

THE TOWN OF
Windermere



DEVELOPMENT REVIEW BOARD

Chair: Frank Chase

Peter Fleck

Jennifer Roper

Norma Sutton

Stephen Withers

Gregg Anderson

Council Liaison: Andy Williams

Agenda

Agenda

December 19, 2023

6:30 PM

****AMENDED****

TOWN HALL

520 MAIN STREET

WINDERMERE, FL 34786

PLEASE TURN OFF ALL CELL PHONES AND PAGERS

PLEASE NOTE: IN ACCORDANCE WITH F.S. 286.26: Person with disabilities needing assistance to participate in any such proceedings should contact the Office of the 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 Development Review Board:

1. All electronic devices, including cell phones and pagers, shall be either turned off or otherwise silenced.
2. Prolonged conversation 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 Development Review Board 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 Development Review Board 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

AGENDA

- **THE MEETING IS CALLED TO ORDER BY THE CHAIR**

1. OPEN FORUM / PUBLIC COMMENT (3-Minute Limit)

2. NEW BUSINESS

a. Reference Board Members

i. Resignation Letter of Gregg Anderson (Attachments).

ii. New Member Application: Molly Rose (Attachments).

b. Minutes

i. DRB Minutes - September 19, 2023 (Attachments).

c. General Items for Consideration

i. Z24-01 – 12 Pine Street – Benjamin and Carolyn Yonge – Variance to Allow Extension of Existing Raised Patio Less than 50 feet from the Normal High-Water Elevation of Lake Butler (Attachments).

ii. Z24-04 – 656 E 6th Avenue – Adam Page and Lori Gilmore – Variance to Allow a Detached Accessory Garage in the Front Yard and Less than 25 feet from the Front Property Line (Attachments).

iii. The DRB case for 501/503 Main Street is not able to move forward. The fee has not been paid to the Town, and the actual construction does not match the submittal.

3. ADJOURN

November 16, 2023

Dear Frank and Dorothy,

Recently I was asked to become chair of the Long Range Planning Committee and I have accepted that role. Because of that I do not feel that I can serve both committees effectively.

As a result, please accept my resignation from the Development Review Board. Since there is no meeting in November, I thought it would be best for my resignation to become effective today, November 16 so as to give you as much time as possible to find a replacement for the December meeting.

Frank, thank you for the opportunity to serve and your leadership on the Committee. I enjoyed my time with you and the other Committee members.

I wish you continued success,

Respectfully,

Gregg Anderson
137 Down Court
Windermere, FL 34786
ganderson@town.windermere.fl.us

MAYOR
JIM O'BRIEN

THE TOWN OF
Windermere



TOWN MANAGER
ROBERT SMITH

CLERK
DOROTHY BURKHALTER

614 MAIN STREET, WINDERMERE, FL 34786
OFFICE: (407) 876-2563 FAX: (407) 876-0103

COMMITTEE MEMBER APPLICATION FORM

1. Name: Molly Rose Phone: 407-758-7937
 2. Home Address: 928 MAIN ST Windermere, FL 34786
 3. Business: N/A Business Phone: _____
 4. Business Address: N/A
 5. Email: mrose@idletimeneetwork.com
 6. Brief Summary of Education and Experience:
BS - Business Admin Mgmt.
30+ YRS PROJECT MGMT
4-15 YRS TOWN COUNCIL AND BOARDS

7. Are you a U.S. Citizen? Yes No
 8. Are you a registered voter? Yes No
 9. Resident of the Town for 6 Months or longer? Yes No
 10. Do you hold public office? Yes No
 11. Are you employed by the Town? Yes No
 12. Do you now serve on a Town Board or Committee? Yes No
 13. Indicate which Board(s) or Committee(s) you are interested in:

Code Enforcement Board Development Review Board
 Downtown Business Committee Elders Committee
 Historical Preservation Committee Long Range Planning Committee
 Parks and Recreation Committee Windermere Tree Board

14. Why do you think you are qualified to serve on this board?
PREVIOUS EXPERIENCE ON DRB AND DESIRE TO HELP MANAGE
~~W/~~ FUTURE TOWN DEVELOPMENT.

***FINANCIAL DISCLOSURE FORMS MAY BE REQUIRED FOLLOWING APPOINTMENT**

Signature: M. Rose Date: 11/22/23

Note: If you have any questions, please call the Town Clerk at (407) 876-2563 ext. 5323

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

September 19, 2023

Present were Chair Frank Chase, Board Members Norma Sutton, Stephen Withers, and Peter Fleck. Town Council Liaison Andy Williams, Town Planner Amanda Warner, and Town Clerk Dorothy Burkhalter were present. Town Manager Smith, Member Gregg Anderson and Member Jennifer Roper 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. June 20, 2023, Meeting Minutes

Chair Chase introduced this item. Member Sutton questioned the presence or absence of Member Roper and the vote. Clerk Burkhalter stated she would verify and report back at the next meeting. She then stated that Member Roper was present. Member Withers made a motion to approve the minutes with corrections. Member Sutton seconded the motion. All were in favor.

b. Membership

i. Roger Heinz Resignation

Chair Chase advised that Mr. Roger Heinz has resigned from the Board. Another member will be needed.

c. General Items for Consideration

i. Z23-09 – Ryka, LLC – Eric Powell – 212 W 1st Avenue – Variance to allow Expansion of a Non-Conforming Side Setback

Chair Chase turned the floor over to Wade Trim Assistant Planner Ms. Amanda Warner. Ms. Warner presented case number Z23-09. She explained that the variance request was to allow a second story to an existing non-conforming east side set back. Ms. Warner explained that the side setback is the only variance request. She then stated that nine responses were received, with four in support and five stating disapproval. Member Sutton questioned if the terminology of the non-conforming meant that that addition would also be non-conforming. Ms. Warner stated “yes.” Some discussion was made regarding side setbacks. Owner, Mr. Eric Powell, introduced himself. Member Withers questioned the materials (wood/concrete) of the flooring in the crawl space underneath the home to the ground. The architect for the owner stated that the material was raised wood. Member Withers questioned why the safest part of the home (concrete walls) was being demolished. Mr. Powell commented that it was due to the total square

TOWN OF WINDERMERE

**Development Review Board
Meeting Minutes**

September 19, 2023

footage and the FAR of the house. Member Withers explained that this could be reconfigured, and that no variance would be needed. Mr. Powell explained the proposed plans. Discussion followed. Member Withers then questioned the hardship. Mr. Powell stated that the shared access/easement is an issue. He explained that if they had an emergency, or for emergency vehicles to access the home, it would be difficult since neighbors are always parking in the access road. Mr. Powell further explained that the easement was always blocked by the other homeowners. Member Fleck commented on the septic system and what would be needed. Mr. Powell stated that the septic system would be as sufficient as possible. Member Sutton requested a clarification of the “no” responses. Ms. Warner reviewed the comments expressing disapproval of the request. Member Sutton stated that she is torn on this request, as it will look good, but where is the hardship? Mr. Powell stated that the access easement would go away, and they would have a dedicated private driveway. Discussion was made regarding the potential hardship, access, septic, existing floor location and proposed changes. Member Sutton made a motion to recommend approval for the variance. Motion died for lack of a second. Member Fleck made a motion to recommend approval of the variance request, which is to eliminate the easement and include a high-performance septic system. Member Withers seconded the motion. Roll call vote was as follows: Sutton – aye, Withers – aye, Chase – nay, and Fleck – aye. Motion carried 3-1. Clerk Burkhalter advised that this is a recommending Board only. The Town Council will have the final vote at their meeting October 10, 2023, at 6:00pm in the Town Hall.

4. ADJOURN:

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

The meeting adjourned at 7:04pm.

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

Town of Windermere

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

Mayor

JIM O'BRIEN



Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Development Review Board December 19, 2023

Town Council January 9, 2024

Case No.: Z24-01

Property Owner/Applicant: Ben and Christine Yonge,

Representative: Roger Heinz, The Heinz Group

Requested Action: Variance to allow extension of existing patio along edge of existing swimming pool with a setback of approximately 41 feet from the NHWE.

Property Address: 12 Pine St. Windermere, FL 34786

Legal Description: PLAT OF WINDERMERE G/36 LOT 40C

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: Lake

CASE SUMMARY:

Ben and Christine Yonge, owners of 12 Pine 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 reduction of the minimum setback of 50'

from the Normal High-Water Elevation (NHWE) of Lake Butler to allow the extension of the existing raised patio across the full width of the existing swimming pool . The raised porch is proposed to be extended approximately 5’8” across the edge of the existing swimming pool at a width of 4’8”, which matches the width of the existing raised patio. The total area of the proposed raised porch extension is approximately 20 square feet.



Picture of Existing Single-Family Home at 12 Pine St. From Rear

Raised Patio Extension Along Swimming Pool on Right Side of House – Source: Orange County Property Appraiser

The proposed raised patio extension is compliant with the maximum allowed impervious area. The increase of impervious area of 20 square feet does not trigger the requirement for additional on-site stormwater retention since it is an increase of less than 125 square feet. However, if recommended by the DRB and approved by the Town Council, a condition can be placed on the variance to require additional stormwater retention.

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. Please see information provided with the agenda item for the applicant's submittal.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property. As of December 12, 2023, 16 responses were received in support, and none were received in opposition. The property owner adjacent to side of the subject property closest to the raised patio extension, Patrick Casey, submitted a response in support of the variance.

October 11, 2023

Re: 12 Pine Street

Dear Windermere Review Board,

We are writing to request a variance to our property at 12 Pine Street, Windermere. We have enjoyed being town residents for the past eight years, previously living in the Sunset Bay neighborhood. We have been active members of our community as Ben served as Secretary of the Sunset Bay HOA and Christine has served on the Holiday Hoopla committee for the Town of Windermere for the past four years and has been an active member of the Windermere Elementary PTO Board, SAC Committee, and has served many years as a classroom mom.

We always dreamed of moving on the lake and in 2021 we were presented with the opportunity to purchase our 12 Pine Street home. When we originally purchased the property, we had big dreams to renovate the rear lanai and pool areas. However, as we have delved into the planning process, we have learned that there are many more restrictions in place than we were aware of and we have significantly revised those plans to stay in compliance with the Town. However, there is one area that we feel is a significant hardship due to the fact that it is a safety concern, which has brought us to you in hopes of a small variance to improve our pool area which our children use regularly.

Unfortunately, our rear lanai does not span the entire pool area. Part of our sea wall is cut around a cypress tree which lessens the setback on the pool side of our lot. Our pool area is a very well-used area of our home, especially by our children, and we would love to be able to extend this small area of the lanai to the end of the pool. This would improve the safety of this area for our children, family, friends and visitors.

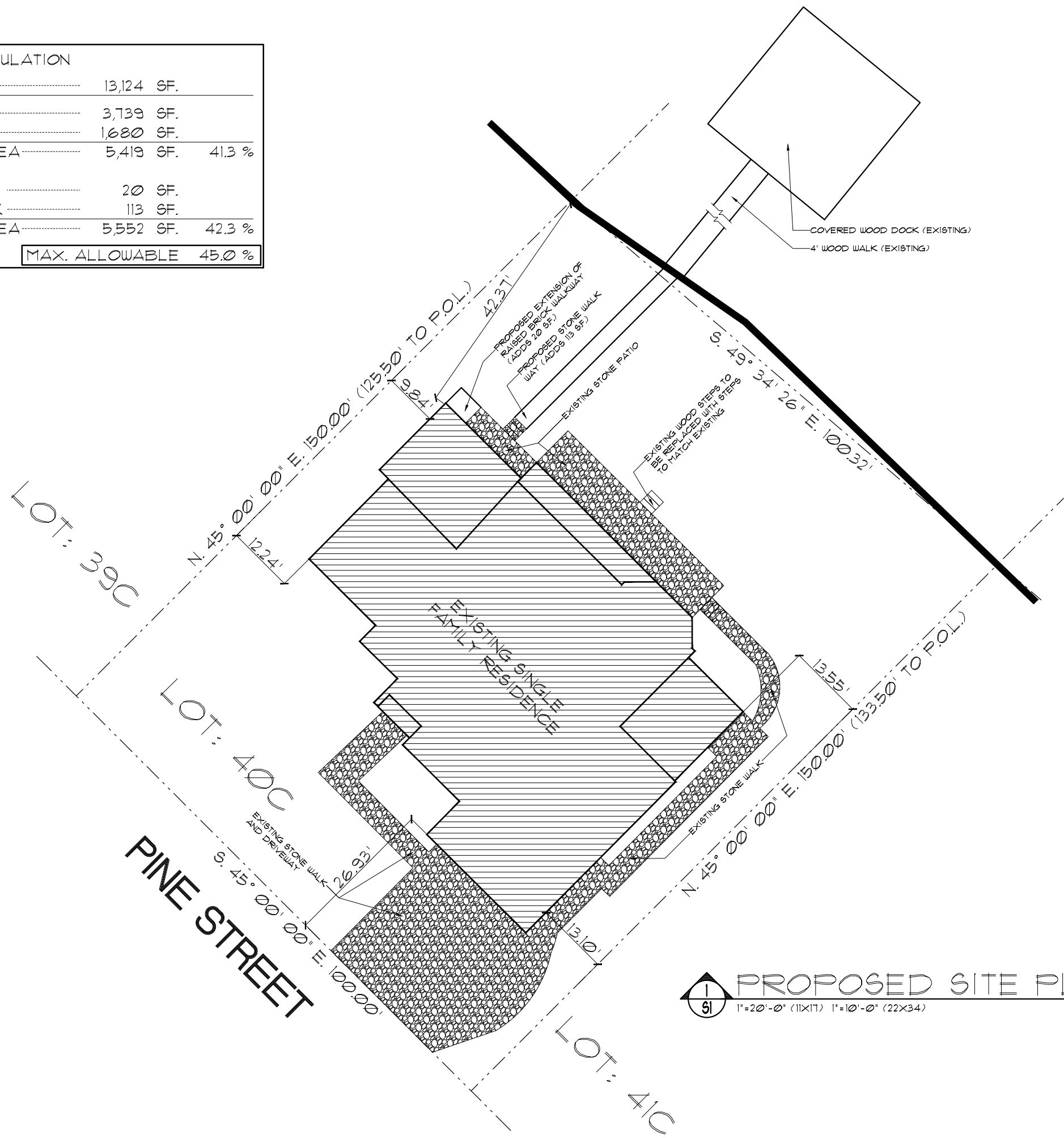
We greatly appreciate your time and consideration and ask that you please grant us this variance request to improve the safety of our property.

Sincerely,



Ben and Christine Yonge
407-230-3362
ben@equitypro.com

IMPERVIOUS AREA TABULATION			
TOTAL LOT S.F.	13,124	SF.	
EXIST. STRUCTURE	3,739	SF.	
EXIST. FLATWORK	1,680	SF.	
TOTAL IMPERVIOUS AREA	5,419	SF.	41.3 %
PROPOSED EXTENSION	20	SF.	
PROPOSED ADD. WALK	113	SF.	
TOTAL IMPERVIOUS AREA	5,552	SF.	42.3 %
	MAX. ALLOWABLE		45.0 %



PROPOSED SITE PLAN
 1"=20'-0" (11X17) 1"=10'-0" (22X34)

REVISIONS BY MF 10-12-23

Engineering By: PRASHAKAR N. JAGTAP, PE
 5880 MARLBERRY DRIVE
 ORLANDO, FL 32819
 PHONE: 407-345-0010
 UJAGTAP@RDCFLA.COM

4301 VINELAND RD.
 SUITE E1
 ORLANDO, FL 32811
 INFO@RDCFLA.COM

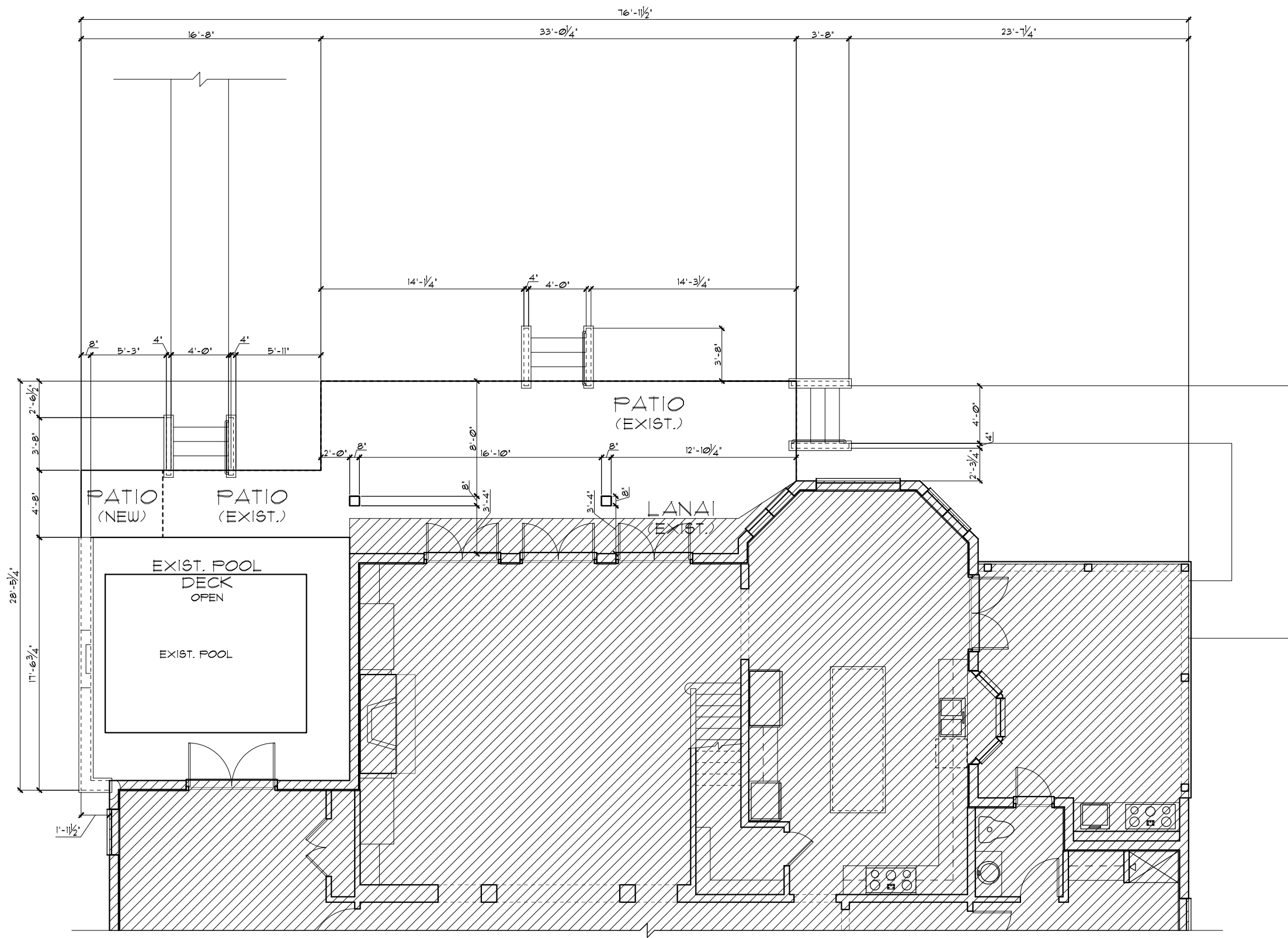


THIS STRUCTURE IS DESIGNED TO WITHSTAND 140 MPH WINDS PER THE FLORIDA RESIDENTIAL/EXISTING CODE 2020 1TH EDITION
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PROPOSED SITE PLAN

**EXTERIOR RENOVATION
 REAR LANAI
 YONGE RESIDENCE**

DATE	08-10-22
SCALE	AS NOTED
DRAWN	RDC
JOB	YONGE
SHEET	12
OF 08 SHEETS	

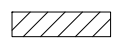


TABULATION	
LANAI- EXISTING	987 SF.
LANAI- NEW	16 SF.
LANAI- TOTAL	1,003 SF.

- GENERAL NOTES**
1. CONTRACTOR TO VERIFY ALL DIMENSIONS ON JOB SITE.
 2. DO NOT SCALE PRINTS! CONSTRUCTION TO BE FROM CALCULATED DIMENSIONS ONLY. ANY DISCREPANCIES OR ERRORS TO BE REPORTED PROMPTLY TO SUPERVISOR FOR CLARIFICATION.
 3. ALL INTERIOR FRAME WALL DIMENSIONS TO BE 3 1/2" UNLESS NOTED OTHERWISE.
 4. ALL EXTERIOR BLOCK WALL DIMENSIONS TO BE 1 1/2" UNLESS NOTED OTHERWISE.
 5. ALL INTERIOR CEILINGS AT N/A UNLESS NOTED OTHERWISE.
 6. MECHANICAL EQUIPMENT LOCATIONS WILL BE DETERMINED BY COMMUNITY AND COUNTY CODES.

FLOOR PLAN W/ DIMENSIONS

1/8"=1'-0" (11X17) 1/4"=1'-0" (22X34)

 DENOTES EXISTING (TO REMAIN AS IS)

THIS STRUCTURE IS DESIGNED TO WITHSTAND 140 MPH WINDS PER THE FLORIDA RESIDENTIAL/EXISTING CODE 2020 1TH EDITION

REVISIONS	BY	DATE
10-12-23	MF	

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Engineering By:
FRABHAKAR N. JAGTAP, P.E.
5890 MARLBERRY DRIVE
ORLANDO, FL 32819
PHONE: 407-945-0010
JJAGTAP@RDCFLA.COM

4301 VINELAND RD.
SUITE E1
ORLANDO, FL 32811
INFO@RDCFLA.COM



**FLOOR PLAN W/
DIMENSIONS**


**EXTERIOR RENOVATION
REAR LANAI
YONGE RESIDENCE**

DATE	08-10-22
SCALE	AS NOTED
DRAWN	RDC
JOB	YONGE
SHEET	03
OF	08 SHEETS



REAR ELEVATION

1/8"=1'-0" (11X17) 1/4"=1'-0" (22X34)

 DENOTES EXISTING

- EL. 20'-4 3/4" /PLT. HGT.
- EL. 19'-0 3/4" /HDR. HGT.
- EL. 11'-4 3/4" /FIN. FLR.
- EL. 10'-0" /PLT. HGT.
- EL. 8'-0" /HDR. HGT.
- EL. 0'-0" /FIN. FLR.

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DATE	08-10-22
SCALE	AS NOTED
DRAWN	RC
JOB	YONGE
SHEET	05
OF	08 SHEETS

EXTERIOR RENOVATION
REAR LANAI
YONGE RESIDENCE



4301 VINELAND RD.
SUITE E1
ORLANDO, FL 32811
INFO@RDCFLA.COM

Engineering By:
FRABAKAF N. JAGTAP, P.E.
5890 MARLBERRY DRIVE
ORLANDO, FL 32819
PHONE: 407-945-0010
JJAGTAP@RDCFLA.COM

REVISIONS	BY	DATE
	MF	10-12-23

AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) BENJAMIN YONGE, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 12 PINE ST, WINDERMERE FL 34786, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), ROGER HEINZ, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, VARIANCE REQUEST, 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: 10/27/2023

[Signature]
Signature of Property Owner

BENJAMIN YONGE
Print Name Property Owner

Date: 10/27/2023

[Signature]
Signature of Property Owner

Christine Samek-Yonge
Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 27 day of October, 2023 by Benjamin Yonge. He/she is personally known to me or has produced Driver's License as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 27 day of October, in the year 2023.



[Signature]
Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: 8/3/2024

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #: <u>17-23-28-9336-30-400</u>
LEGAL DESCRIPTION: <u>PLAT OF WINDERMERE G/36 LOT 40C</u>

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 3, 2023

**CASEY PATRICK V
PO BOX 1722**

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

Ben and Christine Yonge, owners of 12 Pine 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 reduction of the 50-foot setback minimum from the Normal High Water Elevation (NHWE) of Lake Butler to extend their existing raised patio across the full width of their existing swimming pool to enlarge the swimming pool deck with a setback of approximately 40 feet from the NHWE. The existing patio to be extended is approximately 41 feet from the NHWE. The proposed patio is the same width as the existing patio (4'8"). The length of the proposed patio extension is 5'8", which extends to the end of the existing swimming pool deck.

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 use of the enclosed stamped envelope to Wade Trim, Inc. or by email to tow@wadetrim.com by **December 8, 2023**.

This matter will be presented to the Development Review Board on **Tuesday, December 19, 2023, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, January 9, 2024, at 6:00 p.m.** You may attend the meetings at Town Hall, located at 520 Main Street. 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 – Z24-01 (12 Pine Street)

APPROVAL: DISAPPROVAL:

COMMENTS: _____

SIGNATURE: _____ DATE: 11/22/23

CASEY PATRICK V
PO BOX 1722

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 3, 2023

**SALMON JAMES G
8 PINE ST**

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

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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 - Z24-01 (12 Pine Street)

APPROVAL: DISAPPROVAL

COMMENTS: we approve.

SIGNATURE: J.G. [Signature] DATE 18 Nov 2023

**SALMON JAMES G
8 PINE ST**

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 3, 2023

FARRELL ALFRED C
15 PINE ST

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

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

RECOMMEND - Z24-01 (12 Pine Street)

APPROVAL: XX **DISAPPROVAL:** _____

COMMENTS: *The Yonge's have done a beautiful job of renovating and improving their home. We whole-heartedly approve this variance.*

SIGNATURE: *[Signature]* **DATE:** *11-13-23*

FARRELL ALFRED C
15 PINE ST

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 3, 2023

FAY GERALD W
28 PINE ST

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

Ben and Christine Yonge, owners of 12 Pine 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 reduction of the 50-foot setback minimum from the Normal High Water Elevation (NHWE) of Lake Butler to extend their existing raised patio across the full width of their existing swimming pool to enlarge the swimming pool deck with a setback of approximately 40 feet from the NHWE. The existing patio to be extended is approximately 41 feet from the NHWE. The proposed patio is the same width as the existing patio (4'8"). The length of the proposed patio extension is 5'8", which extends to the end of the existing swimming pool deck.

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 use of the enclosed stamped envelope to Wade Trim, Inc. or by email to tow@wadetrim.com by **December 8, 2023**.

This matter will be presented to the Development Review Board on **Tuesday, December 19, 2023, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, January 9, 2024, at 6:00 p.m.** You may attend the meetings at Town Hall, located at 520 Main Street. 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 – Z24-01 (12 Pine Street)

APPROVAL: X DISAPPROVAL _____

COMMENTS: *In meeting w/ Christine, she explained that the larger plans have changed & that only the area "affected" will be in the back southwest corner of the pool area ("circled")*

SIGNATURE: Karen Fay DATE 11/14/23

FAY GERALD W
28 PINE ST

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 3, 2023

HAAG EMMETT TODD
PO BOX 674

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

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Enclosed is additional information regarding this request.

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

RECOMMEND – Z24-01 (12 Pine Street)

APPROVAL: ✓ DISAPPROVAL _____

COMMENTS: Please approve

SIGNATURE: Quett. Key DATE 11-12-23

HAAG EMMETT TODD
PO BOX 674

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 3, 2023

STRUBE STEPHEN K
PO BOX 122

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

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Enclosed is additional information regarding this request.

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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 - Z24-01 (12 Pine Street)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Stephen K. Strube DATE 11/10/23

STRUBE STEPHEN K
PO BOX 122

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 3, 2023

MIKA-COOPER MARIA S
20 PINE ST

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

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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 - Z24-01 (12 Pine Street)

APPROVAL: ✓ **DISAPPROVAL** _____

COMMENTS: I am in favor for the
approval of this variance

SIGNATURE: Maria Mika Cooper **DATE** 11/8/23

MIKA-COOPER MARIA S
20 PINE ST

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 3, 2023

**POTZ MARILYN L LIFE ESTATE
3436 S LAKE BUTLER BLVD**

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

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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 – Z24-01 (12 Pine Street)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: Marilyn Potz DATE 11-7-23

**POTZ MARILYN L LIFE ESTATE
3436 S LAKE BUTLER BLVD**

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 3, 2023

DOWLING J KEVIN
11356 LAKE BUTLER BLVD

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

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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 - Z24-01 (12 Pine Street)

APPROVAL: DISAPPROVAL:

COMMENTS: My wife, ALSO A WINDERMERE RESIDENT AND CO-OWNER
OF OUR PROPERTY WANTS TO KNOW WHY HER OPINION DID NOT SEEM TO MATTER?
NEVERTHELESS WE BOTH STRONGLY SUPPORT THE REQUEST OF THE YONGES.

SIGNATURE: [Signature] DATE 11-6-2023

DOWLING J KEVIN
11356 LAKE BUTLER BLVD

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 3, 2023

FOSS JOSEPH N
3428 S LAKE BUTLER BLVD

RE: Public Notice of Variance Public Hearing for 12 Pine Street - Z24-01

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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 – Z24-01 (12 Pine Street)

APPROVAL: **DISAPPROVAL**

COMMENTS: _____

SIGNATURE:  **DATE:** 11/15/23

FOSS JOSEPH N
3428 S LAKE BUTLER BLVD

RECOMMEND - Z24-01 (12 Pine Street)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: *Lawler Thomas P* DATE 11-8-23

LAWLER THOMAS P
9 PINE ST

RECOMMEND - Z24-01 (12 Pine Street)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: *Lloyd Wasley* DATE 11/7/23

BUMBY POINTE NEIGHBORHOOD ASSC INC
24 PINE ST

ENCL.

RECOMMEND - Z24-01 (12 Pine Street)

APPROVAL: DISAPPROVAL

COMMENTS: NO EXCEPTIONS TAKEN

SIGNATURE: *Johnson Thomas M Jr* DATE 11/9/23

JOHNSON THOMAS M JR
2 PINE ST

RECOMMEND - Z24-01 (12 Pine Street)

APPROVAL: DISAPPROVAL

COMMENTS: _____

SIGNATURE: *Daphne Cronin* DATE *11/15/2023*

CRONIN DAPHNE
1 PINE ST

RECOMMEND - Z24-01 (12 Pine Street)

APPROVAL: *yes* DISAPPROVAL

COMMENTS: *of course!*

SIGNATURE: *Michael Anderson* DATE *11-8-23*

ANDERSON MICHAEL W
11344 LAKE BUTLER BLVD

Cornelius, Brad

From: Jessica Strack <godbeholds@gmail.com>
Sent: Thursday, November 16, 2023 9:53 AM
To: Cornelius, Brad
Cc: Mastison, Sarah; Baird, Connor; Warner, Amanda
Subject: Re: 12 Pine Street (Z24-01)

This message originated from outside of Wade Trim

Thank you, Brad!

We support the request for variance for 12 Pine Street, Windermere (Z24-01).

Jessica and Peter Strack

On Wed, Nov 15, 2023 at 6:25 PM Cornelius, Brad <bcornelius@wadetrim.com> wrote:

Jessica and Peter,

Good to hear from you. You did not receive the notification letter because your property is outside of the required 500 foot public notice radius. See attached map.

However, you can still provide a response to the variance request. You can send me an email with your comment and if you support or oppose the variance. Your email will be included with the other public notice responses that we receive.

Take care,
Brad

Bradley T. Cornelius, AICP, CPM, CFM Vice President
 201 N Franklin Street, Suite 1350, Tampa, FL 33602
 813.882.4373 office
 813.415.4952 cell

-----Original Message-----

From: Jessica Strack <godbeholds@gmail.com>
Sent: Tuesday, November 14, 2023 6:18 PM
To: Town of Windermere <tow@wadetrim.com>
Subject: 12 Pine Street (Z24-01)

This message originated from outside of 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

Development Review Board December 19, 2023

Town Council January 9, 2024

Case No.: Z24-04

Property Owner/Applicant: Adam Page and Lori Gilmore

Requested Action: Variance to allow a detached accessory garage in the front yard and less than 25 feet from the front property line.

Property Address: 656 E 6th Avenue, Windermere, FL 34786

Legal Description: PLAT OF WINDERMERE G/36 LOTS 62E and 63E

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

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

CASE SUMMARY:

Adam Page and Lori Gilmore, owners of 656 E 6th Avenue, 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 the construction of a detached accessory garage in the front yard and less than 25 feet from the front property line.

Section 7.02.02(b), LDC, requires all accessory buildings to be placed in the side or rear yard.

Also, Section 7.02.02(b)(3), LDC, requires accessory buildings greater than 320 square feet to meet the same setbacks as the primary structure (Front – 25 feet, Side -12.5 feet, and Rear – 50 feet). The proposed detached accessory garage is 480 square feet. The proposed detached accessory garage is noncompliant as it is placed in the front yard and is only 5 feet to the front property line.

The proposed detached accessory garage is compliant with the required 12.5 side setback and the 50-foot rear setback. The proposed detached accessory garage is within the 38% maximum gross floor area for the lot and within the 45% maximum impervious area for the lot. The additional 480 square feet of impervious and any additional impervious provided to access the proposed detached accessory garage will require additional on-site stormwater retention.

For general information, the subject property is located at the intersection of E 6th Avenue and Highland Avenue. The right-of-way at this location is larger than typical at approximate 84 feet compared to the standard right-of-way width of 60 feet. From the front property line to the edge of pavement for E 6th Avenue is approximately 46 feet. See image below.



Aerial Picture of E 6th Avenue – Source: Orange County Property Appraiser 2023

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. Please see information provided with the agenda item for the applicant's submittal.

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 feet of the subject property. As of December 12, 2023, no responses were received in support or in opposition.

656 E 6th Ave - Variance Process for Proposed Accessory Garage

Adam Page and Lori Gilmore
Preservation of 63-year-old Mid Century Home in Downtown Windermere

We are humbly requesting a variance that is needed to locate a detached two car garage that will be in the front yard and less than 25 feet from the front property line but because of the unique shape of our property due to a curve in the road, the proposed structure will still be sixty feet from the road.

We purchased the home in March of this year and instead of demolishing it, we decided to embark on a massive restoration project to help preserve the character and charm of not only the home but also of our town. Our request will preserve the home and will also contribute to the historical preservation of our town.

The first need for the variance arises because of the unique shape of our property due to a curve on 6th avenue. From a street view of our property no one would think a variance is needed but because of the way the road curves it is technically closer due to the additional space from the curve in the road. The road will still be sixty feet from the proposed garage which far exceeds the setback requirement.

The second need for the variance arises because of the environmental conditions and potential concerns due to the location of Lake Bessie. We believe that building the garage in the backyard would not be ideal because of the potential environmental impacts to Lake Bessie which the property backs up too.

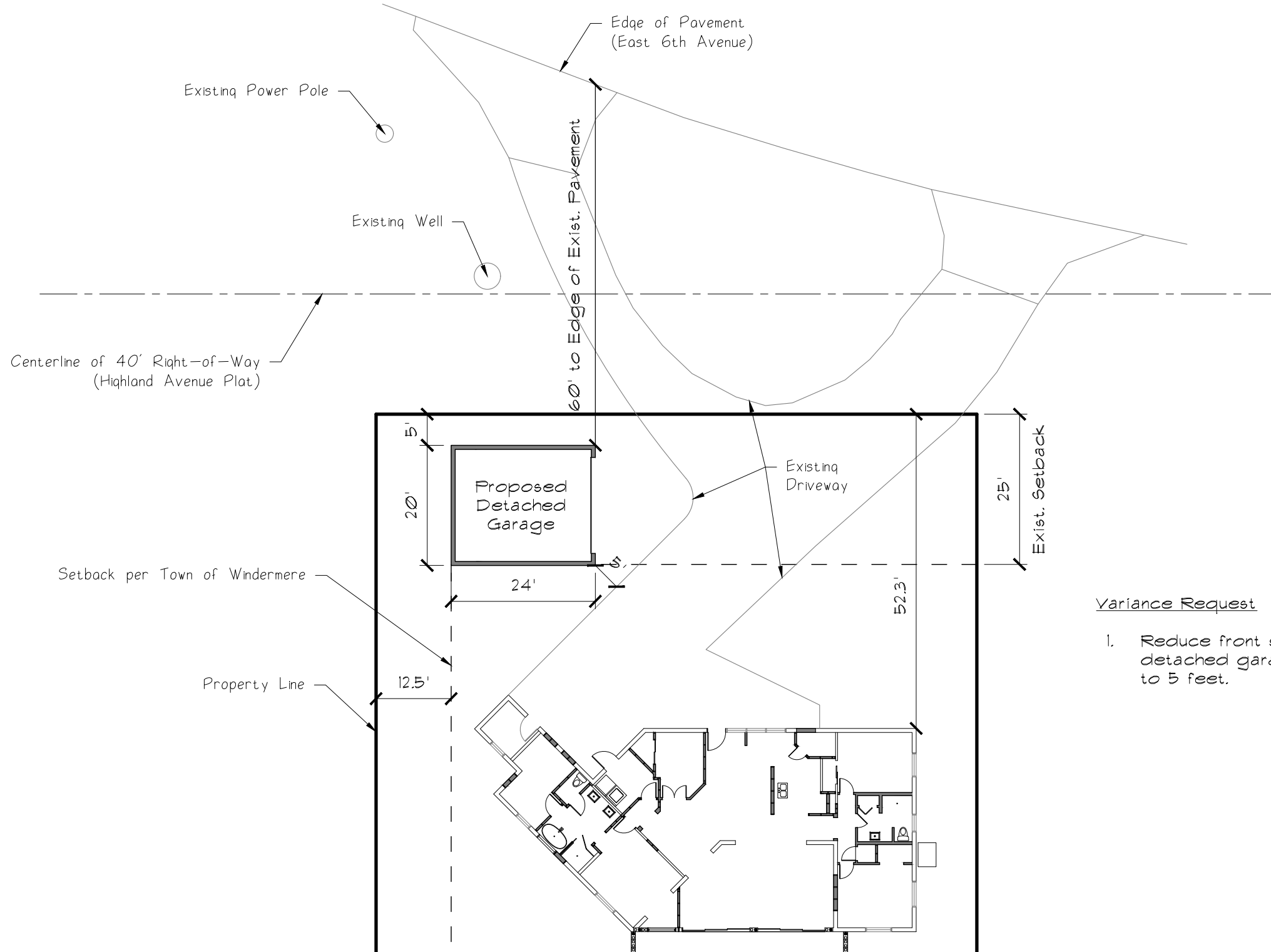
The third need for the variance arises because of the unique physical condition of the sixty-three-year-old home that we are preserving. We also believe that preserving the existing carport and the rest of the 63-year-old mid-century home will contribute to the historical preservation of our town.

We believe the proposed garage will be seamless to the eyes and will increase the home values surrounding us as the current state of the home is in very poor condition.

Thank you for considering our variance request.


Sincerely,

Adam Page



Variance Request

1. Reduce front setback for detached garage from 25 feet to 5 feet.

<p><i>Site Plan</i></p> <p><i>656 E. 6th Ave.</i></p>			 <p>june engineering consultants, inc.</p> <p>23 W. Joiner Street Winter Garden, FL. 34787 Ph. 407-905-8180 Fax 407-905-6232 Certificate of Authorization #00031357</p>	JOB NO.
				<p>SHEET</p> <p style="text-align: center;">1</p> <p>OF 1</p>
<p>DRAWN BY: CLK</p> <p>DATE: 11/6/23</p>	<p>DRAWN BY: RAJ</p> <p>DATE: 11/6/23</p>	<p>SCALE 1" = 20'</p>		

AA

🔒 🔍 656 e 6th st



Zillow

