

TOWN OF WINDERMERE

Development Review Board Meeting Minutes

May 16, 2023

Present were Chair Frank Chase, Board Members Norma Sutton, Roger Heinz, Stephen Withers, Gregg Anderson, and Peter Fleck. Town Council Liaison Andy Williams, Town Planner Brad Cornelius, and Town Manager Robert Smith were present via the phone. Clerk Dorothy Burkhalter 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:

NONE

2. NEW BUSINESS:

a. MINUTES:

i. April 18, 2023, Meeting Minutes

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

b. General Items for Consideration:

i. Z23-02: Maika & Courtney Maile – 803 Main Street – Variance for an additional of greater than 10% of a non-conforming home and encroachment into rear setback for a proposed home addition

Chair Chase turned the floor over to Mr. Brad Cornelius. Mr. Cornelius explained that the variance is needed for a small addition to the rear of a non-conforming home which is approximately 30.5% expansion. He then stated that the second variance request would be to allow the proposed addition to have a rear setback of 25.4' instead of the 35' required by code. Mr. Cornelius commented that the hardship is due to the original platting of the lot. He then stated that notices were sent out with thirteen received in support and zero received in opposition. Some discussion followed regarding nonconforming lots. Mr. Maika Maile, owner of the property, introduced himself. He then commented that the need is due to the growth of the family. Member Withers commented on concerns with the hardship. Discussion was made regarding the lot size (some inaudible), renderings, and hardship. Mr. Keith Neil of Next Generation Contractor introduced himself. He then stated that the architecture will match the existing home. Discussion was made regarding rear setback, contiguous/non-contiguous setbacks, proposed addition and FAR, parking of cars, and the addition. Member Sutton made a motion to recommend approval for the variance request. Member Heinz seconded the motion. Member Withers stated he did not see a hardship. Roll call vote was as follows: Sutton – aye, Heinz – aye, Withers – nay, Chase – aye, Anderson – nay, and Fleck – aye. Motion carried 4-2.

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ii. **Z23-10: Marcelino Hoyo – 507 Main Street – Conditional Use for Sale and On-Site Consumption of Beer and Wine at Paloma Coffee**

Chair Chase turned the floor over to Mr. Cornelius. Mr. Cornelius explained the conditional use request is to sell and consume beer and wine. He stated that Mr. Hoyo is less than 1,000 feet from a church/school and less than 1,000 feet from another establishment, which is required by code. Mr. Cornelius stated that the request also includes outdoor consumption. He stated that fencing is being requested for shielding. Mr. Cornelius stated that notices were mailed out with four in approval, one approval with the fence request and one in opposition were received. After discussion was made, Member Sutton made a motion to recommend approval of the request. Member Fleck seconded the motion. All were in favor.

iii. **Ordinance 2023-01 – Proposed LDC Change to 10% Limitation for Additions to nonconforming structures. Town Council at First Reading on May 9, 2023, made one change to keep the existing requirement that structures that are damaged more than 50% of its fair market value from fire or other calamity must be repaired or replaced only in conformance with current zoning requirements.**

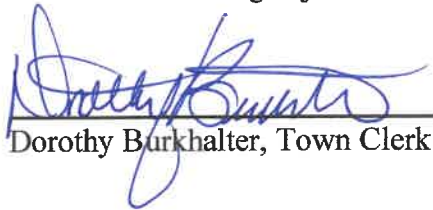
Mr. Cornelius commented on the proposed changes to Ordinance 2023-01. Some discussion ensued. Member Withers made a motion to approve proposed Ordinance 2023-01 with the revisions. All were in favor.

Mr. Cornelius gave an update on the 500 Block submission.

4. **ADJOURN:**

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

The meeting adjourned at 7:08pm.


Dorothy Burkhalter, Town Clerk


Frank Chase, Chair