

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

January 18, 2022

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

Member Heinz read for the record his Form 8B. Clerk Burkhalter read Member Fleck's Form 8B for the record.

2. NEW BUSINESS:

a. MINUTES:

i. December 21, 2021 Meeting Minutes

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

b. GENERAL ITEMS FOR CONSIDERATION:

i. Z21-10 – 11 Main Street – Ashley Walker – Variance to allow a reduced setback from the Normal High-Water Line for a swimming pool

Chair Chase turned the floor over to Ms. Amanda Warner, representative with Wade Trim. Ms. Warner explained that this variance request is to allow for a pool deck setback of 22 feet and a pool setback of 26 feet from the Normal High-Water requirement of 50 feet. She further explained that that the variance would allow for a 28-foot setback for a pool deck and a 24-foot setback for a pool. Ms. Warner then reviewed standards and conditions for a variance. She then stated that notices were sent out, with 7 returned in support and 1 response in objection. Ms. Warner explained that two other pools in the immediate area were built over 10 years ago with one having a setback of 17 feet and the other at 34 feet. Ms. Warner completed her presentation. Ms. Ashley Walker owner of 11 Main Street introduced herself and her wife Lauren. She then spoke on the need for the variance. She cited safety issues on the lakes as well as Covid restrictions on indoor swimming (gyms). Ms. Walker stated that there are other pools beside her home as well as around the canal. She then stated that she has had a new sea wall installed. Ms. Walker explained that deteriorations of lakes are not from pools, but from septic tanks and run-off. She further stated that she will keep her stormwater retention in place as well. Ms. Walker commented that their hardship is simple: health and safety concerns. Member Withers commented that safety on the lakes is not a hardship. Member Rose stated that the hardship is not a hardship with the property. Ms. Walker requested that the health and safety hardship be considered even though there isn't a property hardship. She stated that the health and well-being of her and her wife should be more valuable than a piece of property. Member Sutton questioned when the home was purchased. Ms. Walker stated 2012. Discussion was made regarding as to when the setbacks were put into place. Ms. Walker commented that the pool cannot be built on the side of the house

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due to future plans for an addition. Member Withers commented that the desire to build an addition is a self-imposed decision. Member Rose stated that she has lived in the Town since 1993 and the 50-foot setback was in place then. Ms. Warner stated that she knows for a fact that it was in place in 2014. Member Withers stated he recollects 2004. Chair Chase stated he remembers a variance that was approved within the 50-foot setback due to a young daughter who had a medical issue. Discussion followed regarding variances, hardships, property rights, and the 50-foot setback. Member Heinz commented that he does not understand how a pool is an issue for the lakes. He further commented that there are great stormwater measures in place for protection. Member Heinz stated that he also understands about the safety on the lakes, as he knows there is a "417" gang that runs on the lakes. He then commented on many pools that are on lakefront lots on the Butler Chain. Member Heinz thanked Ms. Walker for bring forward valid points. Member Roper stated that the original front setback at the furthest point is 37 feet. She further stated that the house was not originally built at the 25' foot setback. Member Roper stated that this could possibly be the hardship. Some discussion followed regarding setting a precedent, desires/wants, and hardships. Member Rose commented that the Town Council would need to change the code to treat pools differently. Further discussion followed regarding having the Town Council review the code for pools and uses within the 50-foot setback is reasonable. Member Sutton stated that currently nothing is allowed in the 50 feet. Chair Chase asked that Wade Trim review other cities and towns regarding their setbacks from the normal high water. Items to consider in the 50-foot setback were; pools, pool enclosures, patios/decks, and driveways. Liaison Martini also requested that Wade Trim determine when the 50-foot setback was out into place. Member Rose made a motion to recommend denial of the variance request. Member Roper seconded the motion. Roll call vote was as follows: Roper – aye, Rose – aye, Chase – aye, Withers – aye, Heinz – nay, and Sutton – aye. Motion carried 5-1. Member Heinz stated for the record, "If we could have Wade Trim and the building enforcement division, um you know as a builder who's on this committee and tries to follow the rules and permits, I would ask that the zoning department steps up the enforcement of illegal building. You know if not everything has been approved, yet you know not everything has gone through a variance process, if there are pools around that were you know put in illegally, well those are things that need to be looked at." Member Withers agreed with Member Heinz comments. Chair Chase stated that those issues would be Code Enforcement. He then stated that this is a recommending Board and the Town Council will have the final vote on February 8th at 6:00pm.

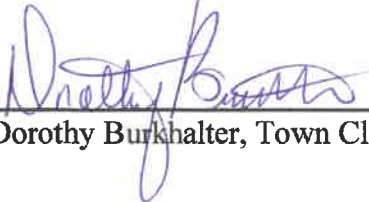
ii. Resignation – Molly Rose

Chair Chase stated that Ms. Rose will be resigning to take a position as a Town Council member. He then thanked Member Rose for her service to the Board.

4. ADJOURN:

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

The meeting adjourned at 7:10pm.



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: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Windermere</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Windermere</i>
COUNTY <i>Orange</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE
DATE ON WHICH VOTE OCCURRED <i>12/21/21</i>	

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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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