

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

December 21, 2021

Present were Chair Frank Chase, Board Members: Norma Sutton, Roger Heinz, Stephen Withers, Molly Rose, and Peter Fleck. Town Planner Brad Cornelius, Town Council Liaison Bill Martini, and Town Clerk Dorothy Burkhalter were also present. Member Jennifer Roper and Town Manager Robert Smith were 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. There were no public speakers.

2. NEW BUSINESS:

a. MINUTES:

i. **October 19, 2021 Meeting Minutes**

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

Member Withers questioned the attachment to the minutes regarding a tree. Mr. Cornelius explained that the tree information is for the previous month's minutes. He further explained that the letter was found not valid and the owner has been fined.

b. GENERAL ITEMS FOR CONSIDERATION:

i. **Z21-08: 11536 Lake Butler Blvd – Variance to allow a reduced side setback for a boat dock**

Chair Chase turned the floor over to Mr. Brad Cornelius. Mr. Cornelius stated that Mr. Fleck would be recusing himself from this item. Member Fleck agreed. Mr. Cornelius then presented the variance request to allow a reduced side setback for a boat dock. He then commented on the property shape. Mr. Cornelius stated that the applicant would like to replace and expand the existing nonconforming boat dock. He explained that the existing boat dock extends beyond the northeastern projected side property line by 107.4 feet. Mr. Cornelius further explained that the proposed expansion will not increase the nonconformity, the difference is the width not length. He stated that the side setback for the Town is 16 feet and the applicant has received a setback waiver from the adjacent neighbor to the east for the County permit. The applicant has also received an Orange County Environmental Protection Department permit. Mr. Cornelius commented on notices that were mailed out. Ms. Isabel Freeman of 3466 Bay Meadow Court spoke in opposition of the variance request. Member Withers commented on concerns with the elevation. Mr. Cornelius stated that the height requirements are met. After some discussion was made, Member Rose made a motion to recommend approval of the variance request. Member Sutton seconded the motion. All were in favor. Member Fleck abstained. Chair Chase stated that this recommendation will go before the Town Council at the January 11th Town Council meeting for final approval/denial.

ii. **Z21- 09: 435 Butler Street – Variance to allow a reduced garage setback**

TOWN OF WINDERMERE

Development Review Board
Meeting Minutes

December 21, 2021

Chair Chase turned the floor over to Mr. Cornelius. Member Heinz stated for the record that he would be recusing himself from this item. Mr. Cornelius reviewed the variance request to construct a garage that is 19 feet from the south front property line on the contiguous corner lot. This will create the need for a 6-foot variance to the 25 feet from the property line requirement. He then commented that 13 responses were received all in support. Discussion was made. Member Withers stated he did not see a hardship. Member Fleck made a motion to recommend approval of the variance request. Member Rose seconded the motion. Voting was as follows: Sutton – aye, Heinz – abstain, Withers – no, Chase – aye, Rose – aye and Fleck – aye. Motion carried 4-1-1.

iii. Z21-10: 11 Main Street – Variance to allow a reduced setback from the Normal High Waer Line for a swimming pool

Mr. Cornelius stated that the applicant would like to be present for the meeting, she has become ill. Member Withers made a motion to table this item. Member Rose seconded the motion. All were in favor.

4. **ADJOURN:**

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

The meeting adjourned at 6:57pm.



Dorothy Burkhalter, Town Clerk



Frank Chase, Chair

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Fleck Peter</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>DRB</i>
MAILING ADDRESS <i>10820 Wonder Lane</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Windermere Orange</i>	NAME OF POLITICAL SUBDIVISION: <i>Development Review Board</i>
DATE ON WHICH VOTE OCCURRED <i>12-21-21</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Peter Fleck, hereby disclose that on 12-21, 2021:

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


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

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

Dan Whitney's Boathouse side Setback

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

12-21-21
Date Filed


Signature

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

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Heinz Roger Philip</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Windermere DRB</i>
MAILING ADDRESS <i>Windermere</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY <i>Windermere Orange</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>12/21/21</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Windermere</i>
	MY POSITION IS:
	<input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Roger Heinz, hereby disclose that on December 21, 20 21:

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

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

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