

THE TOWN OF  
**Windermere**



**DEVELOPMENT REVIEW BOARD**

**Chair: Frank Chase**

**Peter Fleck**

**Jennifer Roper**

**Norma Sutton**

**Stephen Withers**

**Roger Heinz**

**Gregg Anderson**

**Council Liaison: Andy Williams**

***Agenda***

***Agenda***

**September 19, 2023**

**6:30 PM**

**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. Minutes**

- i. June 20, 2023 Development Review Board Meeting Minutes (Attachment - Board Option)

#### **b. Membership**

- i. Roger Heinz Resignation (Attachment)

#### **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 (Attachment - Board Option)

### **3. ADJOURN**

# TOWN OF WINDERMERE

## Development Review Board Meeting Minutes

June 20, 2023

Present were Chair Frank Chase, Board Members Roger Heinz, Stephen Withers, Gregg Anderson, and Peter Fleck. Town Council Liaison Andy Williams, Town Planner Brad Cornelius, Town Manager Robert Smith, and Clerk Dorothy Burkhalter were present. Members Norma Sutton and Gregg Anderson 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. Ms. Debra Neill of 525 Oakdale Street introduced herself. She then commented on concerns with landscaping, the wall along Oakdale Street, and an outside contractor doing the work. Chair Chase explained that the “outside contractor” for the wall could be due engineering that will be needed.

### 2. OLD BUSINESS:

#### a. General Items for Consideration

#### i. **Z19-12 – Windermere Downtown Properties, LLC – Approval of Final Development Plan/Major Development for Redevelopment to Retail/Office/Restaurant**

Chair Chase turned the floor over to Mr. Cornelius. Mr. Cornelius gave a presentation that outlined past meetings/workshops/discussions regarding the proposed plan. He explained the approval process and the Developer Agreement that will need to be done through the Town Council. Mr. Cornelius further explained that the proposed plan is compliant with the Master Plan. He then reviewed the Town Attorney’s direction regarding approval. After the presentation was complete, Mr. Trey Vick, of V3 Capital Group, introduced himself. He then commented on the evolution of the site and where it currently is. He then reviewed the tree mitigation, landscape plans, modification of renderings, and alternative paint schemes. Mr. Vick explained that the wall will be engineered by another firm which is why “outsourced” is noted. He then stated that the wall will be a “pour in place” wall. The presentation concluded. Chair Chase opened the floor to the Board. Chair Chase questioned irrigation to the right of way. Mr. Vick stated that they will be watering the right of way. Chair Chase stated that he applauds the Developer for how hard they have worked with the project and that he appreciated their work. Member Withers commented that the area and height is where it needs to be. He also agreed with the corner being turned. Member Roper commented on the scale and concerns regarding the building height. Member Withers stated that a definition of “events” was needed. Mr. Cornelius explained that an event is a Town approved/sponsored event. He then commented on parking and the limiting of times of tractor trailer deliveries. Member Roper questioned the width of the parking spots. Mr. Vick stated the parking spots would be nine feet. Member Roper then questioned the material of the parking lot. Mr. Vick stated that it would be a pave drain system. Member Roper then questioned the turn in/turn outs. Mr. Vick explained the process. Member Roper questioned the dumpster location and proliferation of smells etc. to residents. Discussion followed regarding landscaping, dumpster location, maintenance of the pave drain system (include in Developers Agreement),

**TOWN OF WINDERMERE**

**Development Review Board  
Meeting Minutes**

**June 20, 2023**

traffic mitigation, potable water, and color palettes. Chair Chase opened the floor over to the public. First to speak was Mr. Tormey of 5<sup>th</sup> Avenue. Mr. Tormey commented on concerns regarding traffic, cars running the stop signs, and children’s safety. Manager Smith stated that all the above would be an enforcement issue. He also explained that no traffic from the proposed development would be exiting out onto 5<sup>th</sup> Avenue and Oakdale Street as Pocket Park would not be removed. Ms. Renee Cingolani of 412 Forest Street introduced herself. She then commented on the Police running stops signs on the back roads and increasing traffic from the development. Member Heinz commented on the stop signs and enforcement. He explained that the signs must be DOT registered, approved, and located at the correct height for enforcement. Mr. Daniel Floyd of 515 Oakdale Street introduced himself. He then commented concerns with the dumpster, wall designs, and verbiage. He also stated he and preferred the brick options. Mr. Floyd thanked the applicant for working with the Oakdale Street owners. After some discussion was made, Member Withers made a motion to recommend approval of the plans as presented with the request/recommendation that the Developer follows through with the comments for improving the plan regarding height, color, and texture of the facade/buildings and the wall. Member Heinz seconded the motion. Some discussion followed. Roll call vote was as follows: Heinz – aye, Withers – aye, Chase – aye, Roper – aye and Fleck – aye. Motion carried 6-0.

**3. NEW BUSINESS:**

**a. MINUTES:**

**i. May 16, 2023, Meeting Minutes**

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

**4. ADJOURN:**

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

The meeting adjourned at 7:54pm.

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Dorothy Burkhalter, Town Clerk

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Frank Chase, Chair



FW: Resignation from DRB

From: Roger Heinz <rheinz@town.windermere.fl.us>  
Sent: Friday, June 23, 2023 10:21 AM  
To: Dorothy Burkhalter <dburkhalter@town.windermere.fl.us>  
Subject: Re: Resignation from DRB

Yes, I would like for my email to be my official resignation, effective today.

Thank You,

Roger Heinz

The Heinz Group - Custom Homes, Additions and Renovations  
625 Main Street  
Suite 27  
Windermere, FL 34786

Cell: 407.624.2900

Instagram: @the\_heinzgrp

Website: [www.theheinzgrp.com](http://www.theheinzgrp.com)

# 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 September 19, 2023

## Town Council October 10, 2023

**Case No.:** Z23-09

**Property Owner/Applicant:** Ryka, LLC – Eric Powell

**Requested Action:** Variance to Allow Expansion of a Non-Conforming Side Setback

**Property Address:** 212 W 1<sup>st</sup> Avenue. Windermere, FL 34786

**Legal Description:** PLAT OF WINDERMERE G/36 LOT 427 (LESS ELY 80 FT OF NLY 130 FT INCLUDING THAT PORTION OF SAID VAC ST TO N) & N 25 FT OF LOT 426 (LESS W 25 FT) & VAC ST ON N & LAND IN LAKE DESC AS FROM SW COR LOT 469 RUN NE 245 FT S 51 DEG E 81 FT FOR POB RUN S 17 DEG E 100 FT TO N ST LINE 1ST AVE TH N 72 DEG E 65 FT TH N 51 DEG W 106.12 FT TO POB (LESS BEG SWLY COR LOT 427 RUN N 72 DEG E 25 FT S 17 DEG E 25 FT N 72 DEG E 142.5 FT N 17 DEG W 95 FT S 72 DEG W 80 FT S 83 DEG W 30.55 FT S 72 DEG W 57.48 FT S 17 DEG E 75.6 FT TO POB)

**Future Land Use/Zoning:** Residential/Residential

**Existing Use:** Residential (Single Family)

### **Surrounding Future Land Use/Zoning**

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

**CASE SUMMARY:**

The applicant proposes to reconstruct the existing single-family home, which was built in 1959, on the subject property, to expand the existing single-family home with a second story addition. The existing single-family home is noncompliant with the required side setbacks of 10.9 feet. The existing single-family home is 7.83 feet from the east side property line and 10.17 feet from the west side property line. The existing single-family home is compliant with the required front and rear setbacks.



Picture of Existing Single-Family Home at 212 W 1st Avenue – Source: Google Earth 2023

The applicant’s proposed reconstruction expands the existing second story portion of the existing single-family home to encompass the entire single-family home footprint. The applicant’s proposed reconstruction would also be at the same non-conforming side setback of 10.17 feet and 7.83 feet.

The proposed reconstruction is compliant with the maximum allowed height of 35 feet, maximum allowed gross floor area, and maximum allowed impervious area.

The Town’s recent change to the LDC nonconforming structure requirements (Section 10.01.03) states (bold and underline added):

“Nonconforming development or structures **shall only be expanded or improved if the expansion or improvement is fully compliant with the requirements of this Land Development Code, and the nonconforming condition is not increased as a result of the new construction.** Nonconforming development is also subject to the following requirements:

- (1) If a nonconforming development or structure is voluntarily fully or partially demolished, **any reconstruction must meet all requirements of this Land Development Code.**”

Any expansion or improvement to the existing single-family home must be fully compliant with the Town’s current LDC requirements and cannot expand the existing nonconformity. The proposed expansion of the existing single-family home increases the existing nonconforming condition (not meeting required side setbacks) and is inconsistent with Section 10.01.03, LDC.

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, building elevations, 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 September 12, 2023, two (2) responses were received in support and two (2) responses were received in opposition.



52 Riley Rd. Suite #315 Celebration, Fl. 34747  
407-709-4539 fax 407-566-0134 email [excleric1@yahoo.com](mailto:excleric1@yahoo.com)  
Lic. # CGC1513852

## VARIANCE REQUEST

Date: August 31, 23

To whom it may concern:

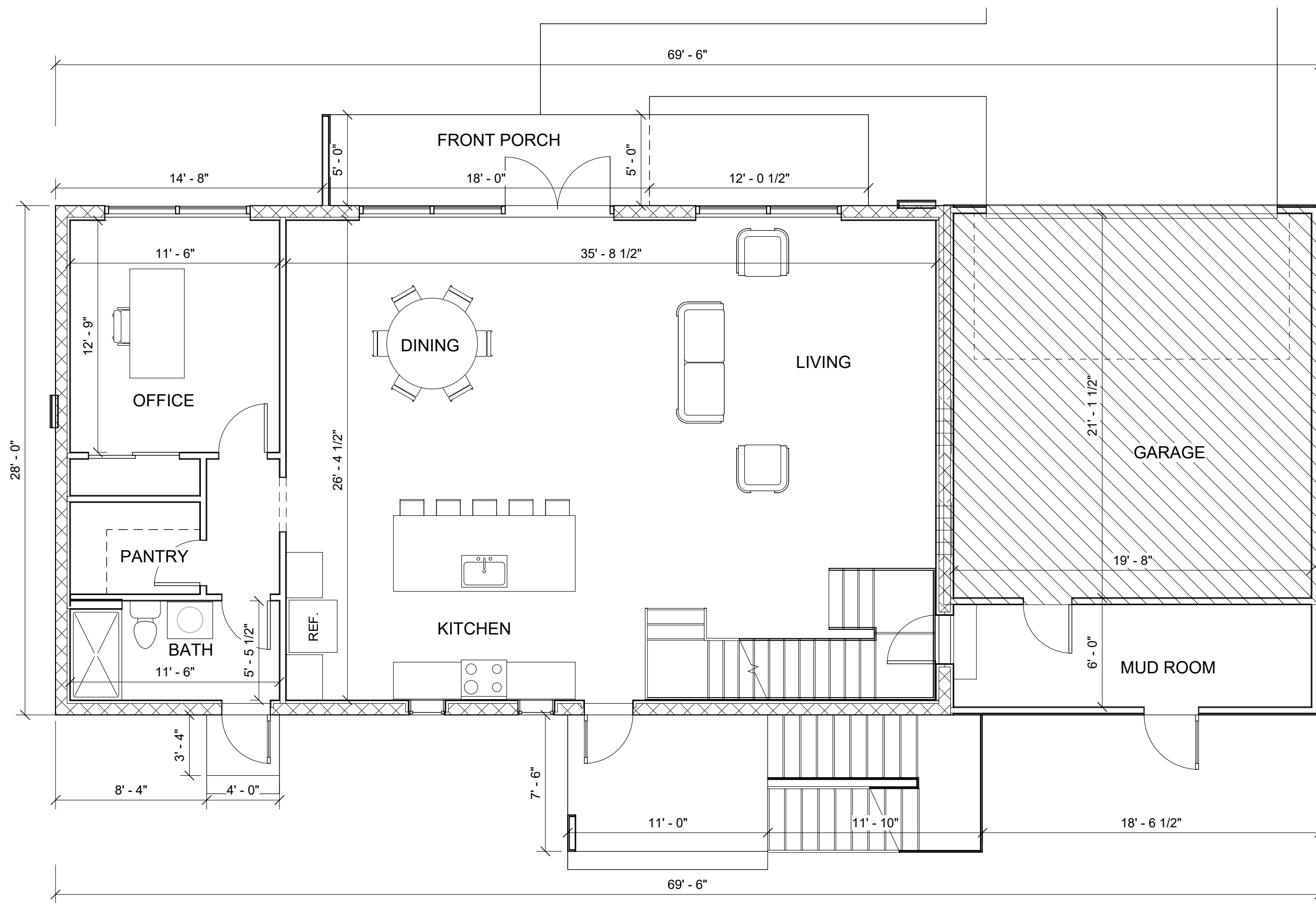
We are requesting a variance on our renovation with these details:

- 1) We are staying within the allowable FAR
- 2) We are staying within the allowable Impervious calculations
- 3) We are adding value to the surrounding properties
- 4) If you look at the existing survey, you will see that there is an easement on the NE rear corner of the property adjoining 110 Forest Ave., that easement is the driveway and yard of 110 Forest Dr., currently in order to pull into my garage I have to hope that there isn't a car in the driveway at 110 Forest otherwise I would have to go thru her yard. In the proposed new plan I will remove the garage and 2nd story just over the garage and the new garage access would be off the front of my house which already has a driveway. I believe this is a tremendous value to 110 Forest while giving her more safety, privacy it also helps the grass and plants to continue to grow and hold the soil; in place. If there was ever a time when the lake rose high enough the soil would not wash into the lake.
- 5) There is only 1 reason that I'm requesting a variance and its setbacks from the left and right side only. Both sides are originally not in compliance from 1953 when the house was build, I'm sure back then there wasn't the same setback regulations. So what we currently have is on the right side of the home its 10 inches over the current setback standard, there is no house on that side its a long access for the dock owner of 219 W. 2nd Ave, we just want to continue that same elevation straight up to include the 2nd floor. The left side of the home is currently 3'-3" over the current setback standard, some of that footprint (the garage and the existing 2nd story over the garage area) would be removed thus making the left side 28' along the property line instead of 48". Our idea there also would be to continue the first floor up thru the 2nd floor at the same elevation. there will be no windows on that side of the home 1st or 2nd floor which I think is a much better idea and much more private for my neighbor versus stepping in the 2nd floor, making it a deck along that side. To me this would be intruding on the neighbor because their living space is mostly on the 2nd floor also.
- 6) In closing Although I'm a GC we plan to live in this house, we still have 3 kids at home, we aren't trying to build a mega-mansion were just trying to build a moderate house with enough space for everyone to be able to live comfortably.

Thanks for your time.

**Eric Powell**

Ryka LLC holds the highest contractors license in the state of Florida allowing construction of high rise commercial structures to the smallest Residential repair. We carry complete Liability and Workers compensation insurance.



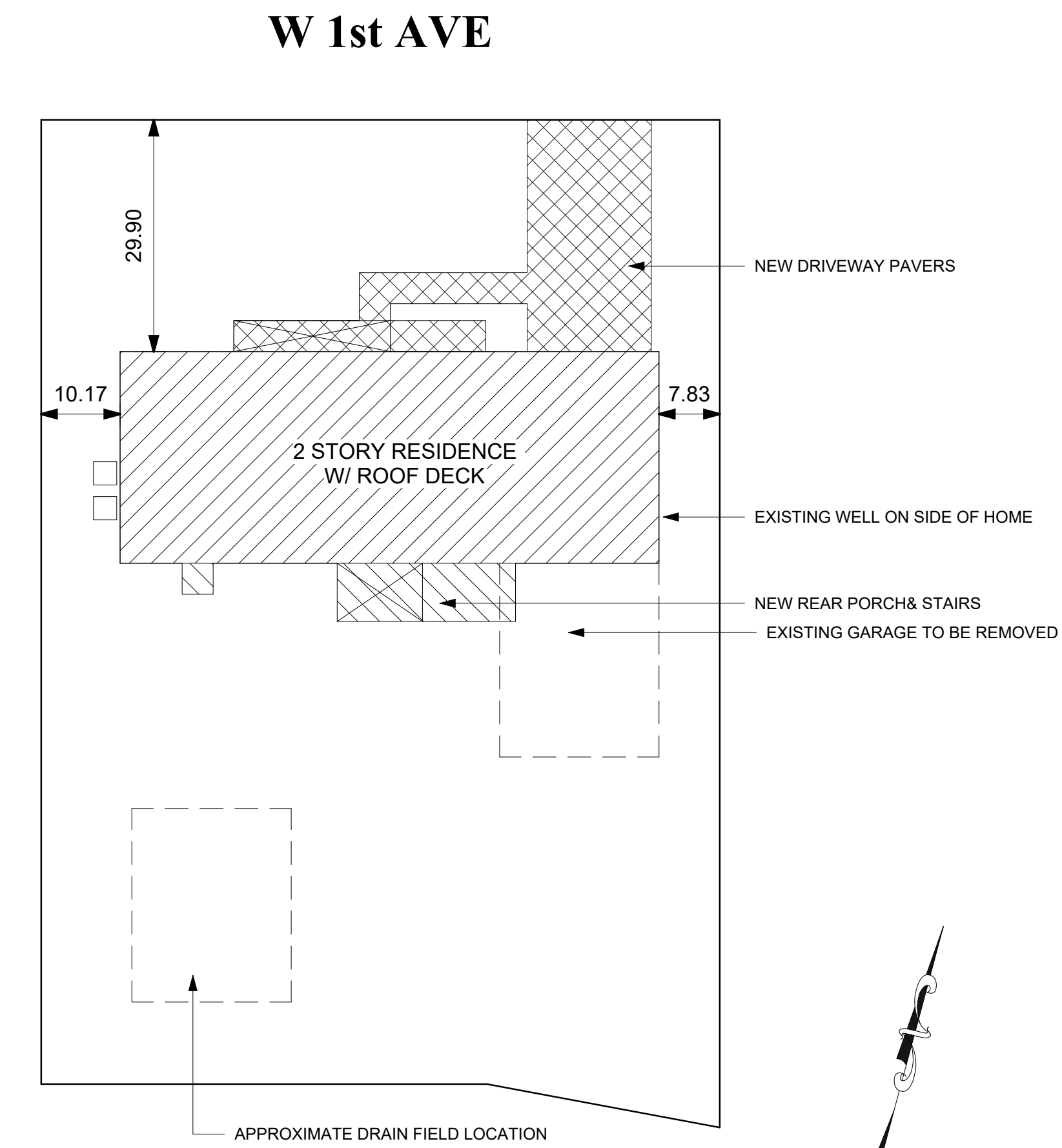
FLOOR PLAN - NEW  
SCALE: 3/16" = 1'-0"

IMPERVIOUS CALCULATION

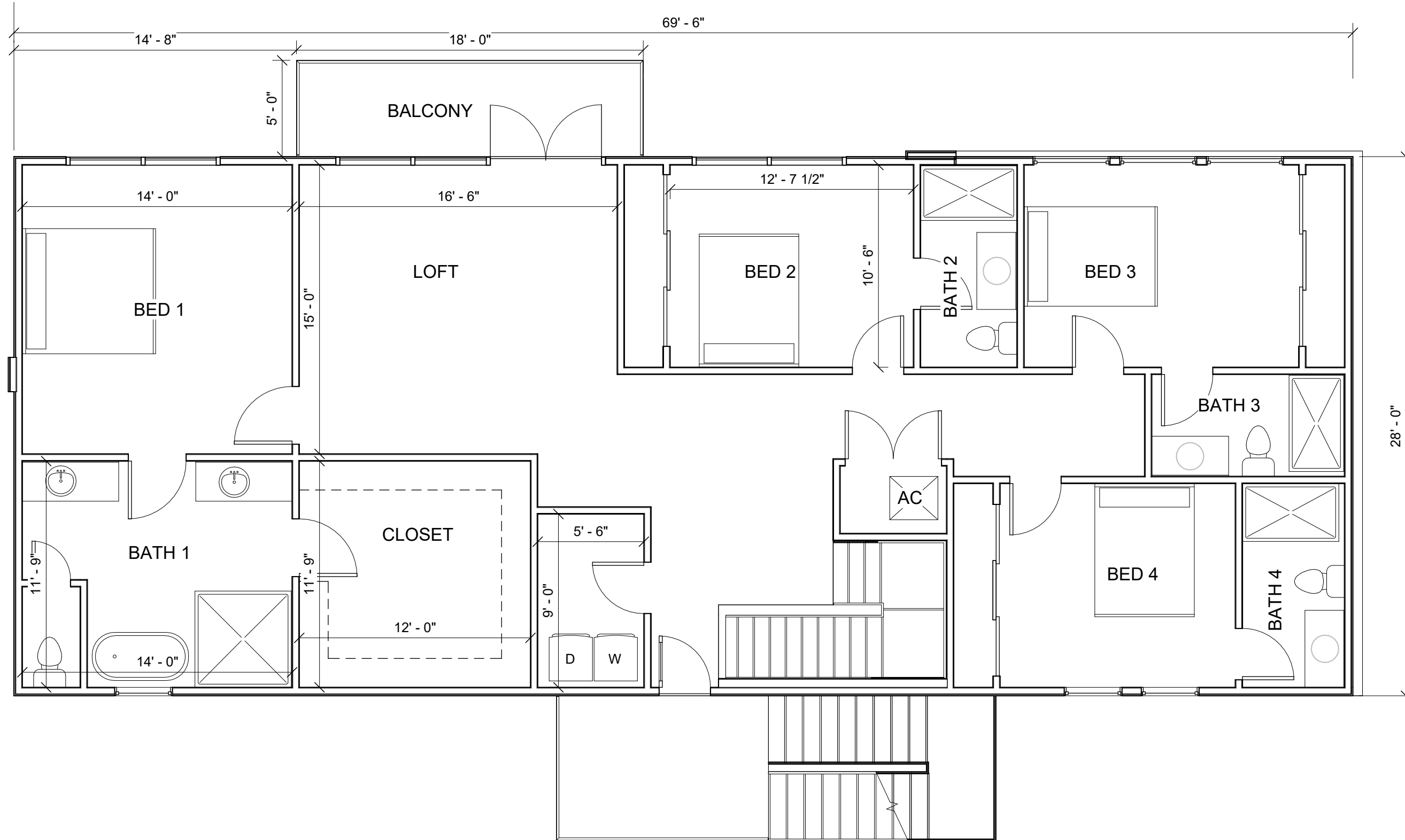
LOT AREA:	10,884 SF
HOUSE AREA:	1,946 SF
PORCH AREAS:	96 SF
PAVER DRIVEWAY:	704 SF
AC PADS:	20 SF
NEW AREA:	2,766 SF
NEW IMPERVIOUS:	25.4%

FAR CALCULATION

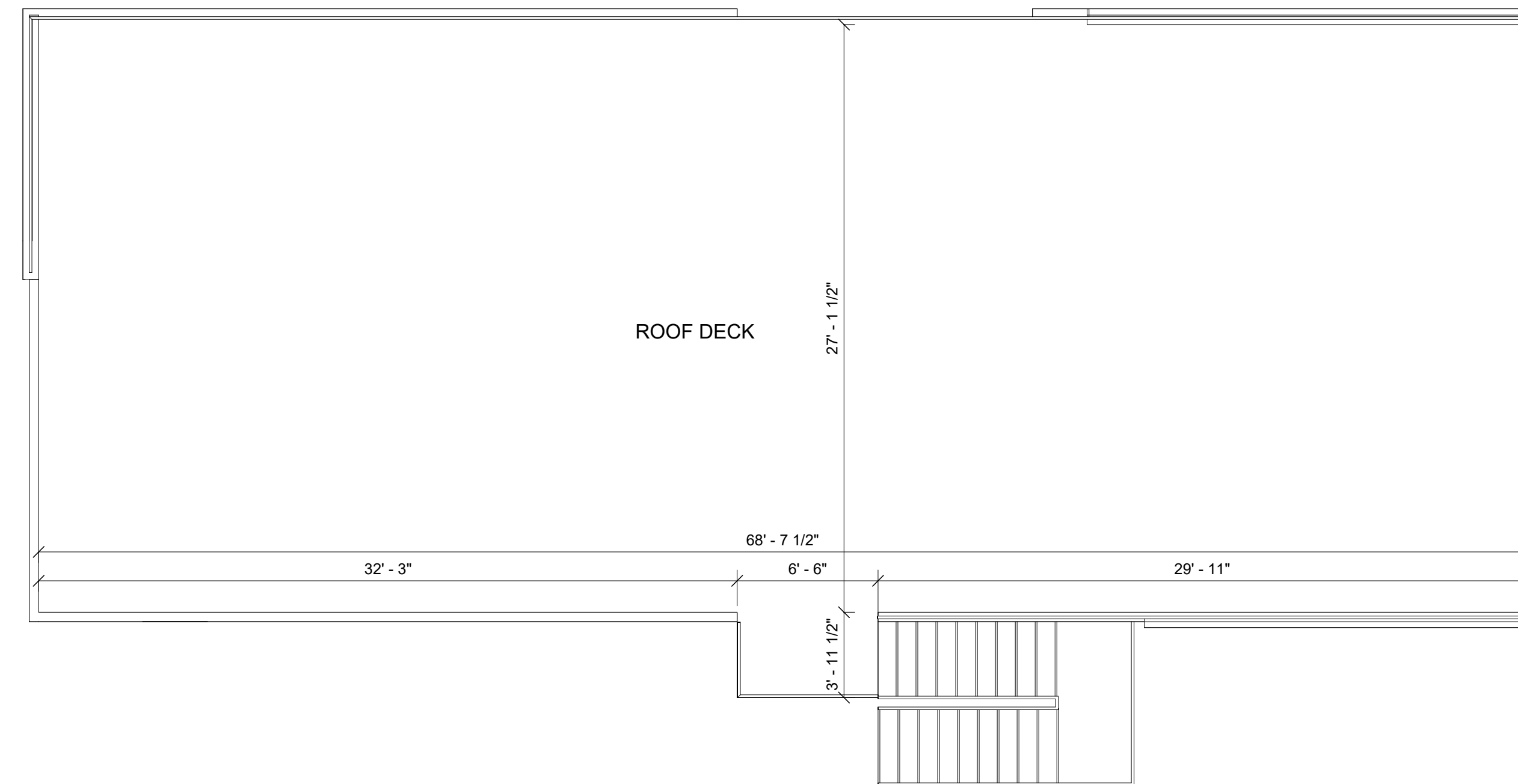
LOT AREA:	10,884 SF
MAX FAR:	38% / 4,136 SF
FIRST FLOOR LIVING:	1,379 SF
SECOND FLOOR LIVING:	1,946 SF
GARAGE AREA:	455 SF
FRONT PORCH:	90 SF
SECOND BALCONY:	90 SF
REAR PORCH:	83 SF
EXTERIOR STAIRS:	90 SF
TOTAL AREA:	4,133 SF
NEW FAR:	37.97%



SITE PLAN  
SCALE: 1/16" = 1'-0"



NEW SECOND FLOOR  
SCALE: 3/16" = 1'-0"



ROOF DECK  
SCALE: 3/16" = 1'-0"

#	DESCRIPTION	DATE	BY

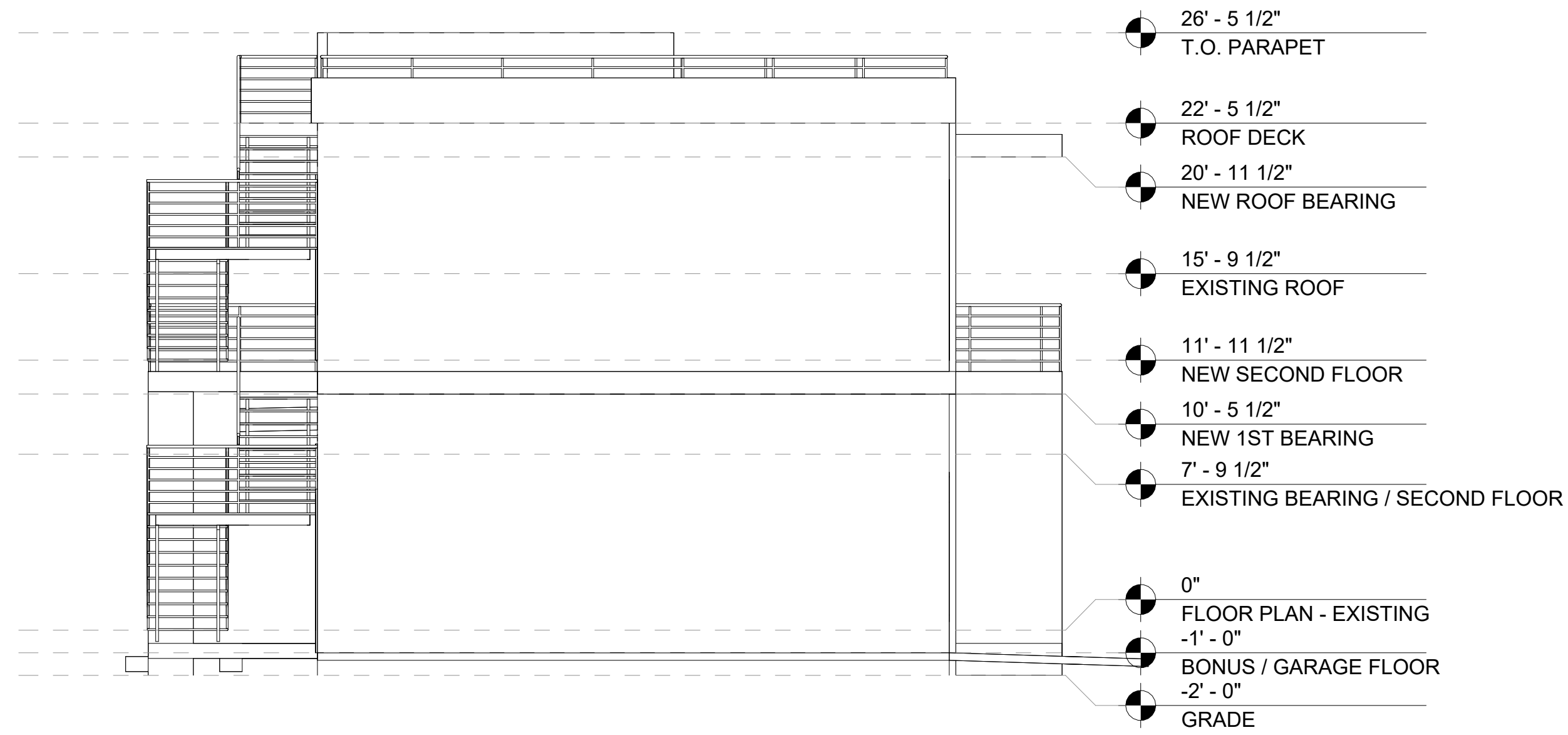
**BUMPUS AND ASSOCIATES, INC.**  
ARCHITECTURE - INTERIOR DESIGN  
www.BUMPUSSANDASSOCIATES.com  
608 FRONT STREET  
CELEBRATION, FLORIDA 34747  
AA C002051  
Ph: (407) 566-0200  
Fax: (407) 566-0222  
AR 0008045

Approved By: Daniel L. Bumpus  
AR 0008045  
Date: \_\_\_\_\_

**POWELL HOME RENOVATION**  
212 W 1ST STREET  
WINDERMERE, FL

DRWN: BAA APVD: DLB  
DATE: 8-18-23  
SCALE: AS SHOWN  
JOB NUMBER: 23130  
SHEET:

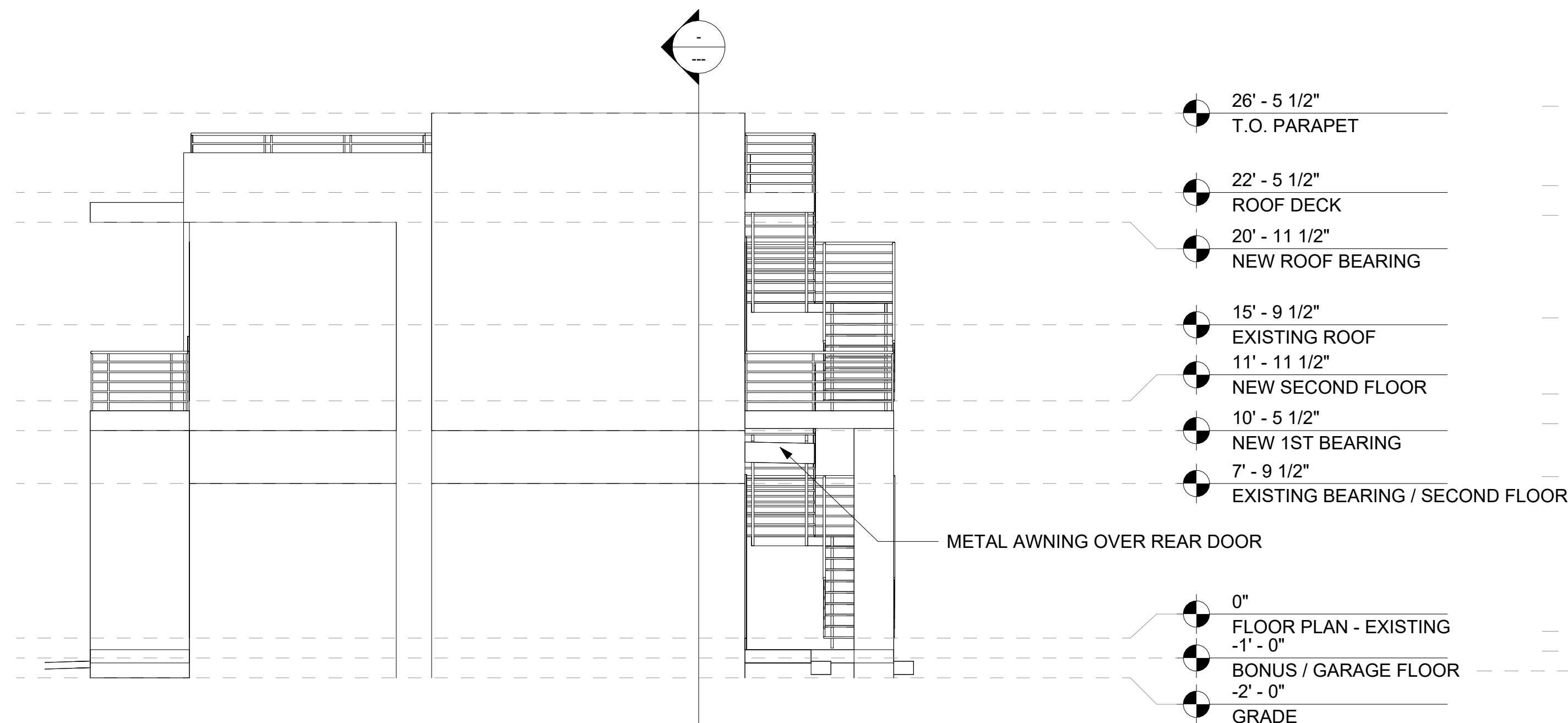
**A1**



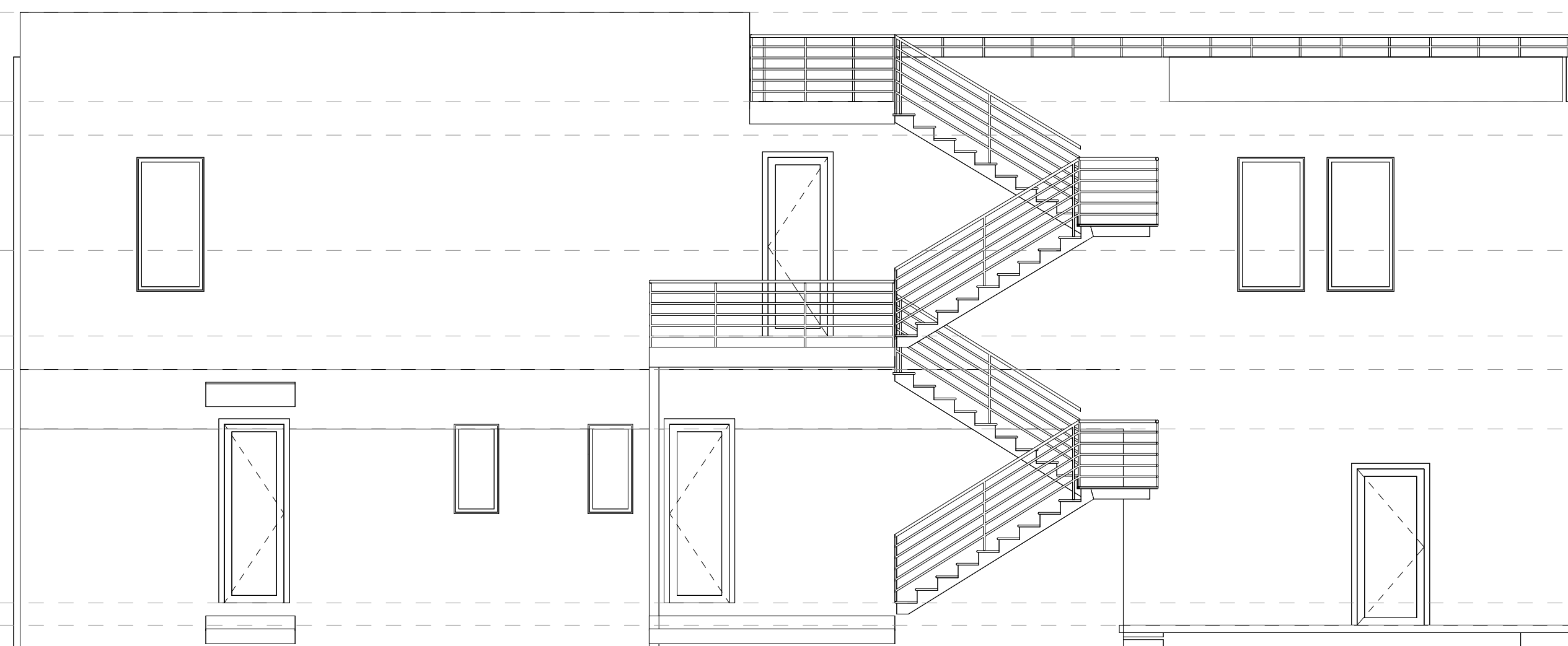
EAST - NEW  
SCALE: 3/16" = 1'-0"



NORTH - NEW  
SCALE: 3/16" = 1'-0"



WEST - NEW  
SCALE: 3/16" = 1'-0"



SOUTH - NEW  
SCALE: 3/16" = 1'-0"

#	DESCRIPTION	DATE	BY

**BUMPUS AND ASSOCIATES, INC.**  
ARCHITECTURE - INTERIOR DESIGN  
www.BUMPUSANDASSOCIATES.com  
668 FRONT STREET  
CELEBRATION, FLORIDA 34747  
Ph: (407) 566-0200  
Fax: (407) 566-0222  
AR 0008045  
AA C002051

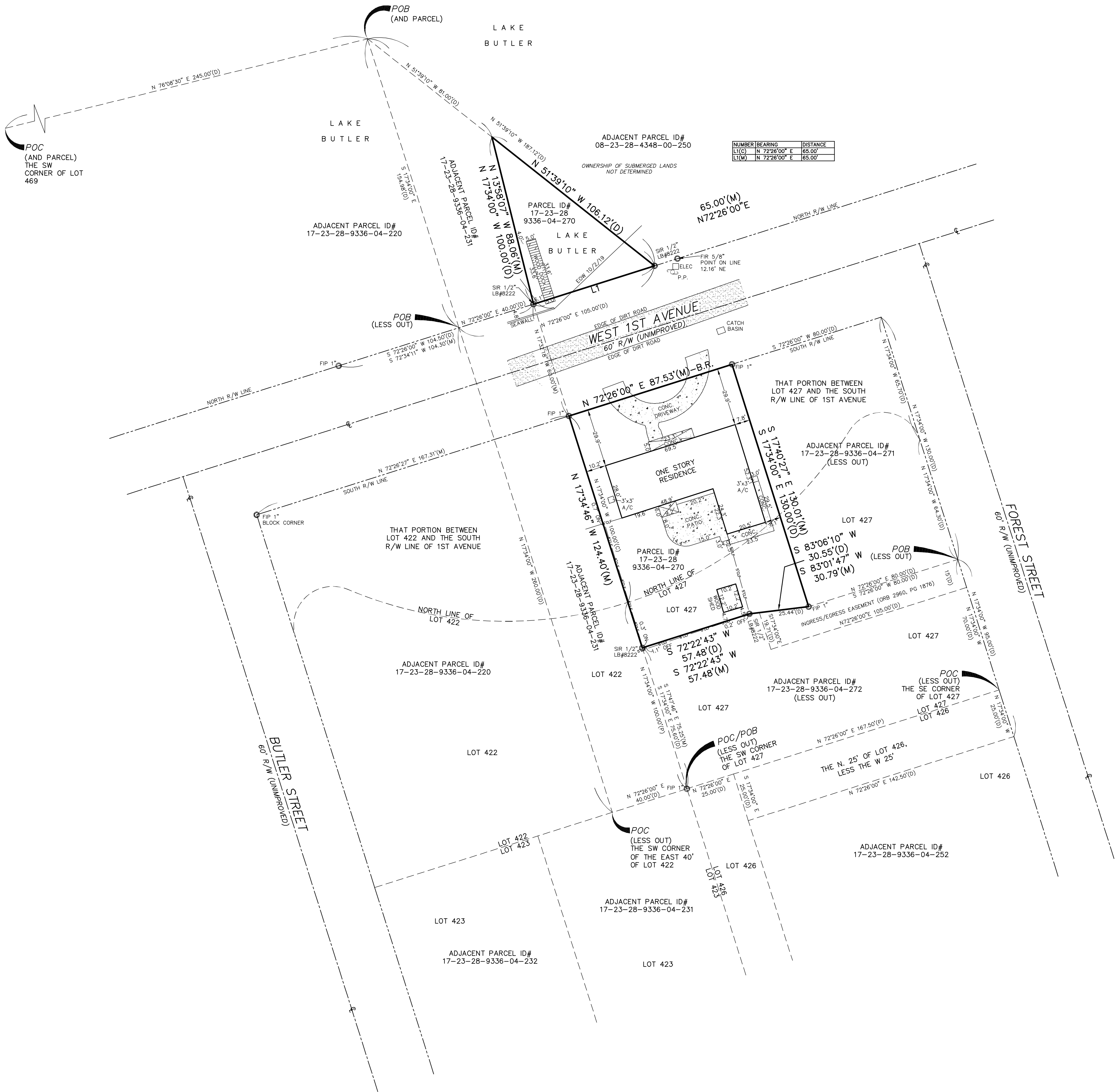
Approved By:   
Daniel L. Bumpus  
AR 0008045  
Date: \_\_\_\_\_

**POWELL HOME RENOVATION**  
212 W 1ST STREET  
WINDERMERE, FL

DRWN: BAA APVD: DLB  
DATE: 8-18-23  
SCALE: AS SHOWN  
JOB NUMBER: 23130  
SHEET: **A2**



# SURVEY OF EXISTING SINGLE FAMILY HOME



### Legal Description

The land referred to herein below is situated in the County of ORANGE, State of Florida, and described as follows:

Lot 427; the North 25 feet of Lot 426, LESS the West 25 feet thereof measured at right angles to the lot lines; and all land fronting Lot 427 which lies between the East and West side lines of Lot 427 extended in the Northwesterly direction to intersect a straight line connecting the South street lines of First Avenue fronting Lots 428, 435 and Lots 417, 421; all according to the **PLAT OF WINDERMERE** recorded in Plat Book "G", Pages 36 through 39, inclusive. Public Records of Orange County, Florida;

LESS AND EXCEPT: From the Southeast corner of said Lot 427, **REPLAT OF WINDERMERE**, as recorded in Plat Book "G", Pages 36 through 39, inclusive. Public Records of Orange County, Florida, (said corner being located at the intersection of the common lot line of Lots 426 and 427 of said Plat and Forest Street) run thence northerly along the easterly line of said Lot 427 a distance of 70 feet for a point of beginning; thence run northerly along said easterly line and along a northerly extension thereof a distance of 130 feet to a point on the southerly right of way line of First Avenue, as it now exists, run thence westerly along said southerly right of way line of First Avenue a distance of 80 feet; thence run southerly, parallel to said northerly extension of the easterly line of said Lot 427, a distance of 130 feet to a point 70 feet northerly of the southerly line of said Lot 427, thence run easterly a distance of 80 feet to the Point of Beginning.

AND

All that part of NW 1/4 of SW 1/4 Section 8, Township 23 South, Range 28 East, Orange County, Florida, described as follows: from the SW corner of Lot 469 as shown on **PLAT OF WINDERMERE** recorded in Plat Book "G", Pages 36 through 39, inclusive, of the Public Records of Orange County, Florida, run North 76° 8' 30" East along the South boundary of said Lot 469, extended in to Lake Butler 245 feet to point of beginning; thence South 17° 34' East 154.98 feet to North Street Line of First Avenue; thence North 72° 26' East along the North Street Line of First Avenue 105 feet; thence North 51° 39' 10" West 187.12 feet to point of beginning; LESS AND EXCEPT THE FOLLOWING: Beginning at the Southwest corner of the East 40 feet of Lot 422, **PLAT OF WINDERMERE**, according to the Plat thereof as recorded in Plat Book "G", Pages 36 through 39, inclusive, Public Records of Orange County, Florida, measured at right angles from the Easterly side line of said lot, run thence North 17° 34' West 260 feet more or less to intersect a straight line running South 72° 26' West from the Southwesterly corner of Lot 456 for a point of beginning; run thence North 72° 26' East along said straight line 40 feet to a point; run thence North 17° 34' West 100 feet to a point in Lake Butler; run thence North 51° 39' 10" West 81 feet more or less to a point in Lake Butler situated North 17° 34' West from the point of beginning; run thence South 17° 34' East 150 feet more or less to the point of beginning.

ALSO LESS Begin at the Southwesterly corner of Lot 427, **PLAT OF WINDERMERE**, as recorded in Plat Book "G", Pages 36 through 39, inclusive, Public Records of Orange County, Florida; run thence N 72° 26' 00" E, along the Southerly line of said Lot 427, a distance of 25.0 feet; thence S 17° 34' 00" E 25.0 feet; thence N 72° 26' 00" E, parallel to said Southerly line, 142.50 feet to the Westerly right-of-way line of Forest Street; thence N 17° 34' 00" W, Along said right-of-way line, 95.0 feet; thence S 72° 26' 00" W 80.0 feet; thence S 83° 06' 10" W 30.55 feet to the corner of a chain link fence; thence S 72° 22' 43" W, along said fence line, 57.48 feet to the Westerly line of said Lot 427; thence S 17° 34' 00" E 75.60 feet to the Point of Beginning.

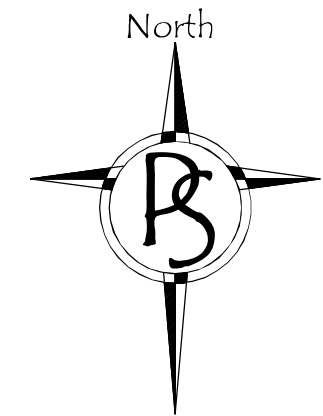
Community number: 120381 Panel: 0385  
 Suffix: F.F.I.R.M. Date: 9/25/2009 Flood Zone: X & AE  
 Date of field work: 10/2/2019 Completion Date: 10/3/2019

Certified to:  
 Ryka, LLC; Hennen Law, PLLC; First American Title Insurance Company.

Revised Certifications (ONLY): 02/08/2023

Property Address:  
 212 West 1st Avenue  
 Windermere, FL 34786

Survey number: PS 15743



LEGEND / GENERAL NOTES	
○	Wire Fence
□	Wood Fence
—	Overhead Utilities
⊕	P.P. Power Pole
⊕	W.M. Water Meter
⊕	Electrical Facility
⊕	Block Wall
⊕	Brick/Pavers
⊕	Concrete/Hard Surface
⊕	Covered Area
⊕	Centerline
⊕	Central Angle/Delta
⊕	Line Break Not to Scale
A/C	Air Conditioner
B.M.	Bench Mark
B.R.	Bearing Reference
CATV	Cable Riser
C	Calculated
C.L.F.	Chain Link Fence
CH	Chord
C.B.	Chord Bearing
CBS	Conc. Block & Stucco
CONC.	Concrete
C.M.	Concrete Monument
COV.	Covered
D	Description of Deed
D.E.	Drainage Easement
D.U.E.	Drainage & Utility Easement
D.W.	Driveway
ESMT	Easement
E.O.P.	Edge Of Pavement
E.O.W.	Edge of Water
ENCR.	Encroachment
FD	Found
FD N&D	Found Nail & Disc
F.C.M.	Found Concrete Monument
F.I.P.	Found Iron Pipe
F.I.R.	Found Iron Rod
L	Length
L.B.	Licensed Business
M	Field Measured
M.H.	Manhole
O.R.B.	Official Records Book
ONPL	On Property Line
PG.	Page
P.V.C.	Vinyl Fence
P.VMT.	Pavement
P.C.P.	Permanent Control Point
P.R.M.	Permanent Reference Monument
P	Plat
P.B.	Plat Book
P.E.	Pool Equipment
P.O.B.	Point of Beginning
P.O.C.	Point of Commencement
P.C.C.	Point of Compound Curve
P.C.	Point of Curvature
P.I.	Point of Intersection
P.R.C.	Point of Reverse Curvature
P.T.	Point of Tangency
P.O.L.	Point on Line
P.L.	Property Line
R.	Record
R.W.	Right of Way
S.I.R.	Set Iron Rod & Cap
SWK	Sidewalk
TEL.	Telephone Facilities
T.O.B.	Top of Bank
TYP.	Typical
U.E.	Utility Easement
W.F.	Wood Fence
W.C.	Witness Corner

1. Legal description provided by others.  
 2. There may be additional easements and/or restrictions either recorded or unrecorded not shown hereon that may affect this property.  
 3. Only visible encroachments located.  
 4. This is a **BOUNDARY SURVEY** unless otherwise noted.  
 5. This survey or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.  
 6. This survey is not to be used for permitting or for construction of any kind.  
 7. Unless otherwise noted, flood zone information provided by others.  
 8. Septic tank and drainfield location shown hereon is **APPROXIMATE** and are based upon visual location only.  
 9. Fence locations along property line may be exaggerated for clarity.  
 10. This survey meets or exceeds the Standards of Practice promulgated by the Florida Board of Professional Land Surveyors, 5A-17, of the Florida Administrative Code, Section 472.027, Florida Statutes.

Jeffrey S. Hattendorf Registered Land Surveyor No. 6193 L.B. 8222

I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.



370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.9727 • Fax 407.688.7691 • frontdesk@perrysurveying.com

Encl.

**RECOMMEND – Z23-09 (212 W 1<sup>st</sup> Street)**

**APPROVAL:**  **DISAPPROVAL**

**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_ **DATE:** 9/6/23

227 W 2ND AVE



# 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

August 31, 2023

GUTHRIE MICHAEL  
215 FOREST ST  
WINDERMERE, FL 34786

**RE: Public Notice of Variance Public Hearing for 212 W 1<sup>st</sup> Street - Z23-09 – Revised Variance Request**

Eric Powell, Ryka, LLC, owner of 212 W 1<sup>st</sup> Street, submitted a request for approval of a variance, pursuant to Division 10.02.00 of the Town of Windermere Land Development Code (LDC). This is a revision to the variance request that was originally noticed in April 2023. On August 30, 2023, the applicant submitted a revised variance request to allow for an addition to the existing nonconforming home with the same existing nonconforming side setbacks. The required side setback for this property is 11 feet. The existing nonconforming home and proposed side setbacks for the addition are 10.17 feet on the west side and 7.83 feet on the east side. Section 10.01.03, LDC, does not allow for an increase of the existing nonconforming condition and requires any expansion or improvement to an existing nonconforming structure to be fully compliant with the current LDC requirements. The proposed addition is compliant with the Town's maximum height requirement of a height not greater than 35 feet or 2.5 stories, whichever is less. With the proposed addition, the home is 28.5 feet high and two stories. The proposed addition is also compliant with the allowed maximum gross floor area and impervious surface area.

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 **September 15, 2023**.

This matter will be presented to the Development Review Board on **Tuesday, September 19, 2023, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, October 10, 2023, 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](mailto:tow@wadetrim.com)  
Encl.

---

**RECOMMEND – Z23-09 (212 W 1<sup>st</sup> Street)**

APPROVAL:  DISAPPROVAL

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE:  DATE: 9/07/2023

215 FOREST 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

August 31, 2023

MASSEE JULES V + Katherine M. Massee  
101 W 2ND AVE  
WINDERMERE, FL 34786

**RE: Public Notice of Variance Public Hearing for 212 W 1<sup>st</sup> Street - Z23-09 – Revised Variance Request**

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Sincerely,  
Brad Cornelius, AICP, Town Planner  
Wade Trim, Inc.  
813.882.4373  
[tow@wadetrim.com](mailto:tow@wadetrim.com)  
Encl.

---

**RECOMMEND – Z23-09 (212 W 1<sup>st</sup> Street)**

**APPROVAL:** \_\_\_\_\_ **DISAPPROVAL**           X          

**COMMENTS:** \_\_\_\_\_

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**SIGNATURE:**  **DATE:** 9-5-2023

101 W 2ND AVE

Katherine M. Massee

## Cornelius, Brad

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**From:** Town of Windermere  
**Sent:** Monday, September 11, 2023 11:35 AM  
**To:** Cornelius, Brad; Mastison, Sarah; Baird, Connor  
**Subject:** FW: Z23-09 (212 W 1st Street) - Disapproval of Variance

FYI – Variance case letter response (see below)

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**From:** Sara Lopez <slopez\_abad@yahoo.com>  
**Sent:** Monday, September 11, 2023 11:34 AM  
**To:** Robert Smith <rsmith@town.windermere.fl.us>; Town of Windermere <tow@wadetrim.com>  
**Subject:** Z23-09 (212 W 1st Street) - Disapproval of Variance

**This message originated from outside of Wade Trim**

---

Hello Mr. Cornelius,

This email is as a response to the correspondence we have received regarding 212 W. 1st Street.

Our position is that of disapproval due to the request for a variance.

We would like to take this opportunity also to share that having a deck that covers the full diameter of the roof causes a lack of privacy for the neighbors in close proximity.

Please confirm by responding to this email that you have received this correspondence.

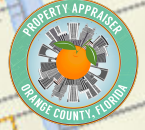
Thank you,  
Liam Romo/Sara Lopez  
110 Forest Street  
407-575-7572

Sent from my MetroPCS 4G LTE Android Device

OCA Web Map

Florida Turnpike	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Toll Road	Gated Roads	Rail Road	Residential	Commercial/Industrial/Vacant Land	County Boundary	Building
	Road Under Construction	Proposed SunRail	Agriculture	Agricultural Curtilage	Parks	Hospital

Orange County Property Appraiser



Created: 8/31/2023 11:35 , undefined

This map is for reference only and is not a survey