

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

November 15, 2022

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

There were no public speakers.

2. NEW BUSINESS:

Member Fleck read is Form 8B into the record. (attached).

a. MINUTES:

i. October 18, 2022, Meeting Minutes

Member Sutton made a motion to approve the minutes. Member Roper seconded the motion. All were in favor.

b. General Items for Consideration:

i. Z22-09: 5 Pine Street, Joseph & Jill Ata – Revised variance request to allow for a front setback of 18 feet for a new attached garage

Chair Chase turned the floor over to Wade Trim representative Ms. Amanda Warner. Ms. Warner presented variance request Z22-09. She explained that the Town Council tabled and returned this item back to the Board after the item was heard at their meeting. She explained that the front setback has been revised from 16' to 18' from the 25' requirement. Ms. Warner stated that the owner is claiming that the trees hardship is due to the growth of the oak trees over the past 25 years which has caused damage to their driveway and infrastructure, previous action by the Town Council in 2004 to allow development of the fish camp and removal of the turnaround at the end of the street, and allowing Block D to be platted in a way that failed to extend the existing road and right of way. She then stated that she was available to answer any questions. Mr. Joseph Ata, owner of 5 Pine Street, introduced himself. He then commented on the uniqueness of his lot, the end of Pine Street (Bumby Fish Camp), the previous turnaround, and the road being private property. Member Withers questioned the end of Pine Street to the point of the Ata property. Mr. Ata review ariel photos. He then stated that the Town Council questioned how many homes on Pine Street did not meet the 25' setback. Mr. Ata stated 50% do not meet the current 25' setback. Member Withers questioned who owned the street. Mr. Ata stated Mr. Johnson. Some discussion followed regarding the garage, openings, and aesthetics. Chair Chase stated that he had met with the applicant and agrees with the hardship of Town not providing a turnaround. After some discussion was made, Member Fleck commented that he also inspected the area and stated that this is a great plan. Member Fleck made a motion to recommend approval of this variance request. Member Withers seconded the motion. Member Roper stated that approximately ten years ago, she made a statement regarding front road setbacks;

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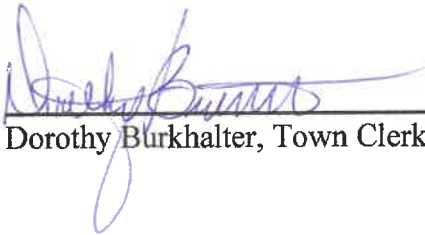
therefore, she will be voting against this item. Roll call vote was as follows: Sutton – aye, Withers- aye, Chase – aye, Roper – nay, and Fleck aye. Motin carried 4-1. Chair Chase stated that this item will be back before the Town Council next month.

Member Roper questioned if a special rule is needed to be in place for Bumby Point. All agreed to leave it be.

4. ADJOURN:

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

The meeting adjourned at 6:56pm.



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 J</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>DRB</i>
MAILING ADDRESS <i>10820 Wouder Lane</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Woudermere</i>	COUNTY
DATE ON WHICH VOTE OCCURRED <i>8-20-2022</i>	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

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 9-20-2022, 20__ :

(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.

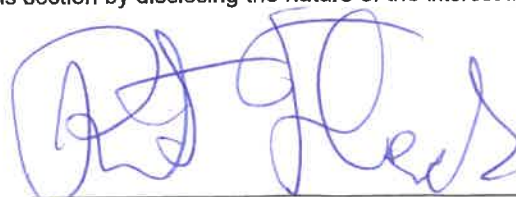
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The Variance is For My Personal Property

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.

9-20-2022

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.