

# TOWN OF WINDERMERE

## Development Review Board Meeting Minutes

April 18, 2023

Present were Chair Frank Chase, Board Members Norma Sutton, Roger Heinz, Stephen Withers, Gregg Anderson, and Jennifer Roper. Town Council Liaison Andy Williams, Town Planner Brad Cornelius, Town Clerk Dorothy Burkhalter, and Finance Clerk Theresa Syphers were also present. Member Peter Fleck was absent. Town Manager Robert Smith was present via the phone.

Chair Chase called the meeting to order at 6:30pm. He then led everyone in the Pledge of Allegiance.

### 1. OPEN FORUM/PUBLIC COMMENTS:

Mrs. Sheryle McAfee of 407 W 1<sup>st</sup> Avenue deferred to the agenda item.

Chair Chase then commented on the Centennial Committee and turned the floor over to Liaison Andy Williams. Mr. Williams commented on the Centennial 2025 Steering Committee. He then stated that a volunteer from each committee/board would be appreciated. Member Withers volunteered to be on the Centennial 2025 Steering Committee.

### 2. NEW BUSINESS:

#### a. MINUTES:

##### i. **February 21, 2023, Meeting Minutes**

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

#### b. **General Items for Consideration:**

##### i. **Z23-06: 4414 Down Point Lane – Kevin and Megan Butler/Sheila Cichra – Variance to allow the reconstruction of a previous unpermitted boat dock at 10 feet from the side property line extended**

Chair Chase turned the floor over to Mr. Brad Cornelius. Mr. Cornelius introduced the proposed variance request to allow the reconstruction of a previous unpermitted boat dock 10 feet from the side property line. He explained that this dock had not been permitted when it was originally built nor when repairs/renovations were done until now and that it is not considered a grandfathered dock. Mr. Cornelius stated that notices were mailed out with zero returned in opposition; all were in favor. Discussion followed regarding the rebuilding of an existing permitted dock, grandfathering, and renovations. Ms. Shelia Cichra, permitting representative, introduced herself. She then explained that the existing pilings will not be touched. Ms. Cichra further explained that the dock is being repaired from past hurricane damage. After some discussion was made, Member Roper made a motion to recommend approval for this variance request. Member Heinz seconded the motion. All were in favor.

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- ii. **Z23-07: 804 Oakdale Street – Lacey Adams – Variance to allow 39.6% gross floor area, new front porch with front setback of 23.6 feet, and 100% increase of gross floor area of existing nonconforming detached accessory garage with a height greater than 18 feet**

Chair Chase turned the floor over to Mr. Cornelius. Mr. Cornelius introduced the variance request of converting a portion of the interior home from open-to-below space to living area, a front porch addition along Oakdale Street with a setback of 23.63 feet, adding a second story bonus room to the detached garage, and removing pavement with open lattice blocks. He stated that the improvements would require the following variances; 1 – Allow the expansion of the existing gross floor area from 33.1% to 39.6%, which exceeds the allowed 38% gross floor area, 2 – Allow the additional of the front porch at 23.63 feet, which is less than the required 25 foot setback, and 3 – Allow the expansion of the existing nonconforming detached garage by 100% - add a second story and a height of more than 18 feet. Mr. Cornelius stated that the impervious area will decrease to 44% with the proposed improvements with the use of open lattice blocks. He then commented on a response that was received from a resident regarding the stormwater which was to be in place in 2002 and is not there. Mr. Cornelius explained that he would recommend the entire property be brought into stormwater compliance. He then stated that notices were mailed out with several in support and one in objection regarding the stormwater impacts. Clerk Burkhalter read into the record (attached) a comment from resident Mr. Tom Fry. Chair Chase commented on comments received from Fiola and Bardoe. Discussion followed regarding previous/current setbacks, contiguous corner lots, non-conforming, stormwater, and septic tank location. Ms. Lacey Adams, owner of 804 Oakdale Street introduced herself. She commented on the proposed project. Member Withers questioned if the roof will be replaced. Ms. Lacey explained that the roof over the porch will be changed from flat to pitched and this will lead to a new roof. Member Anderson questioned if plumbing would be installed in the area over the garage. Ms. Lacey stated that she was thinking of adding a bathroom as the area would be used as a game room. Some discussion followed. Member Withers made a motion to recommend approval for the front porch but not the addition on the garage. Member Roper seconded the motion. Some discussion followed regarding hardship and drainage. Member Withers amended his motion to include the condition of proper stormwater engineering for the entire property. Member Roper was friendly to the amendment. Roll call vote was as follows: Roper – aye, Anderson – aye, Chase – aye, Withers- aye, Heinz – nay, and Sutton – aye. Motion carried 5-1. Some discussion followed regarding the number of variances being requested. Member Heinz stated he would change his nay to an aye (this is only for the record). Chair Chase stated that this a recommending Board only. The Town Council will have the final approval/denial at the May 9<sup>th</sup> Town Council meeting. Ms. Lacey questioned if there would be any variation for the garage that would be considered. Some discussion followed. Mr. Scott (?), architect for Ms. Lacey, stated that the garage height could be reduced and kept to 1 ½ stories. Chair Chase explained that the Board has made its decision and they could discuss their options with the Town Council or reapply.

- iii. **Z23-08: 65 Pine Street – Nick and Susan Capone/Kevin Ball – Variance to allow a sport court in the front of the principal structure**

Chair Chase turned the floor over to Mr. Cornelius. Mr. Cornelius introduced variance request Z23-08 which is to allow a sport court in the front of the principal structure. He then commented on the location and size of the property. Mr. Cornelius explained that according to the code, a sport court is not allowed in front of the principal structure. He then stated that due to the characteristics of the lot and no

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frontage on a Town road. Mr. Cornelius stated that the proposed sport court does meet all requirements and setbacks. He then stated that the court will be sunk down into the ground, and will have walls and landscaping. Mr. Cornelius also stated that if lighting is requested in the future, the owners will need to follow the code regarding lighting. He then stated that notices were mailed out with four received in objection, and seven in support. Member Heinz stated he would recuse himself from voting as he did not receive his notice in time, and that he and his wife object to this request. Clerk Burkhalter stated that Member Heinz would need to vote as he does not have a valid conflict of interest. She then stated that the record could reflect that he and his wife objected to the request. Member Withers questioned Mr. Cornelius regarding the code for fences in the front yard. Mr. Cornelius explained that fencing around a sport court does not have limitations. Member Sutton questioned the lighting. Mr. Cornelius explained that lighting is not being requested at this time. He further explained that if lighting is requested in the future, it would need to meet code and be shielded down. Member Heinz questioned if there are time limits for the lights. Mr. Cornelius stated no. Mr. Kevin Ball, contractor for the applicant, introduced himself. He then commented on the unique shape of lot. Mr. Ball explained the sport court design and proposed location. He further explained that the best location for the court was in the front, and the issues with moving the house closer to the front and placing the court in the back. Mr. Withers commented on the noise from a pickleball court. Chair Chase opened the floor for public comments. Mrs. Sheryle McAfee of 407 West 1<sup>st</sup> Avenue introduced herself. She then read her comments for the record (attached). Ms. Christa Dinallo of 2956 Sunbittern Court introduced herself. She then commented on a past pickleball court variance request and the concern with the courts being all over town as the noise and lighting. Member Heinz questioned the hardship. Chair Chase stated that the lot shape is very unusual. Some discussion followed. Member Anderson made a motion to recommend denial of this request. Member Withers seconded the motion. Roll call vote was as follows: Roper – aye, Anderson – aye, Chase -aye, Heinz – aye, and Sutton - nay. motion carried 5-1. Chair Chase confirm Member Sutton’s nay. Member Sutton stated that she would have voted yes for this item as she believes there are property rights, there are other courts in town, and the unusual shape of the lot. Chair Chase stated this is a recommending board and the Town Council will hear this item at their May 9<sup>th</sup> meeting.

#### **iv. Proposed LDC change to 10% limitation for additions to nonconforming structures**

Mr. Cornelius explained that he is bringing forward a potential change to the Land Development Code. He explained in detail that the proposed change would be to remove the 10% expansion limitation of non-conforming development or structure. Member Heinz and Chair Chase agreed to the change. Member Withers commented on “declared emergency declared by the Town.” Mr. Cornelius commented that he could add, “or as designated by the Town Manager.” Further discussion followed. Member Withers made a motion to move forward with the change of declaring National, State, Town Emergency. Member Heinz seconded the motion. All were in favor. Mr. Cornelius explained that this will go before the Town Council in May.

Chair Chase questioned the results of the Wade Trim nominations. Mr. Cornelius explained the yearly recognition that Wade Trim provides. He explained that although he did not win, he was nominated for his work with the Town of Windermere. Mr. Cornelius stated that Ms. Amanda Warner was selected as the employee of the Year.

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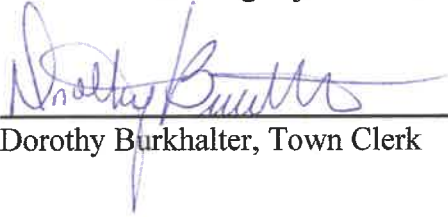
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4. ADJOURN:

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

The meeting adjourned at 8:02pm.



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Dorothy Burkhalter, Town Clerk



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Frank Chase, Chair

Brad Cornelius, AICP, Town Planner

Wade Trim, Inc.

Tampa, FL

Re: Public Notice of Variance Public Hearing for 804 Oakdale Street, Z23-07

Dear Mr. Wade,

After reviewing the proposed construction plans for 804 Oakdale Street, I would like to express my disapproval for the project.

My reluctance to approve this request is based on the continued flooding that has occurred at my property located at 916 Oakdale Street. It is obvious from my experience during multiple rain events in the past that most of the houses north and south of my property on and off Oakdale Street do not have appropriate water retention. It is imperative that all new construction on Oakdale Street include appropriate water retention.

The proposal clearly states, "Existing lot drains towards Oakdale Street – No change to drainage required". This type of strategy leads to more flooding of my property and more water run-off into Lake Bessie.

There clearly is no current water retention on the property. If you look at the 2002 request to construct the 2-Car Garage, you will see that a Proposed Storm Water Pond was included in the Permit. Today there is no Storm Water Pond located where it should be. I wonder who is responsible for the enforcement of this "missing" Proposed Storm Water Pond.

I will continue to disapprove any construction that does not clearly include proper storm water retention on all properties located on Oakdale Street.

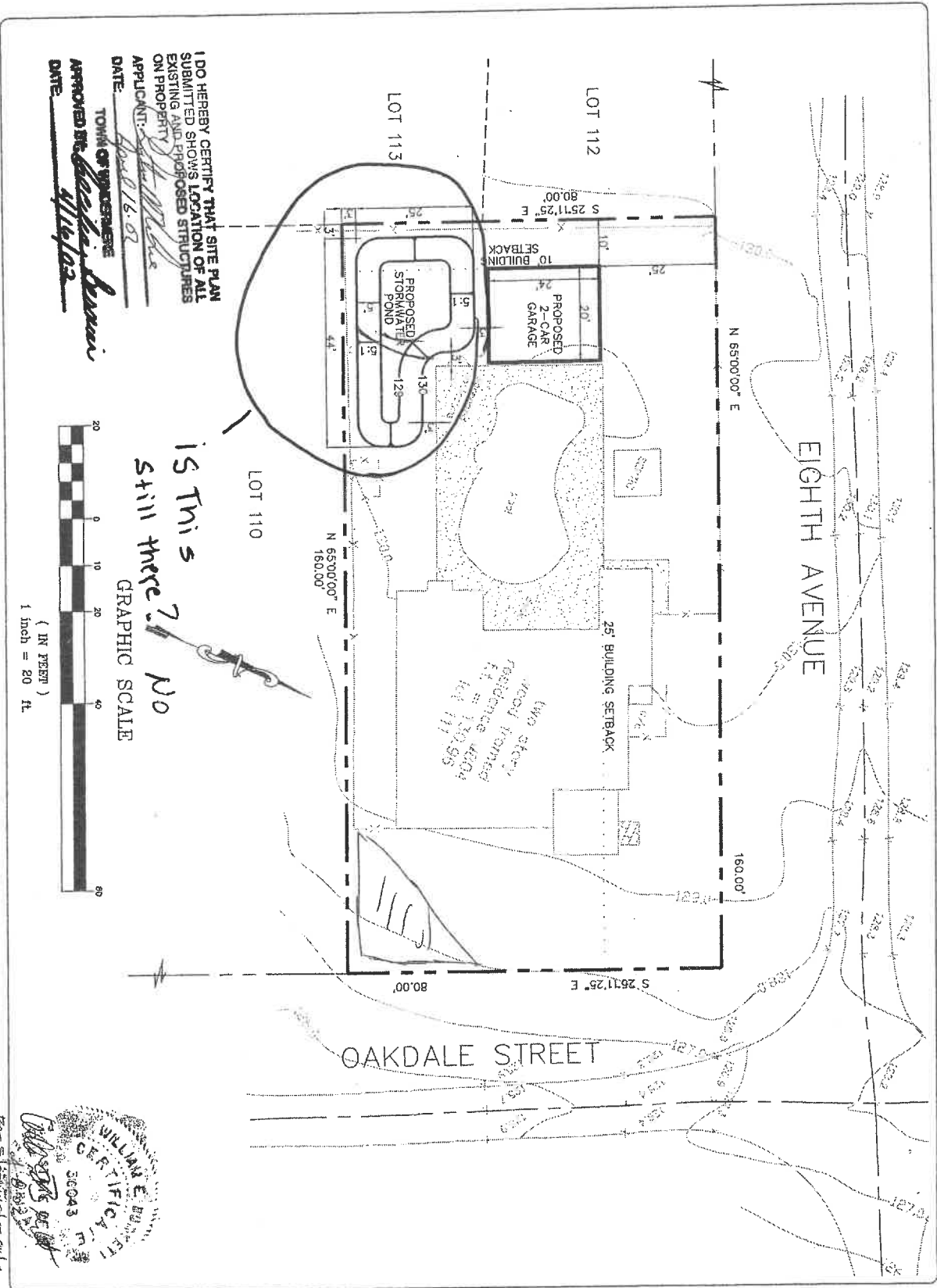
Respectfully,

A handwritten signature in black ink that reads "Tom". The signature is written in a cursive, slightly slanted style.

Tom Fry

1245 Oakdale Street

Windermere, FL



I DO HEREBY CERTIFY THAT SITE PLAN SUBMITTED SHOWS LOCATION OF ALL EXISTING AND PROPOSED STRUCTURES ON PROPERTY

APPLICANT: *Christine McKechnie*

DATE: *April 16, 07*

TOWN OF WASHINGTON

APPROVED BY: *William E. Burkett*

DATE: \_\_\_\_\_



is this still there? NO

GRAPHIC SCALE



For Stationmaster only

DATE	4-18-07
DRAWN BY	CS/06/10
CHECKED BY	CS/06/10
DESIGNED BY	CS/06/10
SCALE	AS SHOWN
PROJECT NO.	30043
SHEET NO.	1
TITLE	OF-1

NO.	DESCRIPTION

**Burkett Engineering, Inc.**  
Civil Engineering Consultants

250 N. Chicago Avenue, Suite 1501  
Chicago, IL 60610  
(407) 244-1240 Fax (407) 244-0423

**PLEASE DO NOT APPROVE A VARIANCE TO ALLOW A PICKLE BALL COURT TO BE BUILT ON THE LOT AT 65 PINE STREET WHICH WILL ADVERSELY AFFECT AT LEAST 5 ADJACENT PROPERTIES INCLUDING OURS WHICH LIES ALONG THE EAST SIDE OF THE PROPERTY FOR THE FOLLOWING REASONS:**

The noise from playing pickle ball will drive us crazy while we are sleeping or relaxing in the house as well as working in the yard. Our dog is going to go nuts. Can you imagine trying to get your children to bed for naps or at night to the sound of whack, whack, whack along with the sound of barking dogs We have done extensive research on this to find out what some of the problems are as follows:

1. It is the pitch of the noise. Lance Willis an acoustical engineer with Spendiarian & Willis Acoustics & Noise has done extensive testing all over the US and Canada and has registered decibel levels of 85 which is 25 higher than tennis. Whack, Whack, Whack can go on from early morning until late at night.
2. For many people it is the constant whack, whack whack sound that has a Psychological effect that has resulted in people being forced to sell their homes at discounted prices because nobody wants to hear it.
3. The noise is airborne and your concrete wall isn't going to do much. When you put your plants in what type will they be and how tall will they be. Again they will help to buffer the noise but not delete it.
4. There are lawsuits going on all over the country against HOAs that have converted their tennis courts into pickle ball courts which are hundreds of feet away from homes not 50 feet.
5. Basketball and Tennis courts are used for a couple of hours here and there but that is not the case with Pickle Ball which can go on for hours day after day.

MICHAEL AND SHERYLE MCAFEE

407 West 1<sup>st</sup> Avenue

Windermere, FL 34786