THE TOWN OF
Windermere

DEVELOPMENT REVIEW BOARD

Chair: Frank Chase
Peter Fleck
Stephen Withers
Molly Rose
Chris Rucki
Mike Swatkowski
Council Liaison: Tom Stroup

Agenda ***Agenda***

June 16, 2026
6:30 PM

TOWN HALL
520 MAIN STREET
WINDERMERE, FL 34786

PLEASE TURN OFF ALL CELL PHONES

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 procedings before the Town of Windermere Development Review Board:

1. All electronic devices, including cell phones, 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 proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

AGENDA

- **THE MEETING IS CALLED TO ORDER BY THE CHAIR**
    - **FIRST ORDER OF BUSINESS: Form 8B "Memorandum of Voting Conflict" - Mike Swatkowski (Attachments)**

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

2. NEW BUSINESS

a. MINUTES (Attachments)

i. DRB Regular Meeting Minutes May 19, 2026

b. Zoning (Attachments)

i. Case Z26-01 – 618 Ridgewood Drive - Amend the Future Land Use Classification and Zoning District from Agriculture to Residential

c. VARIANCE REQUEST (Attachments)

i. Case Z26-06 – 637 Ridgewood Drive - Variance request to reduce the front yard setback from 25 feet as required to 15 feet as proposed, and to reduce the Normal High- Water Elevation (NHWE) setback from 50 feet as required to a minimum of 25 feet as proposed to construct a new single-family residence and swimming pool

ii. Case Z26-07 – 105 Palm Street - Variance to permit the placement of a swimming pool within the front yard of the subject property, whereas the Land Development Code (LDC) limits the placement of swimming pools to side and rear yards

iii. Case Z26-08 – 136 Oakdale Street - Request for variances to permit a detached garage/accessory building within a front yard with a reduced front setback of 13 feet and an increased building height of 22 feet, 10 inches, where the Land Development Code requires a minimum 25-foot front yard setback, placement within a side or rear yard, and a maximum height of 18 feet

3. OTHER ITEMS FOR CONSIDERATION

4. ADJOURN

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Swatkowski Michael J	DRB
MAILING ADDRESS 203 E. Second Ave	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY COUNTY Windermere, Fl. Orange	NAME OF POLITICAL SUBDIVISION: Town of Windermere
DATE ON WHICH VOTE OCCURRED May 19, 2026	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

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)

CE FORM 8B - EFF. 11/2013
Adopted by reference in Rule 34-7.010(1)(f), F.A.C.

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.
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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Michael J Swatkowski, hereby disclose that on May 19, 20 26:

(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:

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.

May 19, 2026
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.

TOWN OF WINDERMERE

Development Review Board **May 19, 2026**
Meeting Minutes

Present were Chair Frank Chase, Board Members Molly Rose, Stephen Withers, Mike Swakowski, and Peter Fleck. Town Manager Robert Smith, Liaison Tom Stroup, and Ms. Amanda Warner (Wade Trim) were also present. Member Chris Rucki, and Town Clerk Dorothy Burkhalter were absent.

1. MEETING CALLED TO ORDER BY THE CHAIR

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

2. OPEN FORUM/PUBLIC COMMENTS:

There were no public comments.

3. NEW BUSINESS:

a. MINUTES

i. Meeting Minutes of April 21, 2026

Member Fleck made a motion to approve minutes as presented. Member Withers seconded the motion. All were in favor.

b. Variance Request – Case Z26-06 – 637 Ridgewood Drive - Owners TJ and Caitlin Karr -Variance request to reduce the front yard setback from 25 feet as required to 22 feet as proposed, and to reduce the Normal High-Water Elevation (NHWE) setback from 50 feet as required to a minimum of 25 feet as proposed to construct a anew single-family residence and swimming pool.

Chair Chase introduced this item. Member Swatkowski recused himself from discission and voting due to the variance request is from his daughter. Chair Chase then turned the floor over to Ms. Warner. Ms. Warner, Planner with Wade Trim, introduced herself. She then reviewed the request for a 22-foot front setback instead of 25 feet, a 30 feet setback from the Normal High-Water Elevation instead of 50 feet for the house, and a 25 feet setback from the Normal High-Water Elevation instead of the 50 feet requirement for a swimming pool. Ms. Warner then reviewed the Land Development Codes regarding the setbacks. Non-comforming, standards for approval or denial of the request, and six responses received in support. After much discussion was made regarding setbacks, hardship, boathouse material, concrete pad, septic, and the pool, Member Withers made a motion to recommend approval for the front setback of 22'. Member Rose seconded the motion. All were in favor. Member Swatkowski abstained from voting. Member Fleck made a motion to recommend approval to include a high-performance septic system. Motion died for lack of a second. Member Withers then made a motion to deny the request to allow a 30' rear setback instead of 50'. Member Rose seconded the motion. Motion passed 3-1 with one abstain. Member Rose made amotion to deny the request to allow a 25' rear setback for the pool. Member Withers seconded the motion. Motion passed 3-1 with one abstain.

4. ADJOURN:

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

The meeting adjourned at 7:14pm.

Dorothy Burkhalter, Town Clerk

Frank Chase, Chair

DRAFT

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
SWATKOWSKI Michael J	DRB
MAILING ADDRESS 203 E. Second Ave	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Windermere,	COUNTY Fl. Orange
DATE ON WHICH VOTE OCCURRED May 19, 2026	NAME OF POLITICAL SUBDIVISION: Town of Windermere
	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

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* * * * * * * * * * * * * * * * *

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APPOINTED OFFICERS (continued)

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May 19, 2026
Date Filed

Signature

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Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
ANDY WILLIAMS

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

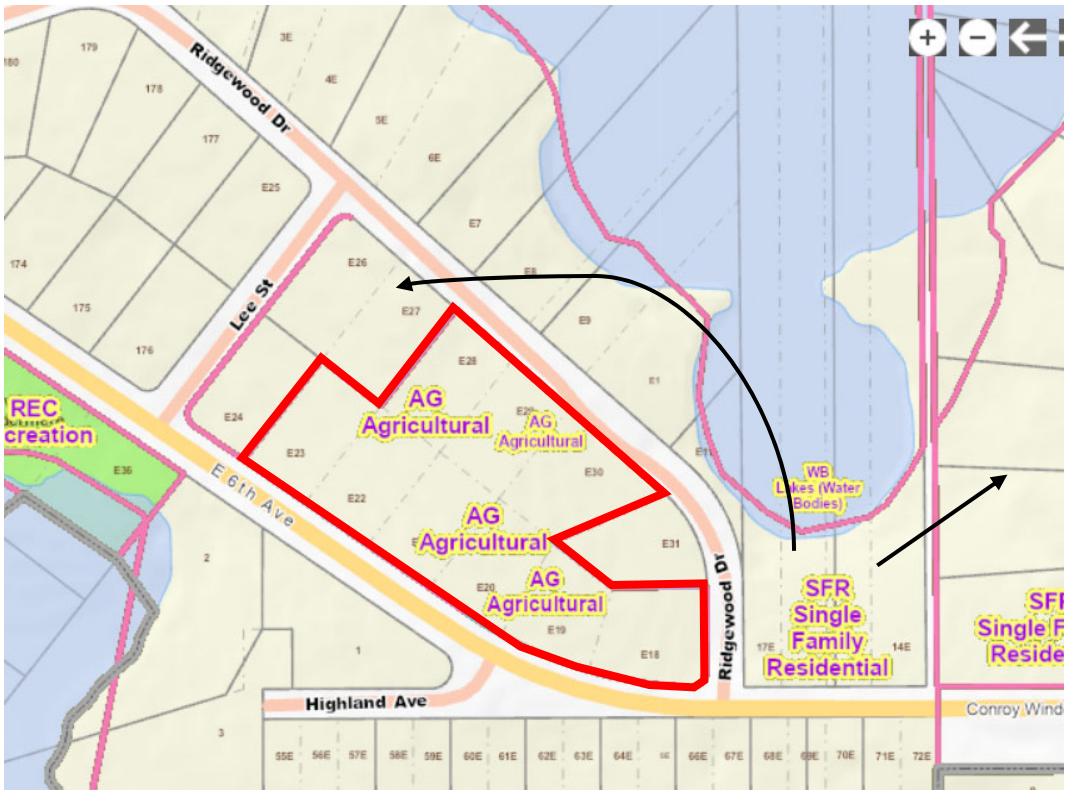
Development Review Board
June 16, 2026

Town Council
July 14, 2026

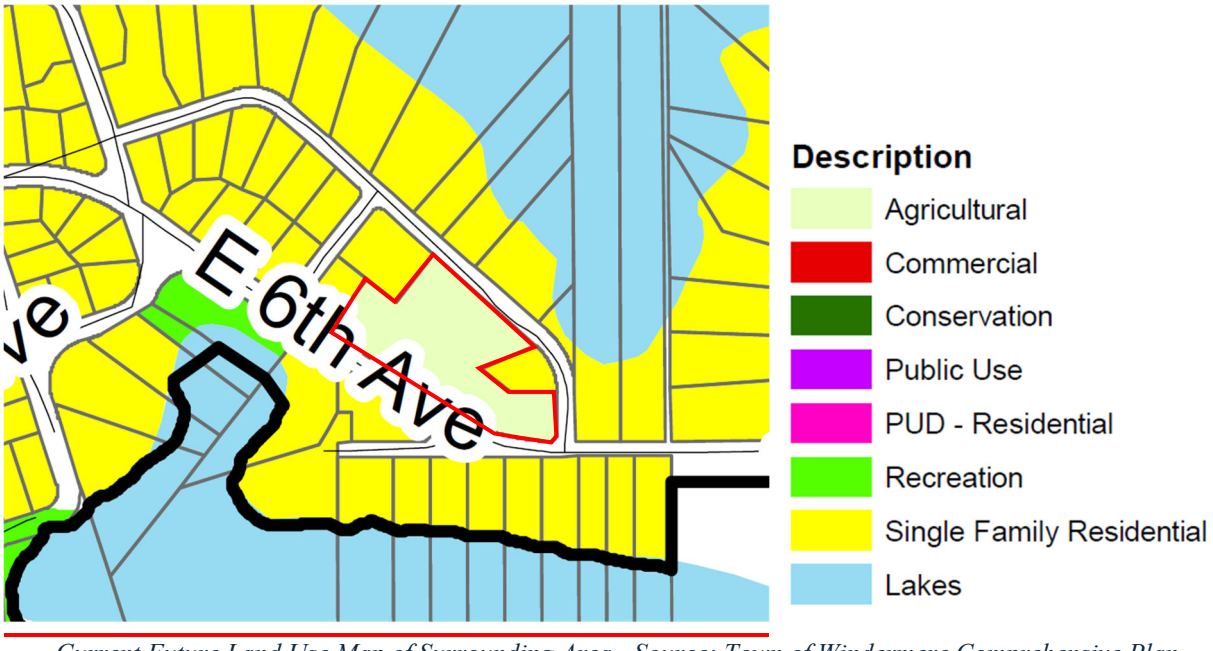
Case Number:	Z26-01
Property Owners:	Robert Mathieson (Property Owner)
Requested Action:	Amend the Future Land Use Classification and Zoning District from Agriculture to Residential
Property Address:	618 Ridgewood Drive
Legal Description:	REPLAT OF TOWN OF WINDERMERE Q/39 LOTS E18 THROUGH E23 & E28 THROUGH E30 IN SEC 8-23-28 SE1/4
Future Land Use:	Agriculture
Zoning:	Agriculture
Existing Use:	Vacant

Surrounding Future Land Use and Zoning

North: Single Family Residential/Single Family Residential
East: Single Family Residential/Single Family Residential
South: Single Family Residential/Single Family Residential
West: Single Family Residential/Single Family Residential



Current Zoning Map of Surrounding Area - Source: Orange County Property Appraiser



Current Future Land Use Map of Surrounding Area - Source: Town of Windermere Comprehensive Plan

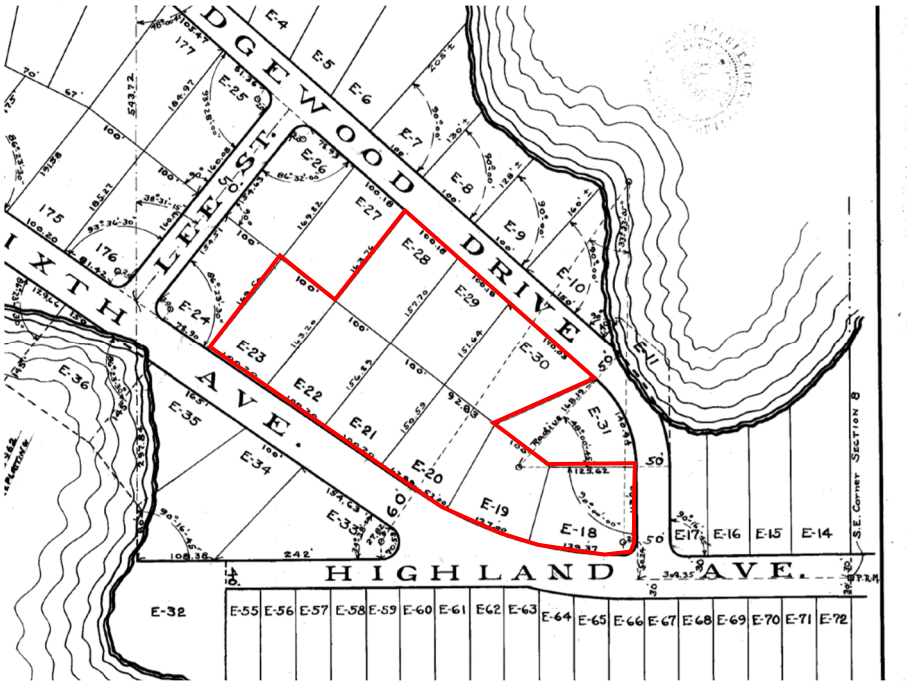
CASE SUMMARY

The owner of the subject property, Robert Mathieson, has applied to amend the future land use map (FLUM) classification and rezone the approximately 3.37-acre property located at 618 Ridgewood Drive. The proposed future land use amendment changes the property's FLUM classification from Agriculture to Single Family Residential, with the companion rezoning from Agriculture to Single Family Residential. The applicant's analysis and justification for the proposed future land use amendment and rezoning have been provided as an attachment.



Aerial Imagery of Subject Property - Source: Orange County Property Appraiser

The purpose of these requests is to enable the subdivision of the subject property into nine (9) individual parcels. The proposed subdivision plan, which has been attached to this report, would return the property to the underlying lot configuration and dimensions depicted in the property's original plat (document number 1935P00Q039, Plat Book Q, Page 39, recorded 1/29/1935). See the image below for reference, which overlays the current boundary of the subject property over the original plat document.



CASE ANALYSIS:

Future Land Use Amendment & Rezoning

The following analysis is for both the proposed FLUM classification amendment to Single Family Residential and the rezoning to Single Family Residential for the parent parcel. This combined analysis is appropriate due to the fact the future land use amendment and rezoning are requested to facilitate the subdivision and potential redevelopment of the property.

Transportation Impacts

Currently, the proposal under review is limited to subdividing the parent parcel at 618 Ridgewood Drive into nine (9) separate single-family residential parcels, in accordance with the property's original platted dimensions. The parent parcel is surrounded by public right of way, and each of the proposed lots would also have direct access to the surrounding right of way. No additional development has been proposed nor was reviewed as a part of this item. Considering the proposed number of lots, densities, and use types allowed under the requested FLUM classification and zoning district, the site is expected to generate nine (9) PM Peak Hour trips equivalent to nine (9) additional single-family homes relative to the existing parcel's vacant condition.

Other Facilities and Services

Orange County Public Schools (OCPS)

Like all municipalities in Orange County, the Town of Windermere is part of the Orange County School Interlocal Agreement, which assures that school facilities are adequate and that school impact fees are

paid. Each potential development must participate in concurrency management that involves preliminary and final concurrency calculations for school capacity and collection of corresponding school impact fees.

Environmental

The subdivision proposed by the applicant consists solely of subdividing of the parent parcel and does not include any proposed development or vertical construction. According to the US Fish and Wildlife Service National Wetlands Inventory map, there are no wetlands present on the subject property. There are no environmental constraints on the subject property.

Consistency with the Comprehensive Plan and Land Development Code

Section 3.02.00 of the Land Development Code outlines the standards for infill development within the Town. It is the intent of this section to provide for compatibility in the construction of new residential units in areas approved for development prior to enactment of the LDC.

This section outlines the following regarding minimum lot dimensions for infill properties:

- *This section [pertaining to minimum lot size standards for infill development] shall not be construed to prevent the use of any platted lot having less than the minimum frontage and area hereinabove provided if:*
    - *Such lot was platted or conveyed of record prior to June 10, 1975.*

The proposed subdivision restores the property to its originally platted dimensions established in 1935. As such, the resulting subdivision pattern is consistent with applicable infill development standards and complies with the Town's Land Development Code.

Additionally, Table 1.1 of the Town of Windermere Comprehensive Plan permits one (1) dwelling unit per lot platted or created by record prior to the adoption of the Comprehensive Plan. Because the subject property's original lot dimensions were established in 1935, the proposed FLUM amendment and rezoning to Single-Family Residential are consistent with the intent of the Comprehensive Plan by facilitating single-family development on previously platted lots.

The proposed subdivision of the property located at 618 Ridgewood Drive and corresponding FLUM amendment and rezoning are consistent with the primarily single-family character of the surrounding properties and establishes a compatible continuity of land use patterns by aligning with the existing land use designations and zoning districts within the surrounding block.

The applicant submitted a proposed subdivision plan and written narrative in support of the FLUM amendment and rezoning. 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 June 8, 2026, zero (0) responses have been received in support or opposition.

Comprehensive Future Land Use Plan

Item 3. Response to “how your request for rezoning is consistent with the Town’s Comprehensive Land use and land development code.”

Our parents Bob and Kathy Matheison moved to Windermere in 1970. Three generations of family members continue to make Windermere their home. Our father purchased the grove property around 1990 as a working grove, but with the intention of creating a legacy for his family with the ability to utilize the nine platted lots (established in the original Town of Windermere Plat) as single family lots, to use as they saw fit to support the family. Due to the effects of greening, the property is no longer viable in producing oranges. We respectfully request the Town change the land use designation from Agricultural to Residential. Single family residences are consistent with the surrounding area and the majority of land within the Town. We are not asking for exceptions or modifications to the lots as originally platted. Our father, Bob Matheison died in 2020, and we simply wish to settle the remains of his estate.

We, the surviving children of Bob and Kathy Matheison, deeply value the character and beauty of the Town of Windermere in which we were fortunate to be raised, educated and continue to enjoy. To that end, if our request for rezoning is approved, we intend to sell 7 of the 9 individual platts of land to individual new owners over the course of time. Our family members will remain abutters to the grove property currently listed at 618 Ridgewood Drive. Robert and Sandy Matheison remain owners and residents of 610 Ridgewood Drive and Cindy Matheison and Paul Schubert own the home at 605 E. 6th Avenue. Our family has benefited from and contributed to the unique, special character of Windermere. We feel it is now time to share this opportunity with other families hoping to create a home within the exceptional character, community and beauty of the Town of Windermere.

Chapter 1. To paraphrase Goal 1 of the Future Land Use Goals, Objectives and Policies seeks “retention of the quaint distinctive residential character of the Town by promotion of safe, high quality residential development and a low level; commercial activity,” we believe making the fallow land available for individual owners to purchase and build their own uniquely designed houses, in keeping with Town building requirements, serves this goal.

Chapter 1. Table 1.1: Future Land Use and Density lists the Maximum Potential Gross Density for residential land use as “Maximum density of 1 dwelling unit per acre or for waterfront lots or 1 dwelling unit per 0.75 acres for interior lots or **1 dwelling unit per lot platted or created by record prior to the adoption of this comprehensive plan.**” The Windermere replat of 1935 shows nine parcels of land which predates the adoption of the comprehensive plan.

Chapter 3. Housing Goals, Objectives and Policies, Goal 1 requires “The provision of safe, adequate, sanitary housing to meet the needs of the present and future residents of the Town while encouraging retention of historically significant structures.” Objective 1.1 states “The Town shall maintain its housing implementation program to require safe, adequate, sanitary and affordable housing for the existing population and by 2035 for the anticipated population growth…” Making the currently vacant land available for residential use, based on its originally platted structure, clearly serves these goals and objectives.

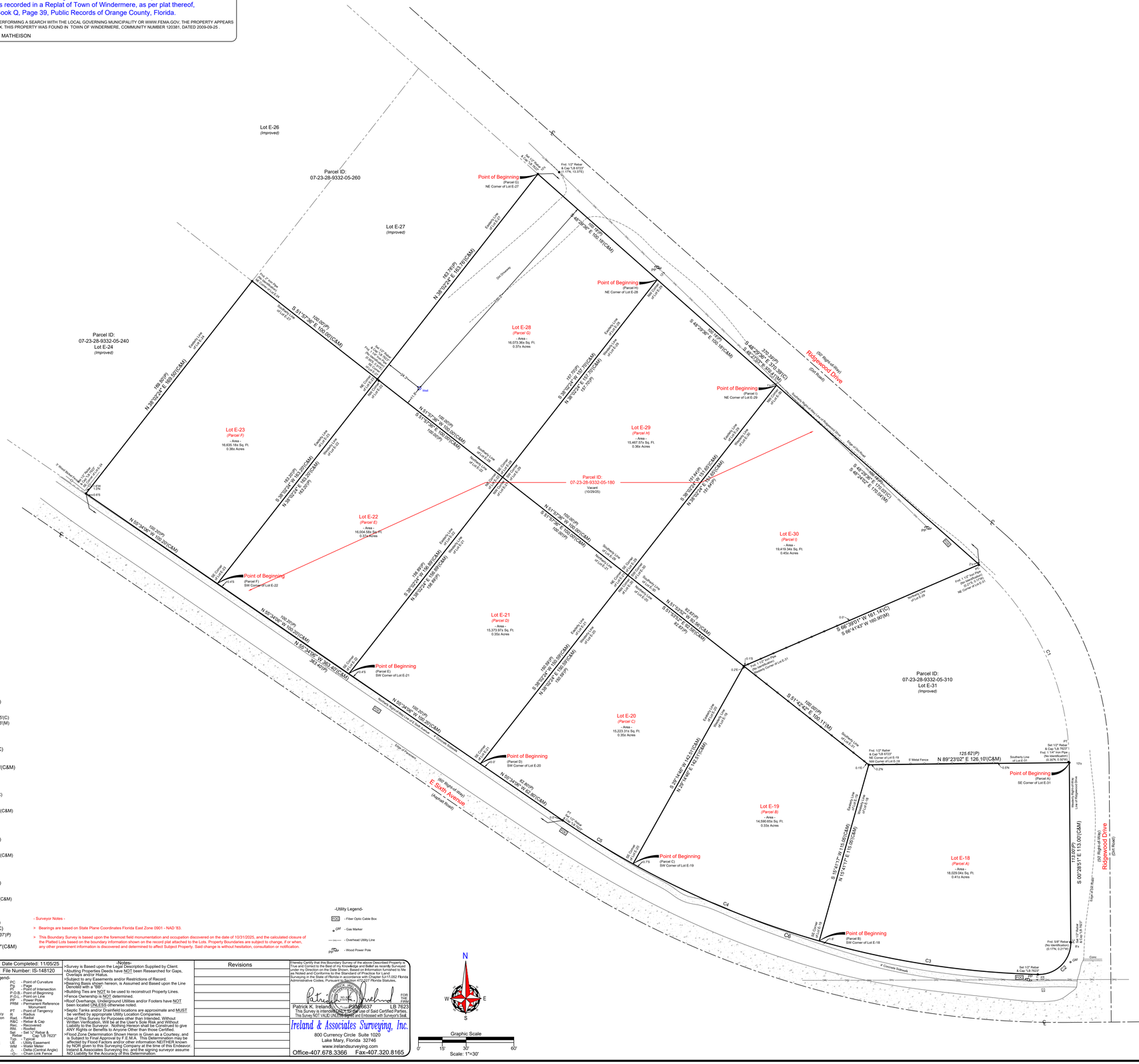
Boundary Survey

Legal Description:

Lots E-18 through E-23 and E-28 through E-30 in Section 8, Township 23 South, Range 28 East, as recorded in a Replat of Town of Windermere, as per plat thereof, recorded in Plat Book Q, Page 39, Public Records of Orange County, Florida.

FLOOD DISCLAIMER: BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN TOWN OF WINDERMERE, COMMUNITY NUMBER 120381, DATED 2009-09-25 .

CERTIFIED TO: CINDY MATHEISON


Lot E-26 (Improved)
Parcel ID: 07-23-28-9332-05-260
Lot E-27 (Improved)
Parcel ID: 07-23-28-9332-05-240 Lot E-24 (Improved)
Point of Beginning (Parcel G) NE Corner of Lot E-27
Point of Beginning (Parcel H) NE Corner of Lot E-28
Point of Beginning (Parcel I) NE Corner of Lot E-29
Point of Beginning (Parcel F) SW Corner of Lot E-22
Point of Beginning (Parcel E) SW Corner of Lot E-21
Point of Beginning (Parcel D) SW Corner of Lot E-20
Point of Beginning (Parcel C) SW Corner of Lot E-19
Point of Beginning (Parcel B) SW Corner of Lot E-18
Point of Beginning (Parcel A) SE Corner of Lot E-31
Lot E-28 (Parcel G) - Area - 16,073.36± Sq. Ft. 0.37± Acres
Lot E-29 (Parcel H) - Area - 15,467.37± Sq. Ft. 0.36± Acres
Lot E-30 (Parcel I) - Area - 19,419.34± Sq. Ft. 0.45± Acres
Lot E-23 (Parcel F) - Area - 16,635.18± Sq. Ft. 0.38± Acres
Lot E-22 (Parcel E) - Area - 16,004.58± Sq. Ft. 0.37± Acres
Lot E-21 (Parcel D) - Area - 15,373.97± Sq. Ft. 0.35± Acres
Lot E-20 (Parcel C) Area - 15,223.31± Sq. Ft. 0.35± Acres
Lot E-19 (Parcel B) - Area - 14,590.65± Sq. Ft. 0.33± Acres
Lot E-18 (Parcel A) - Area - 18,029.04± Sq. Ft. 0.41± Acres
Parcel ID: 07-23-28-9332-05-180 Vacant (10/29/25)
Parcel ID: 07-23-28-9332-05-310 Lot E-31 (Improved)
Ridgewood Drive (Variable Width Public Right-of-Way) (Dirt Road)
E Sixth Avenue (Variable Width Public Right-of-Way) (Asphalt Road)
Ridgewood Drive (60' Right-of-Way) (Dirt Road)
Found 1/2" Rebar & Cap "LB 6723" at the Northeast corner of Lot E-19
Found 1/2" Iron Pipe (No Identification) at the Northeast corner of Lot E-20
Found 1/2" Iron Pipe (No Identification) at the Northwest corner of Lot E-18
Found 1/2" Rebar & Cap "LB 6723" at the Northwest corner of Lot E-18
Found 1/2" Rebar & Cap "LB 6723" at the Northeast corner of Lot E-31
Found 1/2" Rebar & Cap "LB 6723" at the Southeast corner of Lot E-31
Found 1/2" Rebar & Cap "LB 6723" at the Southwest corner of Lot E-31
Found 5/8" Rebar (No Identification) @ 0.17N, 0.27W
Set 1/2" Rebar & Cap "LB 7623"
Set "X" Cut in Concrete
Set 1/2" Rebar & Cap "LB 7623" at the Southeast corner of Lot E-18
Set 1/2" Rebar & Cap "LB 7623" at the Southwest corner of Lot E-18
Set 1/2" Rebar & Cap "LB 7623" at the Northwest corner of Lot E-29
Set 1/2" Rebar & Cap "LB 7623" at the Northeast corner of Lot E-29
Set 1/2" Rebar & Cap "LB 7623" at the Southeast corner of Lot E-29
Set 1/2" Rebar & Cap "LB 7623" at the Southwest corner of Lot E-29
Set 1/2" Rebar & Cap "LB 7623" at the Northwest corner of Lot E-30
Set 1/2" Rebar & Cap "LB 7623" at the Northeast corner of Lot E-30
Set 1/2" Rebar & Cap "LB 7623" at the Southeast corner of Lot E-30
Set 1/2" Rebar & Cap "LB 7623" at the Southwest corner of Lot E-30
Set 1/2" Rebar & Cap "LB 7623" at the Northwest corner of Lot E-21
Set 1/2" Rebar & Cap "LB 7623" at the Northeast corner of Lot E-21
Set 1/2" Rebar & Cap "LB 7623" at the Southeast corner of Lot E-21
Set 1/2" Rebar & Cap "LB 7623" at the Southwest corner of Lot E-21
Set 1/2" Rebar & Cap "LB 7623" at the Northwest corner of Lot E-22
Set 1/2" Rebar & Cap "LB 7623" at the Northeast corner of Lot E-22
Set 1/2" Rebar & Cap "LB 7623" at the Southeast corner of Lot E-22
Set 1/2" Rebar & Cap "LB 7623" at the Southwest corner of Lot E-22
Set 1/2" Rebar & Cap "LB 7623" at the Northwest corner of Lot E-23
Set 1/2" Rebar & Cap "LB 7623" at the Northeast corner of Lot E-23
Set 1/2" Rebar & Cap "LB 7623" at the Southeast corner of Lot E-23
Set 1/2" Rebar & Cap "LB 7623" at the Southwest corner of Lot E-23
Set 1/2" Rebar & Cap "LB 7623" at the Northwest corner of Lot E-24
Set 1/2" Rebar & Cap "LB 7623" at the Northeast corner of Lot E-24
Set 1/2" Rebar & Cap "LB 7623" at the Southeast corner of Lot E-24
Set 1/2" Rebar & Cap "LB 7623" at the Southwest corner of Lot E-24
Set 1/2" Rebar & Cap "LB 7623" at the Northwest corner of Lot E-27
Set 1/2" Rebar & Cap "LB 7623" at the Northeast corner of Lot E-27
Set 1/2" Rebar & Cap "LB 7623" at the Southeast corner of Lot E-27
Set 1/2" Rebar & Cap "LB 7623" at the Southwest corner of Lot E-27
Set 1/2" Rebar & Cap "LB 7623" at the Northwest corner of Lot E-28
Set 1/2" Rebar & Cap "LB 7623" at the Northeast corner of Lot E-28
Set 1/2" Rebar & Cap "LB 7623" at the Southeast corner of Lot E-28
Set 1/2" Rebar & Cap "LB 7623" at the Southwest corner of Lot E-28
Found 1/2" Iron Pipe (No Identification) @ 0.30N, 0.30W

State of Florida,
County of Orange.

December 26, 1933

Personally appeared before me H.C. LUFF who being duly sworn deposes and says that the plat hereon is a true and correct representation of the survey and replat of the lands described in the caption and that permanent reference monuments have been placed as shown

H.C. Luff
Surveyor.

Witness:
Frederick Hopenwasser
E. L. Woodcock

(Mrs) Minnie Kline
Notary Public State of Florida at large
My commission expires April 11 - 1934

State of Florida, County of Orange.

Dec. 26, 1933

Personally appeared before me P.A. Geier and Mary M.C. Geier his wife and J.C. Palmer and Kate Palmer his wife, Frank B. Ufer and Lorna L. Ufer his wife and J.H. Johnson President of The Windermere Improvement Co. who being duly sworn depose and say that they are the owners of the lands described in the caption and have authorized and accepted the survey and replat as shown hereon; dedicating to the Town of Windermere all streets shown within their respective boundaries.

P.A. Geier — Mary M. C. Geier
Kate Palmer — Frank B. Ufer
J.C. Palmer — Lorna L. Ufer
The Windermere Improvement Co.
By J.H. Johnson President

(Mrs) Minnie Kline
Notary Public State of Florida at large. My commission expires April 11 - 1934

This RE-PLAT was submitted to the Town Council of Windermere, Fla., at a regular meeting held the 5th day of September 1934; said RE-PLAT was approved, accepted and Resolutions were passed covering all necessary vacations and dedications of streets.

J.C. Palmer
President of Council

James E. Price
Clerk of Council

Filed in the office of the Clerk of the Circuit Court of Orange County, Florida on the 29 day of Jan. A.D. 1935 at 3:30 o'clock P. M. and recorded in Plat Book No. 2 on page 39 and record verified.

C.M. Gay Clerk
D.S. Banner Deputy

FIFTH AVE. — SIXTH AVE. — SEVENTH AVE. — EIGHTH AVE.
LAKE ST. — BESSIE ST. — SIXTH ST. — LEE ST.
RIDGEWOOD DRIVE — DOWN LAKE AVE.
HIGHLAND AVE.
BLOCK-B- — BLOCK-G-
LAKE BESSIE

See "Jasmine Woods" filed July 3, 1962 in Plat Book Y, Page 147, Replatting Block G

See Resolution Town of Windermere recorded Sept. 19, 1963, in OR Book 1247, Page 649, closing that part of Seventh Ave. lying Sely of a straight line between the NW & NE corners of Lot 171.

See Ordinance Town of Windermere recorded Dec. 28, 1962, in O.R. Book 1143, Page 371; abandoning that part of the intersection of 7th Ave. & Bessie St. adjoining Lots 169, 170, & 171 and described as follows: Beg at a PC on W line of Lot 170 Run N 63.4 Ft. to new PC with radius of 118 Ft. th Nely along sd curve to a pt 63.4 Ft., W. of old pt on N line of Lot 171, th E. 63.4 Ft to sd old pt. th Sely along curve to left with radius of 18 X 4 Ft to POB.

LEGAL DESCRIPTION OF LAND REPLATTED

LOTS REFERRED TO IN TITLE ARE SHOWN ON PLAT OF WINDERMERE RECORDED IN PLAT BOOK G, PAGES 36 TO 39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

RE-PLAT
OF
LOTS E-7 TO E-13, E-18 TO E-54 AND LOTS 169 TO 190 ALL INCLUSIVE
OF
TOWN OF WINDERMERE

N — S

SCALE - 1 INCH = 100 FEET

Town of Windermere
614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
ANDY WILLIAMS

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Development Review Board
June 16, 2026

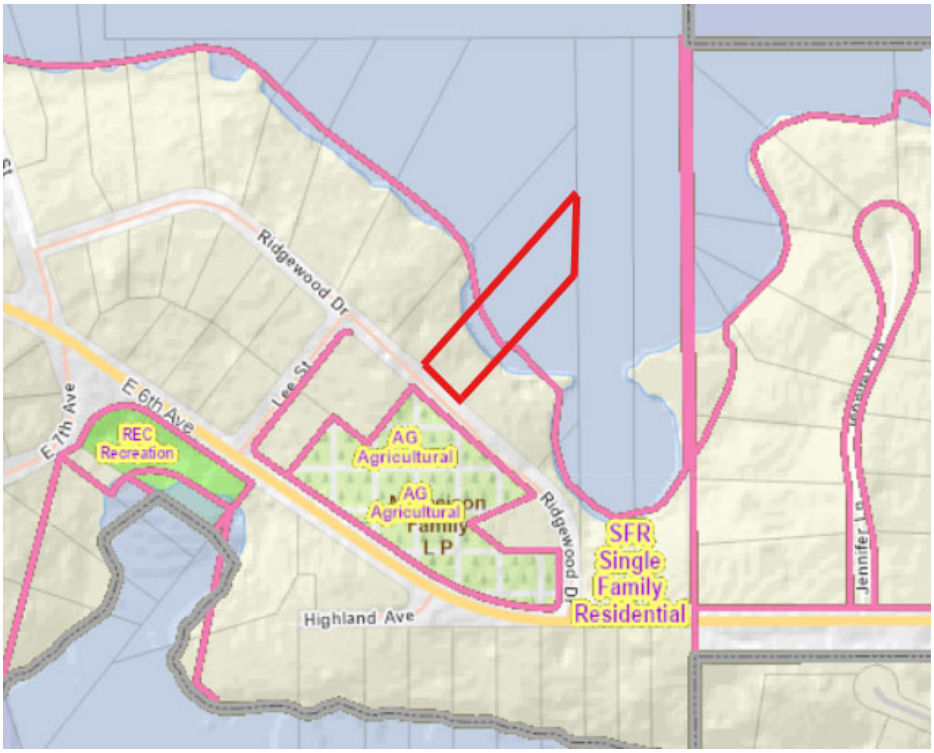
Town Council
July 14, 2026

Case Number:	Z26-06
Property Owners:	TJ and Caitlin Karr
Requested Action:	Variance request to reduce the front yard setback from 25 feet as required to 15 feet as proposed, and to reduce the Normal High-Water Elevation (NHWE) setback from 50 feet as required to a minimum of 25 feet as proposed to construct a new single-family residence and swimming pool.
Property Address:	637 Ridgewood Drive
Legal Description:	REPLAT OF TOWN OF WINDERMERE Q/39 LOT E 8 & NLY 20 FT OF LOT E9 & ADJACENT LAND INTO LAKE
Future Land Use:	Single Family Residential
Zoning:	Single Family Residential
Existing Use:	Single-Family Residence

Surrounding Future Land Use and Zoning

North: Water Body (Lake Down)
East: Single Family Residential/Single Family Residential
South: Agricultural/Agricultural

West: Single Family Residential/Single Family Residential

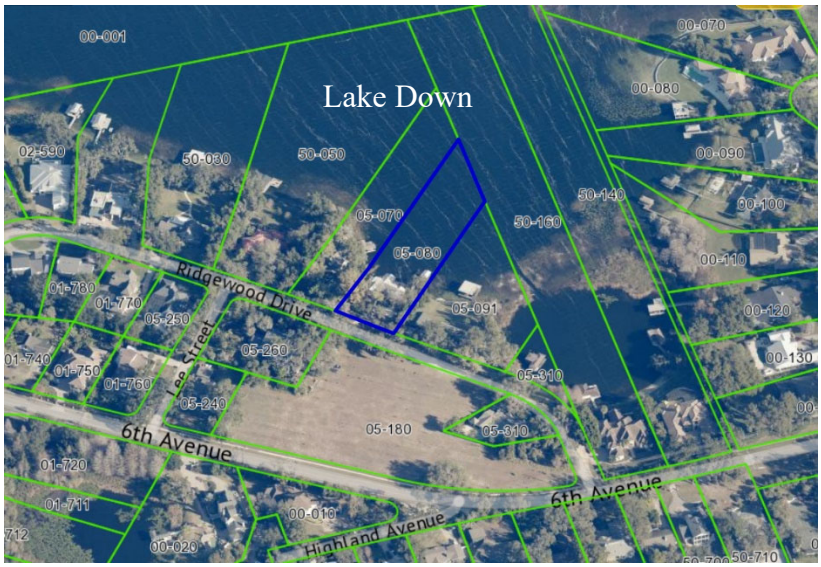


Zoning Map of Surrounding Area - Source: Orange County Property Appraiser

CASE SUMMARY

TJ and Caitlin Karr, owners of the property located at 637 Ridgewood Drive, have requested approval of a variance in accordance with Section 10.02.00 of the Town of Windermere Land Development Code (LDC). The requested variance would permit the construction of a new single-family residence to be located 15 feet from the front property line and 40 feet from the Normal High-Water Elevation (NHWE) of Lake Down, whereas the Town's LDC requires principal buildings to have a minimum front yard setback of 25 feet and a minimum NHWE setback of 50 feet.

Additionally, the requested variance would allow for the construction of a swimming pool 25 feet from the NHWE of Lake Down, whereas swimming pools are otherwise required to comply with the previously noted minimum NHWE setback of 50 feet. The aerial map provided below shows the location of the subject property, which has been outlined in blue. The property is situated northwest of the intersection of Ridgewood Drive and East 6th Avenue and has direct waterfront access to Lake Down.



Aerial Imagery of 637 Ridgewood Drive (Outlined in Blue) - Source: Orange County Property Appraiser

The setbacks defining the permitted placement of development on the subject property are regulated by the following sections of the Town's LDC:

*Section 3.02.02.(4).c – Residential [setbacks]. **The front yard setback shall be 25 feet**, the side yard setback shall be not less than ten feet or 12½ percent of the lot width, whichever is greater, with a maximum of 15 feet, and the rear yard setback shall be 35 feet; **however, no structure other than a boathouse or dock shall be less than 50 feet from the normal high-water elevation on lake or canal lots**. Width of the lot for determining the 12½ percent shall be measured at the widest portion of the structure, to include wing or other walls. See section 6.07.06(k) on eaves and cornices in yards and see section 5.05.03.*

*Section 5.05.03 – **No structure to include accessory buildings and structures shall be erected or placed within 50 feet of the normal high-water elevation**, unless otherwise provided within the Land Development Code, and no fill shall be permitted below that normal high-water elevation. In addition, as required in section 16-69 of the Code of Ordinances and this division, residential finished floor construction of Lake Down or its canals, Lake Butler and Wauseon Bay shall be no lower than 104-foot MSL and/or Lake Bessie no lower than 105-foot MSL.*

*Section 7.02.03(a)(3) – **For waterfront lots, all swimming pools, etc. and pool decks, shall be located no closer than 50 feet to the normal high water elevation of the water body**;. . .*

In summary, the Town of Windermere's current LDC requires the following minimum setbacks for principal buildings:

- South (front yard) – 25 feet
- East (side yard) – 15 feet
- West (side yard) – 15 feet
- North (rear yard)– 50 feet from the NHWE

The applicant proposes to construct a 5,360-square-foot new single-family residence (i.e., principal building), including 3,900 square feet of living area, to be located 15 feet from the front property line, which abuts Ridgewood Drive. The residence is also proposed to be located 40 feet from the NHWE of Lake Down. However, the Town's LDC establishes a required 25-foot front yard setback for residential principal buildings, and for structures requires a 50-foot setback from the NHWE of water bodies. As a result, the proposed placement of the single-family residence does not comply with applicable regulations.

The Town of Windermere's current LDC requires the following minimum setbacks for swimming pools and related features:

- South (front yard) – N/A (pools and related features must be located in a side or rear yard)
- East (side yard) – 10 feet (pool)/5 feet (deck)
- West (side yard) – 10 feet (pool)/5 feet (deck)
- North (rear yard) – 50 feet from the NHWE

Additionally, the applicant proposes to construct a new swimming pool to be located 25 feet from the NHWE of Lake Down in the rear yard of the proposed new single-family residence. The LDC also requires swimming pools and their associated decks to be located 50 feet from the NHWE, meaning that the proposed swimming pool's location does not comply with applicable regulations.

The existing single-family residence located at 637 Ridgewood Drive was constructed in 1943, per information sourced from the Orange County Property Appraiser. In its existing configuration, the residence is nonconforming, since the existing single-family residence is located within the 50-foot NHWE setback. Please see the attached property survey and existing conditions site plan for reference.

Review of available historic aerial imagery confirms that the residence has existed in its current configuration since at least the early 1990s. The property located at 637 Ridgewood Drive presents unique development constraints due to its proximity to Lake Down. In consideration of the required setbacks for principal buildings, the 50-foot setback from the NHWE combined with the 25-foot front yard setback and 15-foot side yard setback yield a buildable area measuring approximately 90 feet in width and 42 feet in depth. The existing single-family residence and associated accessory structures extend beyond this permissible buildable area and encroach into the required setback. As such, these structures are considered legal nonconformities in accordance with the Town's Land Development Code due to their placement within the 50-foot NHWE setback.

Nonconforming structures may remain in use in their nonconforming states and may only be modified consistent with the requirements within the LDC. However, per Section 10.01.03, if a nonconforming structure is voluntarily fully or partially demolished, any reconstruction must meet all requirements of the LDC. Accordingly, the proposed demolition and reconstruction of the single-family residence and new swimming pool, as depicted on the architectural site plan within the 50-foot NHWE setback, together with the requested reduction to the front yard setback, necessitate approval of the variances requested herein.

The scope of the requested variance is limited to the reduction of required setbacks from the NHWE for both the new single-family residence and swimming pool, as well as a reduction to the required front yard setback for the new single-family residence. All other applicable development standards, including but

not limited to site drainage and retention requirements, impervious surface and floor area ratio limitations, building height restrictions, and all remaining setback provisions outlined in the Town's LDC, must be met and will be reviewed for compliance during the building permitting process.

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 survey, site plans, elevation concepts, and written narratives 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 June 8, 2026, zero (0) responses have been received in support or opposition to this case.

To : DOROTHY BURKHALTER, TOWN CLERK TOWN OF WINDERMERE -WINDERMERE, FL 34786
c/o DRB

Our home is located at 637 Ridgewood Drive, Windermere, FL 32786
This is a unique lot with a very shallow depth. The existing lot size is approx. 120' wide x 117' deep. This allows us a usable building pad of approx. 90' wide x 42' deep.
There is an existing home on the property, which is all non-confirming, and set over the rear seawall and extends into the lake boundary. Even though we were granted a previous variance for a side/ rear setback for a pool, this location is not functional, nor safe for viewing our children in the pool from the main house. It would be required to be isolated and blocked off from view and unsafe.

Based on this and many other reasons, we have decided to construct a new home due to there being no other available options to improve the existing home in its current location. Note: the entire home is located withing the required 50' lake side rear setback. For our new design, we are also keeping the rear existing structure (located over the water) to limit any disruption of the existing shoreline, as well as to maintain the " nostalgia" and "iconic quality of this unique property.
The final design improvements, will become a mix of the "old" character of the shoreline, and in character with the surrounding lake front homes, and also allow for an updated home that meets today's building standards in quality and function and to enjoy the property for many years to come based on our family's needs.

We are requesting a 40' rear building setback, 15' front building setback & 25' rear pool setback variance to be able to construct a new home design
As you can see from the available building footprint with allowable setbacks. There is no possible room to have a " normal home design w/ front entry, living space, rear covered porch and pool on the lake side without a rear variance. Allowing these 3 variances is the only way possible for us to design and build a functional home we are planning for our family now and for years to come.

We are keeping the large oak trees on the street side, and removing a couple of other trees, which have been deemed to be unhealthy as well, as per the attached Arborist report.
Without this variance, we would be forced to build a home that is not functional: with a normal 2-car garage, front entry, living spaces, rear porch, a functional pool area and location that is safe for our children, and several other elements, which the current available setbacks do not allow.

We will have the sea wall continuous, protect the water's edge, keep the existing portion of the home (on the water) and create a swale on the lake side to protect any runoff. Currently all water runs to the lake, and there is no solution for retention available, and as you can see from the grading plan, all water retention / run off issues have been worked out and there will be no impact from the stormwater. We meet all FAR and ISR and height requirements as well.

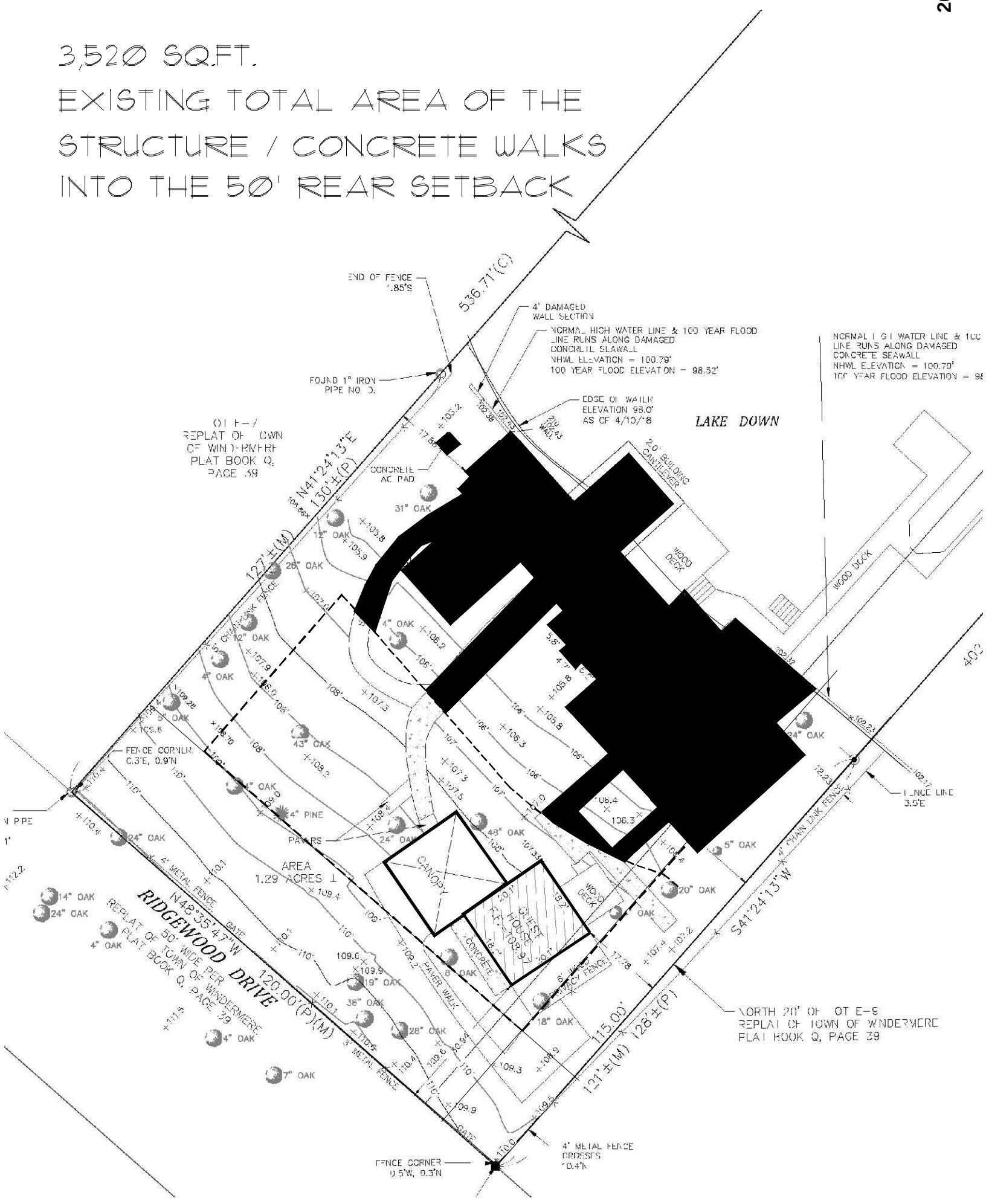
We also have several letters from our neighbors that are all in favor of this variance request with no objections.
As mentioned, this is a unique lot and specifically the shallow depth. There are several homes that are not confirming on other uniquely configured lots that do have a rear pool and home located much closer than the 50' required rear setback.

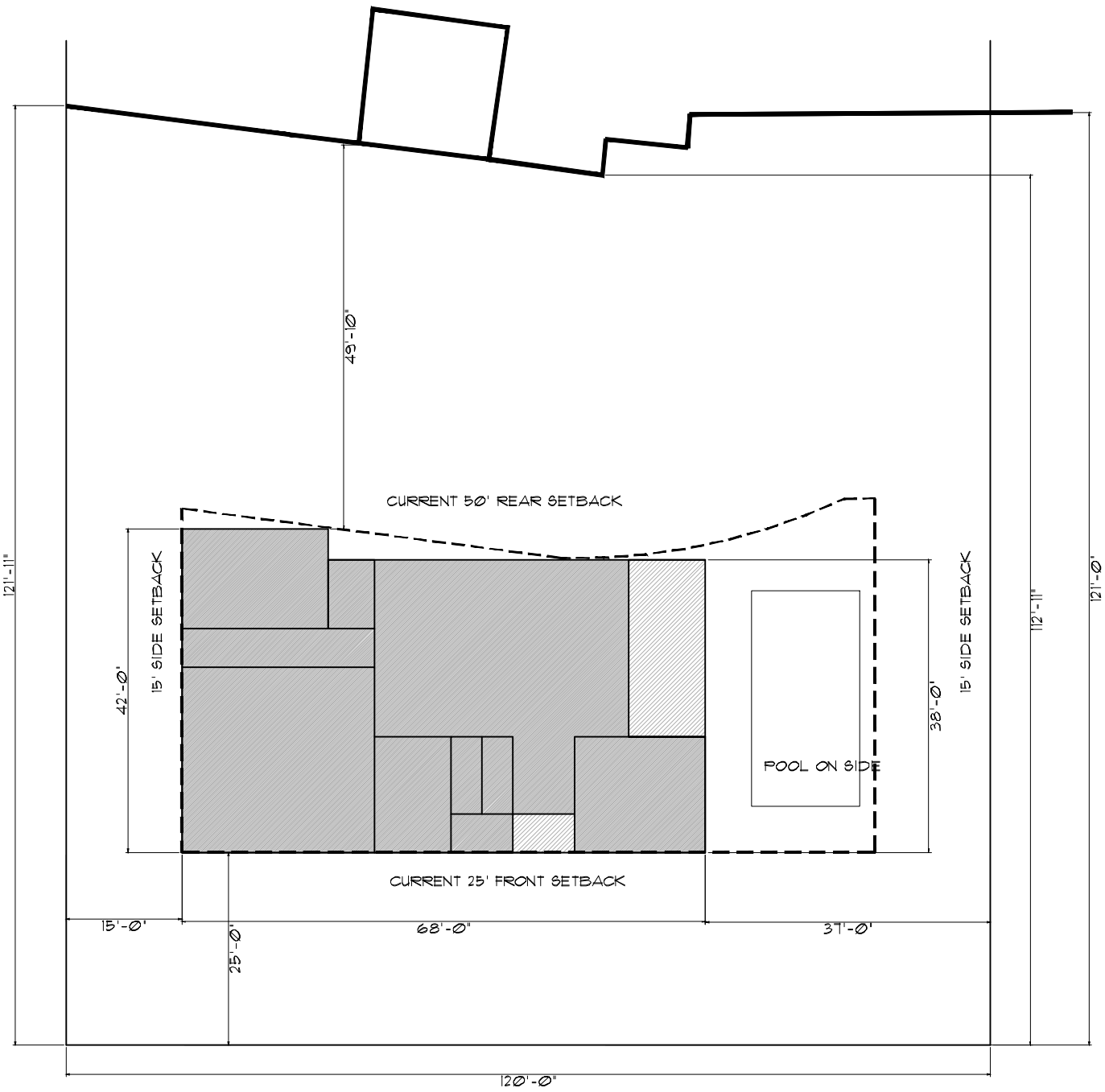
The approval of this variance will not grant any special privileges to us, in fact match the character of street, and be a welcome part of the Windermere style and fabric, and most importantly allow us the same rights and privileges enjoyed by other homeowners on similar lots.

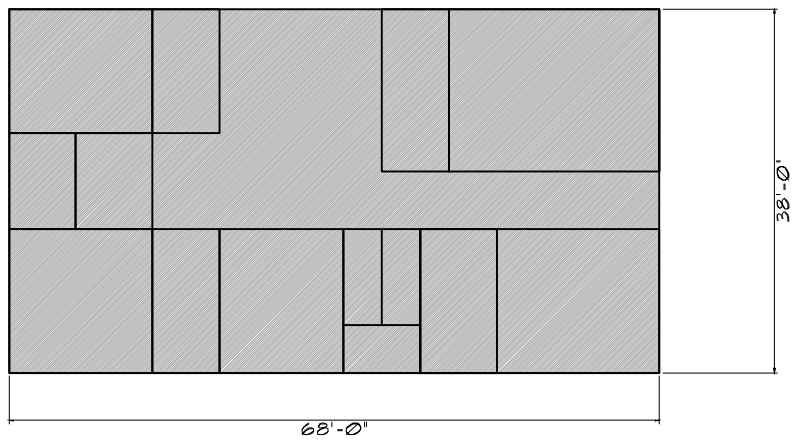
Also, we welcome a meeting on site with any and all board members and our design team to better explain the challenges we are facing due to the existing lot conditions, and current available building setbacks.

Thank you for your consideration and your vote for approval of our variance request.
Your fellow resident,
TJ and Caitlin Karr

3,520 SQ.FT.
EXISTING TOTAL AREA OF THE
STRUCTURE / CONCRETE WALKS
INTO THE 50' REAR SETBACK







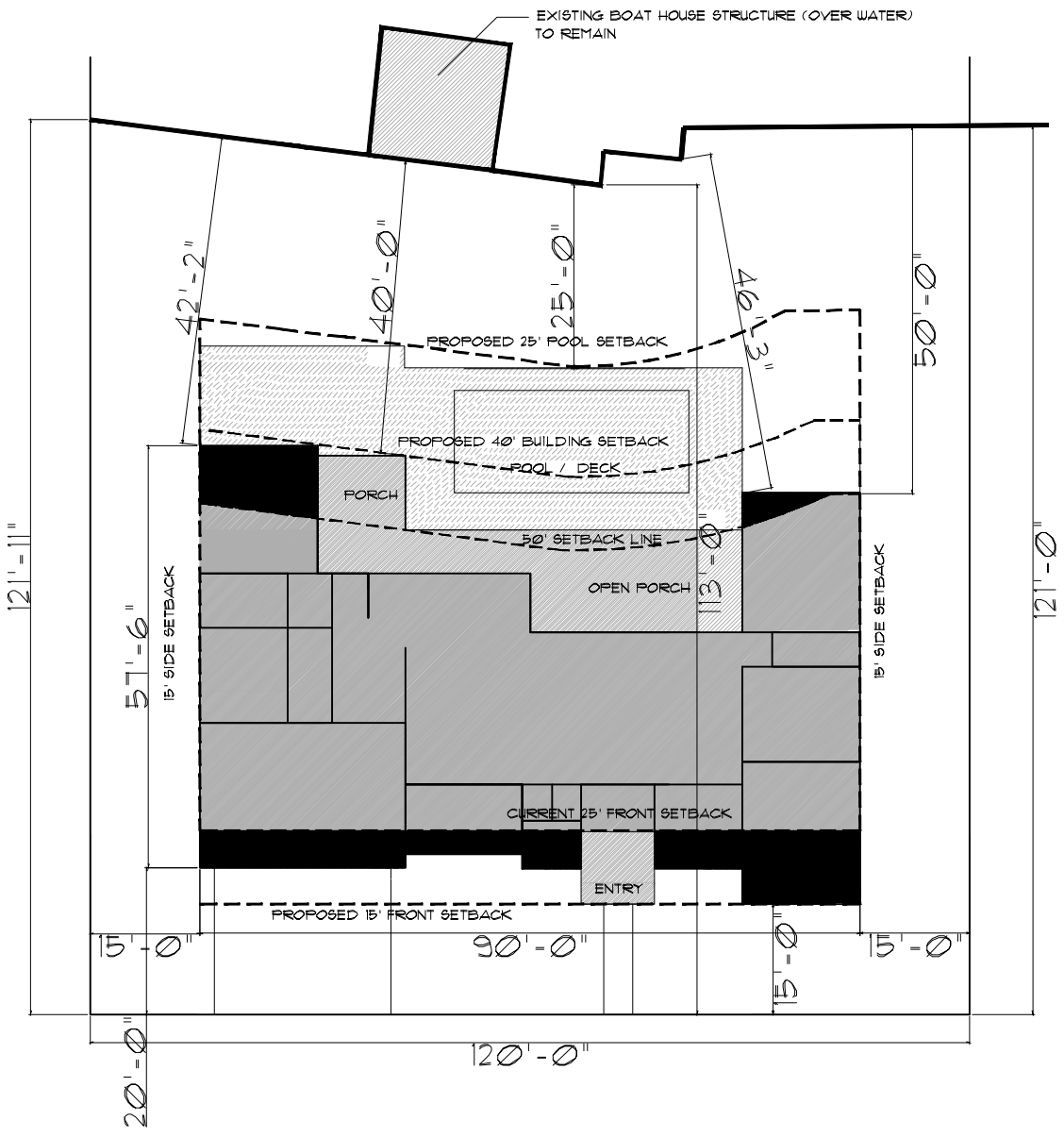


PLAN CONCEPT

1/4" = 1'-0"

CURRENT SETBACKS

38' DEEP HOME ALLOWABLE
NO MASTER DOWNSTAIRS
SIDE POOL LOCATION
2-STORY "BOX" DESIGN WOULD BE REQUIRED
ALLOWS FOR ONLY 1600 SQ. AC DOWNSTAIRS



SQ. FT. TABULATIONS:	SQ. FT.
TOTAL LIVING:	3,900
LOT AREA:	±14,225
ALLOWABLE FAR: (38%)	5,405
PROPOSED FAR: (37.7%)	5,360
ALLOWABLE ISR: (45%)	6,401
PROPOSED ISR: (44.8%)	6,380

TOTAL BUILDING AREA INTO SETBACKS:
540 SQ. FT @ FRONT
360 SQ. FT @ REAR
900 SQ. FT TOTAL INTO SETBACKS
6.3% OF TOTAL LOT

VARIANCE REQUEST:

SETBACKS: (BUILDING SETBACK)

FRONT: 15' (BUILDING SETBACK)

REAR: 25' (POOL SETBACK)

REAR: 40' (BUILDING SETBACK)

SIDES: 15' (NO CHANGE)

BUILDING HEIGHT 35' (NO CHANGE)

PLAN CONCEPT

1/4" = 1'-0"

PROPOSED SETBACKS

15' FRONT SETBACK

40' REAR BUILDING SETBACK (MINIMAL IMPACT)

25' REAR POOL SETBACK





ELEVATION CONCEPTS







EXAMPLES



38' DEEP HOME ALLOWABLE
NO MASTER DOWNSTAIRS
SIDE POOL LOCATION (NOT SAFE)
2-STORY "BOX" DESIGN WOULD BE REQUIRED
ALLOWS FOR ONLY 1600 SQ. AC DOWNSTAIRS
DEGRADES THE HARMONY OF THE STREET
LOWERS PROPERTY VALUES
CURRENT SETBACKS DO NOT ALLOW FOR A FUNCTIONAL HOME DESIGN

ELEVATION CONCEPTS
WITH / OUT APPROVED VARIANCES

NO NEIGHBORS ARE IN FAVOR FOR THIS IMPROVEMENT



58' DEEP HOME ALLOWABLE
MASTER DOWNSTAIRS
REAR POOL LOCATION
PROTECTS TO SHORELINE / WATER RUNOFF
IMPROVES THE HARMONY OF THE STREET
INCREASES PROPERTY VALUES
ALLOWS FOR A FUNCTIONAL HOME DESIGN

ELEVATION CONCEPTS
WITH APPROVED VARIANCES

ALL NEIGHBORS ARE IN FAVOR FOR THIS IMPROVEMENT

STORMWATER S U M M A R Y

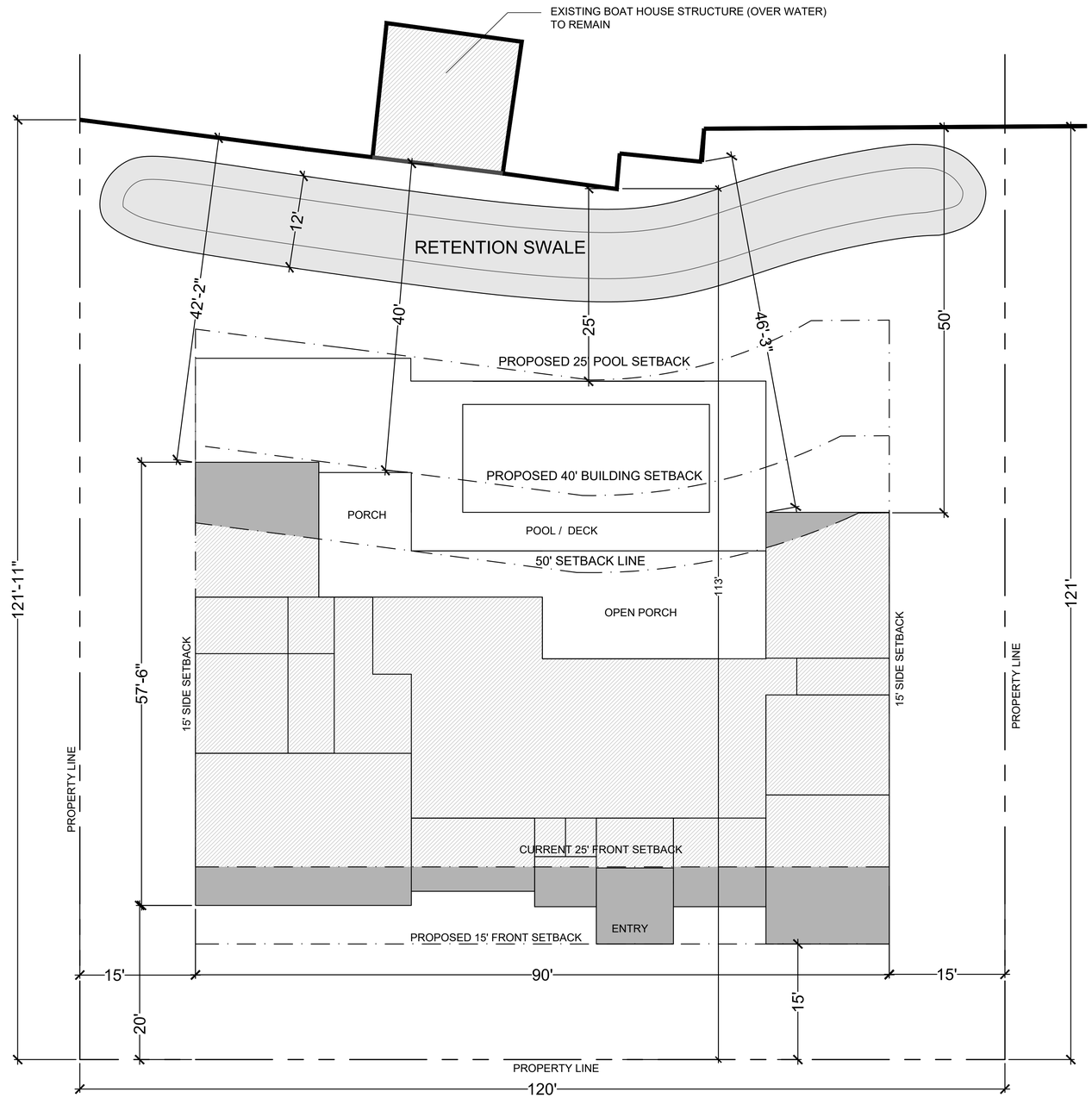
PROPERTY AREA = 14,225 SQ FT
45% IMPERVIOUS COVERAGE = 6,401 SQ FT

C (coefficeint of friction) = (6,401 / 14,225) X .9 =.40 PAVED AREA
C (coefficeint of friction) = (7,824 / 14,225) X .3 = .17 UNPAVED AREA
C (coefficeint of friction) = .40 + .17 = .57
I = .083 (intensity)
Q = .57 X .083 X 14,225 = 672 CUBIC FEET REQUIRED

ENVIRONMENTAL SWALE NO. 1 =
AREA @ TOP OF RETENTION = 1,352 SQ FT
AREA @ BOTTOM = 645 SQ FT
1,352 + 645 / 2 = 998 X .75' (9") (depth) =

NO. 1 TOTAL = 748 CUBIC FEET PROVIDED

TOTAL = 748 CUBIC FEET PROVIDED



Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
ANDY WILLIAMS

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Development Review Board
June 16, 2026

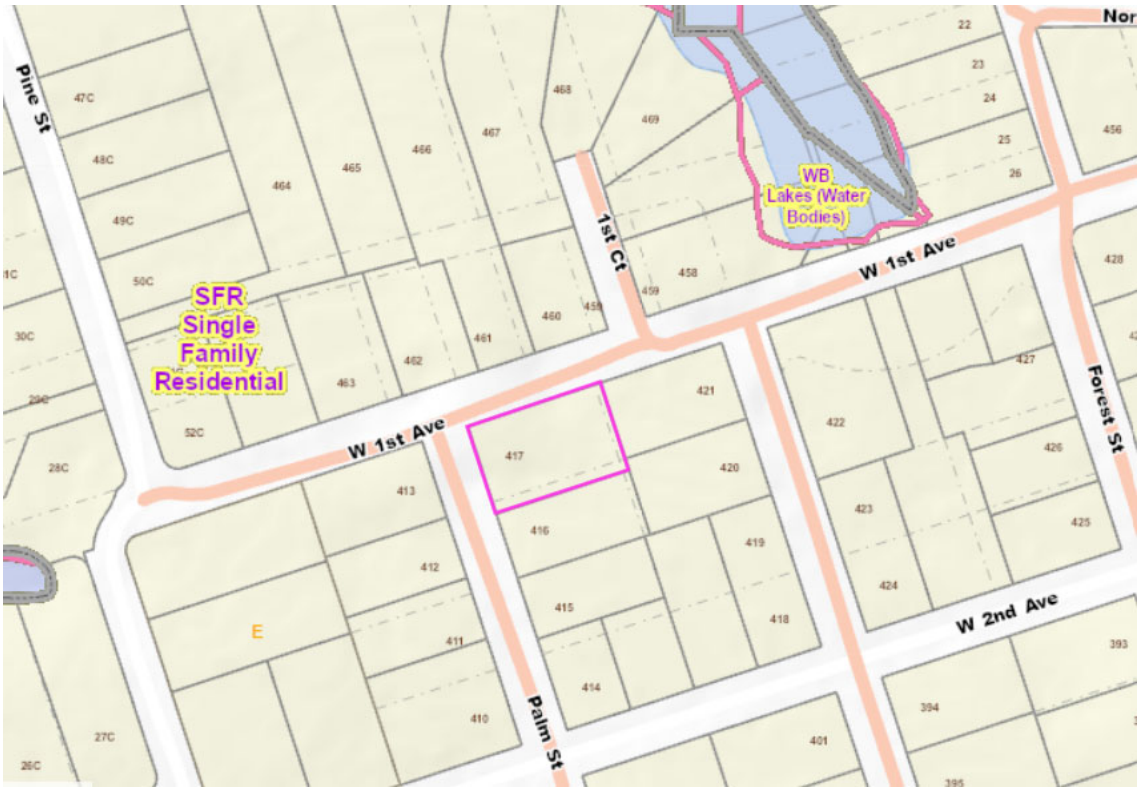
Town Council
July 14, 2026

Case Number:	Z26-07
Property Owners:	Courtney and David Eaves (Property Owners)
Requested Action:	Variance to permit the placement of a swimming pool within the front yard of the subject property, whereas the Land Development Code (LDC) limits the placement of swimming pools to side and rear yards.
Property Address:	105 Palm Street
Legal Description:	PLAT OF WINDERMERE G/36 LOTS 416 417 & W 7.5 FT OF LOTS 420 & 421 (LESS S 85 FT OF LOT 416 & W 71/2 FT OF S 85 FT OF LOT 420)
Future Land Use:	Single Family Residential
Zoning:	Single Family Residential
Existing Use:	Single-Family Residence

Surrounding Future Land Use and Zoning

North: W 1st Avenue Right of Way
East: Single Family Residential/Single Family Residential
South: Single Family Residential/Single Family Residential

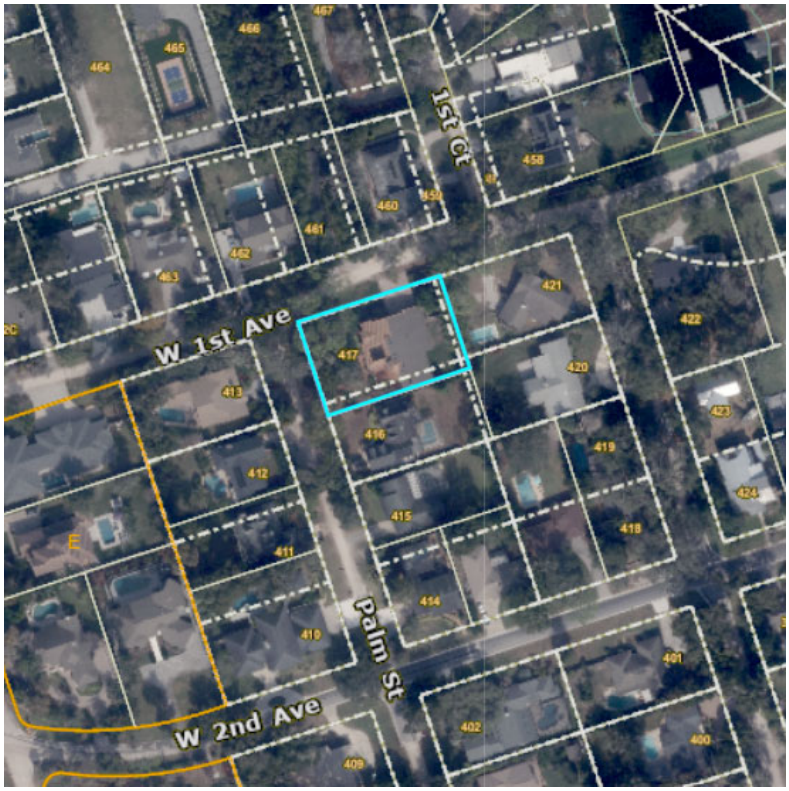
West: Palm Street Right of Way



Zoning Map of Surrounding Area - Source: Orange County Property Appraiser

CASE SUMMARY

Courtney and David Eaves, owners of the property located at 105 Palm Street, have requested approval of a variance in accordance with Section 10.02.00 of the Town of Windermere Land Development Code (LDC). The requested variance would permit the construction of a swimming pool and related pool decking within the front yard of the subject property, where the Town's LDC only permits swimming pools and related features to be located in side and rear yards. The aerial map provided below shows the location of the subject property, which has been highlighted in blue. The property is a corner lot located at the intersection of Palm Street and West 1st Avenue.



Aerial Imagery of 105 Palm Street (Outlined in Blue) - Source: Orange County Property Appraiser

Section 7.02.03 outlines the locational restrictions pertaining to the placement of swimming pools:

> *Swimming pools, etc., shall be permitted only in side and rear yards…*

The applicant proposes to construct a swimming pool in the west primary front yard of the property, extending beyond the front façade of the existing home along Palm Street. However, the Town's LDC prohibits swimming pools from being located within a front yard. As a result, the proposed swimming pool does not comply with the applicable regulations.

The applicant's proposed swimming pool and associated decking would result in an addition of at least 125 square feet of impervious surface to the property, meaning that the applicant would be required to provide a grading and drainage plan to demonstrate on-site retention for the first inch of stormwater runoff in accordance with the Town's LDC. The proposed addition of the swimming pool results in a total impervious surface area of 38% (approximately 7,655 square feet) of the total lot area, which is less than the 45% permitted for residential properties. These measurements would be verified and reviewed for compliance during the Town's permitting process.

The following considerations would also be applicable to the proposed swimming pool at 105 Palm Street, in accordance with Sections 3.02.02 and 7.02.03 of the Town's Land Development Code:

- *Swimming pools, etc., shall be permitted only in side and rear yards, and shall meet the following siting standards:…lots greater than 60 feet in width at the front setback line require a minimum side and rear setback of ten feet.*
- *Pool decks shall be located no closer to the side or rear lot line than 50 percent of the required setback for pools.*
- *For corner lots, the street side setback for all swimming pools and pool decks is the same as the principal structure.*
    - *Residential contiguous corner lots…*
      [Principal structure] Option B. The front yard setback shall be 25 feet, except a front yard that is contiguous with an adjacent corner lot shall have a front yard setback of 15 feet. The side yard setback for a side yard that is contiguous with an adjacent corner lot shall be 35 feet. All other side yard setbacks shall be not less than ten feet or 12½ percent of the lot width, whichever is greater, with a maximum of 15 feet.
- *As required by the Florida Building Code, all pools etc. shall be completely enclosed with an approved wall, fence or other substantial structure. The enclosure shall completely surround (to include the water front) the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.*

In summary, the Town of Windermere's LDC requires the following minimum setbacks for swimming pools on the subject property:

- South (side yard) – 10 feet (pool)/5 feet (deck)
- East (side yard) – 10 feet (pool)/5 feet (deck)
- West (front yard) – 25 feet (pool)/25 feet (deck)
- North (front yard)– 15 feet (pool)/15 feet (deck)

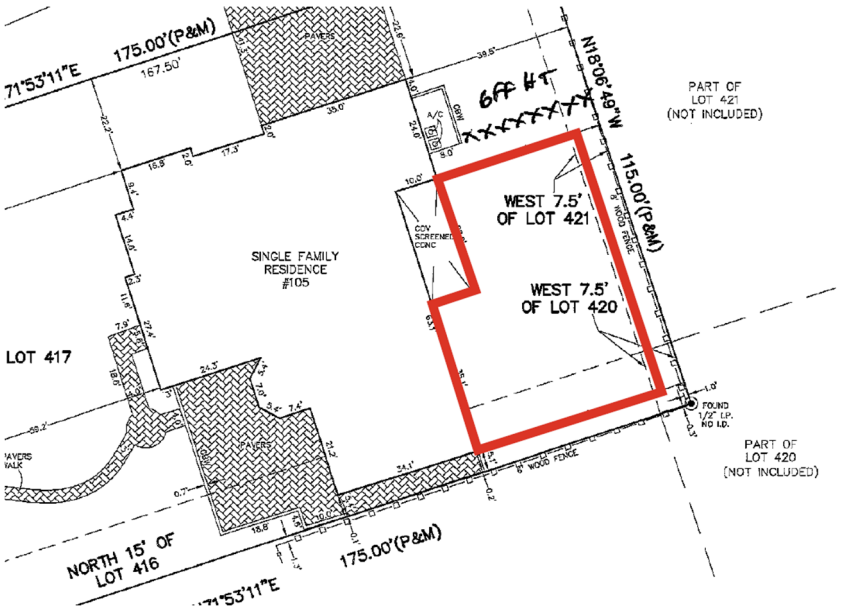
Based on the conceptual site plan provided, the proposed swimming pool and associated decking comply with the applicable side yard setback requirements (i.e., 10 feet (pool), 5 feet (deck)). All other applicable provisions of the Land Development Code (LDC), including but not limited to those identified above, will be reviewed for compliance during the building permit review process for the swimming pool.

The property's single-family residence, which was originally constructed in 1955, exists with the following building setbacks:

- South (side yard) – 5.1 feet
- East (side yard) – 39.5 feet
- West (front yard) – 59.2 feet
- North (front yard)– 22.2 feet

As a result of the property's as-built conditions, which feature a nonconforming principal building side yard setback that would not be permitted under the Town's current regulations, an approximately 3,100-

square-foot area is located within the East side yard that is not encumbered by existing structures or mechanical equipment, is not situated within the property's front yards, and can accommodate the construction of a swimming pool/pool decking in compliance with all applicable LDC setback requirements. See below for a rough approximation of this area.



However, an additional development constraint affecting the property is the presence of the existing septic tank and drainfield within the East side yard. To maintain proper functionality, this area must remain free of development, particularly impervious surfaces, thereby limiting its viability for the placement of a swimming pool or pool decking.

Consequently, the front yard location shown on the site plan submitted with the variance application is the only area on the property where the proposed swimming pool and pool decking at its current size and configuration could practically be placed. However, the Town's code does not allow swimming pools to be located in a front yard, necessitating the need for the requested variance.

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 written narrative 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 June 8, 2026, twelve (12) responses were received in support of this case, and no responses were received in opposition.

Windermere Development Review Board
105 Palm St
Windermere, FL 34786

Subject: Variance Request – Front/Side Yard Pool Installation

Dear Members of the Development Review Board,

Our names are Courtney and David Eaves and we live at 105 Palm St which is a corner lot next to 1st Avenue. We respectfully request a variance to allow the installation of a residential swimming pool within the front side yard of our property.

As demonstrated in the submitted site plan and survey, the proposed pool complies with all applicable setback, coverage, and zoning requirements. The sole variance requested is for the location of the pool within the front yard.

This request is based on unique conditions specific to our property that create a practical hardship. The rear yard is substantially encumbered by an existing septic system, significantly limiting usable space and preventing reasonable placement of a pool without eliminating functional yard area. Additionally, the configuration and structure of the home restrict both exterior and interior access to the rear yard, such that locating the pool in the backyard would require significant structural modifications. These conditions are not self-created and are unique to this property.

We have lived in this home for five years and have two young children (ages 7 and 10). We have invested in this community with the intention of remaining here long-term as our children grow up. This improvement would allow our family to continue enjoying our home and this wonderful neighborhood in a way that is both practical and consistent with the character of the area.

The variance requested is the minimum necessary to allow reasonable use of the property. No additional deviations from the Land Development Code are being sought.

The proposed location has been carefully selected to remain consistent with the intent of the Town's regulations and to minimize any visual or neighborhood impact. The pool will be situated in an existing impervious area alongside our partially enclosed courtyard area that will naturally block the view of the pool from 1st Avenue. In addition, a 4-foot wall (to blend with current mediterranean aesthetic) and gate will be installed to ensure the pool is obscured from Palm Street or surrounding public rights-of-way, maintaining neighborhood aesthetics and privacy.

Approval of this variance will not adversely affect adjacent properties or the public welfare. The design maintains compatibility with the residential character of the area while addressing the unique physical constraints of the lot.

For clarity, we have outlined below how this request satisfies the Town's variance criteria:

Exhibit A – Variance Criteria Justification

Criteria	Summary	Project Justification
1. Practical difficulty or hardship	Strict application of the code creates a real hardship.	The rear yard is constrained by an existing septic system, significantly limiting usable space. Additionally, the home's layout restricts reasonable construction access, making backyard placement impractical without major structural modifications.
2. Not based solely on cost	Request is not just to save money.	While cost is a consideration, the request is driven by physical limitations of the lot and structural constraints, not financial preference.
3. No increased public risk	Must not create safety or congestion issues.	The pool is fully contained within a walled and gated courtyard and does not impact traffic, street access, or emergency services.
4. No negative impact on property values or neighborhood character	Must fit the surrounding area.	The pool is screened from Palm Street and 1st Avenue, minimizing visibility. The design is consistent with the residential character of the neighborhood and is expected to enhance overall property appeal, supporting and potentially increasing surrounding property values.
5. Consistent with intent of the Land Development Code	Must align with overall zoning goals.	The request maintains all setbacks and safety standards, with only the location adjusted due to site-specific constraints.
6. Does not set undesirable precedent	Should not encourage inappropriate future requests.	This request is based on unique conditions specific to this property and is not broadly applicable to other parcels.

Based on these factors, we believe this request satisfies the criteria for granting a variance and respectfully ask for your approval.

Thank you for your time and consideration.

Sincerely,
Courtney and David Eaves

Attachment 1 - Pool plan

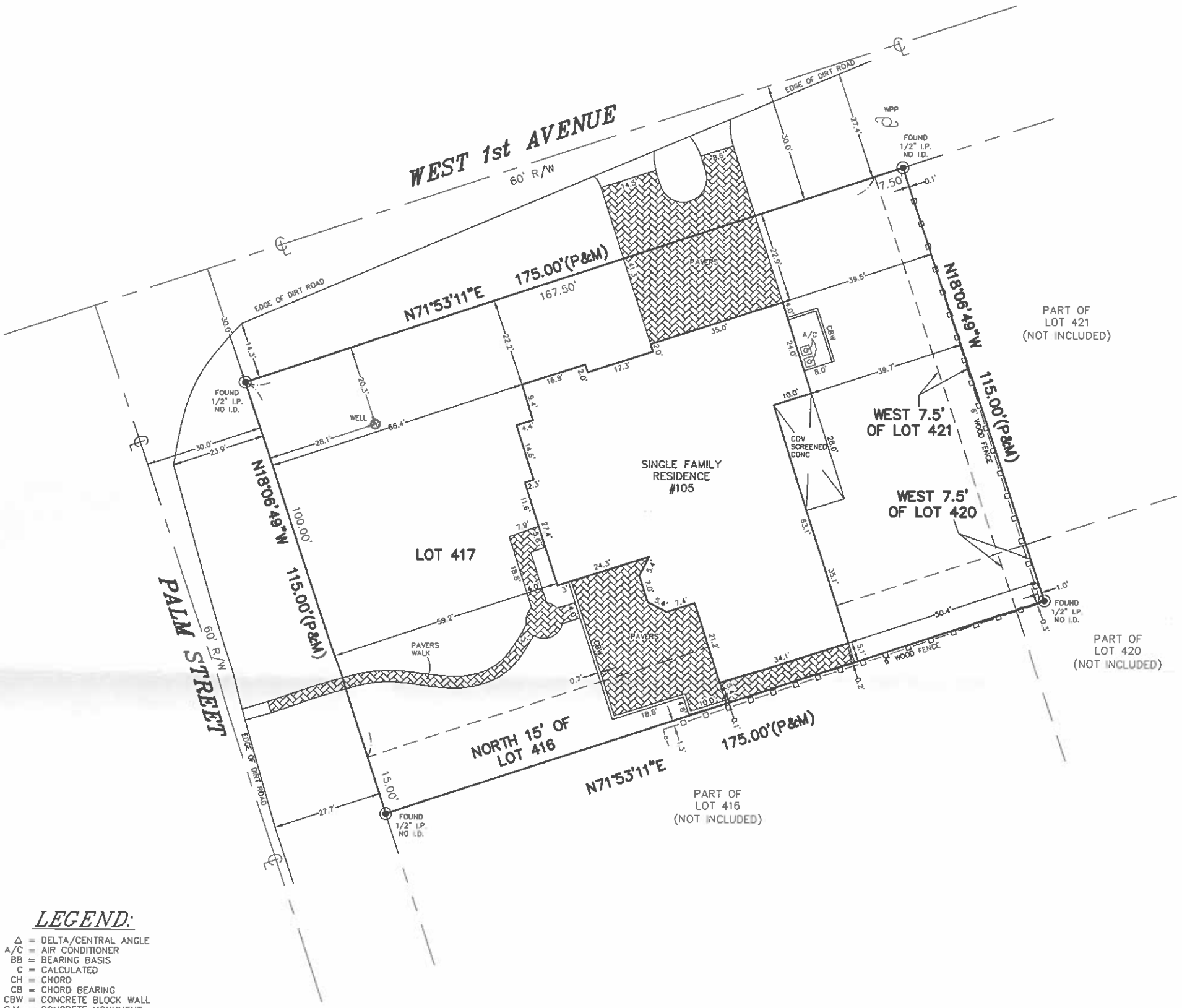
Attachment 2 - Survey

BOUNDARY SURVEY

PROPERTY DESCRIPTION: LOTS 416, 417 AND THE WEST 7.5 FEET OF LOTS 420 AND 421 (LESS THE SOUTH 85 FEET OF LOT 416 AND LESS THE WEST 7.5 FEET OF THE SOUTH 85 FEET OF LOT 420) PLAT OF WINDERMERE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK G, PAGES 36 THROUGH 39, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

N
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GRAPHIC SCALE
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= FOUND PROPERTY CORNER
= FOUND CONCRETE MONUMENT
= WELL
= GAS METER
= GUYWIRE
= LIGHT POLE
= FIRE HYDRANT

FLOOD ZONE INFORMATION:
MAP NUMBER: 12095C 0385 F
DATE: 09/25/2009
ZONE: X

CERTIFIED TO:
DAVID E. EAVES AND COURTNEY L. EAVES
QUICKEN LOANS, LLC, ISAOA
FIRST AMERICAN TITLE INSURANCE COMPANY

ADDRESS:
105 PALM STREET
WINDERMERE, FLORIDA 34786

NOTES:
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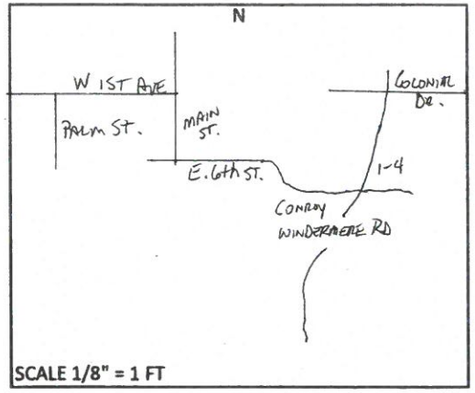
Bradley Cox & Associates
Land Surveying
405 W. 25th Street
Sanford, Florida 32771
Phone (407) 323-9202
Fax (407) 324-9661
WWW.BRADLEYCOXSURVEYING.COM

JOB # BCA25434
DRAWN BY: CSD2
CHECKED BY: BC
FIELD BY: RF/MW
(FIELD DATE:) 08/24/20
REVISIONS:

I HEREBY CERTIFY THAT THE SURVEY OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

08/28/20
BRADLEY G. COX, PSM #5567 (DATE)
CERTIFICATE OF AUTHORIZATION LB #7020

This Drawing and it's principle design is the exclusive property of Artesian Pools, Inc. It cannot be copied, loaned, or reproduced without written consent from Artesian Pools Inc

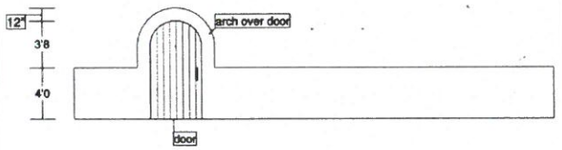


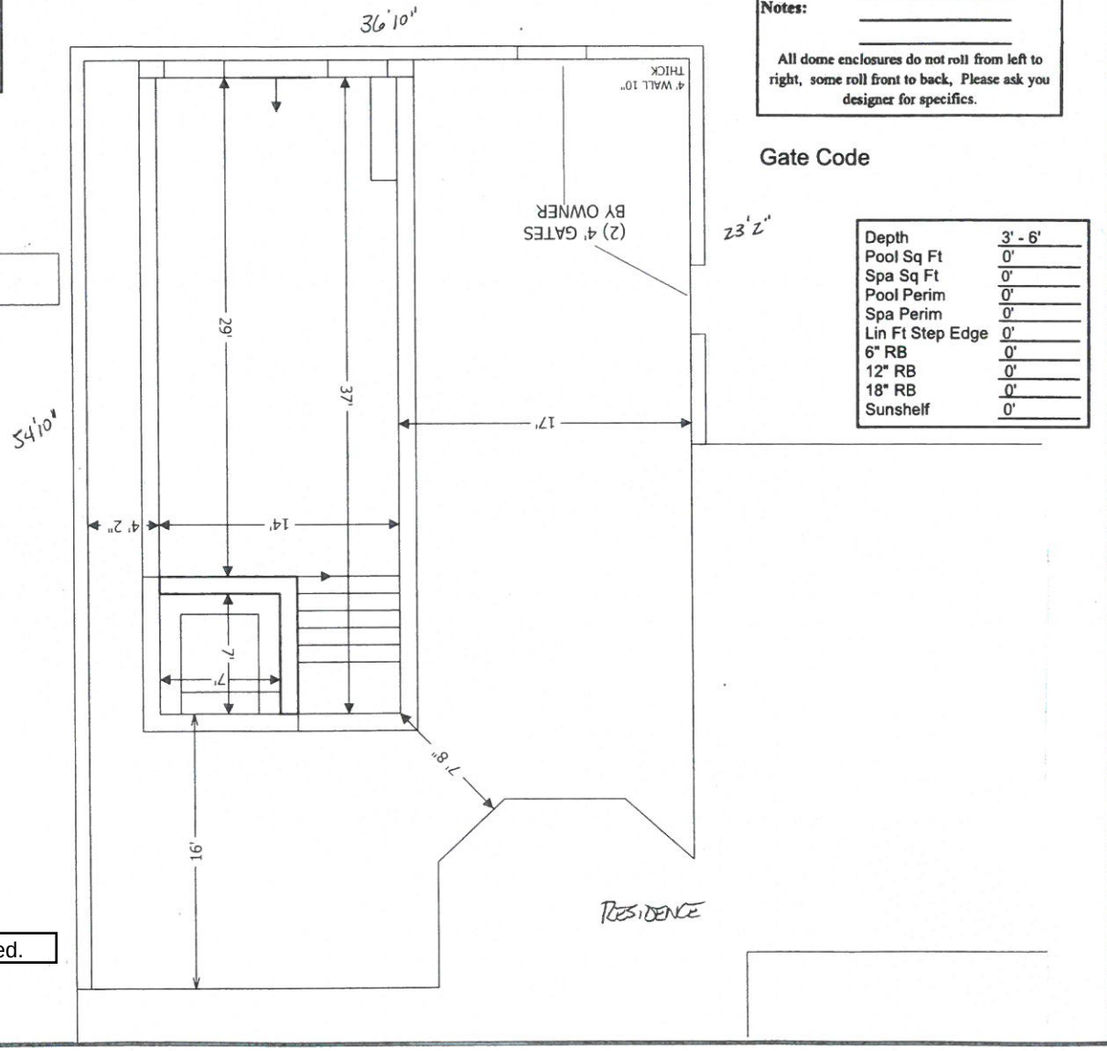
Termite	BY OWNER
Safety Fence / Alarms / Floater	FLOATERS
Solar	NO

Color	NO SCREEN
Roof Style	
Wall Height	
Doors	
Elite Roof	
Gutter	
Notes:	

All dome enclosures do not roll from left to right, some roll front to back, Please ask you designer for specifics.

Courtyard entryway detail





Gate Code

Depth	3' - 6'
Pool Sq Ft	0'
Spa Sq Ft	0'
Pool Perim	0'
Spa Perim	0'
Lin Ft Step Edge	0'
6" RB	0'
12" RB	0'
18" RB	0'
Sunshelf	0'

Stormwater retention plan noted.

POOL SPECS		DEPTH	3'6" TO 6'
REFERENCE NO		EST GALLONS	16,525
WIDTH & LENGTH	14' x 37'	HAND/GRABRAIL	NO
SWIMOUT	YES	SUNSHELF	YES
BRICK COPING	NO	PAVER PATTERN	RANDOM
PAVER Deck Color	CHOICE	PAVER BORDER	YES
TRAV COPING	YES 12" x 24" CHOICE	TRAV PATTERN	NO
TRAV Deck Color	NO	TRAV BORDER	NO
CAPSTONE CANTILEVER	N/A	INTERIOR FINISH	QUARTZ S.BLUE
ACRYLIC DECK COLOR	TBA	TURNDOWN COLOR	N/A
TILE	CHOICE 6" x 6"	GROUT	CHOICE
STEP / MARKER	RIBBON 2 ROW GLASS	DECO TILE	NO
SPLIT FACE / LEDGESTONE	NO		
ROCKWORK	NO		
PUMP	3HP VARIABLE SPEED	FEATURE PUMP	1.5 HP VS
FILTER SIZE	CARTRIDGE 200 S.F.	LIGHTS	(3)LED
POOL RETURNS	(3) NO VAC LINE	CLEANER:	AQUA CLEAN ROBO
SALT CHLORINATOR	YES	UV SYSTEM	NO
OZONATOR	NO	TABLET	NO
SPA	7' x 7' NOT RAISED	SPA FOUNTAIN	YES
T-JETS	12		
GRANITE SPILL	NO	TILE SPILL	GLASS
BLOWER	YES	SPA LIGHT	LED
GAS HEATER	250,000 BTU NAT GAS	HEAT PUMP	NO
AUTOMATION	INTELICENTER LITE		
BOX WATERFALL	4' WIDE +36"	DECK JETS	NO
BUBBLERS	NO	LED BUBBLERS	NO
WATERBOWL	NO	FIREBOWLS	NO
SCUPPERS	NO	LAMINARS	NO
ACCESS APPROVAL	YES	DRIVEWAY APPROVAL	YES
CONCRETE REMOVAL	NO	DIRT REMOVAL	AS NEEDED
TREE REMOVAL	NO	STUMP REMOVAL	NO
FENCE REMOVAL	YES	FENCE RE-INSTALL	YES

OTHER OPTIONS
5 STEPS PER PLAN
4' WALL PER PLAN W/ TEXTURE AND PAINT
(2) GATES WITH ARCH CAP BY OWNER

Pool Perimeter - Spa - Fountain

NAME	DAVID EAVES		
ADDRESS	105 PALM ST.		
CITY	WINDERMERE	ZIP	34786
MR CELL	407-353-2213	MRS CELL	N/A
HOME PHONE	MR CELL		
LOT	416/417	BLOCK N/A	SUBDIVISION
DESIGNER	TONY ALLO	DATE	APRIL 16TH, 2026

JOB#

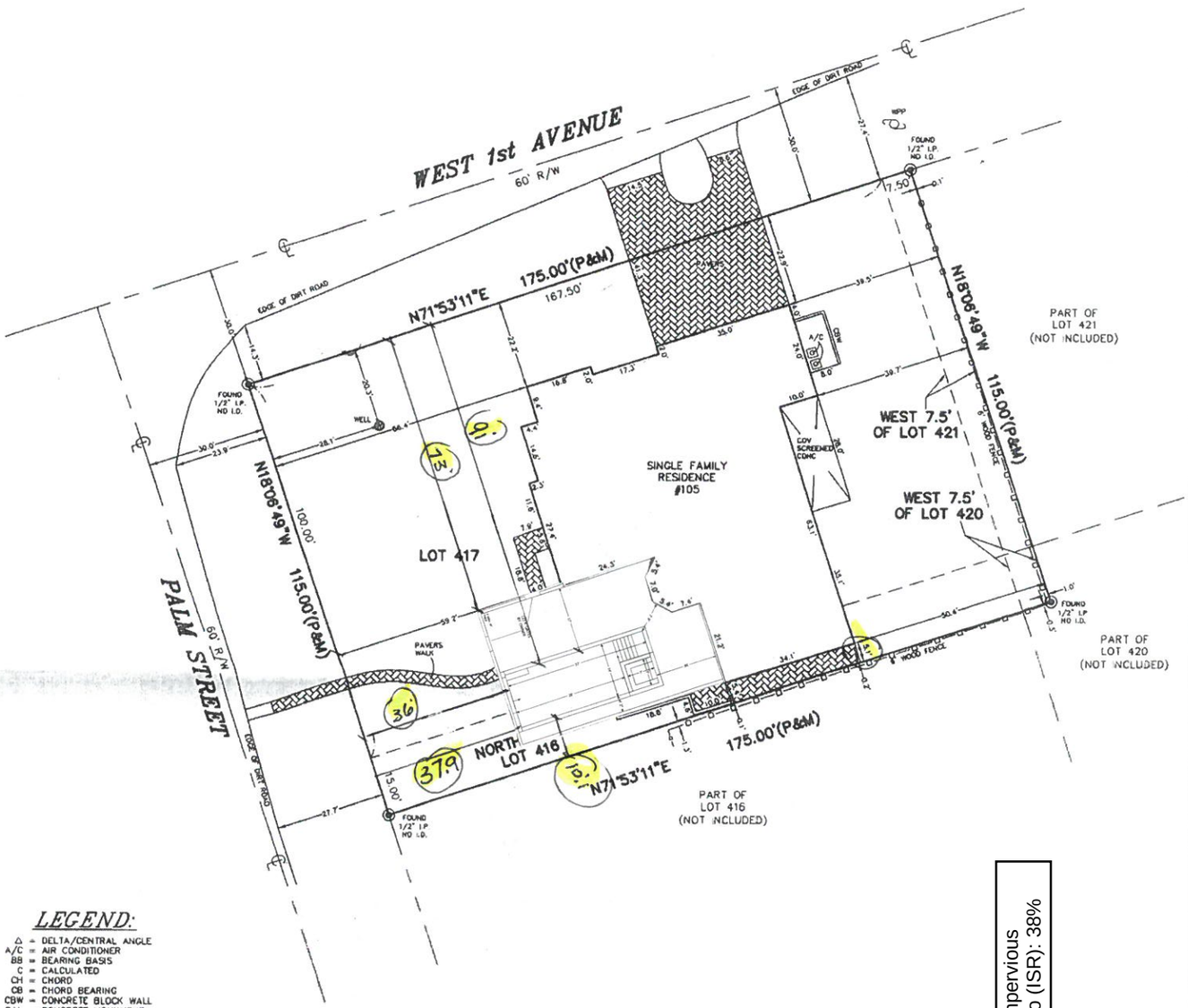
CUSTOMER SIGNATURE

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1" = 30'
GRAPHIC SCALE
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New Total Impervious Surface Ratio (ISR): 38%

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= WOOD FENCE/WF
= CHAIN LINK FENCE/CLF
= OVERHEAD UTILITY LINES

FLOOD ZONE INFORMATION:
MAP NUMBER: 12095C 0385 F
DATE: 09/25/2009
ZONE: X

CERTIFIED TO:
DAVID E. EAVES AND COURTNEY L. EAVES
QUICKEN LOANS, LLC, ISAOA
FIRST AMERICAN TITLE INSURANCE COMPANY

ADDRESS:
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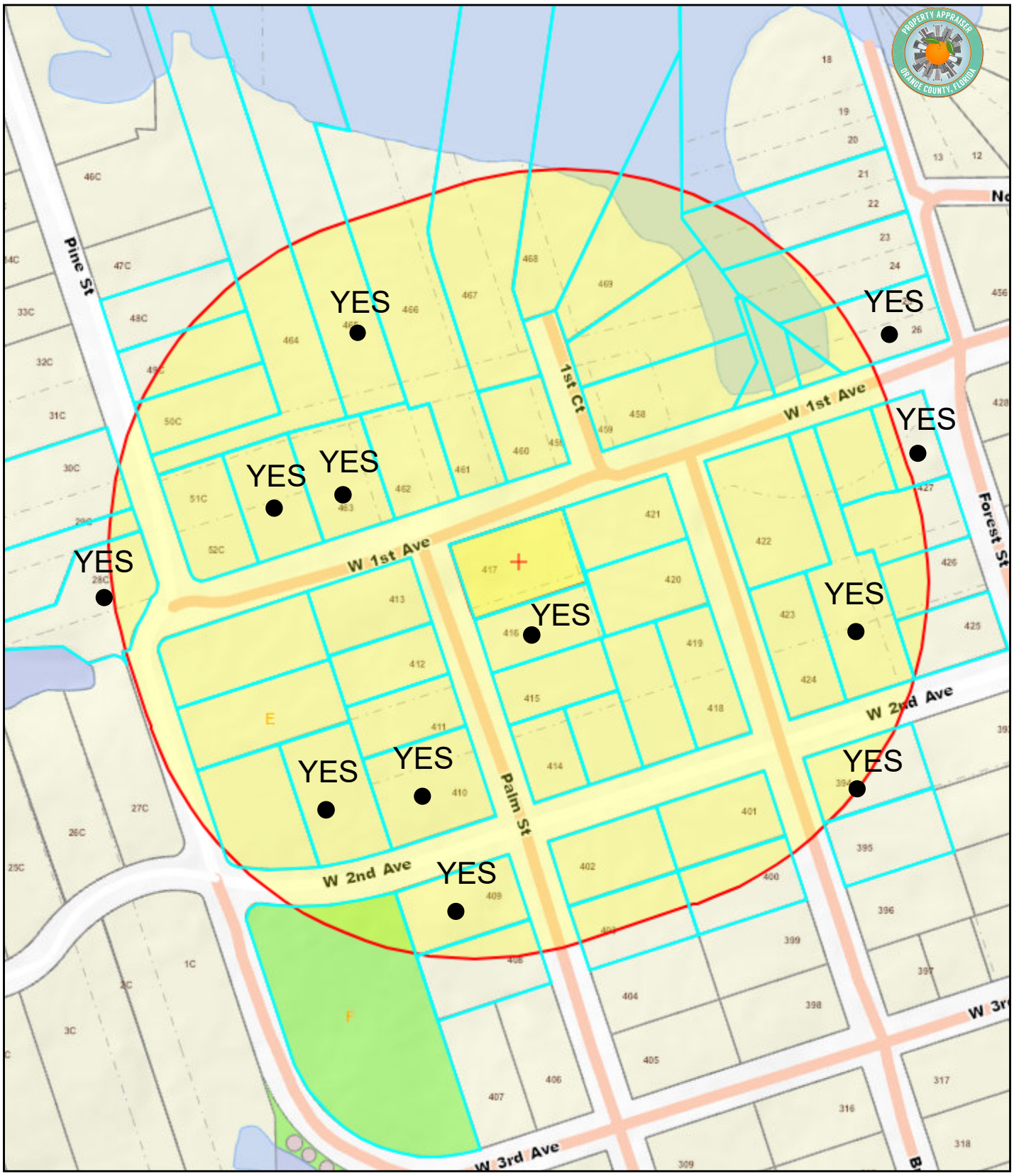
Bradley Cox & Associates
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405 W. 25th Street
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Phone (407) 323-9202
Fax (407) 324-9661
WWW.BRADLEYCOXSURVEYING.COM

JOB #	BCA25434
DRAWN BY:	CSD2
CHECKED BY:	BC
FIELD BY:	RF/MW
(FIELD DATE:)	08/24/20
REVISIONS:	

I HEREBY CERTIFY THAT THE SURVEY OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

08/28/20
BRADLEY G. COX, PSM #5567 (DATE)
CERTIFICATE OF AUTHORIZATION LB #7020

Z26-07 Public Notices Responses



Updated 6/8/26

Hague, Taylor

From: Town of Windermere
Sent: Thursday, May 28, 2026 4:26 PM
To: Hague, Taylor
Cc: Cornelius, Brad; Baird, Connor
Subject: FW: Variance 105 palm st

FYI – See variance response, below.

From: Susan Capone <ncsc1064@aol.com>
Sent: Thursday, May 28, 2026 4:21 PM
To: Town of Windermere <tow@wadetrim.com>
Subject: Variance 105 palm st

This message originated outside of Wade Trim.

We approve the variance request for 105 palm st, the Eaves property.
Nick and Susan Capone
65 pine st
Sent from my iPhone

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
ANDY WILLIAMS

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

May 18, 2026

AZPURUA FERNANDO
92 PINE ST
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 105 Palm Street – Z26-07

Courtney and David Eaves, owners of the property located at 105 Palm Street, have requested approval of a variance in accordance with Section 10.02.00 of the Town of Windermere Land Development Code (LDC). The applicant is requesting a variance to permit the placement of a swimming pool within the front yard of the subject property, whereas the LDC limits the placement of swimming pools to side and rear yards.

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 **Friday, June 12, 2026.**

This matter will be presented to the Development Review Board on **Tuesday, June 16, 2026, at 6:30 p.m**. Their recommendation will be heard by the Town Council on **Tuesday, July 14, 2026, 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

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: ✓ **DISAPPROVAL:** _____

COMMENTS: _____

_____

_____

SIGNATURE: _____ **DATE:** 5/28/2026

AZPURUA FERNANDO
92 PINE ST
WINDERMERE, FL 34786

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
ANDY WILLIAMS

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

May 18, 2026

CHAMBLISS ROBERT NEAL
CHAMBLISS KAREN RENEE
117 PALM ST
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 105 Palm Street – Z26-07

Courtney and David Eaves, owners of the property located at 105 Palm Street, have requested approval of a variance in accordance with Section 10.02.00 of the Town of Windermere Land Development Code (LDC). The applicant is requesting a variance to permit the placement of a swimming pool within the front yard of the subject property, whereas the LDC limits the placement of swimming pools to side and rear yards.

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: X **DISAPPROVAL:** _____

COMMENTS: _____

_____

_____

SIGNATURE: _____ **DATE:** 5/29/26

CHAMBLISS ROBERT NEAL
CHAMBLISS KAREN RENEE
117 PALM ST
WINDERMERE, FL 34786

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
ANDY WILLIAMS

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

May 18, 2026

DROGOSCH FAMILY REVOCABLE
TRUST
57 OAKDALE ST
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 105 Palm Street – Z26-07

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: ✓ **DISAPPROVAL:** _____

COMMENTS: _____

_____

_____

SIGNATURE: Cheryl Drogosch **DATE:** 5/29/2026

DROGOSCH FAMILY REVOCABLE
TRUST
57 OAKDALE ST
WINDERMERE, FL 34786

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
ANDY WILLIAMS

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

May 18, 2026

COLE LINDA PARKER
204 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 105 Palm Street – Z26-07

Courtney and David Eaves, owners of the property located at 105 Palm Street, have requested approval of a variance in accordance with Section 10.02.00 of the Town of Windermere Land Development Code (LDC). The applicant is requesting a variance to permit the placement of a swimming pool within the front yard of the subject property, whereas the LDC limits the placement of swimming pools to side and rear yards.

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: ✓ **DISAPPROVAL:** _____

COMMENTS: _____

_____

_____

SIGNATURE: Linda Parker cole **DATE:** 5-29-2026

COLE LINDA PARKER
204 W 2ND AVE
WINDERMERE, FL 34786

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
ANDY WILLIAMS

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

May 18, 2026

SZUKALSKI JEFFREY J
SZUKALSKI RACHELLE K
219 W 2ND AVE
WINDERMERE, FL 34786

RE: Public Notice of Variance Public Hearing for 105 Palm Street – Z26-07

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Sincerely,
Brad Cornelius, AICP, Town Planner
Wade Trim, Inc.
813.882.4373
tow@wadetrim.com

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: X **DISAPPROVAL:** _____

COMMENTS: Yes, looks great. Swim hard!

SIGNATURE: Jeff Szukalski **DATE:** 5/29/2026

SZUKALSKI JEFFREY J
SZUKALSKI RACHELLE K
219 W 2ND AVE
WINDERMERE, FL 34786

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: ✓ **DISAPPROVAL:** _____

COMMENTS: Enjoy Your Pool

SIGNATURE: Anthony + Allison Pearce **DATE:** 28 May 2026

PEARCE ANTHONY
PEARCE ALLISON
78 FOREST ST
WINDERMERE, FL 34786

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: ✓ **DISAPPROVAL:** _____

COMMENTS: _____

SIGNATURE: Laurie A Pal **DATE:** 5.28.26

WEST 2ND AVE HOLDINGS LLC
804 W 2ND AVE
WINDERMERE, FL 34786

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: ✓ **DISAPPROVAL:** _____

COMMENTS: IMMEDIATE NEIGHBORS ARE HAPPY, SO NO ISSUE.

SIGNATURE: _____ **DATE:** 29 MAY 26.

CLARK ANTHONY J LIFE ESTATE
CLARK DIANNE S LIFE ESTATE
108 FOREST ST
WINDERMERE, FL 34786

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: ✓ **DISAPPROVAL:** _____

COMMENTS: _____

_____

_____

SIGNATURE: _____ **DATE:** 5/31/2026

PANTOZZI PAUL M II
PANTOZZI TIFFANY
419 W 1ST AVE
WINDERMERE, FL 34786

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: X **DISAPPROVAL:** _____

COMMENTS: _____

_____

_____

SIGNATURE: Linnae Williams **DATE:** 5/30/26

WILLIAMS LINNAE D PARSONS
WILLIAMS PETER MICHAEL
415 W 2ND AVE
WINDERMERE, FL 34786

RECOMMEND – Z26-07 (105 Palm Street)

APPROVAL: ✓ **DISAPPROVAL:** _____

COMMENTS: _____

_____

_____

SIGNATURE: William Yeager **DATE:** 6/1/26

YEAGER WILLIAM W
YEAGER BROOK R
415 W 1ST AVE
WINDERMERE, FL 34786

Town of Windermere

614 Main Street Windermere, FL 34786
Office: (407) 876-2563 Fax: (407) 876-0103

Mayor
ANDY WILLIAMS

Town Manager
ROBERT SMITH

Clerk
DOROTHY BURKHALTER

Development Review Board
June 16, 2026

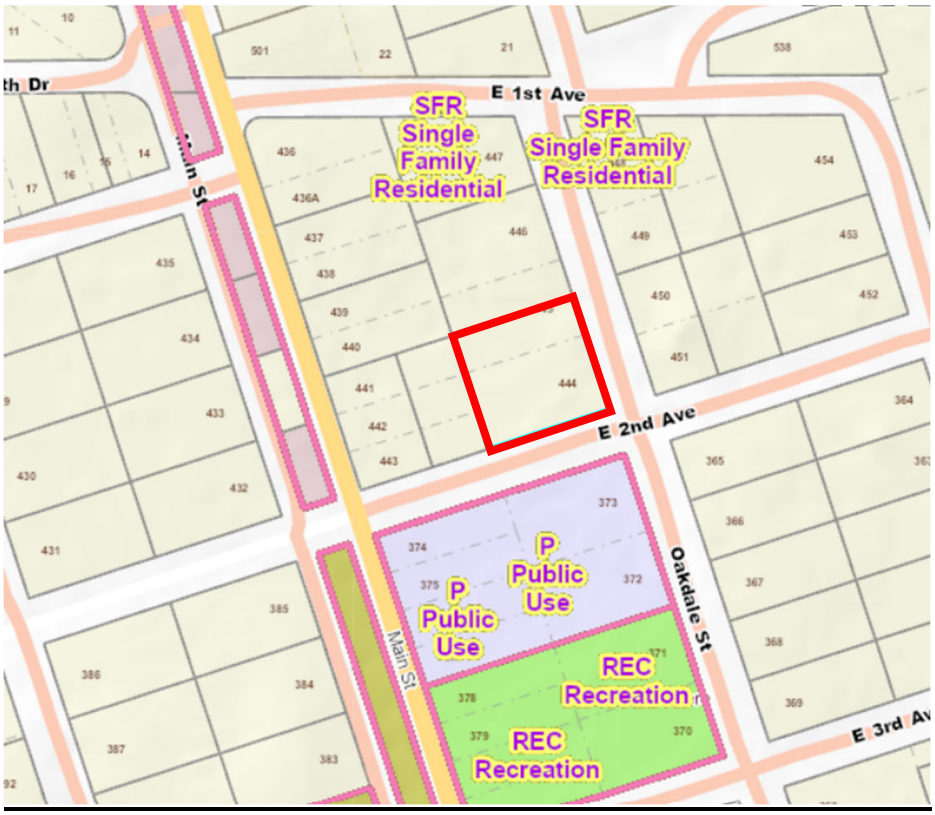
Town Council
July 14, 2026

Case Number:	Z26-08
Property Owner/Applicant:	James Pruitt (Property Owner)
Requested Actions:	Variance to allow a detached garage/accessory building to be located 13 feet from the front property line, whereas the LDC requires a minimum 25-foot front yard setback for accessory buildings on non-contiguous corner lots. Variance to allow a detached garage/accessory building with a maximum building height of 22 feet, 10 inches (22'-10"), whereas the LDC requires a maximum height of 18 feet for accessory buildings that do not meet the same setbacks as the principal building. Variance to allow the placement of a detached garage/accessory building within a front yard, whereas the LDC requires all accessory buildings to be located within a side or rear yard.
Property Address:	136 Oakdale Street
Legal Description:	PLAT OF WINDERMERE G/36 LOT 444 & S1/2 OF LOT 445
Future Land Use:	Single Family Residential
Zoning:	Single Family Residential

Existing Use: Single Family Residence

Surrounding Future Land Use and Zoning

- **North:** Single Family Residential/Single Family Residential
- **East:** Single Family Residential/Single Family Residential
- **South:** Public Use/Public Use (Telecommunications)
- **West:** Single Family Residential/Single Family Residential



136 Oakdale Street Zoning Map (Source: Orange County Property Appraiser)

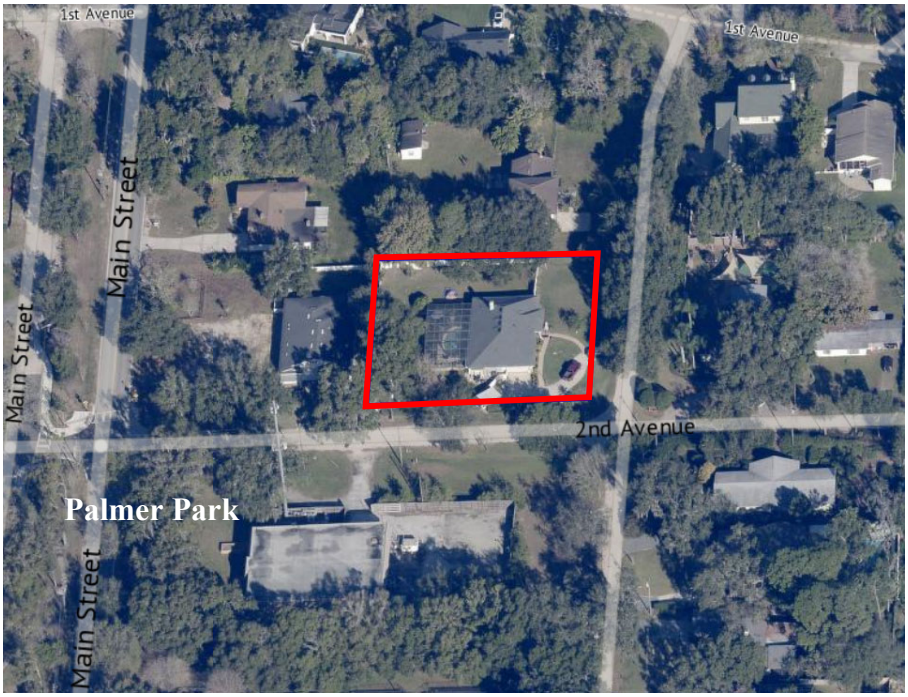
CASE SUMMARY

James Pruitt, owner of the property located at 136 Oakdale Street, has submitted a request for approval of a variance in accordance with Section 10.02.00 of the Town of Windermere Land Development Code (LDC). The following variances have been requested for the purpose of facilitating the construction of a detached garage/accessory building:

1. Variance to allow a detached garage/accessory building to be located 13 feet from the front property line, whereas the LDC requires a minimum 25-foot front yard setback for accessory buildings on non-contiguous corner lots.

2. Variance to allow a detached garage/accessory building with a maximum building height of 22 feet, 10 inches (22'-10"), whereas the LDC requires a maximum height of 18 feet for accessory buildings that do not meet the same setbacks as the principal building.
3. Variance to allow the placement of a detached garage/accessory building within a front yard, whereas the LDC requires all accessory buildings to be located within a side or rear yard.

The aerial map provided below shows the location of the subject property, which has been highlighted in red. The property is situated at the intersection of East 2nd Avenue and Oakdale Street and is directly north of a telecommunications tower site.



Aerial Imagery of 136 Oakdale Street (Source: Orange County Property Appraiser)

Sections 3.02.02.C.4 and 7.02.02.B of the LDC outline the following standards regulating the placement and form of accessory buildings:

- *Accessory buildings regulated by this section shall be permitted only in side and rear yards and shall meet the following setback and siting requirements:*
    - *Accessory buildings over 320 square feet: Same setbacks as principal structure;*
    - *For corner lots, the street side setback for all accessory buildings is the same as the principal structure;*
        - *Residential non-contiguous corner lots: [Principal structure] The front yard setback shall be 25 feet, the side yard setback shall be 15 feet and, if applicable, the rear yard setback shall be 35 feet..*

- *Height not to exceed 18 feet from existing grade to highest point of roof. Height may exceed 18 feet to a maximum of 35 feet, if accessory building meets the same setbacks as the principal structure;*
- *A minimum separation of five feet between accessory buildings and any other building.*
- *Accessory buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot or parcel.*

The property at 136 Oakdale Avenue was constructed with and is regulated based on the non-contiguous corner lot setback requirements outlined above. As such, any accessory building greater than 320 square feet would be required to adhere to the same setback requirements as the principal structure.

The applicant proposes to construct a detached garage accessory building that is proposed be located 13 feet from the southern property line, whereas the LDC requires a 25-foot front yard setback. Please see attached conceptual site plan for reference. This placement would also result in the accessory garage building being located within the front yard abutting E. 2nd Ave., whereas the LDC restricts placement of accessory buildings to side or rear yards. As a result, the proposed garage does not comply with the LDC standards. This variance request seeks to permit the placement of an accessory building within a front yard and subsequently reduce the southern front yard setback from 25 feet to 13 feet.

Additionally, as can be seen on the provided architectural plans, the proposed accessory garage building is proposed to be constructed at a height of approximately 22 feet, 10 inches (22'-10"). Per the LDC, accessory buildings that do not adhere to the same standards as a property's principal structure may not exceed 18 feet in height. Because the proposed height does not adhere to the Town's requirements, the applicant has also requested a variance to increase the maximum permitted height for an accessory building from 18 feet to 22 feet, 10 inches (22'-10").

The applicant's proposed accessory building totals 864 square feet. This scope of work would introduce more than 125 square feet of new impervious surface to the property, which would require the applicant to provide a grading and drainage plan (i.e., stormwater retention plan) to display on-site retention for the first inch of stormwater runoff in accordance with the Town's Land Development Code. This would be reviewed for compliance during the permitting process for the subject detached garage/accessory building.

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 letter, site plan, and related exhibits 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 June 8, 2026, zero (0) responses have been received in support or opposition to this case.

VARIANCE REQUEST PACKET

Proposed Detached Garage / Accessory Structure

136 Oakdale Street, Windermere, Florida 34786

Owner / Applicant: James Pruitt

Permit: #26-03-021

Date: May 15, 2026

Requested variance	Required / standard	Proposed	Summary reason
1. Second Avenue front-yard setback	25-foot front-yard setback along E. 2nd Avenue / Field 6th Avenue, platted as Second Avenue	13-foot setback from the Second Avenue property line; approximately 30 feet from the traveled road due to the road-to-property-line separation / easement / right-of-way condition	Corner lot and existing site improvements leave limited practical placement; proposal maintains meaningful physical separation from the road and preserves the required separation from the pool / deck area.
2. Accessory-structure height	18-foot maximum accessory-structure height	22'-10" proposed height	Height supports the proposed residential roof form and loft / storage configuration while preserving compatibility through design, materials, roof form, and landscape screening.
3. Accessory structure in second front yard	Accessory structures are generally reviewed for side / rear-yard placement; this corner lot has a second front yard along Second Avenue	Allow placement in the secondary front yard along Second Avenue	The Second Avenue side is the secondary frontage, not the primary Oakdale Street frontage; the frontage has unusual road separation and faces a commercial context, with no anticipated traffic or visibility impact.

This packet is intended to replace prior wording that described the request as limited to setback relief only. The current application includes the three variance items listed above.

Included exhibits: Exhibit A - building elevations / rendering sheet; Exhibit B - applicant material rendering; Exhibit C - setback drawing / site plan.

May 15, 2026

Dorothy Burkhalter, Town Clerk
Town of Windermere
Windermere, FL 34786

Re: Variance Request - Proposed Detached Garage / Accessory Structure
Property: 136 Oakdale Street, Windermere, FL 34786
Owner / Applicant: James Pruitt
Permit: #26-03-021

Dear Ms. Burkhalter:

I am the owner of 136 Oakdale Street, Windermere, Florida, and I respectfully submit this clean variance request for the proposed detached garage / accessory structure associated with Permit #26-03-021.

Based on feedback received from Windermere zoning staff, I understand that the application should clearly identify three separate variance items: (1) the proposed 13-foot setback from the Second Avenue property line, (2) the proposed accessory-structure height of 22 feet 10 inches where the accessory-structure height limit is 18 feet, and (3) the placement of the accessory structure in the property's second front yard along the Second Avenue side of this corner lot.

This submittal is intended to provide one consolidated request for those three items and to clarify the site-specific reasons supporting the request. To the extent any prior correspondence described the request as only a setback variance, that wording should be considered updated by this packet.

Requested Variances

No.	Variance item	Requested relief
1	Second Avenue / Field 6th Avenue front-yard setback	Variance from the required 25-foot front-yard setback to allow the proposed garage / accessory structure to be located 13 feet from the Second Avenue property line. The structure remains approximately 30 feet from the traveled road because the road-to-property-line separation / easement / right-of-way condition on this frontage is larger than typical.
2	Accessory-structure height	Variance from the 18-foot accessory-structure height limit to allow the proposed structure height of 22'-10", as shown on the submitted elevation / rendering sheet.
3	Second front yard location	Variance or zoning relief to allow the accessory structure to be located within the secondary front yard along Second Avenue on this non-contiguous corner lot.

Project Description

The proposed improvement is a detached residential garage / accessory structure that will serve the existing single-family residence. The design is residential in character and uses a traditional roof form, white siding, gray architectural shingles, conventional garage doors, residential-scale windows, and compatible exterior lighting. The materials and appearance are intended to be consistent with the surrounding residential setting and with the existing property.

The proposed structure is shown on the attached elevation / rendering sheet and on the setback drawing / site plan. The site plan shows the requested 13-foot setback along the Second Avenue side, the 15-foot west side-yard relationship, the proposed location adjacent to existing improvements, and the intended separation from the existing pool / deck area.

Site-Specific Basis for the Request

1. Unique corner-lot and second-front-yard condition. The property is a corner lot with a primary frontage on Oakdale Street and a second frontage along E. 2nd Avenue / Field 6th Avenue, platted as Second Avenue. The Second Avenue side functions as the second front yard. That second-front-yard designation creates a more restrictive development condition than an interior lot and materially limits the practical placement of an accessory structure.

2. Larger road-to-property-line separation on the Second Avenue side. The proposed setback is 13 feet from the property line, but the structure remains approximately 30 feet from the traveled road because of the larger-than-typical road-to-property-line separation / easement / right-of-way condition on this side. This is materially different from placing the building immediately adjacent to an active curb or travel lane.

3. Existing improvements limit practical placement. The existing residence, pool area, pool deck, screen enclosure, driveway improvements, and established yard layout limit the locations where a detached garage can be placed. Moving the structure farther into the lot to satisfy the full 25-foot setback would create practical conflicts with those existing improvements and the desired five-foot separation from the pool / deck area.

4. The proposed location remains orderly and compatible. The proposed location keeps the garage accessory to the existing home while maintaining meaningful physical separation from the Second Avenue roadway and avoiding adverse traffic or visibility impacts. The location also avoids moving the structure into a more disruptive interior-yard position.

5. The request is not based only on cost. The request is based on the property's physical configuration, two-front-yard condition, existing site improvements, larger road/easement separation, and the need to preserve functional site layout. It is not based exclusively on reducing construction cost.

Height Variance and Visual Compatibility

The proposed 22-foot 10-inch height is tied to the garage roof form and loft / storage configuration shown in the exhibits. The intent is not to create a visually incompatible structure, but to allow a functional roof and loft/storage design that remains residential in appearance.

To reduce the perceived vertical mass, I will use shrubs and landscape screening along visible sides of the structure, particularly where the building is viewed from the Second Avenue side. The landscaping will help soften the structure, break up the vertical appearance, and integrate the building with the existing yard. The attached rendering illustrates the intended residential character, roof form, siding, garage doors, windows, and landscape treatment.

Traffic, Visibility, Drainage, and Public Safety

Traffic and visibility. The requested 13-foot property-line setback should not create a traffic, visibility, driveway access, or pedestrian circulation issue. The proposed structure remains approximately 30 feet from the traveled road because of the larger road-to-property-line separation / easement / right-of-way condition on the Second Avenue frontage. The garage placement is not anticipated to block sight lines or interfere with traffic flow.

Stormwater retention commitment. If the variances are approved, I will provide a stormwater retention plan and any required drainage / impervious-surface calculations before or in connection with building permit issuance. The project will be designed so stormwater is retained or managed onsite as required and is not directed onto neighboring properties or the public right-of-way.

Construction and life-safety compliance. The project will continue to be designed, reviewed, and constructed in accordance with applicable building, drainage, stormwater, fire access, and life-safety requirements. The requested variances do not seek to waive those requirements.

Second Front Yard and Neighborhood Context

The requested second-front-yard relief is site-specific. The Second Avenue side is the property's secondary frontage, while Oakdale Street remains the primary frontage and principal residential presentation of the home. The Second Avenue side also faces a commercial space / commercial context, making this location less intrusive to the primary residential streetscape than placement that would dominate the Oakdale Street frontage.

Because the structure will be physically separated from the traveled road and softened with landscape screening, the requested placement should not alter the essential character of the surrounding area. The garage is residential in character, accessory to the existing home, and compatible with the existing property.

Variance Findings - Applicant Statement

Review factor	Applicant statement
Unique physical condition	The property is a corner lot with two front-yard conditions, a larger-than-typical road-to-property-line separation / easement condition along Second Avenue, and existing residence / pool / deck / driveway improvements that constrain practical placement.
Practical difficulty	Strict application of the full Second Avenue front-yard setback and the second-front-yard accessory-structure restriction would push the garage into a less practical location and create conflicts with existing improvements and separation requirements.
Not cost-based	The request is based on physical site constraints, not exclusively on reducing cost.
No public hazard	The project is not anticipated to increase traffic congestion, create a sight-line issue, increase fire danger, or create a public safety hazard. Stormwater will be addressed through a retention plan if approved.
Compatibility	The structure has residential materials and character, and shrubs / landscaping will be used to reduce perceived verticality and soften the view from Second Avenue.
No broad precedent	The request is tied to this property's specific corner-lot, second-front-yard, easement / right-of-way, and existing-improvement conditions, and should not be treated as a general waiver for other lots.

Minimum Relief Requested

This request is limited to the three items identified in this packet: the 13-foot Second Avenue property-line setback, the 22-foot 10-inch accessory-structure height, and the placement of the accessory structure in the Second Avenue second front yard. I am not requesting a general waiver of all setback, drainage, stormwater, building-code, or life-safety standards.

The proposed structure will otherwise be reviewed through the normal building and zoning process, including floor area, impervious surface, drainage, tree, and stormwater review as required. I will coordinate with Town staff and my design professionals to submit the stormwater retention plan and any other supporting documentation requested as part of the permitting process.

Conclusion

For the reasons stated above, I respectfully request approval of the three variances necessary to allow the proposed detached garage / accessory structure at 136 Oakdale Street: (1) a 13-foot setback from the Second Avenue property line, (2) an accessory-structure height of 22 feet 10 inches, and (3) placement of the accessory structure in the property's second front yard along Second Avenue.

The request is narrow, site-specific, and supported by the property's unique corner-lot condition, existing improvements, larger road-to-property-line separation, lack of traffic impact, stormwater commitment, and compatible residential design with added landscape screening.

Respectfully submitted,

James Pruitt
Owner / Applicant
136 Oakdale Street
Windermere, FL 34786

Exhibit Index

Exhibit	Description	Purpose
A	Building elevations / rendering sheet	Shows proposed exterior elevations, roof form, garage doors, windows, siding, roof material, and proposed height information.
B	Applicant material rendering	Shows the intended residential character, white siding, gray shingle roof, garage doors, side entry, exterior lighting, and landscaping concept that will soften the building mass.
C	Setback drawing / site plan	Shows the proposed garage footprint, 13-foot Second Avenue property-line setback, side-yard relationship, and placement relative to the existing residence, pool / deck area, driveway, and roadway edge.

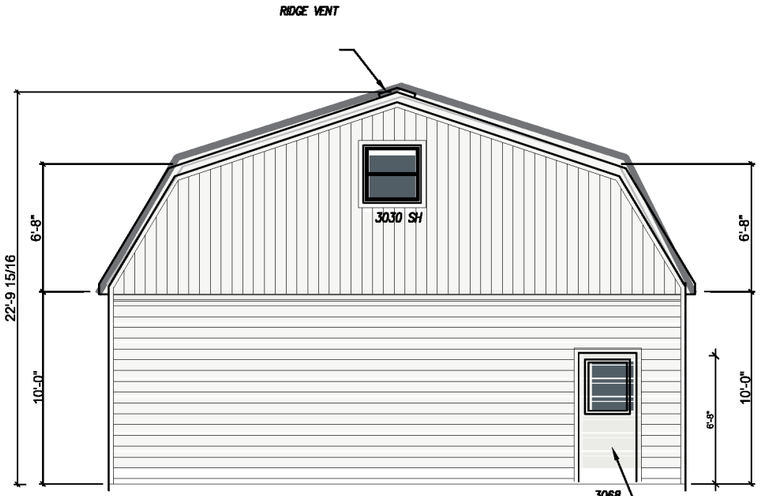
The attached exhibits are provided to support the variance request. Final construction drawings, engineering, stormwater retention details, impervious-area calculations, and other permit materials will be coordinated with Town staff and submitted as required.

EXHIBIT A

Building Elevations / Rendering Sheet

Purpose: document the proposed residential garage form, materials, roof configuration, openings, and height information referenced in the variance request.

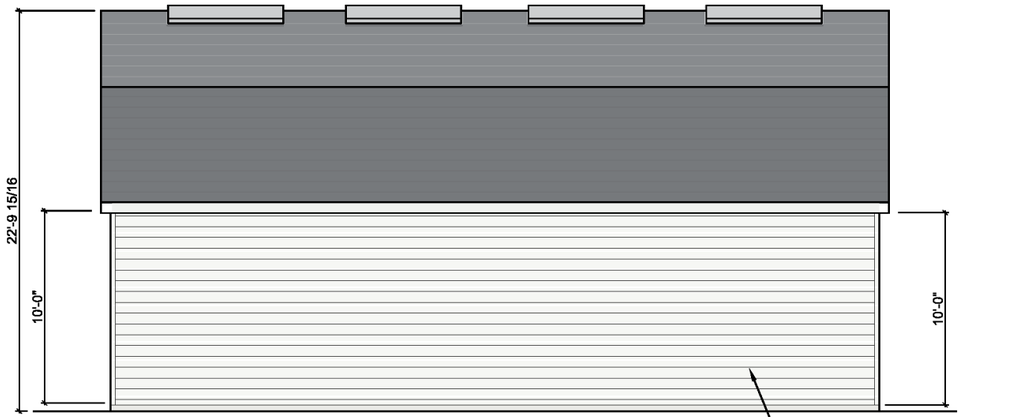
This exhibit supports the height variance and compatibility narrative.



C Rear Elevation

Scale : 1/8" = 1'-0"

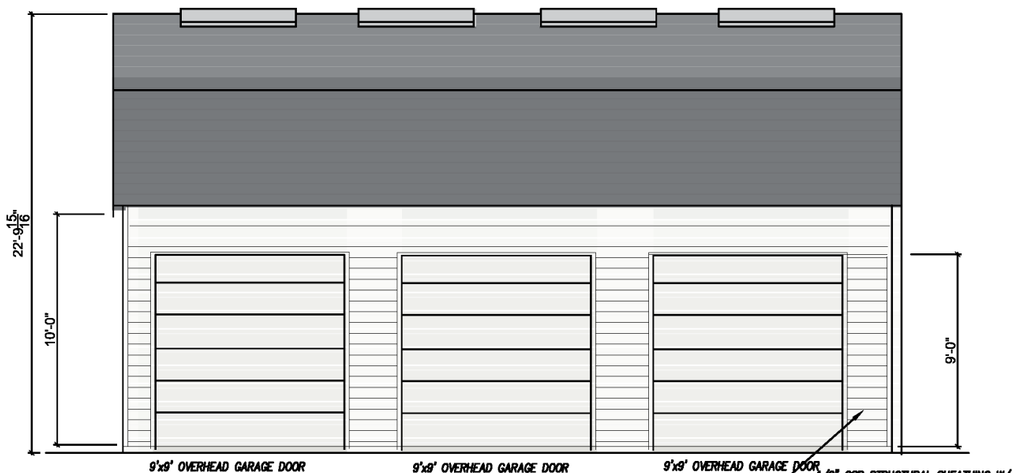
* NO ADDITIONAL TRUSS BRACING REQUIRED UNLESS SPECIFIED BY CERTIFIED TRUSS ENGINEER.



B Left Elevation

Scale : 1/8" = 1'-0"

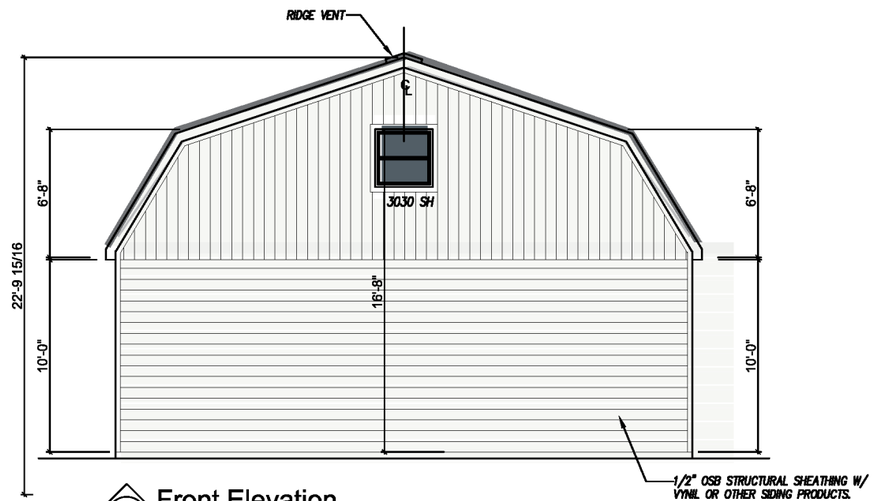
* NO ADDITIONAL TRUSS BRACING REQUIRED UNLESS SPECIFIED BY CERTIFIED TRUSS ENGINEER.



D Right Elevation

Scale : 1/8" = 1'-0"

* NO ADDITIONAL TRUSS BRACING REQUIRED UNLESS SPECIFIED BY CERTIFIED TRUSS ENGINEER.



A Front Elevation

Scale : 1/8" = 1'-0"

* NO ADDITIONAL TRUSS BRACING REQUIRED UNLESS SPECIFIED BY CERTIFIED TRUSS ENGINEER.

2026.01.26 17:49:46 -05'00'

STATE OF FLORIDA STEVEN HEPNER AR0010620 REGISTERED ARCHITECT

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY STEVEN A. HEPNER USING A DIGITAL SIGNATURE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES

W D S DESIGNS LLC
DESIGNERS OF QUALITY HOMES
Residential * Light Commercial * Engineering
2512 Hoffner Ave. Orlando, Florida 32812
Phone: (407) 298-4836 Fax: (407) 298-4849
e-mail: wshaffer8@cfl.rr.com

THIS SET OF PLANS MEETS OR EXCEEDS 150 MPH WINDLOADS AS PER THE FLORIDA BUILD CODE 2023, 8TH EDITION R-301

STEVEN HEPNER
AR. 0010620

Project Number: 08-012
Preliminary Issue:
Revision Dates:

DRAWING TYPES : Master Garage Builders Inc.

DRAWING TYPES : DETAILS

PRUITT RES.

JAN 2026

SHEET: 7 of 4

EXHIBIT B

Applicant Material Rendering

Purpose: show the intended exterior character, white siding, gray shingle roof, residential garage doors, side entry, lighting, and landscaping concept.

This exhibit supports the visual compatibility and landscape-screening narrative.

Exhibit B - Applicant Material Rendering

Rendering rotated upright for presentation. Shows residential materials, garage doors, roof form, and landscaping concept.

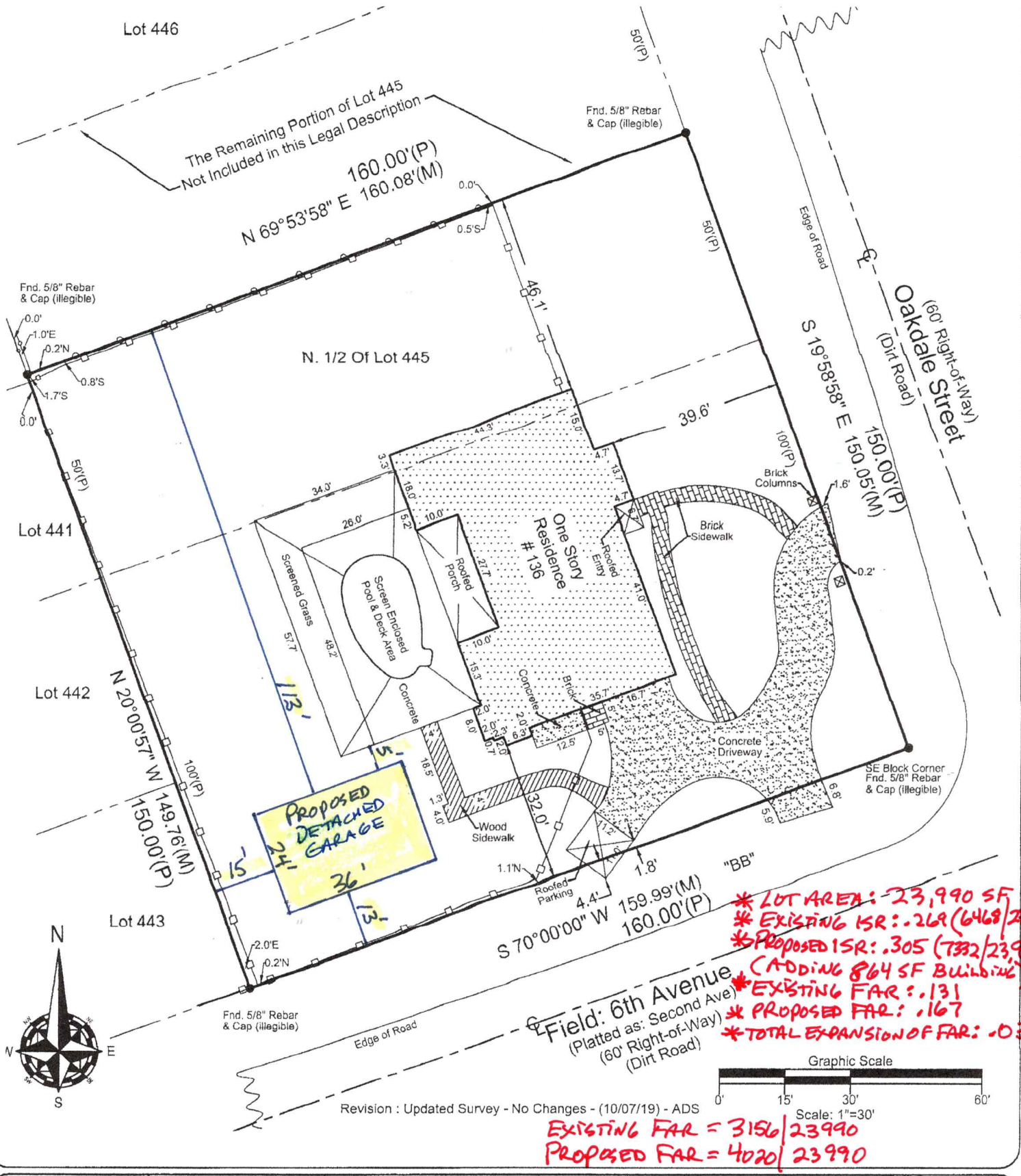


EXHIBIT C

Setback Drawing / Site Plan

Purpose: show the proposed location, 13-foot Second Avenue property-line setback, relationship to the existing residence, pool/deck area, driveway, and roadway edge.

This exhibit supports the setback, second-front-yard, and traffic/visibility narrative.



Revision : Updated Survey - No Changes - (10/07/19) - ADS

* LOT AREA: 23,990 SF
* EXISTING ISR: .269 (6468/23990)
* PROPOSED ISR: .305 (7332/23,990) (ADDING 864 SF BUILDING)
* EXISTING FAR: .131
* PROPOSED FAR: .167
* TOTAL EXPANSION OF FAR: .036%

EXISTING FAR = 3156/23990
PROPOSED FAR = 4020/23990

Field Date: 10/6/2019	Date Completed: 10/07/19
Drawn By: A.S.	File Number: IS-33517 U

-Legend-

C	- Calculated	PC	- Point of Curvature
℄	- Centerline	Pg.	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.L.	- Point on Line
D	- Description	PP	- Power Pole
DE	- Drainage Easement	PRM	- Permanent Reference Monument
Esmt.	- Easement	PT	- Point of Tangency
F.E.M.A.	- Federal Emergency Management Agency	R	- Radius
FFE	- Finished Floor Elevation	Rad.	- Radial
Fnd.	- Found	R&C	- Rebar & Cap
IP	- Iron Pipe	Rec.	- Recovered
L	- Length (Arc)	Rfd.	- Roofed
M	- Measured	Set	- Set ½" Rebar & Cap "LB 7623"
N&D	- Nail & Disk	Typ.	- Typical
N.R.	- Non-Radial	UE	- Utility Easement
ORB	- Official Records Book	WM	- Water Meter
P	- Plat		

-NOTES-

>Survey Is Based upon the Legal Description Supplied by Client.
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
>Subject to any Easements and/or Restrictions of Record.
>Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
>Building Ties are NOT to be used to reconstruct Property Lines.
>Fence Ownership is NOT determined.
>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.

-POINTS OF INTEREST-

ROOFED PARKING OVERLAPS PROPERTY LINE. CONCRETE DRIVEWAY OVERLAPS PROPERTY LINE.

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

PATRICK IRELAND CERTIFICATE NO. 6637 STATE OF FLORIDA

Patrick K. Ireland FOR THE FIRM

Patrick K. Ireland, PSM 6637 LB 7623

This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com