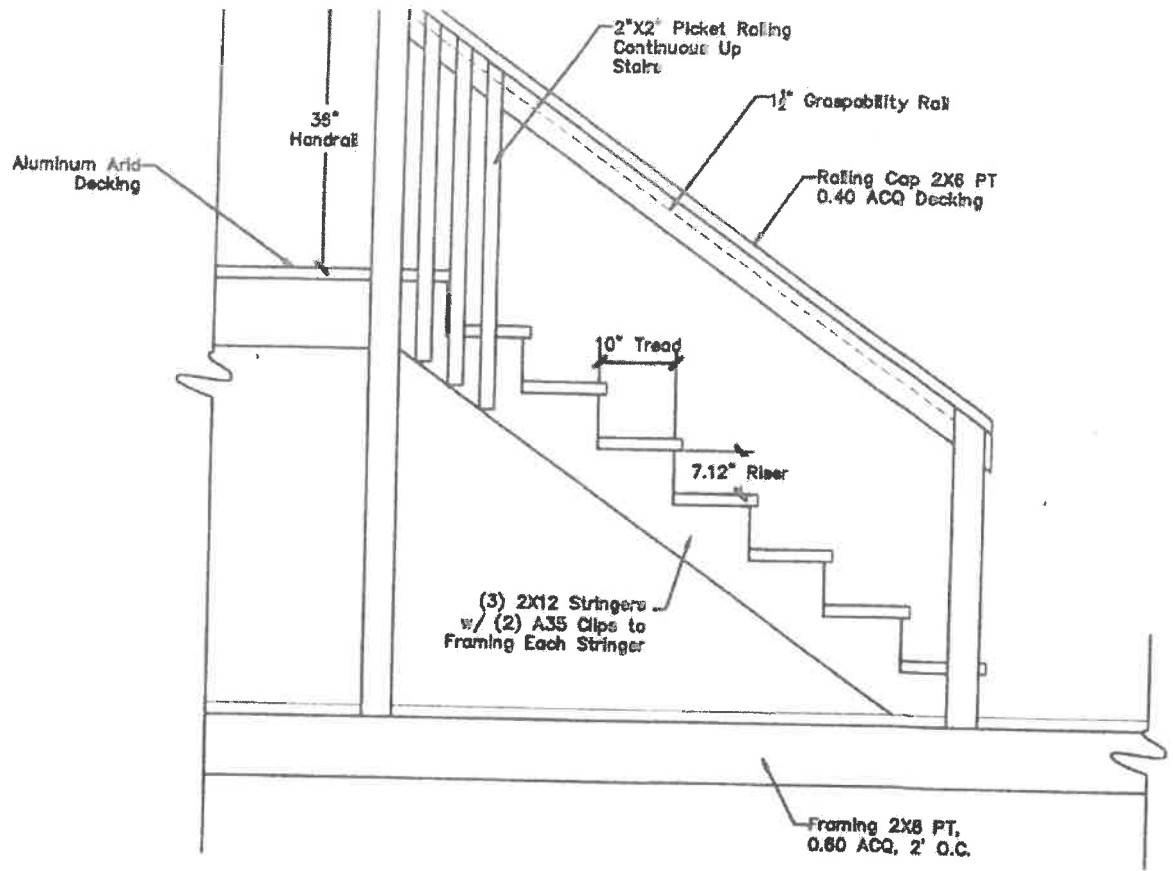
TYPICAL SECTION

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

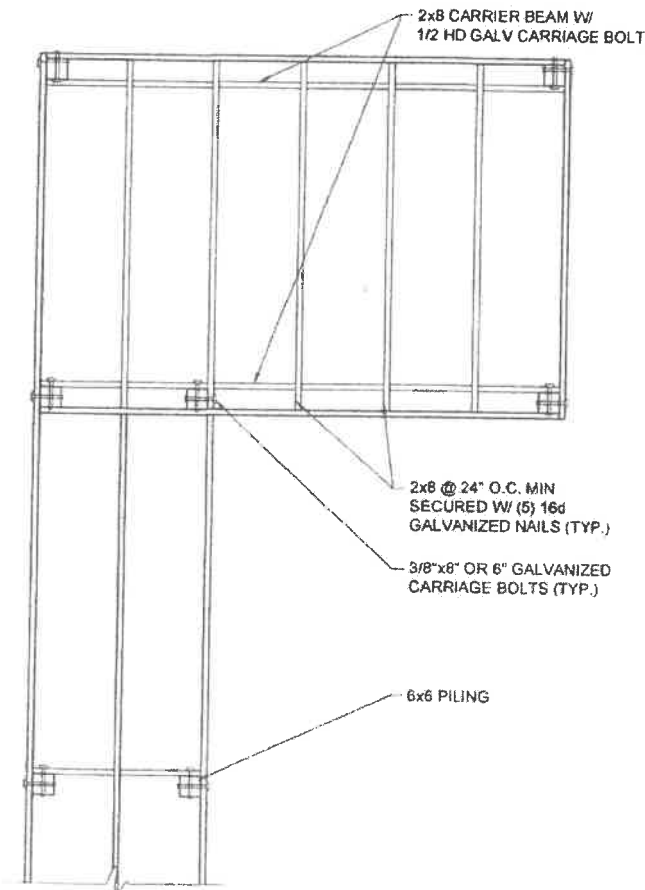


SIDE ELEVATION

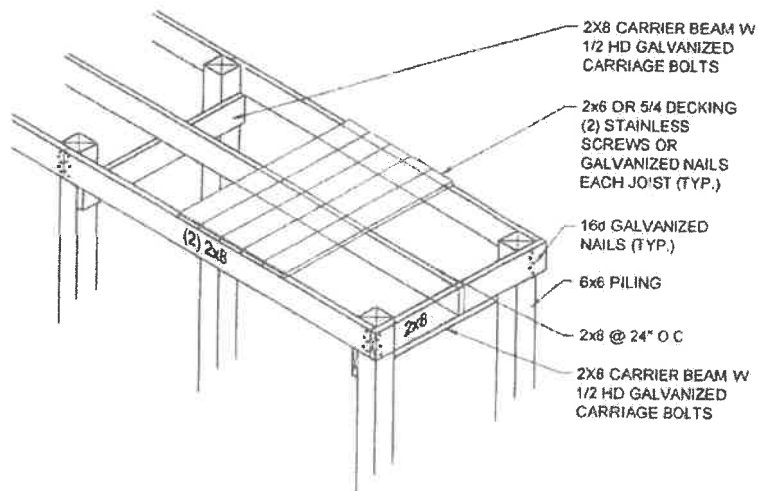
SCALE : 1/8" = 1'-0"



STAIR SIDE VIEW DETAIL
SCALE: 1/2" = 1'-0"



TYPICAL DECK & DOCK FRAMING
SCALE: 1/4" = 1'-0"



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

Design Standards

The following are general design standards. More stringent design standards may be noted on the plans.

General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

Design Code:

Florida Building Code 2017
The Aluminum Association, latest edition
ASCE 7-16

Galvanized Bolts:

All bolts shall be galvanized be ASTM
A572, grade 50 threaded round stock with
a minimum yield stress of 50,000 psi.

Timber:

Design Loads:

Pursuant to Chapter 1609 *LL* (~Table 1607; *WL*- Section 1609)
Ultimate Wind: 140 mph at 3 second gust (30 psf minimum)
Risk Category II (Table 1604.5)
Exposure Category: "D" (*FBC 1609.4.3* & *ASCE 7-10, Section 26.7.2*)
Deck Live Load: 60 psf Dead Load: 10 psf
Roof Live Load: 20 psf Guardrails and handrails: 200 psf
Guardrail in fill components: 50psf Stairs: 40psf
Components and cladding, design wind pressures + 38psf/-38psf

Design in accordance with the National Design specification for wood construction, with loading in accordance with the Florida Building Code. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

Minimum bending stress = 1250 psi (No. 1 Dense So. Pine)

Young Modulus = 1600 ksi

Maximum of 15% moisture content

Contractor may use Southern Yellow Pine No. 2 or U.O.N.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design.

All aluminum shall be 6061-T6 (E= 10,000 ksi; Fy = 35 ksi)

Concrete

Conform to ACI 318, latest edition and ACI 301

Compressive Ultimate Strength (Minimum at 28 days) shall be 3,000 psi

Exposed chamfer edges shall be 3/4"

Reinforcing Steel:

Conform to ACI 318 and 315, Latest edition

All reinforcement steel shall be ASTM A615

Grade 60. Min footing cover 3"

Smooth dowels & ties shall be ASTM A185

Structural Steel:

Conform to latest edition of AISC "Specification for structural steel building" and AISC "Code of standard practice for steel buildings and bridges".

All structural steel shall be ASTM A36, (E= 29,000 ksi; Fy = 36 ksi)

Splicing prohibited without prior approval as to location and type.

Burning of holes in steel members is prohibited. Any member with burned holes must be replaced.

Welding:

Conformed to "code for welding in building construction" by the American Welding Society, latest edition.

Steel Weld IAW AWS D1.1 (latest edition) -E70XX electrodes

Aluminum Weld IAW AWS D1.2 (lasts edition)-Filler Alloy 5356 or equal.

Connection welds to be sized for forces and reactions indicated.

All steel welds shall be E70XX low hydrogen, 250 degrees min.

Welds shall be full penetration welds at all points of contact


Michael Thompson, MSc, P.E. (#47509) 4401 Vineland Road, Suite A-6, Orlando, Florida 32811



Interoffice Memorandum

June 17, 2021

To: Environmental Protection Commission

From: David D. Jones, P.E., CEP, Manager
Environmental Protection Division 

Subject: Daniel D Whitney Revocable Trust and Cara G Whitney Revocable Trust Request for a Waiver for Dock Construction Permit BD-21-01-010

Reason for Public Hearing

The applicants, Daniel D Whitney Revocable Trust and Cara G Whitney Revocable Trust, are requesting a waiver to Orange County Code (Code), Chapter 15, Article IX, Section 15-342(b) (terminal platform size).

Location of Property/Legal Description

The project site is located at 11536 Lake Butler Boulevard, Windermere, FL 34786. The Parcel ID number is 07-23-28-5616-01-380. The subject property is located on Lake Butler in District 1.

Background

On January 27, 2021, the Environmental Protection Division (EPD) received an Application to Construct a Dock at the subject property. On March 5, 2021, EPD received an Application for Waiver to Section 15-342(b) (terminal platform size) requesting to increase the terminal platform size from the maximum allowed by Code of 1,000 square feet to 1,596 square feet.

Side Setback Waiver Request

On March 16, 2021, EPD received an Application for Waiver to Section 15-343(b) (side setback) to seek authorization for a negative (-) side setback of 107.4 feet from northeastern projected property line (the boat dock will traverse the northeastern projected property line by 107.4 feet). The applicant has a shoreline that measures over 300 feet. Chapter 15, Article IX, Section 15-343(b) of the Code states, "On lots or parcels having a shoreline frontage of seventy-five (75) feet or greater, docks shall have a minimum side setback of twenty-five (25) feet from the projected property line, unless such requirement is reduced by an appropriate waiver which shall be reviewed by the environmental protection division."

A notarized Letter of No Objection was received from the affected neighbor (Ronald Karpiuk at 11500 Lake Butler Boulevard); therefore, pursuant to Section 15-343(b), the side setback waiver can be approved by the Environmental Protection Officer (EPO) and no action is required by the Environmental Protection Commission (EPC) on this item.

Public Notifications

On April 22, 2021, Notices of Application for Waiver were sent to all shoreline property owners within a 300-foot radius of the property. The applicants and agent were sent notices on May 28, 2021 to inform them of the EPC meeting on June 30, 2021.

Terminal Platform Size Waiver

Chapter 15, Article IX, Section 15-342(b) of the Code states, “the maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first seventy-five (75) feet of shoreline and five times the linear shoreline frontage for each foot in excess of seventy-five (75) feet, not to exceed a maximum of 1,000 square feet.” The applicants have a shoreline that measures over 300 linear feet at the Normal High Water Elevation (NHWE), allowing for the maximum terminal platform size of 1,000 square feet. The applicants are requesting to construct an addition to the terminal platform of the existing, grandfathered boat dock for a total size of 1,596 square feet (596 square feet larger than allowed).

Pursuant to Section 15-350(a)(2), “the applicant shall describe (1) how this waiver would not negatively impact the environment, and (2) the effect of the proposed waiver on abutting shoreline owners.”

To address Section 15-350(a)(2)(1), the applicants’ agent (Mr. Peter Fleck) states, “*Client is willing to pay mitigation if necessary.*”

To address Section 15-350(a)(2)(2), the applicants’ agent states, “*No effect on abutting shoreline owners.*”

The additional shading impacts from the larger-than-allowed terminal platform were evaluated by EPD staff using the Uniform Mitigation Assessment Method. The applicants have agreed to provide mitigation for the additional shading with a payment of \$1,035 to the Conservation Trust Fund (CTF).

Objections

No objections have been received.

Enforcement Action

There is no current enforcement action for this property.

Staff Recommendation

Staff has evaluated the waiver request for compliance with the criteria for approval. The recommendation of the EPO is to approve the request for waiver to Section 15-342(b) (terminal platform size) based on a finding that the applicant has demonstrated there will be no negative effects on the abutting shoreline owners pursuant to Section 15-350(a)(2)(2), as no objections have been received. Additionally, pursuant to Section 15-350(a)(2)(1), negative effects to the environment due to shading impacts from the excess terminal platform size will be offset through a mitigation payment of \$1,035 to the CTF.

ACTION REQUESTED: **Accept the findings and recommendations of the Environmental Protection Officer, and make a finding that the waiver request is consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2) and recommend approval of the request for waiver to Section 15-342(b) to increase the maximum allowable terminal platform size from 1,000 to 1,596 square feet with a payment of \$1,035 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Daniel D Whitney Revocable Trust and Cara G Whitney Revocable Trust Dock Construction Permit BD-21-01-010. District 1**

NS/NT/TMH/ERJ/DJ: erj

Attachments

Dock Construction Application for Waiver



Dock Construction Application for Waiver

BD-21-01-010

District #1

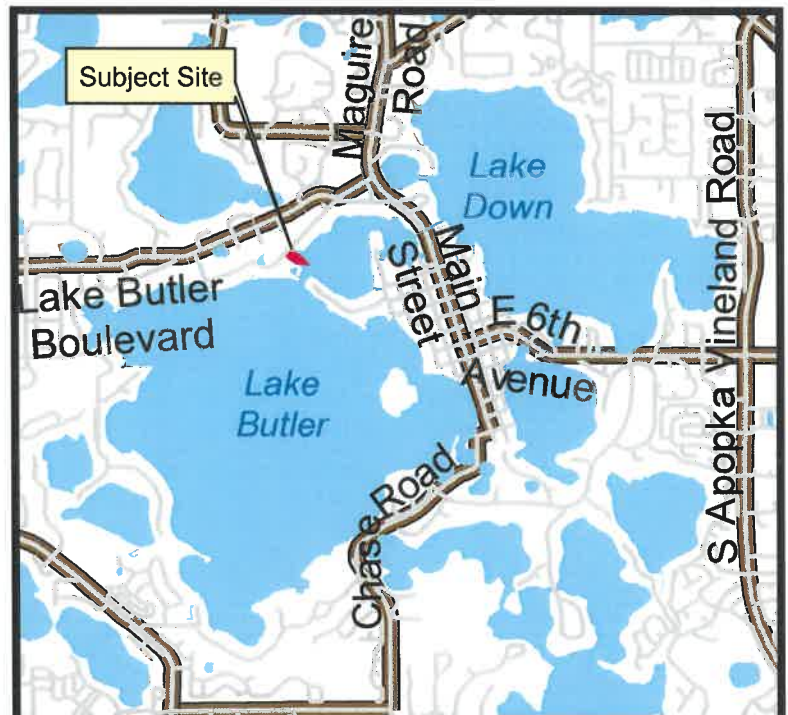
Applicant: Daniel D Whitney Revocable
Trust & Cara G Whitney
Revocable Trust

Address: 11536 Lake Butler Boulevard

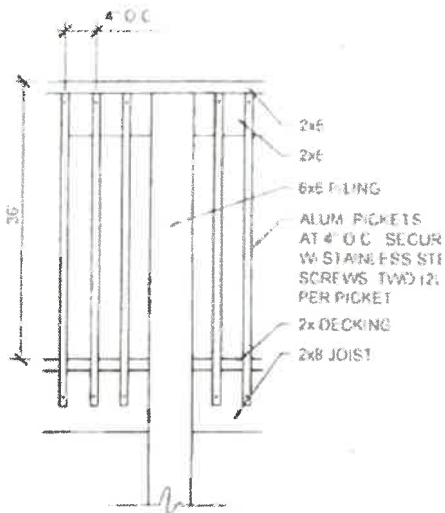
Parcel ID: 07-23-28-5616-01-380

Project Site 

Property Location 

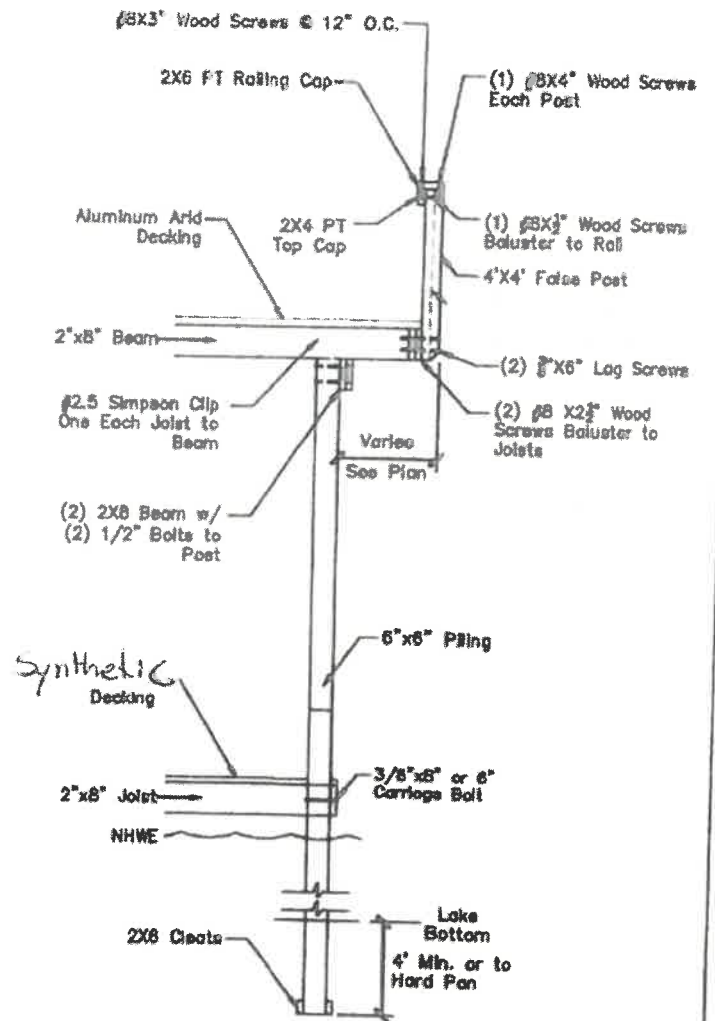


received
1/21/2021



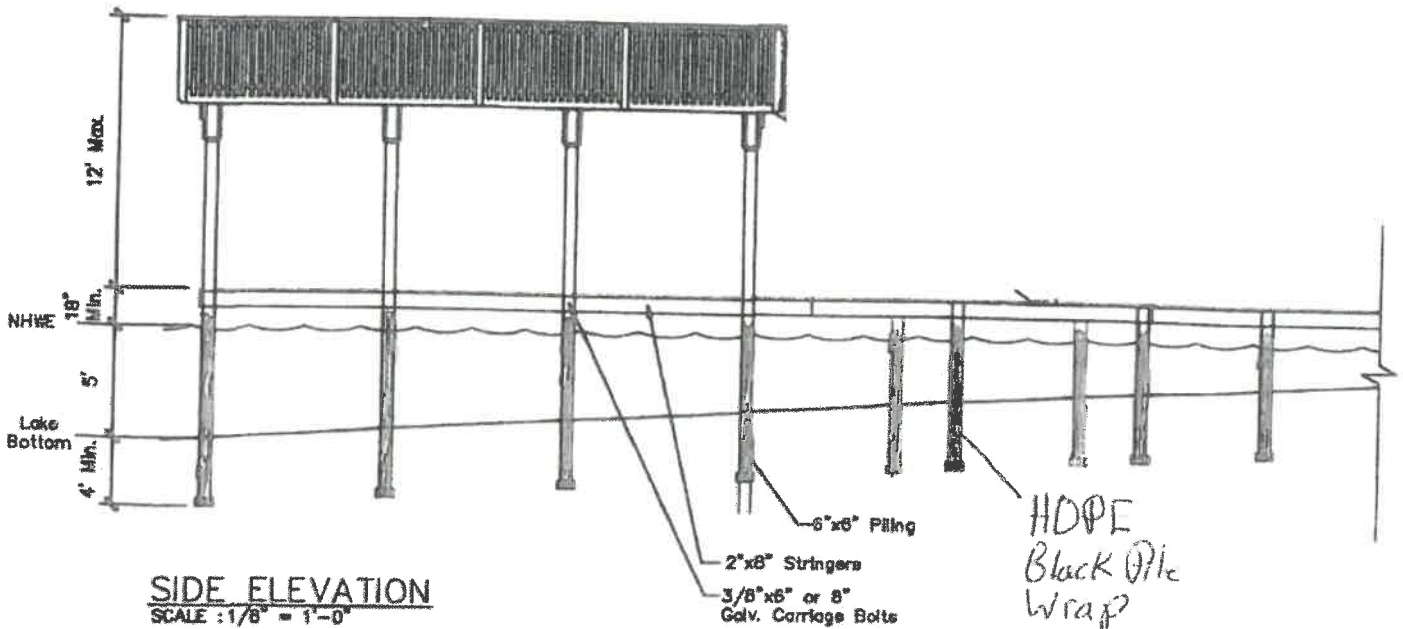
GUARDRAIL DETAIL

1/2" = 1'-0"



TYPICAL SECTION

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



SIDE ELEVATION

SCALE : 1/8" = 1'-0"



APPLICATION TO CONSTRUCT A BOAT DOCK
APPLICATION FOR WAIVER

(Pursuant to Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2))

received 3/5/2021

Mail or Deliver To: Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803
(407) 836-1400, Fax (407) 836-1499

I Peter Fleck on behalf of Daniel D. Whitney (if applicable) pursuant to Orange County Code Chapter 15, Article IX, Section 15-350(a)(2) am requesting a waiver to section (choose and circle from the following 15-342(b), 15-343(b), 15-344(a) and 15-345(a)) of the Orange County Dock Construction Ordinance.

1. Describe how this waiver would not negatively impact the environment:
Client is willing to pay mitigation if necessary

2. Describe the effect of the proposed waiver on abutting shoreline owners:
No effect on abutting shoreline owners.

The environmental protection officer and the board may require of the applicant information necessary to carry out the purposes of this article.

By signing and submitting this application form, I am applying for a waiver to the Section indicated of the Orange County Dock Construction Ordinance identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application, and represent that such information is true, complete, and accurate. I understand this is an application and not a permit, and that work conducted prior to approval is a violation. I understand that this application and any permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, or local permits prior to commencement of construction. I understand that knowingly making any false statements or representation in this application is a violation of Sections 15-341 & 15-342, Orange County Code.

Name of Applicant: Peter Fleck, P-Ice Builders
Signature of Applicant/Agent [Signature] Date: 2-31-21
Corporate Title (if applicable):



AGENT AUTHORIZATION FORM

FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

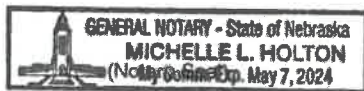
I/WE, Whitney Revocable Trust (PRINT PROPERTY OWNER NAME)
11536 Lake Butler Blvd, Windermere, FL 34786, AS THE OWNER(S) OF THE REAL
PROPERTY DESCRIBED AS FOLLOWS,
11536 Lake Butler Blvd, Windermere, FL 34786, DO HEREBY
AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME),
Peter Fleck and Q-Ice Builders, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO
AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS,
Boat Dock Permit, 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: 2-4-21 [Signature] Signature of Property Owner Daniel E. Casey Print Name Property Owner
Date: 2/4/21 [Signature] Signature of Property Owner Cam Whitney Print Name Property Owner
Date: _____ Signature of Property Owner _____ Print Name Property Owner
Date: _____ Signature of Property Owner _____ Print Name Property Owner

STATE OF ~~FLORIDA~~ Nebraska
COUNTY OF ~~Lancaster~~

I certify that on 2-4-2021, before me, Michelle L. Holton, an officer duly authorized by the State of ~~Florida~~ Nebraska and in the county mentioned above, to take acknowledgements, personally appeared Daniel E. Casey Whitney, to me known to be the person described in this instrument or to have produced Drivers License, as evidence, and who has acknowledged before me that he or she executed the instrument and did / did not take an oath.

Witness my hand and official seal in the county and state stated above on the 4 day of February, in the year 2021.



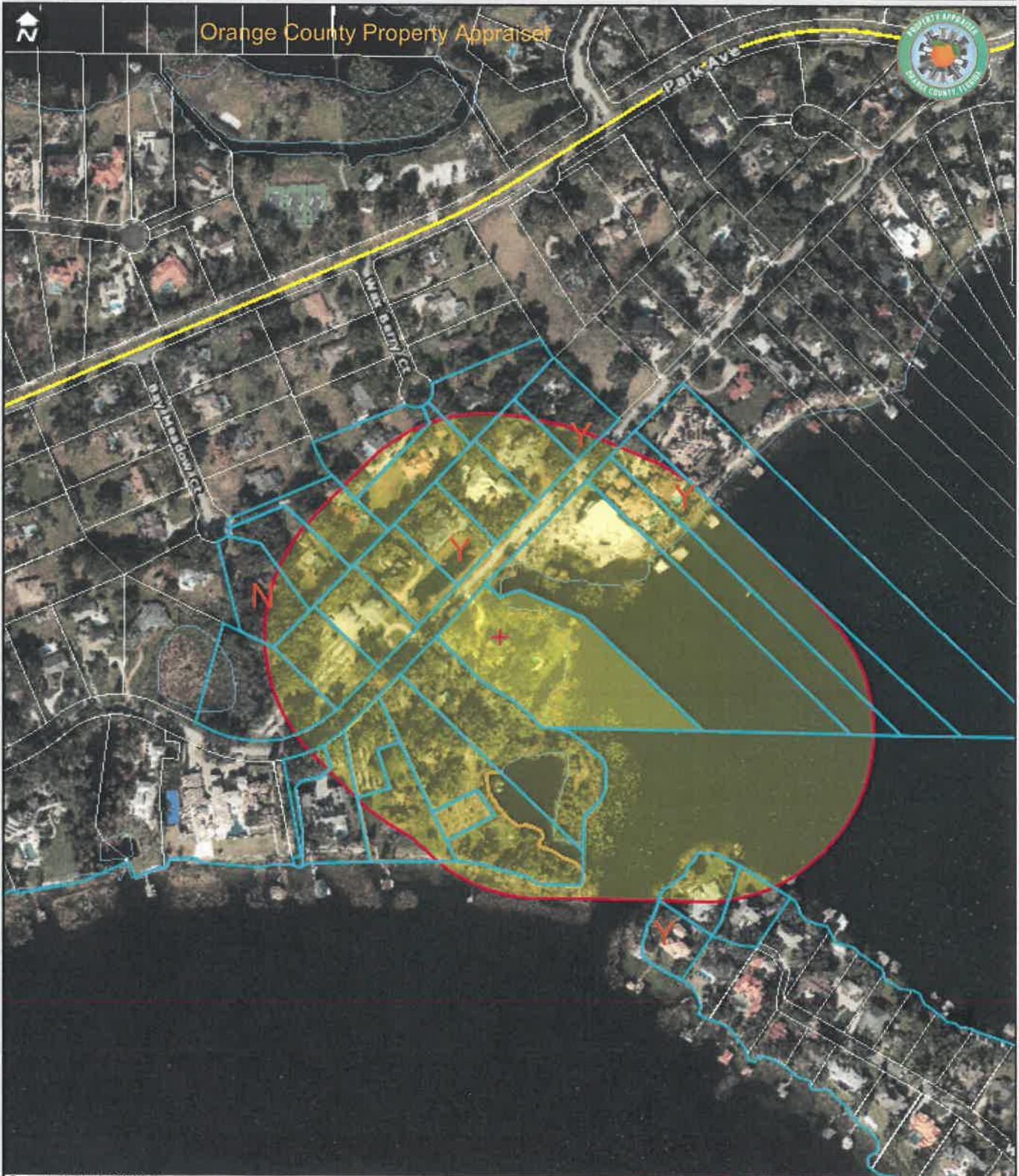
Michelle L. Holton
Signature of Notary Public
Notary Public for the State of ~~Florida~~ Nebraska
My Commission Expires: May 7, 2024

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #:
07-23-28-5616-01-380
LEGAL DESCRIPTION:
REPLAT OF METCALF PARK Q/18 & H/59 THAT PART OF PLAT SHOWN AS LOTS 140 TO 141 ON PLAT BOOK H/59 & 60 & THAT PART OF 1 FT E & 619.4 FT S OF THE NW CORNER OF THE NE 1/4 OF SEC 17 SAID PT BEING TH NW CORNER OF LOT 8 BLK A OF WAUSEON F



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



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

November 23, 2021

WEISZ SCOTT
11449 LAKE BUTLER BLVD
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 11536 Lake Butler Blvd. Z21-08

Peter Fleck, representative for Daniel and Cara Whitney Revocable Trust, owner of 11536 Lake Butler Blvd. 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 negative (-) side setback of 107.4 feet from the northeastern projected property line (the boat dock will cross the northeastern projected property line by 107.4 feet). The Town's code requires docks to have a side setback of 16 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 using the enclosed stamped envelope to Wade Trim, Inc. by **December 17, 2021**.


This matter will be presented to the Development Review Board on **Tuesday, December 21, 2021, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, January 11, 2022, 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 – Z21-08 (11536 Lake Butler Blvd.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE:  DATE: 12/5/21

WEISZ SCOTT

Received
DEC 09 2021
Wade Trim

Town of Windermere

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



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

November 23, 2021

KARPIUK ROY
11515 LAKE BUTLER BLVD
WINDERMERE, FL 34786

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Wade Trim, Inc.
813.882.4373
tow@wadetrim.com
Encl.

RECOMMEND – Z21-08 (11536 Lake Butler Blvd.)

APPROVAL: / **DISAPPROVAL** _____

COMMENTS: _____

SIGNATURE: *Karpiuk Roy* **DATE:** 12-06-21

KARPIUK ROY

Received

DEC 09 2021

Wade Trim

Town of Windermere

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

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

November 23, 2021

GANOVSKY MATTHEW
11450 LAKE BUTLER BLVD
WINDERMERE, FL 34786

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

RECOMMEND – Z21-08 (11536 Lake Butler Blvd.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Matthew Ganosky DATE: 12/4/2021

GANOVSKY MATTHEW

Received

DEC 09 2021

Wade Trim

Town of Windermere

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

Wade Trim

DEC 10 2021

Received



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

November 23, 2021

FISHER JOHN EDWIN
1100 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 11536 Lake Butler Blvd. Z21-08

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

RECOMMEND - Z21-08 (11536 Lake Butler Blvd.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE:  DATE: 12/7/2021

FISHER JOHN EDWIN

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 BURKE

November 23, 2021

MCDONALD JOHN DOUGLAS
3466 BAY MEADOW CT
WINDERMERE, FL 34786

Received
DEC 10 2021

RE: Public Notice of Variance Public Hearing for 11536 Lake Butler Blvd. Z21-08

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

RECOMMEND - Z21-08 (11536 Lake Butler Blvd.)

APPROVAL: _____ DISAPPROVAL:

COMMENTS: We disapprove based on the excessive encroachment into the cove at that end of the bay. This effectively closes it off which affects ease of access to boaters, fishermen, kayakers, etc. It could impact the local wildlife and fish adversely.

SIGNATURE: [Signature] DATE: 12/4/2021

MCDONALD JOHN DOUGLAS

+ CO-OWNER: [Signature]
ISABEL E. FREEMAN

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 December 21, 2021

Town Council January 11, 2022

Case No.: Z21-09

Applicant/Representative: Mohamed Fahmy (Trustee)

Property Owners: 435 Butler Trust

Requested Action: Variance to allow for a garage setback of 19 feet from the south front property line (W 5th Ave.).

Property Address: 435 Butler St. Windermere, FL 34786

Legal Description: PLAT OF WINDERMERE G/36 LOT 298 IN SEC 8-23-28

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 applicant would like to construct a garage that is 19 feet from the south, front property line (W 5th Ave.). The Town's code requires garage doors for vehicle access to be at least 25 feet from the property line. The applicant is requesting a 6-foot variance for to the required garage setback.

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 applicants in support of their variance request:

1. The applicant states they would like to construct the garage to be in-line with the existing structure.
2. The applicant states they will be limited on the area for a pool if the garage is built to setback.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property. As of December 13, 2021, 13 responses were returned in support. An update to any responses received after December 15, 2021, will be provided at the DRB meeting.

November 18, 2021

RE: Mohamed & Debora Fahmy

435 Butler St

Windermere, FL 34786

To whom it may concern,

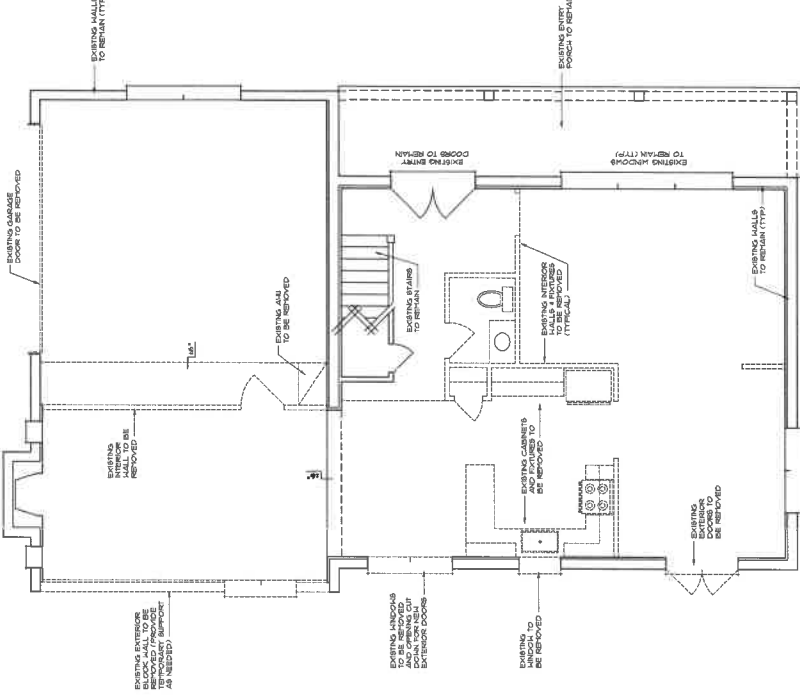
We are requesting a variance for the garages on our new addition. We are asking for a 6 foot variance so that our addition stays in line with our existing home. I have included a separate page from our plans showing that even if the variance is approved, we will still need to turn our rectangular pool lengthwise to fit in the backyard. If we have to move the new garages any further into our back yard it will put us in a position to either not be able to have a pool or it will be awkwardly narrow.

What we are requesting is consistent with other homes in our neighborhood.

Thank you,

Mohamed Fahmy

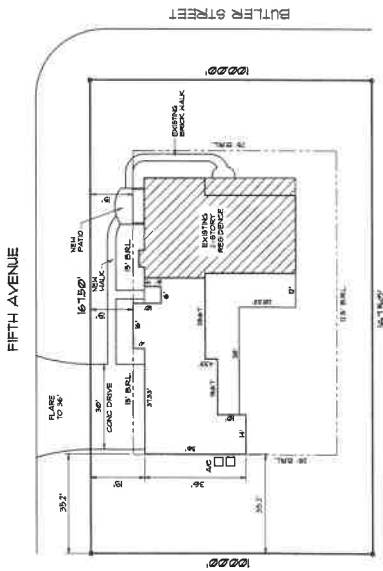
NOTE:
 ALTHOUGH EVERY EFFORT HAS BEEN TAKEN TO ACCURATELY REPRESENT THE EXISTING CONDITIONS OF THE PROPERTY, THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND OTHER AFFECTING AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL ADJACENT PROPERTIES AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND OTHER AFFECTING AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL ADJACENT PROPERTIES AND UTILITIES.



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

BUILDER TO LOCATE EXISTING BEARING WALLS/POSTS AND PROVIDE TEMPORARY SUPPORT AS NEEDED, PRIOR TO DEMOLITION

NOTES:
 NO DEMOLITION TO BE BEYOND FLOOR S INTERIOR AS A PART OF THESE PLAN.



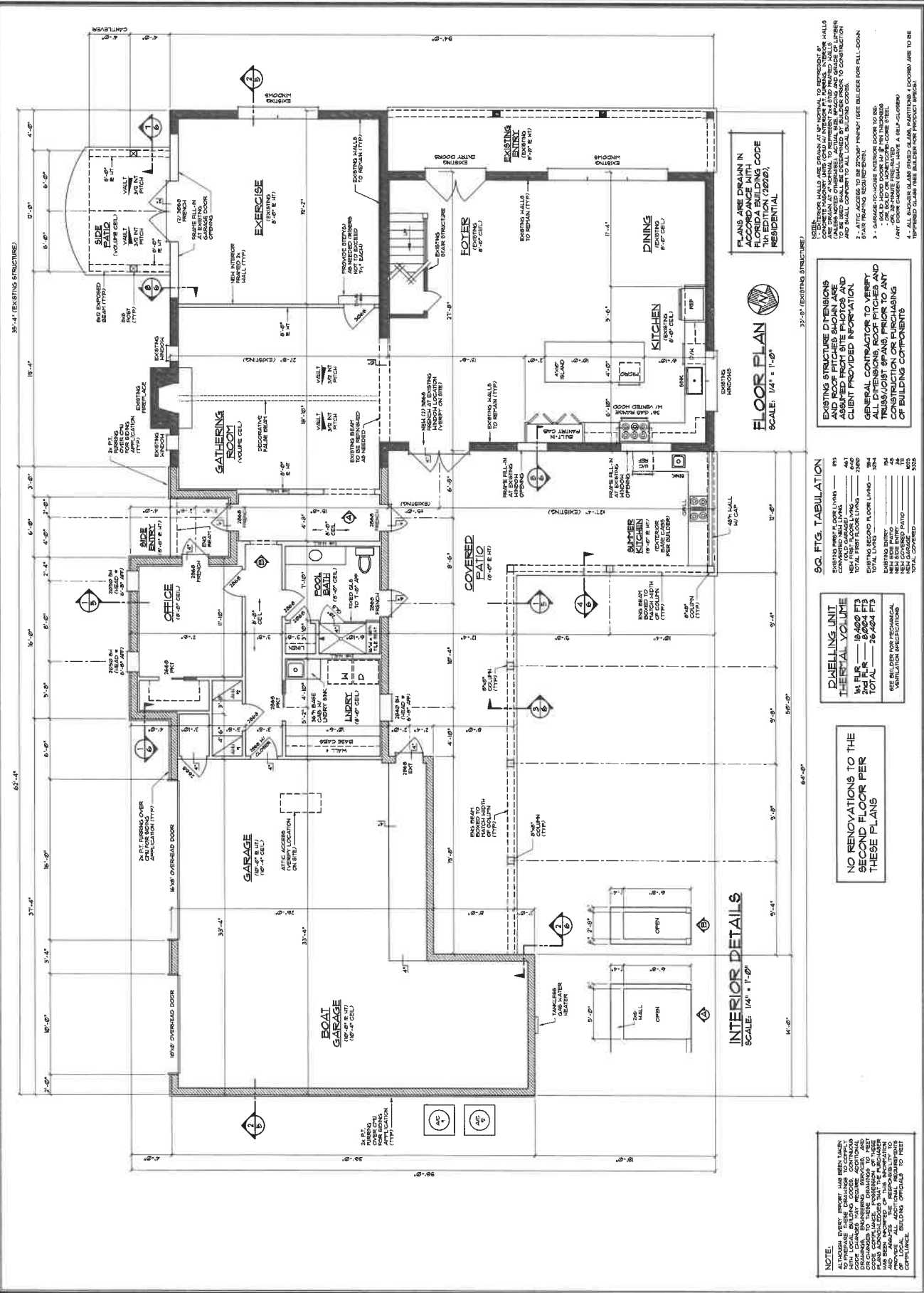
SITE PLAN
 SCALE: 1" = 20'-0"
 LOT 298 WINDERMERE
 ORANGE COUNTY, FLORIDA
 455 BUTLER STREET
 WINDERMERE, FL 34786
 REF: P-23-28-9336-02-582

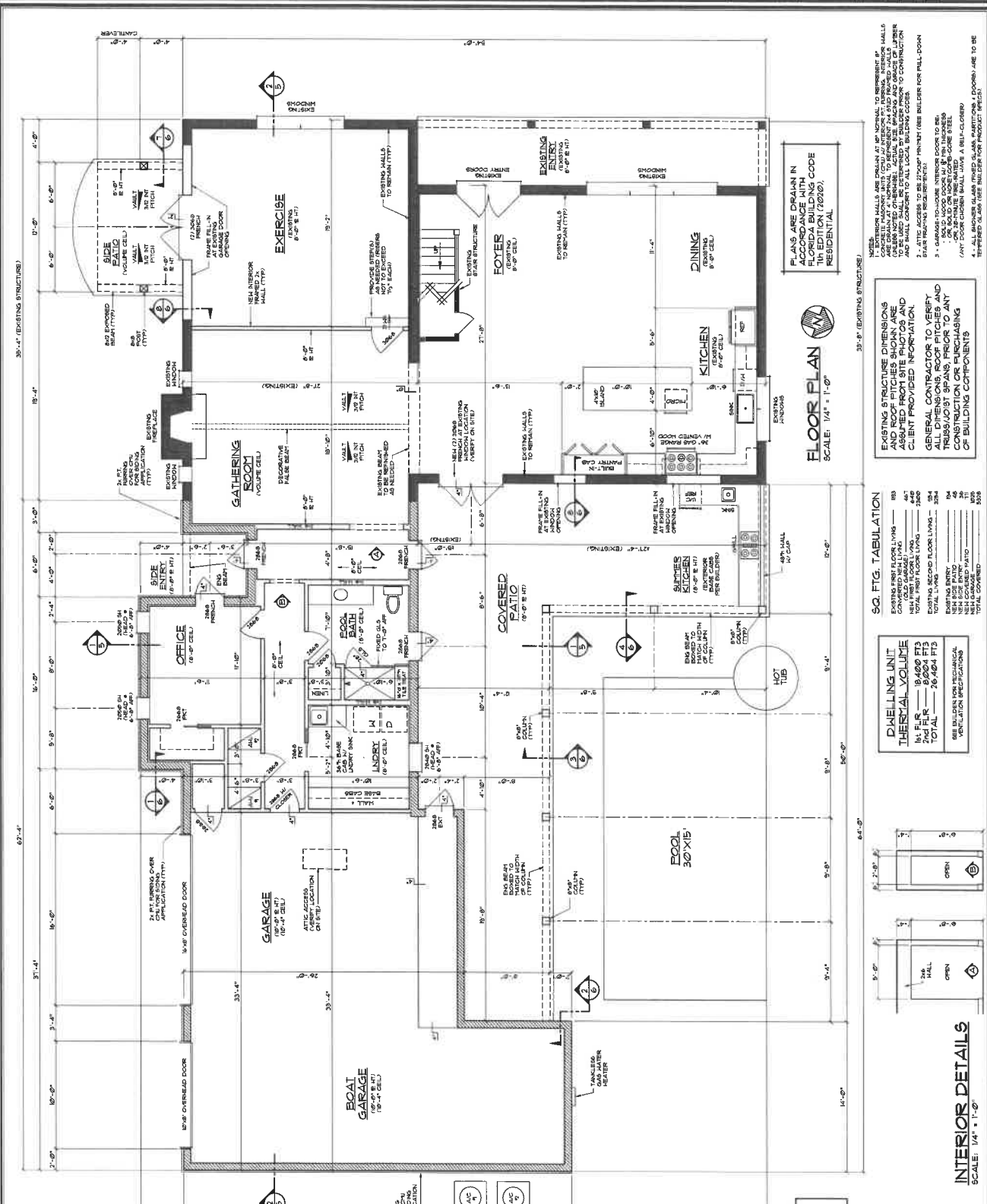
KLAYBOR & ASSOCIATES
 Residential Designers
 2020 Copyright
 Klaybor & Associates, Inc.
 10001 W. US Highway 1
 Suite 100, Windermere, FL 34786
 Phone: (407) 553-4340
 Fax: (407) 553-4340
 www.klaybor.com

Project: 20-1055
 Date: 10/25/2021
 Drawn By: JBF
 Check By: JBF
 Scale: 1/4" = 1'-0"

AN ADDITION TO
 THE FAMILY RESIDENCE
 455 BUTLER STREET
 WINDERMERE, FL 34786

1





PLANS ARE DRAWN IN ACCORDANCE WITH THE FLORIDA BUILDING CODE 7TH EDITION (2020) RESIDENTIAL
FLOOR PLAN
 SCALE: 1/4" = 1'-0"

NOTES:
 1. EXISTING STRUCTURE DIMENSIONS AND ROOF PITCHES SHOWN ARE ASSIGNED FROM SITE PHOTOS AND CLIENT PROVIDED INFORMATION. GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS, ROOF PITCHES AND CONSTRUCTION OR PURCHASING OF BUILDING COMPONENTS.
 2. ATTIC ACCESS TO BE 2700' RIMKIT (SEE BUILDER FOR FULL-DOWN STAIR REQUISITE REQUIREMENTS).
 3. SOLID LUGS TO BE 2700' RIMKIT (SEE BUILDER FOR FULL-DOWN STAIR REQUISITE REQUIREMENTS).
 4. ANY DOOR CUBEN SHALL HAVE A BULL-CLOSED.
 5. THE BUILDER SHALL USE BUILDER'S PRODUCT SPECIFICATIONS TO MEET ALL REQUIREMENTS.

EXISTING STRUCTURE DIMENSIONS AND ROOF PITCHES SHOWN ARE ASSIGNED FROM SITE PHOTOS AND CLIENT PROVIDED INFORMATION.
 GENERAL CONTRACTOR TO VERIFY ALL DIMENSIONS, ROOF PITCHES AND CONSTRUCTION OR PURCHASING OF BUILDING COMPONENTS.

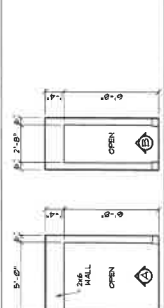
SQ. FTG. TABULATION

EXISTING FIRST FLOOR LIVING	183
EXISTING FIRST FLOOR KITCHEN	47
EXISTING FIRST FLOOR BATH	280
EXISTING FIRST FLOOR HALL	384
EXISTING SECOND FLOOR LIVING	384
EXISTING SECOND FLOOR BATH	47
EXISTING SECOND FLOOR HALL	47
NEW ROOF AREA	117
NEW COVERED PATIO	528
TOTAL COVERED	1539

DWELLING UNIT THERMAL VOLUME

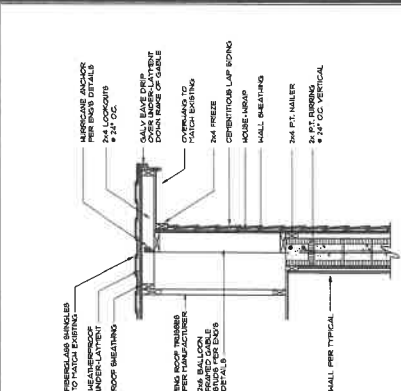
1st FLR	18,400 FT ³
2nd FLR	8,004 FT ³
TOTAL	26,404 FT³

SEE BUILDER FOR MECHANICAL VENTILATION SPECIFICATIONS



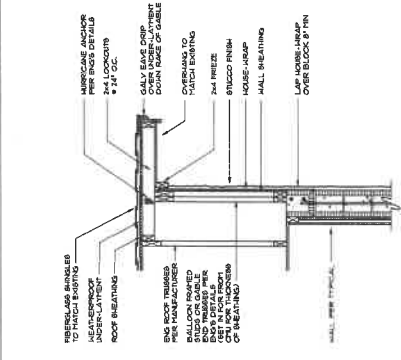
NO RENOVATIONS TO THE SECOND FLOOR PER THESE PLANS

NOTE:
 1. OWNER SHALL BE RESPONSIBLE TO PROVIDE THESE DRAWINGS TO ALL APPLICABLE LOCAL, STATE AND FEDERAL AGENCIES FOR REVIEW AND APPROVAL. ADDITIONAL CHANGES TO THESE DRAWINGS TO MEET ALL APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS SHALL BE THE RESPONSIBILITY OF THE CLIENT. THE BUILDER SHALL BE RESPONSIBLE TO MEET ALL LOCAL, STATE AND FEDERAL REQUIREMENTS.

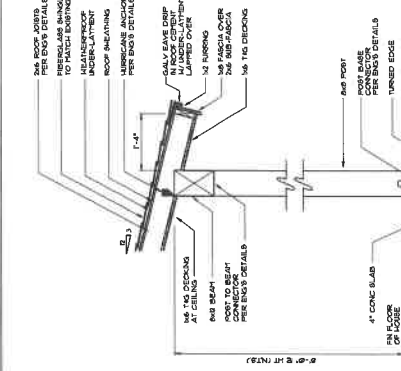


TYP GABLE AT LAP 5
SCALE: 3/4" = 1'-0"

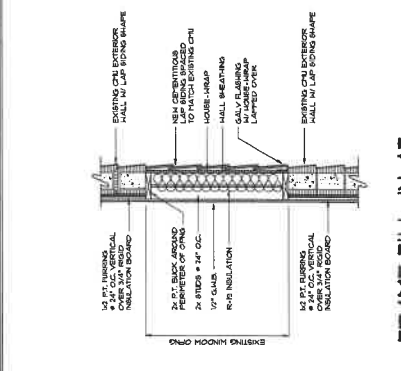
NOTE: STRUCTURAL COMPONENTS SHOWN SHALL BE CONSIDERED AS MINIMUM REQUIREMENTS. SEE ATTACHED ENGINEERING DRAWINGS FOR ACTUAL COMPONENTS TO BE USED.



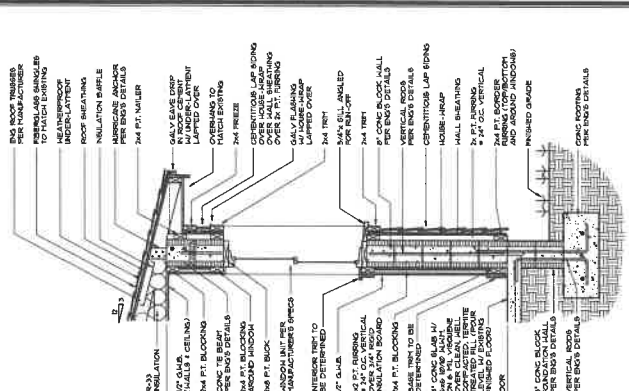
TYP GABLE AT STUCCO 6
SCALE: 3/4" = 1'-0"



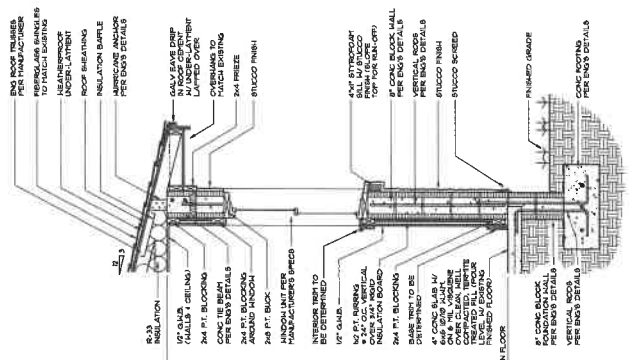
SIDE PATIO SECTION 7
SCALE: 3/4" = 1'-0"



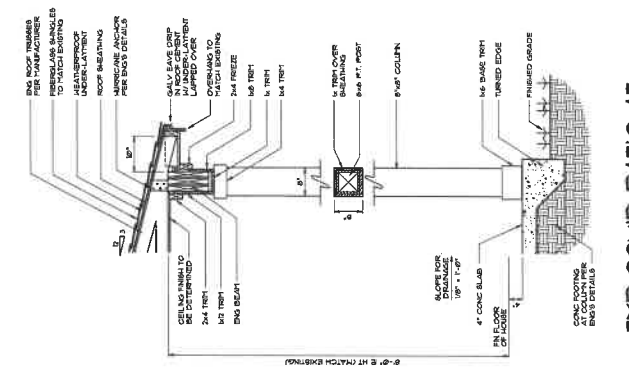
FRAME FILL-IN AT EXISTING CMU OPENINGS 8
SCALE: 3/4" = 1'-0"



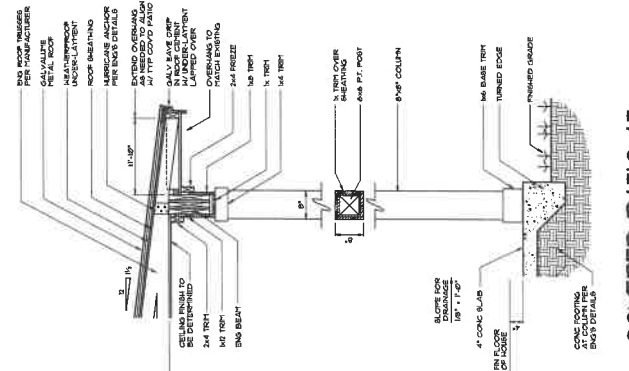
TYP SECTION AT LAP 1 6
SCALE: 3/4" = 1'-0"



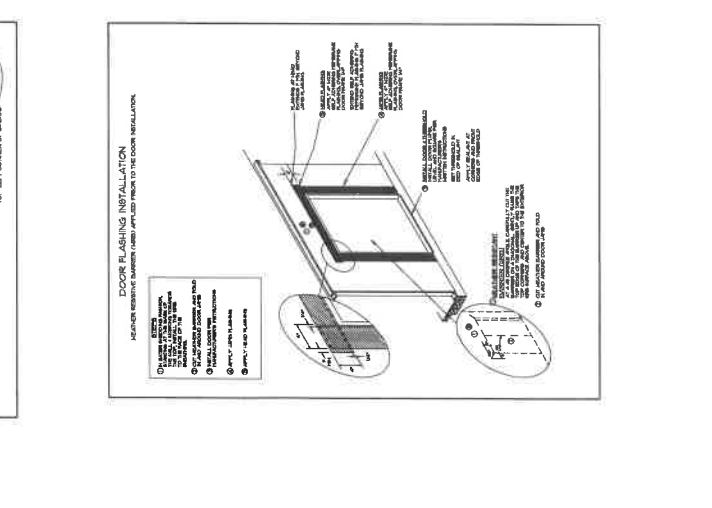
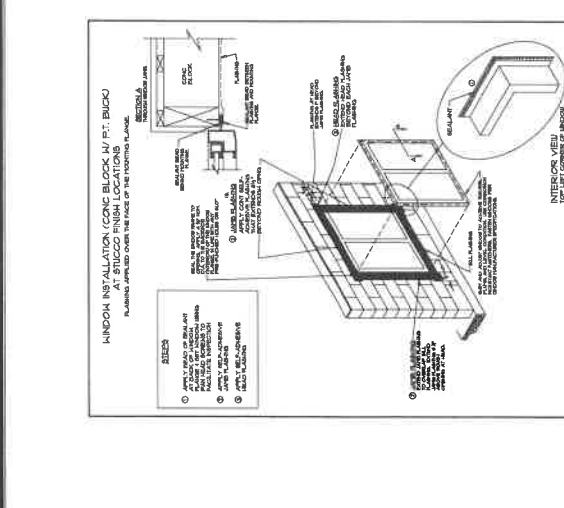
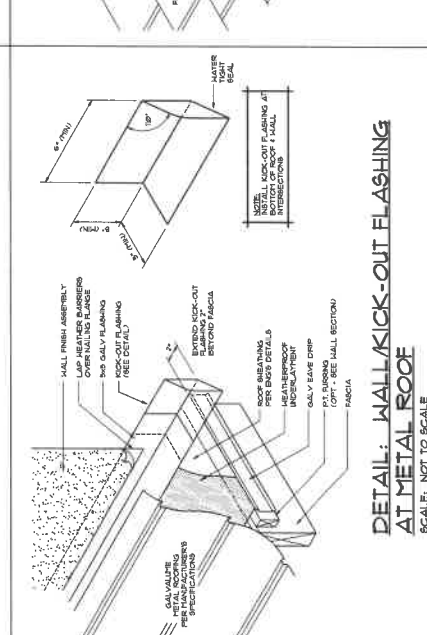
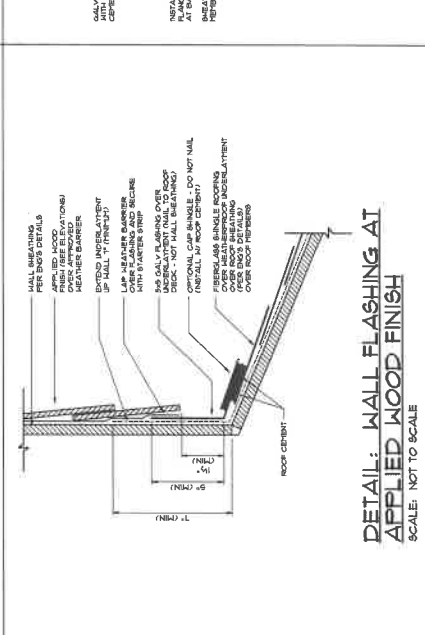
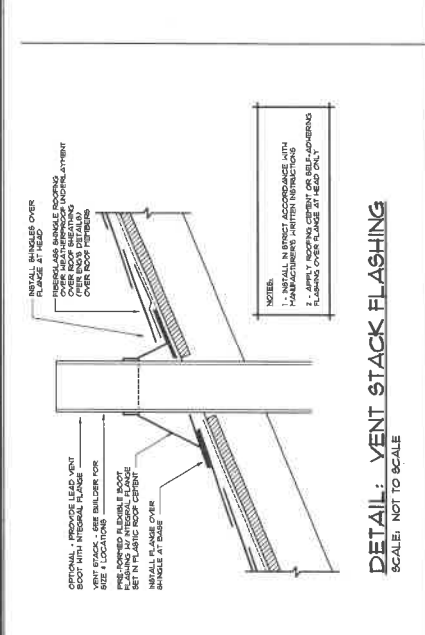
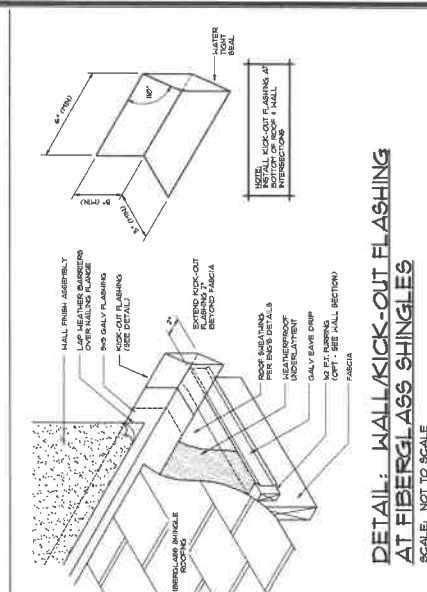
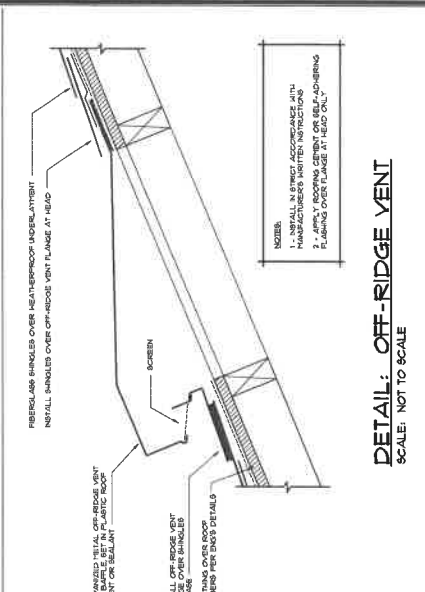
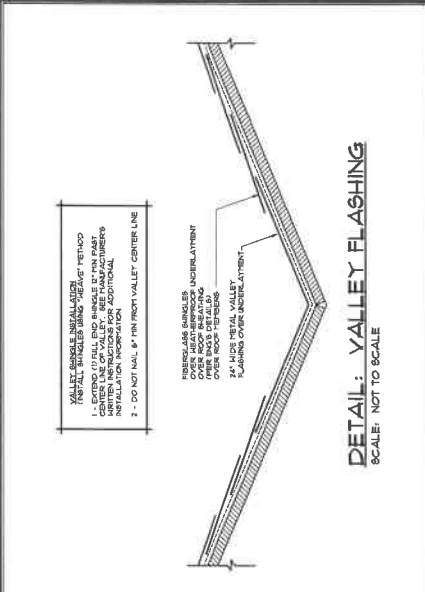
TYP SECTION AT STUCCO 2 6
SCALE: 3/4" = 1'-0"



TYP COVD PATIO AT FIBERGLASS SHINGLES 3 6
SCALE: 3/4" = 1'-0"



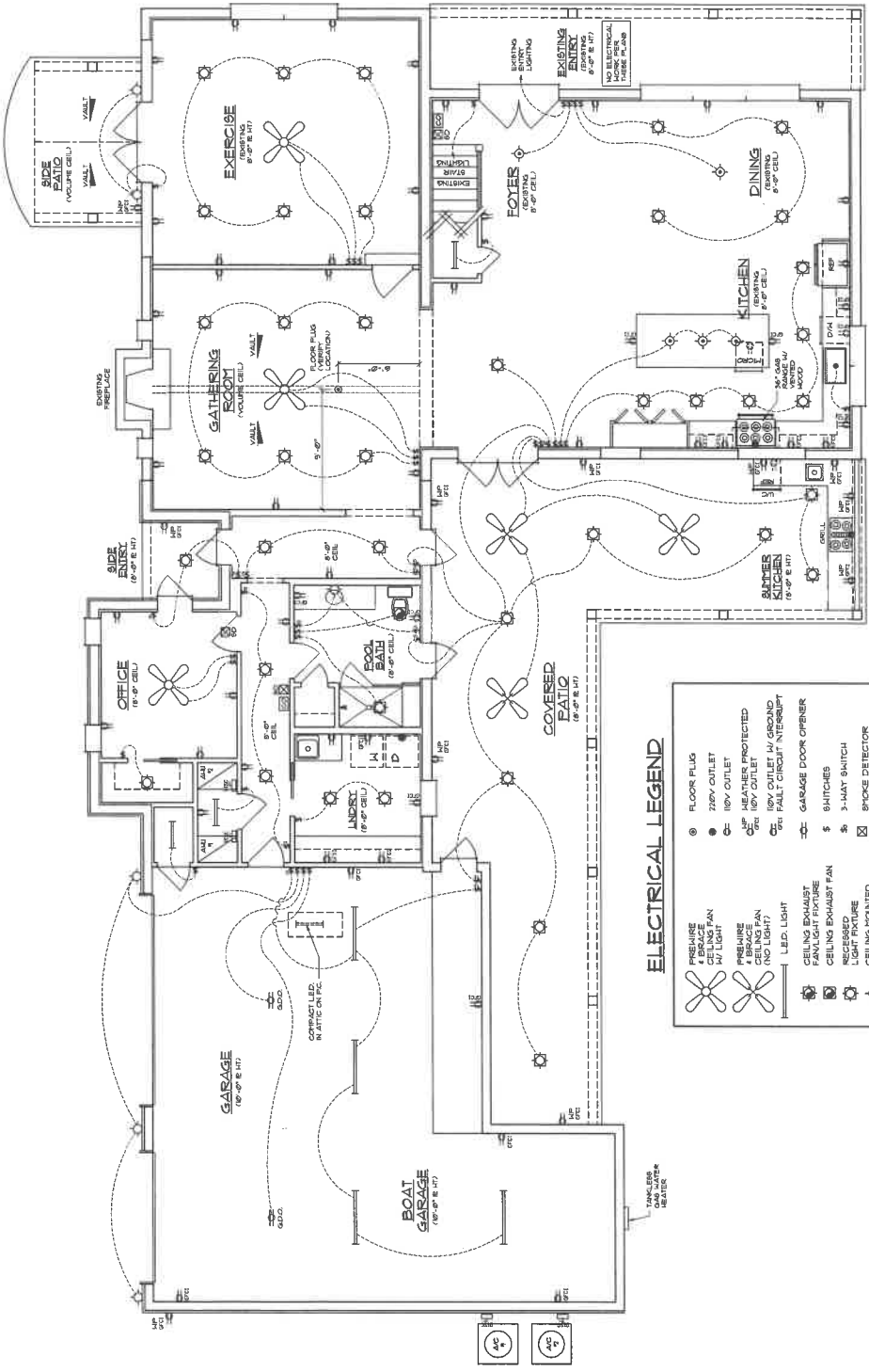
COVERED PATIO AT METAL ROOF 4 6
SCALE: 3/4" = 1'-0"



AN ADDITION TO
THE FANNY RESIDENCE
435 BUTLER STREET
WINDERMERE, FL 34786



KLAYBOR & ASSOCIATES, INC.
Residential Designers
3030 Copyright
KLAYBOR & ASSOCIATES, INC.
11000 W. US HWY 19, SUITE 100
WINDERMERE, FL 34786
TEL: 407-598-1100
WWW.KLAYBOR.COM



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

NO RENOVATIONS TO THE
SECOND FLOOR PER
THESE PLANS

ELECTRICAL LEGEND

	FLOOR PLUG
	220V OUTLET
	120V OUTLET
	WEATHER PROTECTED 120V OUTLET
	120V OUTLET w/ GROUND FAULT CIRCUIT INTERRUPTER
	GARAGE DOOR OPENER
	SWITCHES
	3-WAY SWITCH
	SMOKE DETECTOR
	CARBON MONOXIDE DETECTOR & ALARM
	DISCONNECT SWITCH
	CEILING EXHAUST FAN/LIGHT FIXTURE
	RECESSED CEILING LIGHT
	CEILING MOUNTED LIGHT FIXTURE
	CEILING MOUNTED PENDANT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	PREMIERE & BRONZE w/ LIGHT
	PREMIERE CEILING FAN
	NO LIGHT
	LED LIGHT
	CEILING EXHAUST FAN
	RECESSED CEILING LIGHT
	CEILING MOUNTED LIGHT FIXTURE
	CEILING MOUNTED PENDANT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE

NOTES:

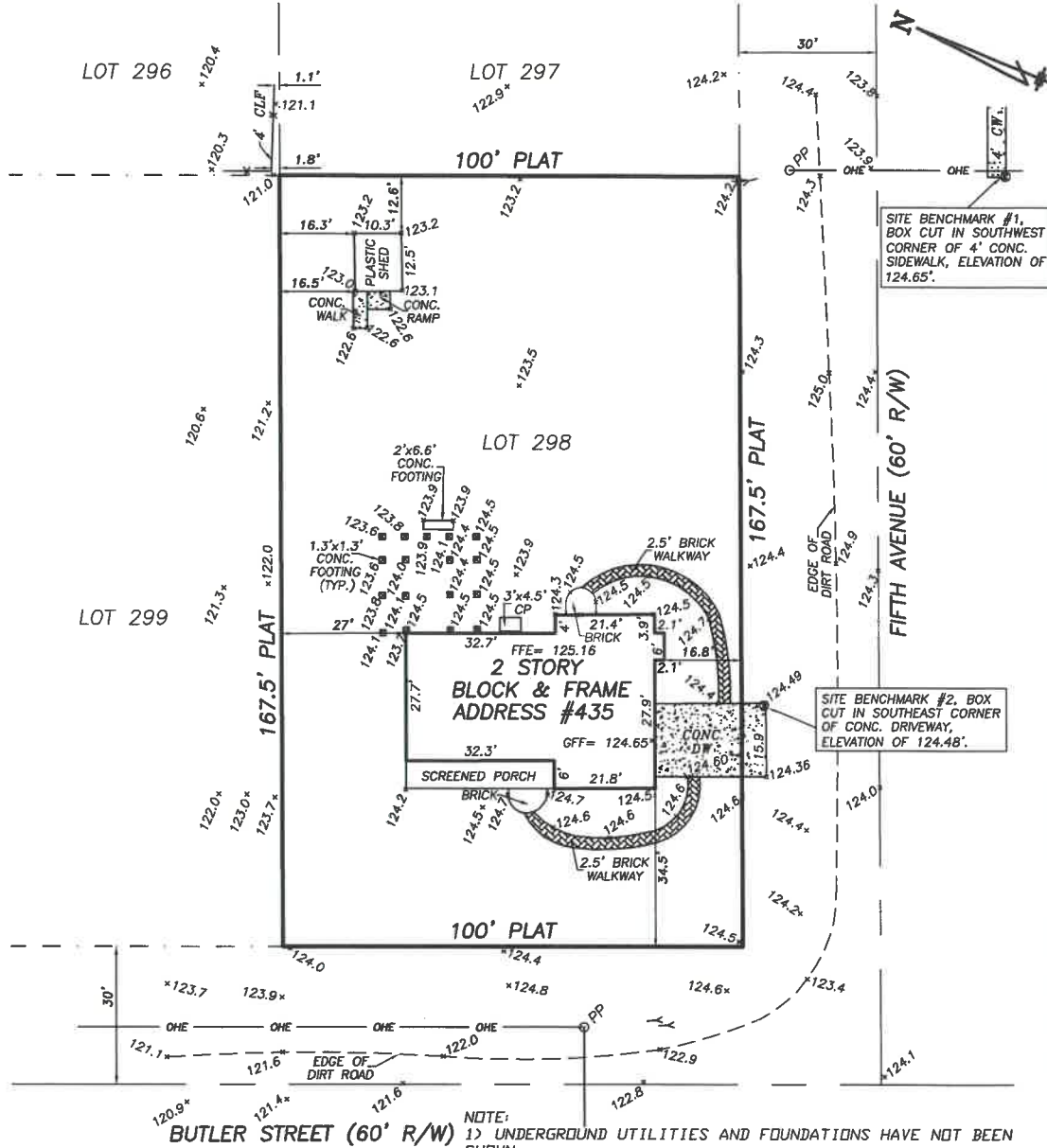
- 1 - ALL ELECTRICAL WIRING TO BE IN ACCORDANCE WITH NFPA 70 - 2017 NATIONAL ELECTRIC CODE
- 2 - PROVIDE AFCI, GFCI, CIRCUIT INTERRUPTER (AFCI) PROTECTION THROUGHOUT, WITH A LISTED AFCI, AS REQUIRED PER 210-12 (A), (B) & (C) AND NEC 10392.16
- 3 - 100% OF ALL PERMANENT FIXTURES TO USE HIGH-EFFICIENCY LAMPS PER NEC - ENERGY CONSERVATION R404

NOTE: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.

MAP OF SURVEY

DESCRIPTION

LOT 298, PLAT OF WINDERMERE, AS RECORDED IN PLAT BOOK G, PAGES 36 THROUGH 39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



SITE BENCHMARK #1, BOX CUT IN SOUTHWEST CORNER OF 4' CONC. SIDEWALK, ELEVATION OF 124.65'.

SITE BENCHMARK #2, BOX CUT IN SOUTHEAST CORNER OF CONC. DRIVEWAY, ELEVATION OF 124.48'.

- NOTE:
- 1) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
 - 2) THIS IS NOT A BOUNDARY SURVEY, THIS IS A TOPOGRAPHIC SURVEY OF LOT 298. PROPERTY LINES SHOWN ON TOPOGRAPHIC SURVEY ARE FOR INFORMATION PURPOSES ONLY AND HAVE NOT BEEN FIELD VERIFIED BY THIS SURVEYOR.
 - 3) ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK #L1533004 WITH PUBLISHED ELEVATION OF 124.702' NORTH AMERICAN VERTICAL DATUM OF 1988.
 - 4) TOPOGRAPHIC FOR SURVEY ENGINEERING AND DESIGN PURPOSES.

DF# OCG-36-LOT298

TOPOGRAPHIC SURVEY CERTIFIED TO: MOHAMED FAHMY, JR.

FIELD DATE: OCT. 29, 2013

SCALE: 1"=30' DRAWN BY: A. R.

THIS BUILDING/LOT IS IN FLOOD ZONE X, BASED ON FLOOD INSURANCE RATE MAP, NO.1203B1 0385 F, CITY OF WINDERMERE, FLORIDA.

BEARING STRUCTURE BASED ON: THE NORTH RIGHT OF WAY LINE OF FIFTH AVENUE.

LEGEND	
BC	- BACK OF CURB
CALC	- CALCULATED
CL	- CENTERLINE
CA	- CENTRAL ANGLE
CLF	- CHAIN LINK FENCE
CONC	- CONCRETE
CBW	- CONCRETE BLOCK WALL
CM	- CONCRETE MONUMENT
CP	- CONCRETE PAD
CW	- CONCRETE WALKWAY
COVD	- COVERED
DESC	- DESCRIPTION
DW	- DRIVEWAY
DE	- DRAINAGE EASEMENT
ESMT	- EASEMENT
E/P	- EDGE OF PAVEMENT
FFE	- FINISHED FLOOR ELEVATION
FND	- FOUND
GFF	- GARAGE FINISHED FLOOR
IP	- IRON PIPE
IR	- IRON ROD
L	- ARC LENGTH
LB	- LICENSE BUSINESS
MEAS	- MEASURED
MS	- METAL SHED
N&D	- NAIL & DISK
#	- NUMBER
OHE	- OVERHEAD ELECTRICAL
OL	- ON LINE
POB	- POINT OF BEGINNING
POC	- POINT OF COMMENCEMENT
PC	- POINT OF CURVATURE
PP	- POWER POLE
P&M	- PLAT & MEASURED
R	- RADIUS
R/W	- RIGHT OF WAY
TYP	- TYPICAL
UE	- UTILITY EASEMENT
UB	- UTILITY BOX
WF	- WOOD FENCE
Y	- GUY WIRE ANCHOR

REVISONS:

M.A.P.
Land Surveying, Inc.

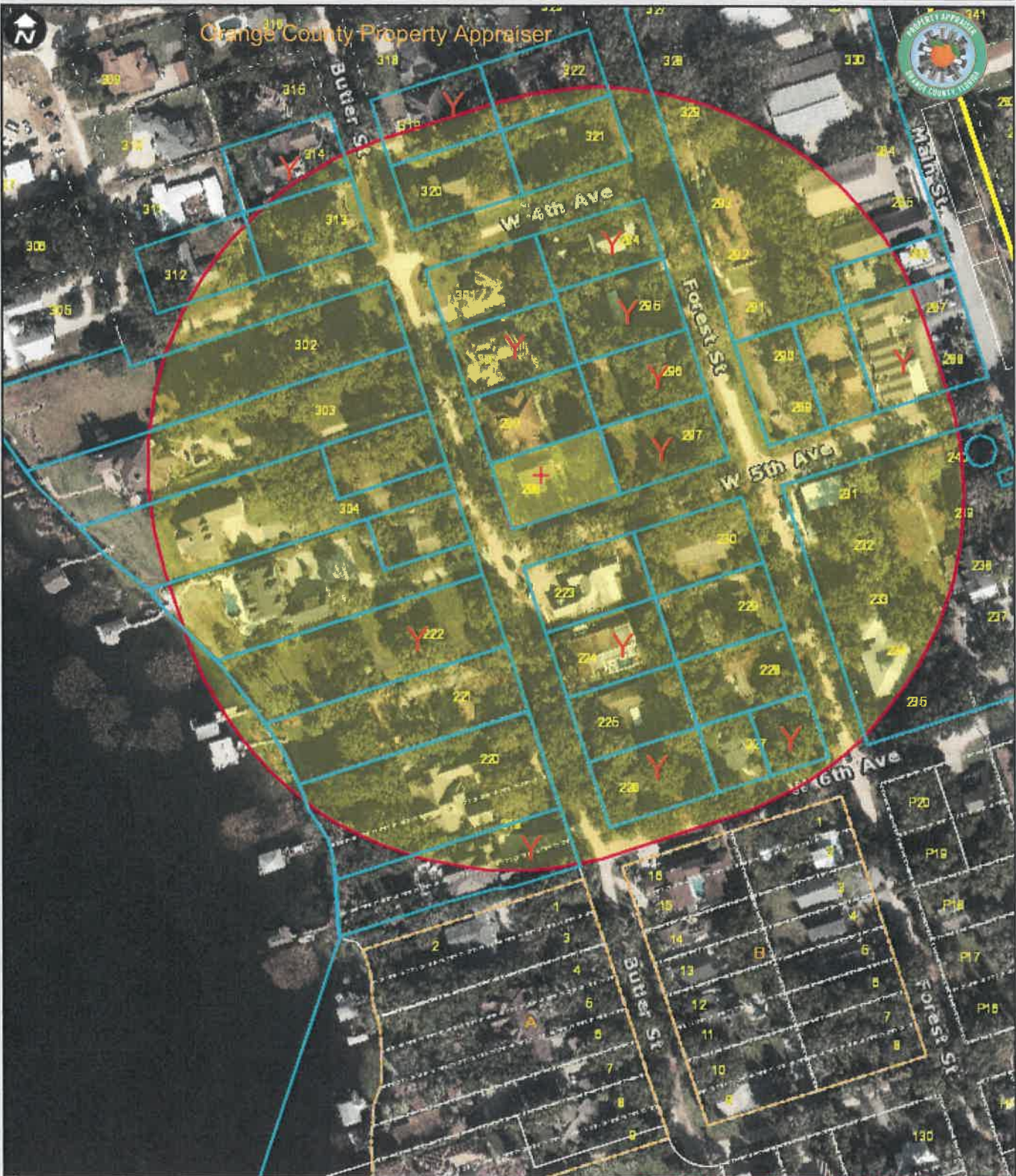
4515 Curry Ford Rd.
Suite C
Orlando FL 32812
PH. 407 896 4557
FAX 407 277 3776

E-Mail: Maplandsurvey@cfl.rr.com LB #7084

Andrew Perry, P.S.M.
Professional Surveyor & Mapper #6124

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR THE ELECTRONIC SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

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



Created: 11/19/2021 15:53 Aerial 2021

This map is for reference only and is not a survey

RECOMMEND - Z21-09 (435 Butler St.)

APPROVAL: DISAPPROVAL

COMMENTS: as long as the immediate neighbors
approve.

SIGNATURE: [Signature] DATE: 12/6/21

SPEARS JOHN A

Received
DEC 7 11 16 21
Wade Trim

RECOMMEND - Z21-09 (435 Butler St.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: George Walton DATE: 12/5/21

WALTON GEORGE J

Received
DEC 7 11 16 21
Wade Trim

RECOMMEND - Z21-09 (435 Butler St.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: [Signature] DATE: 12-3-21

BLACK AMANDA L

Received
DEC 7 11 16 21
Wade Trim

Town of Windermere

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



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

November 23, 2021

KOFFARNUS MARK L
515 BUTLER ST
WINDERMERE, FL 34786

Received

DEC 10 2021

Wade Trim

RE: Public Notice of Variance Public Hearing for 435 Butler St. Z21-09

Mohamed Fahmy, trustee of 435 Butler St. in the Town of Windermere, owner of 435 Butler Street, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code. The purpose of the variance request is to allow for a garage setback of 19 feet from the front property line along W 5th Avenue. The Town's code requires garages to have a 25-foot setback from the front property line.

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 **December 17, 2021**.

This matter will be presented to the Development Review Board on **Tuesday, December 21, 2021, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, January 11, 2022, 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 – Z21-09 (435 Butler St.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE:  DATE: 12/4/2021

KOFFARNUS MARK L

RECOMMEND – Z21-09 (435 Butler St.)

APPROVAL: **DISAPPROVAL**

COMMENTS: _____

SIGNATURE: Mary G. Bissen **DATE:** 12/08/2021

BISSEN MARY G

Received
DEC 18 2021
Wade Trim

Town of Windermere

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



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

November 23, 2021

JONES FRANCES K LIFE ESTATE
412 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 – Z21-09 (435 Butler St.)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: Frances K Jones DATE: 12-7-21

JONES FRANCES K LIFE ESTATE

Wade Trim
DEC 18 2021
Received

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

November 23, 2021

STRUBE STEVEN K
PO BOX 122
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 435 Butler St. Z21-09

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

RECOMMEND - Z21-09 (435 Butler St.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Steven K. Strube DATE: 12/3/21

STRUBE STEVEN K

Received
DEC 09 2021
Wade Trim

Town of Windermere

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



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

November 23, 2021

THOMAS RICK Q
325 BUTLER 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 - Z21-09 (435 Butler St.)

APPROVAL: DISAPPROVAL:

COMMENTS: _____

SIGNATURE:  DATE: 12/16/21

THOMAS RICK Q

Received
DEC 09 2021
Wade Trim

RECOMMEND - Z21-09 (435 Butler St.)

APPROVAL: **DISAPPROVAL**

COMMENTS: _____

SIGNATURE: 

DATE: 12/3/21

ROSS SCOTT M

Received
DEC 09 2021
Wade Trim

RECOMMEND - Z21-09 (435 Butler St.)

APPROVAL: **DISAPPROVAL**

COMMENTS: _____

SIGNATURE: 

DATE: 12/4/21

FAY DOUGLAS NORMAN

Received
DEC 09 2021
Wade Trim

Town of Windermere

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

Mayor
JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

November 23, 2021

WINDERMERE MARKET LLC I 111 5TH AVE LLC
901 ROSSER RD
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 435 Butler St. Z21-09

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

RECOMMEND – Z21-09 (435 Butler St.)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: *Robert Smith* DATE: 12/6/21

WINDERMERE MARKET LLC I 111 5TH AVE LLC

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 December 21, 2021

Town Council January 11, 2022

Case No.: Z21-10

Applicant/Representative: Ashley Walker

Property Owners: Ashley Walker

Requested Action: Variance to allow for a pool deck setback of 22 feet from the Normal High Water Line and a pool setback of 26 feet from the Normal High Water.

Property Address: 11 Main St. Windermere, FL 34786

Legal Description: DAVIS SHORES S/123 LOT 8 BLK A

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

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

CASE SUMMARY:

The applicant would like to construct a pool deck that is 22 feet from the Normal High Water Line and pool that is 26 feet from the Normal High Water Line. The Town's code requires pools and pool decks to have a 50-foot setback from the Normal High-Water Line. The applicant is requesting a 28-foot variance for the pool deck setback and a 24-foot variance for the pool setback.

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 applicants in support of their variance request:

1. The applicant states they would like to construct a swimming pool that would not meet the required setbacks.
2. Proposed location is directly behind the existing footprint of the residence.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property. As of December 13, 2021, six (6) responses were returned in support. An update to any responses received after December 15, 2021, will be provided at the DRB meeting.

11/15/21

To Dorothy Burkhalter, Town Clerk

My name is Ashley Walker and I am the owner of 11 Main Street located on Fischer canal. I am seeking a zoning variance to construct a concrete in ground swimming pool (14' x 28' rectangle). The current setback code does not allow a pool to be built closer than 50' of the normal high water line (NHWL). The location of the proposed swimming pool will be in rear yard, directly behind the footprint of the house. My property has a 4' aluminum seawall and the pool itself will be located 26' from the seawall (NHWL) and the deck (pavers) will be located 22' from the seawall (NHWL).

Other properties in the same zoning district have pools that are closer to the NHWL than the current 50' setback. Below is a list of immediate adjacent properties with pools that are closer to the NHWL than 50'.

- 6 Oakdale St
- 12 Oakdale St
- 20 Oakdale St
- 8 Main St
- 10 Main St
- 20 Main St

Along with this letter, I have included a to scale drawing showing the proposed location of the pool as well as arial shots of the adjacent properties with pools closer than 50' to the normal high water line.

The character of the neighborhood would not be altered by the installation of the pool as it would not be visible from the street. It is a very low profile design without a screened enclosure. The pool will be used for private use only (not business of any kind) and overall will improve the property and its value.

With the information above, I request your approval for the zoning variance to construct a pool.

Thank you for your consideration!

Ashley Walker
11 Main St
Windermere, FL 34786
407-509-3592

V & S SURVEYING, INC.

2412 Orsota Circle, Ocoee, Florida 34761 Tel: 407-349-1510 Fax: 407-656-8365 Email: vrsurveying@aol.com

BOUNDARY SURVEY

LEGAL DESCRIPTION

Lot 8, Block A, of DAVIS SHORES, according to the plat thereof, as recorded in Plat Book S, Page 123, of the Public Records of Orange County, Florida.



Bearings shown hereon are based on the North Line of Lot 8, Block A as being N 72° 28' 12" E per plat.

Field Date : 11/19/14
Date Completed : 11/21/14

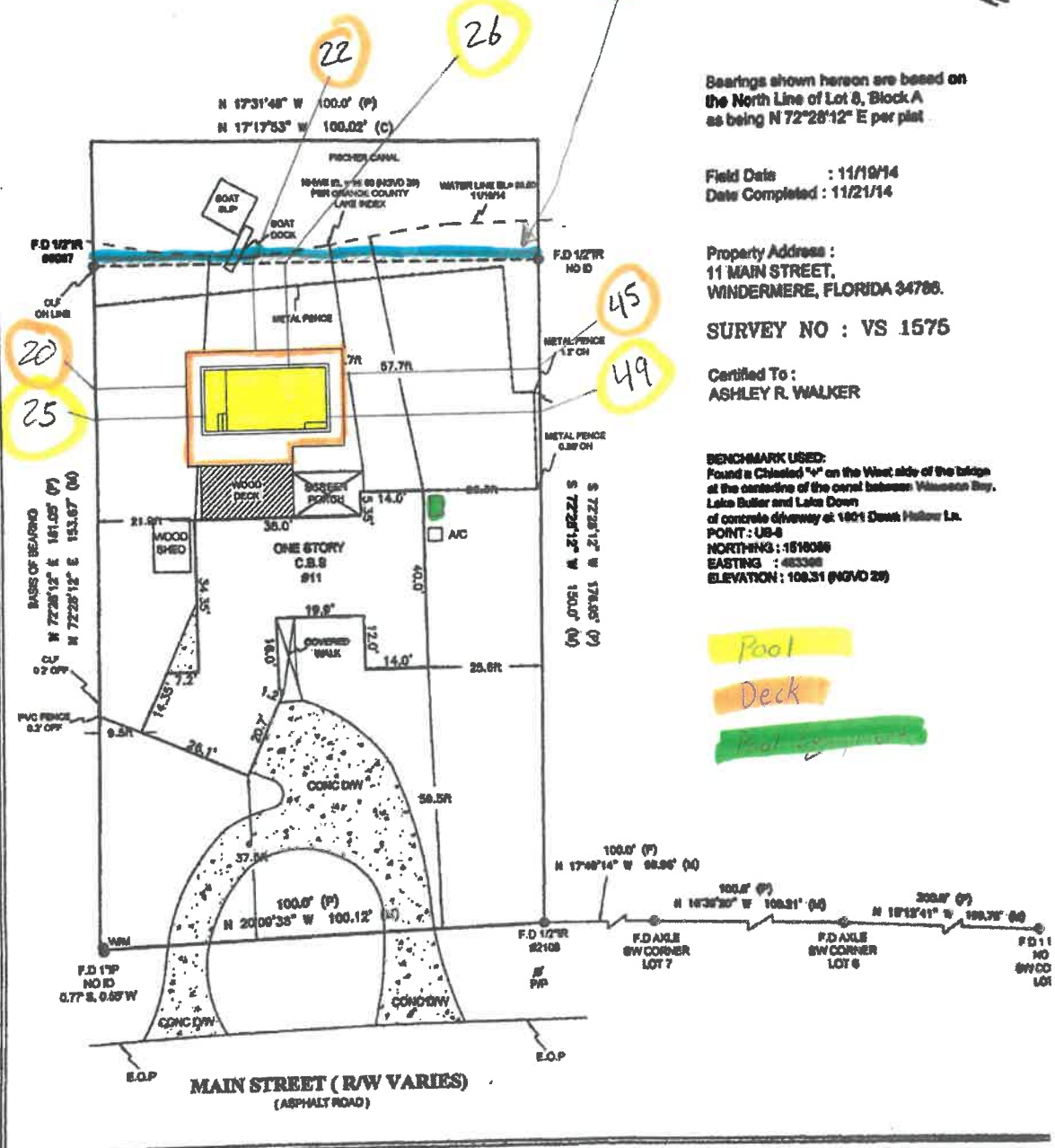
Property Address :
11 MAIN STREET,
WINDERMERE, FLORIDA 34786.

SURVEY NO : VS 1575

Certified To :
ASHLEY R. WALKER

BENCHMARK USED:
Found a Chiseled "M" on the West side of the bridge at the centerline of the canal between Wilderness Bay, Lake Butler and Lake Dora of concrete driveway at 1001 Dora Historic Ln.
POINT : UB-8
NORTHING : 1518088
EASTING : 4833388
ELEVATION : 108.31 (PGVD 29)

Pool
Deck
Paved Driveway



LEGEND

CONC	Concrete	TRANS	Transformer	A	As Length	PROP	Proposed	⊙	Found Iron Nail or Iron Pipe
CLP	Chain Link Fence	E.O.P	Edge of Pavement	Δ	Concrete Monument	D.F	Drainfield	⊙	Found Nail and Disc
WF	Wood Fence	CA	Centerline	C-M	Iron and Disc	S.T	Septic Tank	⊙	Stainless Steel
C&G	Curb and Gutter	M.E	Utility Easement	R-D	Iron Nail	O.H.L	Overhead Lines	⊙	Lead or Access Casing
GATV	Cable TV Race	D.S	Damage Easement	IR	Found	O.S.S	Concrete South Structure	⊙	Not to Scale
TEL	Telephone Floor	P.R.L.M	Permanent Reference Marker	IP	Point of Entry	F.F	Finish Floor	⊙	Original Report
LP	Light Pole	P.O.C	Point of Commencement	F.D	Right of Way	P	Pit	⊙	Original Record Book
PP	Power Pole	P.R.C	Point of Reverse Curve	R.W	Survey Mark	C	Calculated	⊙	Reel Copying Statement
SH	Shed	P.T	Point of Tangency	G.M	Elevation	R.P	Radius Point	⊙	Set on Red 9777
SW	Side Walk	P.I	Point of Intersection	PS	Field	HR	Iron Rod	⊙	Temporary Survey Mark
WM	Water Meter	P.C.P	Permanent Control Point	EL	Field	RAD	Radius	⊙	Top of Bench
PH	Fire Hydrant	P.O.L	Point on Line	F	Field	R	Radius	⊙	Edge of Water
AJC	Air Condition	C.S	Chisel Bearing	M	Measured	B.S	Building Sillcut	⊙	Spot Elevation
TYP	Typical	P.O	Point of Curvature	D.W	Driveway	C.L.S	Chord Length	⊙	Highest High Water Elevation

Surveyor's Notes

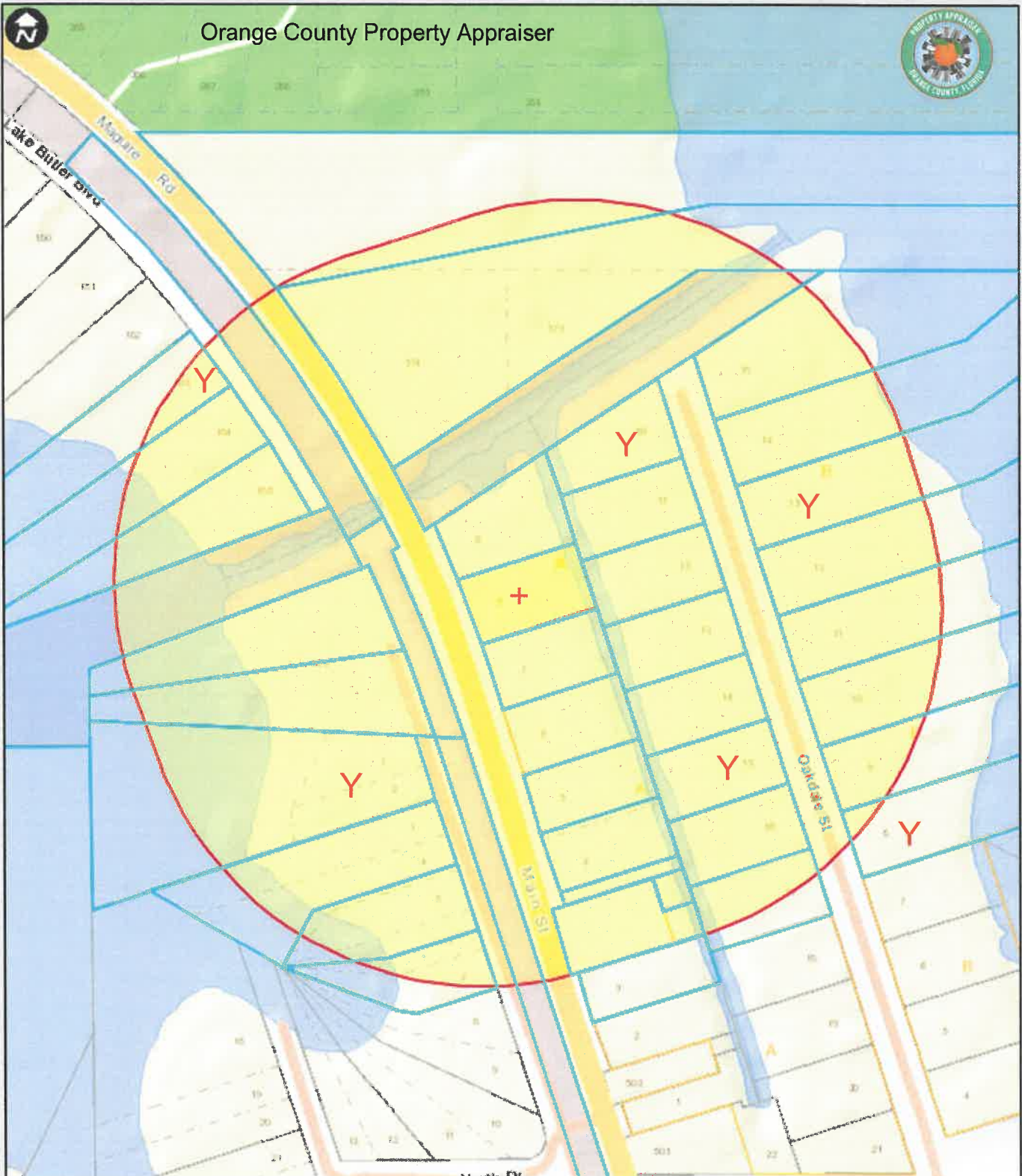
- This survey is based on the legal description as provided by the Client.
- This Surveyor has not abstracted the land shown hereon for easements, rights of way or restrictions of records which may affect the title or use of the land.
- No underground improvements or installations have been located unless noted. Each visible utility located.
- Dimensions and bearings shown are per plat and measured only unless otherwise noted.
- Attention is directed to the fact that this plan may have changed in size by reproduction. This must be considered when obtaining scaled data.
- Features shown by symbols as indicated in legend may not be to scale.
- Depth Tanks and drainfield location per applicants and should be verified by the appropriate utility company.
- The accuracy of this survey starts or ends wherever indicated otherwise according to the Florida Administrative Code.

This survey is not valid without the signature and the original sealed instrument.
Florida Licensed Surveyor and Mapper
I certify this survey was made under my direction and that I am the minimum licensed surveyor and mapper in Chapter 46-72, Florida Administrative Code, pursuant to Section 475-007, Florida Statutes.
11/21/14

OCPA Web Map

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

Orange County Property Appraiser



Created: 11/22/2021 12:27

This map is for reference only and is not a survey

RECOMMEND - Z21-10 (11 Main St.)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: [Signature] DATE: 12/9/21

NAGER ADAM SCOTT

Received
DEC 13 2021
Wade Trim

RECOMMEND - Z21-10 (11 Main St.)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: [Signature] DATE: 12/6/21

POTZ STEPHEN J LIFE ESTATE

Received
DEC 13 2021
Wade Trim

Town of Windermere

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



Mayor
JIM O'BRIEN

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

November 23, 2021

MORAN PATRICK N
13 OAKDALE ST
WINDERMERE, FL 34786

Received

DEC 19 2021

Wade Trim

RE: Public Notice of Variance Public Hearing for 11 Main St. Z21-10

Ashely Walker, owner of 11 Main St. 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 pool setback of 22 feet from the Normal High-Water Line. The Town's code requires pools to have a 50-foot setback from the Normal High-Water Line.

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 **December 17, 2021**.


This matter will be presented to the Development Review Board on **Tuesday, December 21, 2021, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, January 11, 2022, 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
town@wadetrim.com
Encl.

RECOMMEND - Z21-10 (11 Main St.)

APPROVAL:  DISAPPROVAL _____

COMMENTS: _____

SIGNATURE:  DATE: 12/6/21

MORAN PATRICK N

Town of Windermere

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

Wade Trim
DEC 10 2021



Town Manager
ROBERT SMITH

Mayor
JIM O'BRIEN

Clerk
DOROTHY BURKHALTER

November 23, 2021

BAILEY DONALD M
2 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 - Z21-10 (11 Main St.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Donald Bailey DATE: 12/6/21

BAILEY DONALD M

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
Received
Clerk
DOROTHY BURKHALTER 12/17/21
Wade Trim

November 23, 2021

DANIEL J LEBER REVOCABLE TRUST
49 OAKDALE ST
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 11 Main St. Z21-10

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

RECOMMEND – Z21-10 (11 Main St.)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Daniel J Leber DATE: 12-6-21

DANIEL J LEBER REVOCABLE TRUST

