



DEVELOPMENT REVIEW BOARD

Chair: Frank Chase

Peter Fleck

Stephen Withers

Molly Rose

Chris Rucki

Mike Swatkowski

Council Liaison: Andy Williams

Agenda

Agenda

September 16, 2025

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

1. THE MEETING IS CALLED TO ORDER BY THE CHAIR

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

3. NEW BUSINESS

a. Variance Request (Attachment)

**Case Z25-03 - 904 Main Street, Daniel and Sandra Webb/Darrell Nunnelly,
Representative - Variance to Allow Reconstruction of Pool and Pool Deck at Less
Than the Required 50-foot Setback from the Normal High-Water Elevation of Lake
Butler**

4. ADJOURN

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 16, 2025

Town Council October 14, 2025

Case No.: Z25-03

Property Owner/Applicant: Daniel and Sandra Webb

Representative: Darrell Nunnelley

Requested Action: Variance to allow for demolition and reconstruction of portions of an existing non-conforming pool and pool deck at less than 50 feet from the Normal High-Water Elevation of Lake Butler.

Property Address: 904 Main Street

Legal Description: PLAT OF WINDERMERE G/36 LOT 77 & S 30 FT OF VAC ST LYING N OF LOT 77 & VAC RR R/W BEING 40 FT WIDE LYING ELY OF LOT 77

Future Land Use/Zoning: Residential/Residential

Existing Use: Residential (Single Family)

Surrounding Future Land Use/Zoning

North: Residential/Residential
East: Across Main St. - Residential/Residential
South: Residential/Residential
West: Lake Butler

CASE SUMMARY:

Darrell Nunnelley, representative of the owners of 904 Main St., 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 demolition and reconstruction of portions of an existing non-conforming pool and pool deck within the 50-foot setback from the Normal High -Water Elevation (NHWE) for Lake Butler. The proposed reconstruction requires a partial demolition of existing features, reconfiguration of the pool within the 50-foot setback from the NHWE, increase in elevation of the pool deck to eliminate a step down into the pool area and an alteration to a planter for an infinity pool waterfall.

The current pool and pool deck are non-conforming with the 50-foot setback requirement. The pool and pool deck are setback approximately 26'7" at its closest point and 42'4" at its furthest point. The 50-foot NHWE setback cuts across the existing pool and pool deck. See the attached marked up survey with the dimensions. See attached marked up survey with the dimensions.

Section 10.01.03(a)(1), Town LDC, requires that if a non-conforming structure is voluntarily fully or partially demolished, any reconstruction must meet all requirements of the LDC. Because the proposed demolition and reconstruction of the pool and pool deck are not bringing the pool and pool deck into compliance with the required 50-foot setback from the NHWE, this requires approval of a variance.

Section 10.01.03(a), Town LDC, states:

"Generally. Non-conforming 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 non-conforming 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."

The existing pool and deck were constructed in 1998. The plans for the pool and pool deck from 1998 were incorrect in the location of the 50-foot setback from the

NHWE. See attached plans sheet from 1998 building permit.



Picture of Existing Single-Family Home at 904 Main St.

Source: Orange County Property Appraiser

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

PUBLIC NOTICE:

Public notices were mailed to property owners within 500 ft of the subject property. As of September 8, 2025, five (5) responses were received in support of the variance, and one (1) response was received in opposition to the variance.

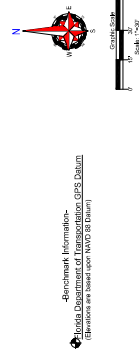
Legal Description:

Lot 77 and the South 30 feet of vacated street (North Avenue) North of said Lot 76, Township 36 North, Range 3 West, Section 36, as recorded in Plat Book 77, Pages 36 to 39, of the Public Records of Orange County, Florida and containing all or part of Subroad System Railroad, Inc.'s former 40-foot wide right-of-way strip or parcel of Subroad System Railroad, Inc.'s vacated 40-foot wide right-of-way, lying 20 feet each side of the center line of the former Florida Midland main track, more particularly described as follows: Begin at the intersection of the north line of the extended center line of the now vacated North 110 feet, more or less, to the extended center line of the now vacated North

Avenue.

Flood Disclaimer:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING JURISDICTION OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, AE (WITH A BASE FLOOD ELEVATION OF 160.7'). THIS PROPERTY WAS FOUND IN TOWN OF WINDHAM (RE. COMMUNITY NUMBER 12038).

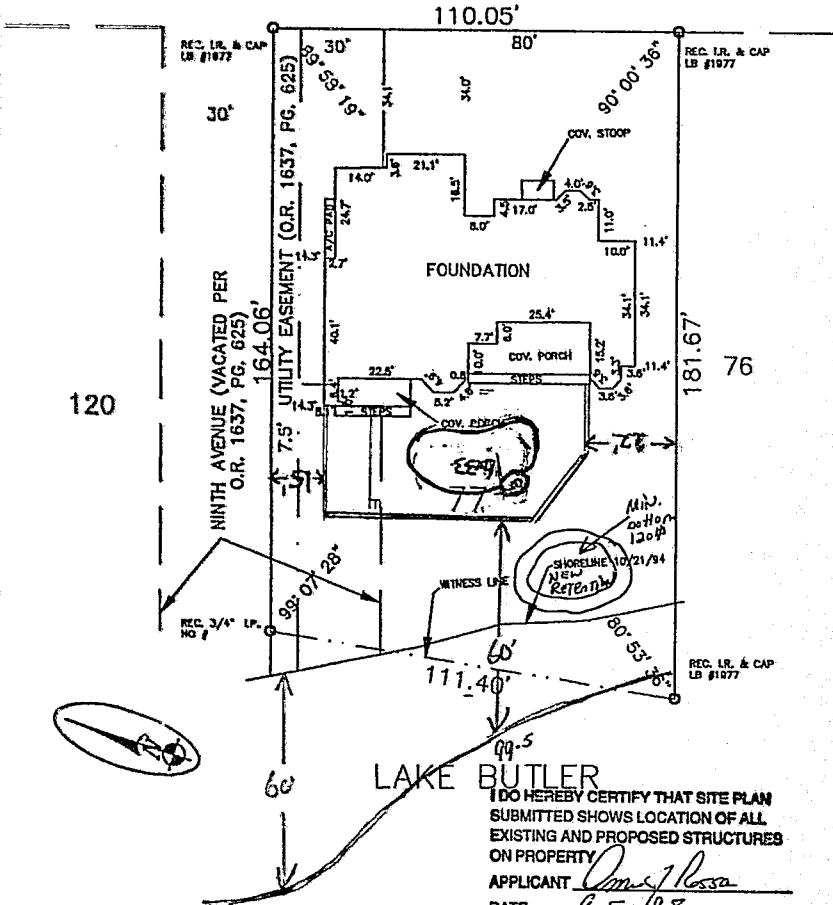
Current Survey Showing Correct
Location of 50-foot NHWE
Setback

[illegible]

Plan Sheet from 1998
Building Permit - Incorrect
Location of 50-Foot
Setback

Q A.C.L. RAILROAD (ABANDONED)

MAIN STREET



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

APPLICANT Orme / Ross
DATE 9-8-1998

TOWN OF WINDERMERE
APPROVED BY Beverly Hart Jones
DATE 9/14/98

SHEET 2 OF 2 SHEETS

SCALE:	1" = 30'
DATE:	9/15/98
JOB No.:	94044
FIELD: KJ	CAG, BHJ
FILE:	FILE 94044F
REVISIONS	DATE

BHJ
SURVEY
CONSULTANTS,
INC.

132 E. Colonial Drive
Suite 220
Orlando, Florida 32801
phone (407) 422-1616
fax (407) 422-1614
RLB #8503

I hereby certify that this FOUNDATION SURVEY
is in accordance with the technical standards
set forth by the Florida Board of Professional
Land Surveyors in Chapter 61G17-5, Florida
Administrative Code, pursuant to Chapter 472.07,
Florida Statutes.

Beverly Hart Jones
Beverly Hart Jones
FLORIDA Reg. LAND SURVEYOR No. 5270
NOT VALID Unless embossed with Surveyor's seal

August 4, 2025

Ms. Dorothy Burkhalter
Town Clerk
Town of Windermere
Windermere, FL 34786
(407) 876-2563

RE: 904 Main St. Windermere, Fl. 34786

Dorothy:

Please accept this letter as our request for a Variance to remodel the existing pool from a free form style to a rectangular Infinity Edge style pool

It will require the existing pool walls to be moved closer to the Western existing retaining wall

A portion of the existing pool deck and perimeter wall is inside the 50 ft setback from the (NHWE) Normal High Water Elevation mark

A portion of the existing pool is inside the 50 ft setback from the (NHWE) Normal High Water Elevation mark

The new pool will have a portion inside the 50 ft setback from the (NHWE) Normal High Water Elevation mark

Thank you for your assistance with this project



Darrell Nunnelley on behalf of Daniel Webb

904 Main Street

Free Form Pool Deck - Existing



904 Main Street

Infinity Pool Deck - Proposed



AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Daniel Webb, AS THE OWNER(S) OF THE
REAL PROPERTY DESCRIBED AS FOLLOWS, 904 Main Street Windermere, Fl. 34786, DO
HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Darrell Nunnelley,
TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED
AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Pool wall location variance, 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: 8/4/2025

Daniel B Webb
Signature of Property Owner

Daniel Webb
Print Name Property Owner

Date: _____

Signature of Property Owner

Print Name Property Owner

STATE OF FLORIDA :
COUNTY OF Orange :

I certify that the foregoing instrument was acknowledged before me this 4th day of August,
2025 by Daniel Webb. He/she is personally known to me or has produced
_____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 4th day of
August, in the year 2025.



Linda Barbara
Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: HH 630811

Legal Description(s) or Parcel Identification Number(s) are required:

PARCEL ID #: 17-23-28-9336-00-770

LEGAL DESCRIPTION:

Plat of Windermere G/36 Lot 77 & S 30 ft of Vac St Lying N of Lot 77 & Vac RR R/W being 40 ft wide
lying Ely of Lot 77

RECOMMEND – Z25-03 (904 Main St)

APPROVAL: ✓ DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: *Jim Ri* DATE: 8-22-25

Received

AUG 26 2025

Wade Trim

RECOMMEND – Z25-03 (904 Main St)

APPROVAL: ☒ DISAPPROVAL ☐

COMMENTS: _____

SIGNATURE: _____ DATE: 8-25-25

Received

AUG 28 2025

Wade Trim

RECOMMEND – Z25-03 (904 Main St)

APPROVAL: ✓ DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: W. L. Rose DATE: 8/29/2025

Received

SEP 02 2025

Wade Trim

RECOMMEND - Z25-03 (904 Main St)

APPROVAL: ☒ DISAPPROVAL ☐

COMMENTS: _____

SIGNATURE: Wade Trim DATE: 9/3/25

Received

SEP 05 2025

Wade Trim

RECOMMEND – Z25-03 (904 Main St)

APPROVAL: X DISAPPROVAL _____

COMMENTS: _____

SIGNATURE: Wade Keow DATE: 10/1/25

Received
SEP 05 2025
Wade Trim

RECOMMEND – Z25-03 (904 Main St)

APPROVAL: _____ DISAPPROVAL ☒

COMMENTS: I believe the rules should be followed
and that "any reconstruction must meet
all requirements of..." (applicable) Land development code "

SIGNATURE: [Signature] DATE: 9/4/2025

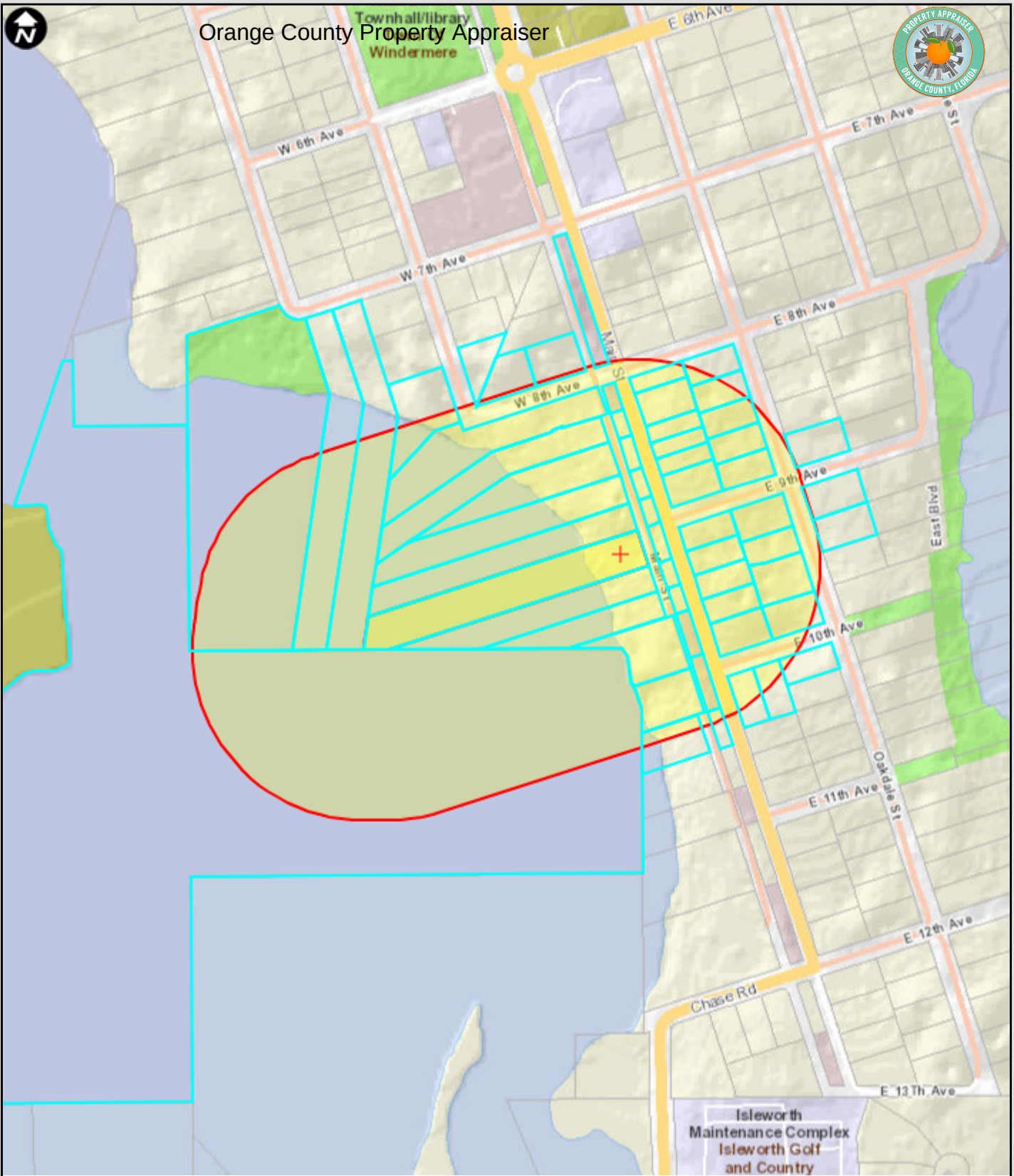
Received

SEP 08 2025

Wade Trim

OCPA 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 Cirtlage	Parke	Hospital



Created: 9/8/2025 20:48 , undefined

This map is for reference only and is not a survey