THE TOWN OF
Windermere

MAYOR AND COUNCIL OF THE TOWN OF WINDERMERE

Mayor Andy Williams
Council Members
CT Allen
Mandy David
Tony Davit
Brandi Haines
Tom Stroup

Agenda ***Agenda***

August 11, 2026
6:00 PM

WINDERMERE TOWN HALL
520 MAIN STREET
WINDERMERE, FL 34786

JOIN ZOOM MEETING: HTTPS://WWW.ZOOM.COM/
MEETING ID: 816 9286 6627
PASSCODE: TOW2024
ONE TAP MOBILE: +1 (305) 224-1968, 81692866627# US

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 Town Council:

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 Town Council 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 Town Council 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 MAYOR**
- **FLAG SALUTE**

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

2. SPECIAL PRESENTATION / PROCLAMATIONS / AWARDS

a. West Orange Healthy Selfie Day Proclamation (Attachment-Healthy West Orange to present)

3. FIRST AND SECOND PUBLIC HEARING

a. RESOLUTIONS/ORDINANCES FOR APPROVAL

i. ORDINANCE NO. 2026-02

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT OF THE COMPREHENSIVE PLAN FROM AGRICULTURAL TO SINGLE FAMILY RESIDENTIAL, FOR CERTAIN REAL PROPERTY OWNED BY THE MATHEISON FAMILY LIMITED PARTNERSHIP, LOCATED AT THE FOLLOWING ADDRESS: 618 RIDGEWOOD DRIVE, AS MORE PARTICULARILY DESCRIBED HEREIN, WITH AN APPROXIMATE SIZE OF 3.37 ACRES; MAKING FINDINGS OF FACT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. (Second and Final Reading-Public

Hearing-Board Option)

Z26-01 – 618 Ridgewood Drive – The ordinance to amend the Future Land Use Classification and Zoning District from Agriculture to Single Family Residential (Based on the information provided in the staff report and input from the applicant and public, the DRB found the subject case compliant with the Town of Windermere Comprehensive Plan and LDC and recommended approval of the small-scale future land use map amendment and rezoning as submitted. The DRB vote was 5-0 to recommend approval.)

ii. ORDINANCE NO. 2026-03

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, ADOPTING A TOWN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL TO SINGLE FAMILY RESIDENTIAL FOR CERTAIN REAL PROPERTY OWNED BY THE MATHEISON FAMILY LIMITED PARTNERSHIP, LOCATED AT THE FOLLOWING ADDRESS: 618 RIDGEWOOD DRIVE, AS MORE PARTICULARILY DESCRIBED HEREIN, WITH AN APPROXIMATE SIZE OF 3.37 ACRES; MAKING FINDINGS, AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND OR AN EFFECTIVE DATE. (Second and Final Reading-Public Hearing-Board Option)

Z26-01 – 618 Ridgewood Drive – The ordinance to amend the Future Land Use Classification and Zoning District from Agriculture to Single Family Residential (Based on the information provided in the staff report and input from the applicant and public, the DRB found the subject case compliant with the Town of Windermere Comprehensive Plan and LDC and recommended approval of the small-scale future land use map amendment and rezoning as submitted. The DRB vote was 5-0 to recommend approval.)

4. NEW BUSINESS

a. MEETING MINUTES

i. Town Council Meeting Minutes July 14, 2026 (Attachments-Staff Recommends Approval)

ii. Town Council Budget Workshop Minutes July 28, 2026 (Attachments-Staff Recommends Approval)

iii. Town Council Town Hall Rental Workshop Minutes July 28, 2026 (Attachments-Staff Recommends Approval)

b. DEVELOPMENT REVIEW BOARD ITEMS (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 (Based on the information provided in the staff report and input from the applicant and public, the DRB found the proposed variance compliant with the requirements for the approval of a variance in accordance with Section 10.02.02 of the LDC and recommended approval of the variance as submitted. The DRB vote was 4-1 to recommend approval.) This item was tabled from the July Town Council Meeting.

ii. Case Z26-09 - 11154 Park Avenue – Brittney Pronesti (Property Owner) – Variance to reduce the rear yard setback for a swimming pool screen enclosure to 6 feet, where Section 7.02.03 of the Land Development Code states that screen enclosures for pools may be located no closer than 10 feet to a rear property line. *This item has been tabled to the September 15th DRB Meeting.

iii. Case Z26-10 - 2 1st Court – James Rothrock (Authorized Representative of Property Owner) – Variance to permit a maximum impervious surface area of 0.529 (52.9%), whereas the LDC restricts properties with a residential land use district to a maximum impervious surface area of 0.45 (45%).

c. CONTRACTS AND AGREEMENTS

i. Interlocal Agreement for Permit Inspection and Review and Fire Services with the City of Ocoee (Attachment).

5. MAYOR & COUNCIL LIAISON REPORTS

6. STAFF REPORTS

7. ADJOURN

WEST ORANGE HEALTHY SELFIE DAY

WHEREAS, Healthy West Orange was launched in 2016 to inspire healthy behaviors and provides resources to help residents make better lifestyle choices; and

WHEREAS, for the past 10 years, Healthy West Orange has united residents, organizations, businesses, schools, and local governments around the shared vision of creating one of the healthiest communities in the nation; and

WHEREAS, Healthy West Orange champions programs, events, and initiatives that encourage healthy lifestyles and meaningful community engagement; and

WHEREAS, Healthy West Orange advocates healthy community decisions and encourages local leaders to keep their communities' health and wellness a top priority; and

WHEREAS, the West Orange Healthy Selfie campaign was established in 2016 as a fun and engaging way to encourage residents to celebrate healthy living and share positive wellness activities throughout the community; and

WHEREAS, Healthy West Orange declares the third Friday in September as the Annual West Orange Healthy Selfie Day.

NOW, THEREFORE, it is my great pleasure and privilege as the Mayor of The Town of Windermere, Florida to declare Friday, September 18, 2026, as

"West Orange Healthy Selfie Day"

and in celebration of the 10th Anniversary of Healthy Selfie, I urge all citizens to join in supporting this initiative.

IN WITNESS WHEREOF, I hereunto have set my hand and caused the Seal of Orange County, Florida to be affixed this 11th day of August 2026.

Windermere, FLORIDA

_____
Loren "Andy" Williams, Mayor

ATTEST:

_____
Dorothy Burkhalter, MMC, FCRM
Town Clerk

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT OF THE COMPREHENSIVE PLAN FROM AGRICULTURAL TO SINGLE FAMILY RESIDENTIAL, FOR CERTAIN REAL PROPERTY OWNED BY THE MATHEISON FAMILY LIMITED PARTNERSHIP, LOCATED AT THE FOLLOWING ADDRESS: 618 RIDGEWOOD DRIVE, AS MORE PARTICULARILY DESCRIBED HEREIN, WITH AN APPROXIMATE SIZE OF 3.37 ACRES; MAKING FINDINGS OF FACT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Matheison Family Limited Partnership is hereby determined to be the fee simple title owner(s) of the real property described below; and

WHEREAS, the real property which is the subject of this ordinance is located in the Town of Windermere, Florida, containing approximately 3.37 acres, and is located at 618 Ridgewood Drive; and

WHEREAS, the Property Appraiser has assigned Tax Parcel Identification Number 07-23-28-9332-05-180; to such real property; and

WHEREAS, the owner of the property, Matheison Family Limited Partnership, has applied to the Town of Windermere, pursuant to the controlling provisions of State Law and the Code of Ordinances of the Town of Windermere, to have the Future Land Use Map of the Future Land Use Element of the Town of Windermere Comprehensive Plan, changed from the assignment of Agricultural to Single Family Residential for the subject property; and

WHEREAS, the Town of Windermere Development Review Board held a public hearing on June 16, 2026, to consider amending the Future Land Use Map of the Future Land Use Element of the Town of Windermere Comprehensive Plan from Agriculture to Single Family Residential of the subject property and recommended approval of the proposed Future Land Use Map amendment to the Comprehensive Plan for the subject property as requested by the property owner; and

WHEREAS, Section 163.3187, Florida Statutes, relates to the small-scale amendment of adopted local government comprehensive plans and sets forth certain requirements relating to proposed amendments to local government comprehensive plans and relates to processes and actions relating thereto; and

WHEREAS, the Town has conducted a thorough review and analysis of the demands upon public

facilities and general planning and land development issues should the subject application be approved and has otherwise reviewed and evaluated the application to determine whether it comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the Town's Comprehensive Plan and determined that the proposed amendment of the Town's Comprehensive Plan relative to this subject property as set forth in this Ordinance is internally consistent with the Comprehensive Plan of the Town of Windermere and the controlling provisions of State law; and

WHEREAS, the Town of Windermere has complied with all requirements and procedures of Florida law in processing this amendment to the Town of Windermere Comprehensive Plan including, but not limited to, Section 163.3187, Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA:

Section 1. Legislative findings and intent.

(a) The Town Council of the Town of Windermere hereby adopts and incorporates into this Ordinance the Town staff report and Town Council agenda memorandum relating to the application relating to the proposed amendment to the Town of Windermere Comprehensive Plan pertaining to the subject property.

(b) The Town of Windermere has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c) This Ordinance is internally consistent with the goals, objectives and policies of the Town of Windermere Comprehensive Plan.

(d) The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

Section 2. Amendment to Future Land Use Map.

(a) The Future Land Use Plan Element of the Town of Windermere Comprehensive Plan and the Town's Future Land Use Map are hereby amended by assigning the Single Family Residential future land use designation to the real property that is the subject of this Ordinance as set forth herein.

(b) The property which is the subject of this Comprehensive Plan amendment is described in Exhibit "A".

Section 3. Implementing Administrative Actions.

The Town Manager, or designee, is hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

Section 4. Ratification of Prior Actions.

The prior actions of the Town Council and its agencies in enacting and causing amendments to the

Comprehensive Plan of the Town of Windermere, as well as the implementation thereof, are hereby ratified and affirmed.

Section 6. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the ordinance or effect of any other action or part of this Ordinance.

Section 7. Effective Date.

This Ordinance shall take effective 31 days after adoption if no challenge is filed.

If challenged within 30 days after adoption, the small scale amendment will not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance.

PASSED AND ADOPTED THIS DAY OF_____, 2026.

FIRST READING: _____

SECOND READING: _____

TOWN OF WINDERMERE

_____

LOREN "ANDY" WILLIAMS, MAYOR

ATTEST:

_____

DOROTHY BURKHALTER, TOWN CLERK

APPROVED AS TO FORM:

_____

Attorney
Heather M. Ramos, Esq.
GrayRobinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801

Exhibit "A"
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.

ORDINANCE NO. 2026-03

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, ADOPTING A TOWN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL TO SINGLE FAMILY RESIDENTIAL FOR CERTAIN REAL PROPERTY OWNED BY THE MATHEISON FAMILY LIMITED PARTNERSHIP, LOCATED AT THE FOLLOWING ADDRESS: 618 RIDGEWOOD DRIVE, AS MORE PARTICULARILY DESCRIBED HEREIN, WITH AN APPROXIMATE SIZE OF 3.37 ACRES; MAKING FINDINGS, AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND OR AN EFFECTIVE DATE.

WHEREAS, The Matheison Family Limited Partnership is hereby determined to be the fee simple title owner(s) of the real property described below; and

WHEREAS, the real property which is the subject of this ordinance is located in the Town of Windermere, Florida, approximately 3.37 acres, and is located at 618 Ridgewood Drive; and

WHEREAS, the Property Appraiser has assigned Tax Parcel Identification Number 07-23-28-9332-05-180; to such real property; and

WHEREAS, The Matheison Family Limited Partnership applied to the Town of Windermere pursuant to the controlling provisions of State law and the Code of Ordinances of the Town of Windermere, to have the subject property rezoned to amend the Town of Windermere Zoning Map from Agricultural to Single Family Residential; and

WHEREAS, the Town has conducted a thorough review and analysis of the rezoning to determine whether it is consistent with sound and generally accepted land use planning practices and principles and whether the application is consistent with the goals, objectives and policies set forth in the Town's Comprehensive Plan; and

WHEREAS, on June 16, 2026, the Development Review Board of the Town of Windermere recommended that the Town Council approve the subject rezoning as set forth in this Ordinance; and

WHEREAS, the Town Council of the Town of Windermere, Florida has taken, as implemented by Town staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State law.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA:

Section 1. Legislative Findings and Intent.

(a) The Town Council of the Town of Windermere hereby adopts and incorporates into this Ordinance the Town staff report and Town Council agenda memorandum relating to the application relating to the proposed rezoning of the subject property as well as the recitals (whereas clauses) to this Ordinance.
(b) The subject property is approximately 3.37 acres and is located at 618 Ridgewood Drive.
(c) The Town of Windermere has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

Section 2. Rezoning of Real Property/Implementing Actions.

(a) Upon enactment of this Ordinance the following described property, totaling approximately 3.37 acres in size, shall be rezoned to Single Family Residential.

(b) The Town Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the Town of Windermere as may be appropriate to accomplish the action taken in this Ordinance.

(c) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders and/or agreements may be subject to public hearing requirements in accordance with the provisions of controlling law.

Section 3. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-codification.

This Ordinance shall not be codified in the Town Code of the Town of Windermere or the Land Development Code of the Town of Windermere; provided, however, that the actions taken herein shall be depicted on the zoning maps of the Town of Windermere by the Town Manager, or designee.

Section 7. Effective Date

This Ordinance shall become effective immediately following the effective date of Ordinance No. 2026-02, which adopts the companion Small Scale Future Land Use Map amendment reclassifying

the subject property from Agricultural to Single Family Residential on the Town of Windermere Future Land Use Map.

PASSED AND ADOPTED THIS ____ DAY OF_____, 2026.

FIRST READING: _____

SECOND READING: _____

TOWN OF WINDERMERE

_____

LOREN "ANDY" WILLIAMS, MAYOR

ATTEST:

_____

DOROTHY BURKHALTER, TOWN CLERK

APPROVED AS TO FORM:

_____

Attorney
Heather M. Ramos, Esq.
GrayRobinson, P.A.
301 East Pine Street, Suite 1400
Orlando, Florida 32801

Exhibit "A"
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.

TOWN OF WINDERMERE

Town Council Meeting Minutes **July 14, 2026**

CALL TO ORDER:

Mayor Andy Williams; Council Member CT Allen; Council Member Mandy David; and Council Member Tony Davit were present. Town Manager Robert Smith, ATM/PWD Tonya Elliott-Moore, Attorney Heather Ramos, Chief Dave Ogden and Town Clerk Dorothy Burkhalter were present. Absent were Council members Brandi Haines and Tom Stroup.

Mayor Williams called the meeting to order at 6:00 pm and stated that a quorum was present. He then led everyone in the Pledge of Allegiance.

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

Mayor Williams opened the floor to the public. There were no comments from the public.

2. SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS

a. Orange County Public Schools Millage Referendum

Mayor Williams welcomed and turned the floor over to Mr. Scott Howat and School Board Member Ann Douglas. Mr. Howat, Chief Communications Officer for Orange County Public Schools, introduced himself. He then gave a presentation regarding the school boards number of staff, schools, consolidation of recent schools, number of schools, Vision and Mission, empowerment standards, declining enrollments, budget impacts, and the One Mill increase on the ballot in November.

3. NEW BUSINESS

a. MINUTES

i. Town Council Meeting Minutes: June 9, 2026

ii. Town Council Mid-Year Budget Workshop Minutes: June 23, 2026

Mayor Williams introduced this item. Member Davit made a motion to approve the minutes as presented. Member David seconded the motion. Roll call vote was as follows: Allen – aye, Davit -aye, and David – aye. Motion carried 3-0.

b. RESOLUTIONS/FIRST READING ORDINANCE

i. Resolution 2026-04 – Tax Reform

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA, AFFIRMING THE IMPORTANCE OF PUBLIC EDUCATION ON PROPERTY TAXES AND THEIR CONNECTION TO LOCAL SERVICES; FORMALLY OPPOSING HOUSE JOINT RESOLUTION 1F, "SAVE OUR HOMES FROM EXCESSIVE PROPERTY TAXES."

Mayor Williams read Resolution 2026-04 for the record. Member Allen made a motion to approve Resolution 2026-04. Member David seconded the motion. Roll call vote was as follows: David – aye, Davit -aye, and Allen – aye. Motion carried 3-0.

ii. Ordinance 2026-02

ORDINANCE NO. 2026-02

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AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT OF THE COMPREHENSIVE PLAN FROM AGRICULTURAL TO SINGLE FAMILY RESIDENTIAL, FOR CERTAIN REAL PROPERTY OWNED BY THE MATHEISON FAMILY LIMITED PARTNERSHIP, LOCATED AT THE FOLLOWING ADDRESS: 618 RIDGEWOOD DRIVE, AS MORE PARTICULARILY DESCRIBED HEREIN, WITH AN APPROXIMATE SIZE OF 3.37 ACRES; MAKING FINDINGS OF FACT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Mayor Williams read the title of proposed Ordinance 2026-02 for the record. He then stated that the second reading/public hearing would be at the next Town Council meeting.

iii. Ordinance 2026-03

ORDINANCE NO. 2026-03

AN ORDINANCE OF THE TOWN OF WINDERMERE, FLORIDA, ADOPTING A TOWN OFFICIAL ZONING MAP AMENDMENT FROM AGRICULTURAL TO SINGLE FAMILY RESIDENTIAL FOR CERTAIN REAL PROPERTY OWNED BY THE MATHEISON FAMILY LIMITED PARTNERSHIP, LOCATED AT THE FOLLOWING ADDRESS: 618 RIDGEWOOD DRIVE, AS MORE PARTICULARILY DESCRIBED HEREIN, WITH AN APPROXIMATE SIZE OF 3.37 ACRES; MAKING FINDINGS, AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND OR AN EFFECTIVE DATE.

Mayor Williams read the title of proposed Ordinance 2026-03 for the record. He then stated that the second reading/public hearing would be at the next Town Council meeting.

c. DEVELOPMENT REVIEW BOARD

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

Mayor Williams explained that at the request of the applicant, this item needed to be tabled to the next Council meeting in August. Member Davit made a motion to table this item to the August 11th Town Council meeting. Member David seconded the motion. Roll call vote was as follows: Allen – aye, Davit-aye, and David -aye. Motion carried 3-0.

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

Mayor Williams introduced this item and turned the floor over to Ms. Amanda Warner from Wade Trim. Ms. Warner introduced and reviewed variance request Z26-07 which is to allow the construction of a swimming pool and related pool decking within the front yard. Per the LDC swimming pools and related features are to be in the side or rear yards. Ms. Warner also explained that this is a corner lot which

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consists of two front yards and two rear yards, causing development constraints. She also commented on the location of the existing septic and drainfield. Ms. Warner stated that the Development Review Board heard this item and has recommended approval. Member Davit made a motion to approve the variance request. Member David. After minimal discussion was made, roll call vote was as follows: Allen – aye, Davit – aye, and David – aye. Motion carried 3-0.

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 yard 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

Mayor Williams introduced this item and turned the floor over to Ms. Warner. Ms. Warner introduced and reviewed variance request Z26-08 which is to allow the placement of a detached garage/accessory building within the front yard. She explained that per the LDC's, all accessory buildings are to be in the side or rear yard. Ms. Warner also commented that this is a corner lot consisting of two front setbacks and two rear setbacks. She stated the Development Review Board heard this item and has recommended approval with a condition. Ms. Warner reviewed the conditions as the height of the proposed may not exceed 18', consistent with current LDC requirements regarding the height of accessory buildings that do not meet the same setbacks as the principal building, and the existing carport located in the property's front yard along East 2nd Avenue must be removed prior to issuance of the building permit for the proposed detached garage/accessory building. Member Davit made a motion to approve the request. Member David seconded the motion. Some discussion followed. Mr. James Pruitt, owner, addressed the Council, explaining the constraints that make other placement options infeasible. He noted that moving the structure further back would encroach on the existing pool, placing it on the opposite side would create a large structure abutting multiple neighbors' rear yards with no practical access route, and traversing the drainage ditch along Oakdale Street would be required to reach the structure. He characterized the proposed location as the most practical and least impactful, noting it abuts a neighbor's garage with only a garage window facing it, and is oriented toward a commercial cell tower property rather than a residential neighbor. Member Allen stated she is not in favor of the variance. She stated that protection of the aesthetics and the rural area is needed. Mr. Pruitt commented on his property that does not face another home, which makes his lot unique. After some discussion was made, roll call vote was as follows: David – aye, Davit – aye, and Allen – nay. Motion carried 2-1.

d. CONTRACTS & AGREEMENTS

i. 2025 Town Manager Evaluations

Mayor Williams summarized the annual evaluation process for Town Manager Robert Smith, covering the 2025 evaluation period. Performance evaluations were submitted by five Council members and the outgoing Mayor. The evaluations reflected an overall positive review with an average score of 7.74 out of 10 across all scored categories. Areas of recognized strength included implementation of Council direction, advancement of major infrastructure and capital projects, fiscal management, intergovernmental coordination, and day-to-day operational stability. Areas identified for continued improvement included resident communication, transparency and proactive reporting, staff development, public outreach, and planning of complex issues prior to Council consideration. Mayor Williams noted that Town Manager Smith's contract provides for a minimum 3 percent annual increase when evaluations are positive, unless Council determines a raise is not financially feasible. Member Davit made a motion on to approve a 3% salary increase for Manager Smith. Member David seconded the motion. Roll call vote was as follows: Allen – aye, Davit – aye, and David – aye. Motion carried 3-0.

e. OTHER ITEMS FOR CONSIDERATION

i. Amendment to Urban County Interlocal Agreement

This item was introduced by staff. Attorney Ramos identified it as the First Amendment to the Urban County Interlocal Cooperation Agreement with Orange County for participation in HUD community development programs (CDBG, HOME, and ESG). Town Attorney Ramos explained that the

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amendment updates the applicable federal regulatory citations and the notice provisions in the existing agreement. Town Manager Smith noted that the Town has executed this agreement for the past five years and that there is no direct financial commitment from the Town of Windermere. Assistant Town Manager/Public Works Director Tonya Elliott-Moore added that while the Town generally does not qualify for CDBG grants due to income thresholds, continued participation could provide access to funding for ADA compliance improvements. The agreement was noted as time-sensitive, with a deadline of July 31st. Councilman David noted that the amended agenda item had not been distributed to Council via email and requested that future amended agendas be sent out appropriately. Clerk Burkhalter stated she would check with staff regarding the re-distribution of the amended agenda. Member Davit made a motion to approve the agreement. Member David seconded the motion. Roll call vote was as follows: Allen – aye, Davit – aye, and David – aye. Motion carried 3-0.

5. MAYOR & COUNCIL LIAISON REPORTS:

Mayor Williams opened the floor to the council members for any reports. Member David reported that Parks and Recreation is working the Run Among the Lakes. Member Davit stated that Long Range Planning is scheduled to meet July 24th.

6. STAFF REPORTS:

a. TOWN MANAGER ROBERT SMITH – Manager Smith reported on the successful Pancake Breakfast, projects, Mayors/Managers meeting, property tax reform and upcoming meetings. Mayor Williams requested that Manager Smith compile and distribute a set of confirmed dates for September outreach sessions so the Town could begin promoting them to residents in advance. Discussion followed regarding the property tax reform. Manager Smith then stated that the July Town Council workshop will be held regarding Town Hall rentals. He then commented on the new communications hire.

b. ATM/PWD TONYA ELLIOTT-MOORE – ATM/PWD Elliott-Moore reported on the Bridge, West 2nd Avenue and Bessie/Butler projects.

c. ATTORNEY HEATHER RAMOS – Attorney Ramos reported two notable developments regarding the proposed property tax constitutional amendment. First, the Governor announced he is no longer campaigning in support of the amendment, citing the legislature's modifications — specifically the exclusion of school taxes and a lower-than-desired phase-out schedule. Second, the Governor vetoed the sovereign immunity bill, which would have raised liability caps on governmental entities. Town Attorney Ramos noted that the Governor's stated rationale was concern over greater tort liability exposure for state and local governments, higher insurance costs, and an increase in meritless lawsuits.

d. CHIEF DAVE OGDEN – Chief Ogden reported that summer training schedules are underway and testing announcements have been distributed, with an additional announcement to follow the next day.

e. TOWN CLERK DOROTHY BURKHALTER – Clerk Burkhalter announced that she had accepted an invitation to join the Board of Directors of ARMA (Association of Records Managers and Administrators) and was congratulated by the Council.

7. ADJOURN:

Mayor Williams adjourned the meeting at 7:14pm.

_____ _____

Dorothy Burkhalter, MMC, FCRM Loren "Andy" Williams, Mayor
Town Clerk

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TOWN OF WINDERMERE

Town Council Budget Session **July 28, 2026**
Meeting Minutes

Meeting was called to order at 6:00pm

Present were Mayor Anddy Williams, Council Members CT Allen, Tom Stroup, Tony Davit, and Mandy David. Also present were Town Manager Robert Smith, ATM/Public Works Director Tonya Elliott-Moore, Police Chief Dave Ogden, and Town Clerk Dorothy Burkhalter. Member Brandi Haines present via Zoom.

Mayor Williams called the meeting to order at 6:00pm and stated that a quorum was present. He then led everyone in the Pledge of Allegiance.

1. OPEN FORUM/PUBLIC COMMENT

There were no public speakers.

2. NEW BUSINESS

a. Financial

i. Presentation of Fiscal Year 2024/2025 Budget

Mayor Williams turned the floor over to Manager Smith. Manager Smith gave a detailed presentation of revenues and expenses. Discussion followed regarding property tax reform, projects, funding, and reserves.

b. Council Actions

i. Motion to tentatively adopt proposed millage rate of 3.7425 mills per thousand

Member Davit made a motion to tentatively adopt the proposed millage rate of 3.7425 mills. Member Allen seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Stroup – aye, and Allen – aye. Motion carried 4-0.

ii. Motion to consent to balanced proposed budget

1. **Revenues - $12,464,394.17**
2. **Expenditures - $12,464,394.17**

Member David made a motion to consent to the balanced proposed budget of $12,464,394.17. Member Davit seconded the motion. Roll call vote was as follows: Allen – aye, Stroup – aye, Davit – aye, David – aye. Motion carried 4-0.

iii. Motion to set date, time, and location of Budget Hearings

1. **Tentative Budget Hearing – September 3, 2026 – 6:00pm Town Hall, 520 Main Street, Windermere, FL 34786**
2. **Final Budget Hearing – September 16, 2026 – 6:00pm Town Hall, 520 Main Street, Windermere, FL 34786**

Member Davit made a motion to set the date for the Tentative Budget Hearing as Wednesday, September 3, 2026, at 6:00pm in the Town Hall, 520 Main Street and the Final Budget Hearing on September 16, 2026, at 6:00pm in the Town Hall located at 520 MainStreet. Member David seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Stroup - aye and Allen - aye. Motion

DRAFT

carried 4-0.

iv. Motion to approve Solid Waste Assessment: $518,920.18

Member Allen a motion to approve the Solid Waste Assessment of $518,920.18. Member Stroup seconded the motion. Roll call vote was as follows: David – aye, Davit -aye, Stroup - aye and Allen – aye. Motion carried 4-0.

v. Motion to approve Stormwater Fund Assessment Roll: $376,525.18

Member David made a motion to approve the Stormwater Fund Assessment Roll of $376,525.18. Member Davit seconded the motion. Roll call vote was as follows: Allen – aye, Stroup - aye – aye, Davit – aye, and David – aye, Motion carried 4-0.

vi. Motion to approve Fire Assessment: $1,157,624.45

Member Davit made a motion to approve the Fire Assessment of $1,157,624.45. Member Allen seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Stroup – aye, and Allen – aye. Motion carried 4-0.

vii. Motion to approve The Willows Street Light Assessment: $17,861.76

Member Davit made a motion to approve The Willows Street Light Assessment of $17,861.76. Member Allen seconded the motion. Roll call vote was as follows: David – aye, Davit – aye, Stroup – aye, and Allen – aye. Motion carried 4-0.

There being no further discussion, Mayor Williams adjourned the meeting at 7:24 pm.

Dorothy Burkhalter, MMC, FCRM

Jim O'Brien, Mayor

DRAFT

TOWN OF WINDERMERE

Town Council Workshop **July 28, 2026**
Town Hall Rentals

Present were Mayor Andy Williams, Council Members CT Allen, Tom Stroup, Tony Davit, and Mandy David. Town Manager Robert Smith, ATM/PWD Tonya Elliott-Moore, and Town Clerk Dorothy Burkhalter were also present. Member Haines was present via Zoom.

1. PUBLIC WORKSHOP CALLED TO ORDER

Mayor Williams opened the workshop at 7:30pm.

2. TOWN HALL RENTALS

a. Presentation

i. **Hours of rentals during the week and weekends**
ii. **Rates for resident vs non-residents**
iii. **Violations/Fines**
iv. **Further restrictions/additional input**

Mayor Williams introduced this item. He then turned the floor over to Manager Smith. Manager Smith gave a presentation regarding the current rental agreement, previous discussions, and non-resident/charity/commercial rental concerns. Discussion was made regarding noise, residential impacts, capacity, insurance, cancellation timeframe and fees, rental hours, rental fees, half and full day rentals, areas included or not in the rental, liability insurance, fines, and non-resident/charity/commercial rates.

From the discussion that was made the following changes will be brought back at a Town Council meeting. Rental and deposit fees doubled, rentals Sunday through Thursday 8:00am- 11:00pm music off by 9:00pm and Friday and Saturday 8:00am – 12:00 midnight music off by 10:00pm, half day rates, capacity in Town Hall 125, rental includes building and porch only – grounds need a special event permit, verified proof of liability insurance with Town listed as "additional insured", no bands/DJ's on porch with cut off at 9:00pm weekdays and 10:00pm weekends or loose deposit, extra charge for use of grounds, cancellations prior to 90 days out full refund – 90-45 days lose 50% of deposit and 45 days or less loss of entire deposit, violation of rules – forfeiture of losing deposit, and beginning new rate at January 1st 2027.

3. ADJOURN

Mayor Williams adjourned the workshop at 8:24pm.

_____ _____
Dorothy Burkhalter, Town Clerk Loren "Andy" Williams, Mayor

DRAFT

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

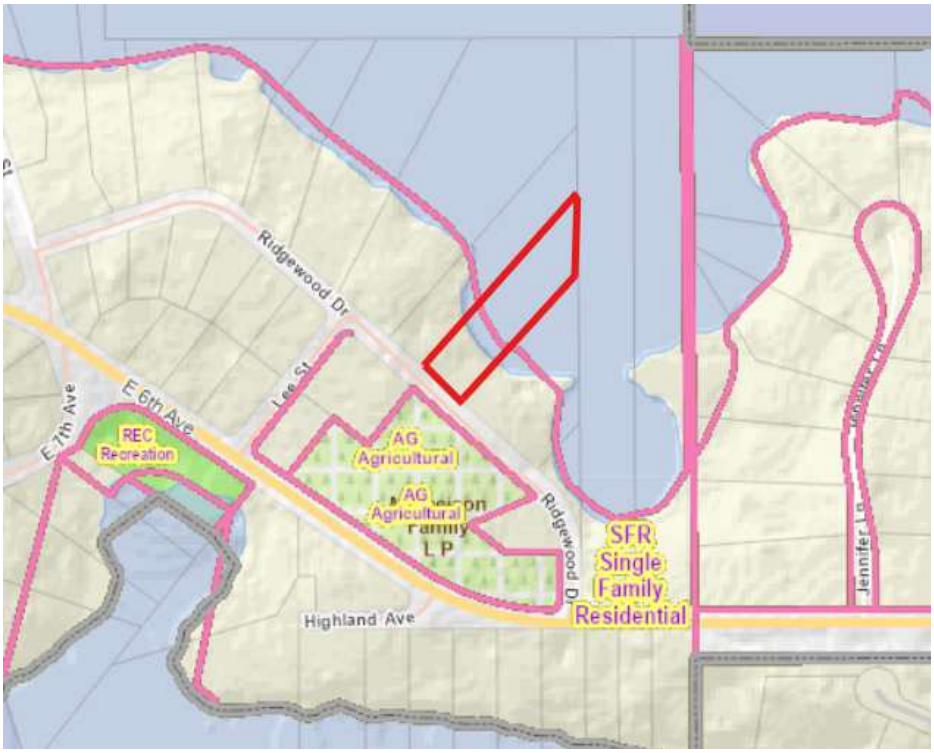
Town Council
August 11, 2026

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

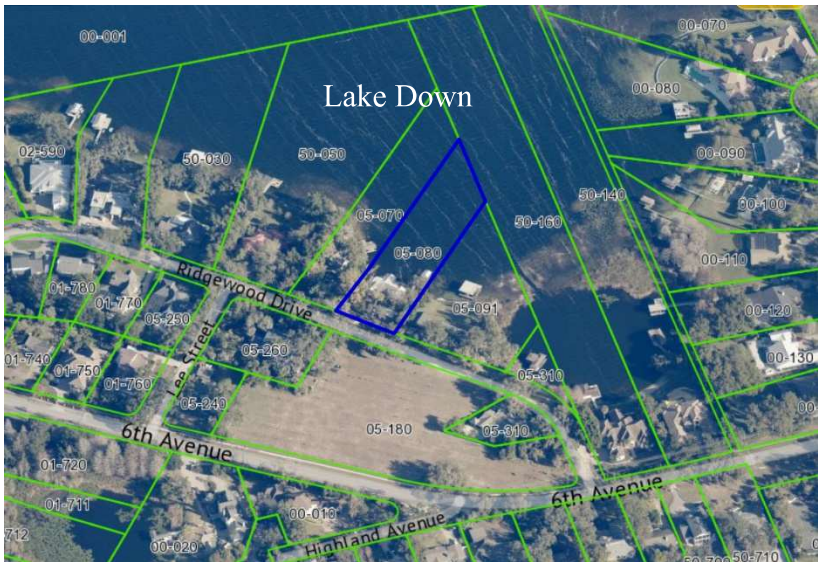


Zoning Map of Surrounding Area - Source: Orange County Property Appraiser

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 July 30, 2026, eight (8) responses have been received in support of the proposed variance, zero (0) in opposition, and one (1) response conditioning their support on the 15-foot front yard setback *not* being approved as part of the variance request.

DEVELOPMENT REVIEW BOARD RECOMMENDATION

The proposed variance for 637 Ridgewood Drive was reviewed at the June 16, 2026, meeting of the Development Review Board (DRB). Based on the information provided in the staff report and input from the applicant and public, the DRB found the proposed variance compliant with the requirements for the approval of a variance in accordance with Section 10.02.02 of the LDC and recommended approval of the variance as submitted. The DRB vote was 4-1 to recommend approval.

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.

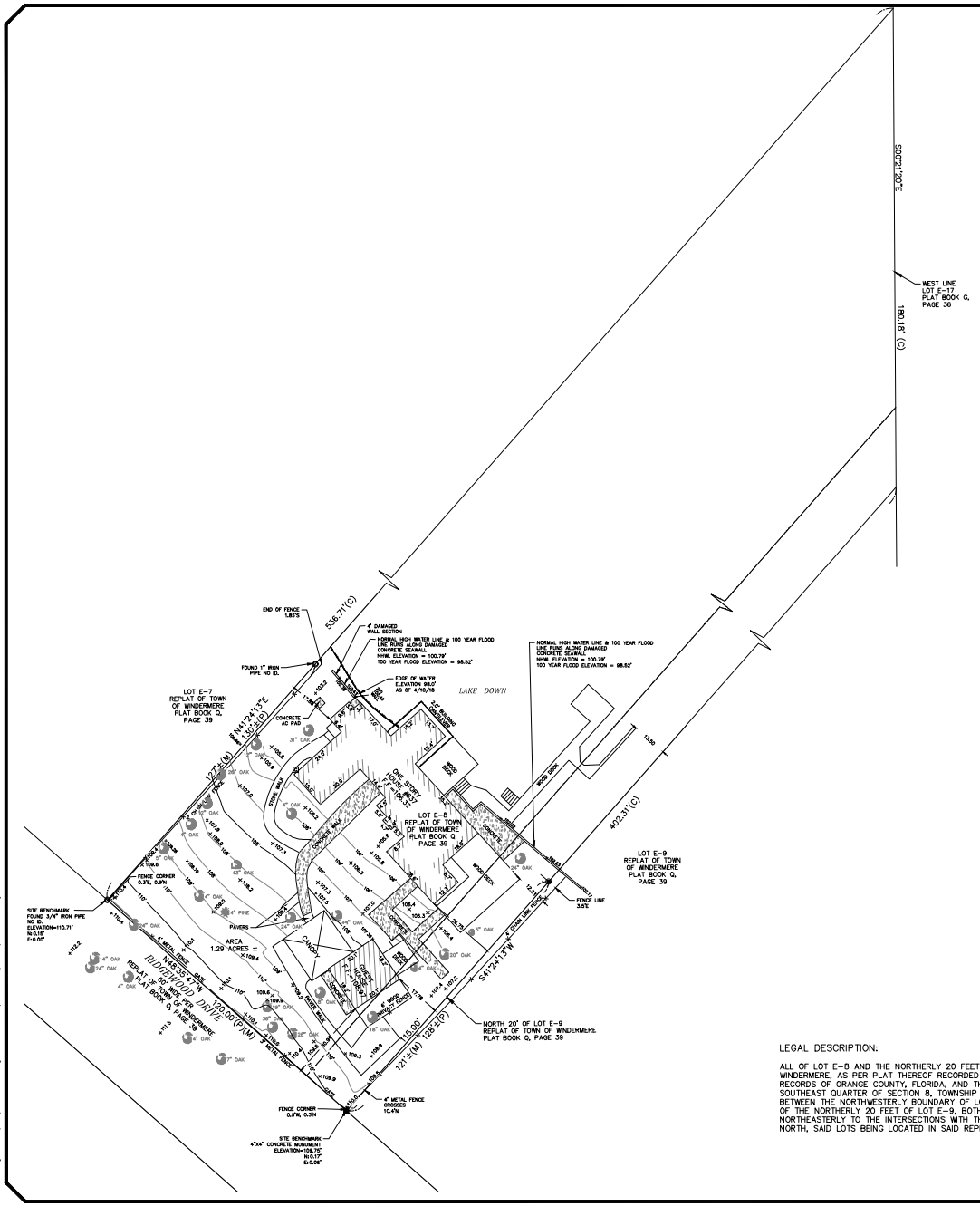
We will have the sea wall continuous, protect the water's edge, keep the existing portion of the home (on the water) and create a swale on the lake side to protect any runoff. Currently all water runs to the lake, and there is no solution for retention available, and as you can see from the grading plan, 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.

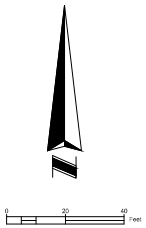
We also have several letters from our neighbors that are all in favor of this variance request with no objections.
As mentioned, this is a unique lot and specifically the shallow depth. There are several homes that are not confirming on other uniquely configured lots that do have a rear pool and home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





LEGEND & ABBREVIATIONS

⊠	GAS METER
—x—	FENCE LINE (AS NOTED)
■	FOUND 4"X 4" CONCRETE MONUMENT NUMBERED AS SHOWN
◉	SET 1/2" IRON ROD W/CAP OR NAIL WITH DISC STAMPED LB#6723
○	FOUND IRON ROD OR IRON PIPE AS SHOWN
LB	LICENSED BUSINESS
PSM	PROFESSIONAL SURVEYOR & MAPPER
LS	LICENSED SURVEYOR
X100.00	SPOT ELEVATION
(M)	MEASURED
(P)	PLAT
(C)	CALCULATED
NAVD	NORTH AMERICAN VERTICAL DATUM
F.F.	FINISHED FLOOR

SURVEYOR'S NOTES:

BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE (0901), NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT, WHICH DERIVES A BEARING FOR THE NORTH RIGHT-OF-WAY LINE OF RIDGEWOOD DRIVE AS BEING N48°35'47"W

THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORD AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR OR SHOWN ON THIS BOUNDARY SURVEY THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE SUBJECT PROPERTY.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF AN INSURANCE TITLE COMMITMENT.

THERE MAY BE ENVIRONMENTAL ISSUES AND/OR OTHER MATTERS REGULATED BY VARIOUS DEPARTMENTS OF FEDERAL, STATE OR LOCAL GOVERNMENTS AFFECTING THE SUBJECT PROPERTY NOT SHOWN ON THIS SURVEY.

THIS SURVEY WAS PERFORMED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES LISTED HEREON AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER OR AN ELECTRONIC SIGNATURE THAT IS IN COMPLIANCE WITH FLORIDA ADMINISTRATIVE CODE 5J-17.062.

UNLESS OTHERWISE NOTED OR SHOWN HEREON, APPARENT AND/OR VISIBLE UNOBSTRUCTED, ABOVE GROUND IMPROVEMENTS WERE LOCATED. UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATIONS AND UTILITIES, WERE NOT LOCATED.

UNLESS OTHERWISE NOTED OR SHOWN HEREON, THERE ARE NO APPARENT AND/OR UNOBSTRUCTED, ABOVE GROUND ENCROACHMENTS. THE DISPOSITION OF ANY POTENTIAL ENCROACHING IMPROVEMENTS SHOWN IS BEYOND PROFESSIONAL PURVIEW AND SUBJECT TO LEGAL INTERPRETATION.

SUBJECT PROPERTY SHOWN HEREON IS IN ZONE AE, WITH A BASE FLOOD ELEVATION OF 100.7, AND ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP PANEL NUMBER 12095C0385F, MAP DATE 9/25/2009.

ELEVATIONS SHOWN HEREON ARE BASED ON ORANGE COUNTY BENCHMARK DESIGNATION "L1533009", PUBLISHED ELEVATION BEING 103.71'. NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

LAST DATE IN FIELD: FEBRUARY 26TH, 2025.

LEGAL DESCRIPTION:

ALL OF LOT E-8 AND THE NORTHERLY 20 FEET OF LOT E-9, OF REPLAT OF TOWN OF WINDERMERE, AS PER PLAT THEREOF RECORDED IN PLAT BOOK Q, PAGE 39, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND THAT PART OF THE SOUTHEAST QUARTER OF SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 28 EAST, LYING BETWEEN THE NORTHWESTERLY BOUNDARY OF LOT E-8 AND THE SOUTHERLY BOUNDARY OF THE NORTHERLY 20 FEET OF LOT E-9, BOTH OF SAID BOUNDARIES EXTENDING NORTHEASTERLY TO THE INTERSECTIONS WITH THE WEST BOUNDARY OF LOT 17, EXTENDING NORTH, SAID LOTS BEING LOCATED IN SAID REPLAT OF THE TOWN OF WINDERMERE.

ALLEN & COMPANY
Professional Surveyors & Mappers
16 EAST PLANT STREET
WINTER GARDEN, FLORIDA 34787
407 654-5355 *FAX 407 654-5356
admin@allen-company.com

BOUNDARY & TOPOGRAPHIC SURVEY
OF
637 RIDGEWOOD DRIVE
SECTION 8, TOWNSHIP 23 SOUTH, RANGE 28 EAST
CITY OF WINDERMERE, ORANGE COUNTY, FLORIDA

FOR: SUZI KARR

FOR THE LICENSED BUSINESS #6627 BY:
MARK A. FOLLIS, P.S.M #6000

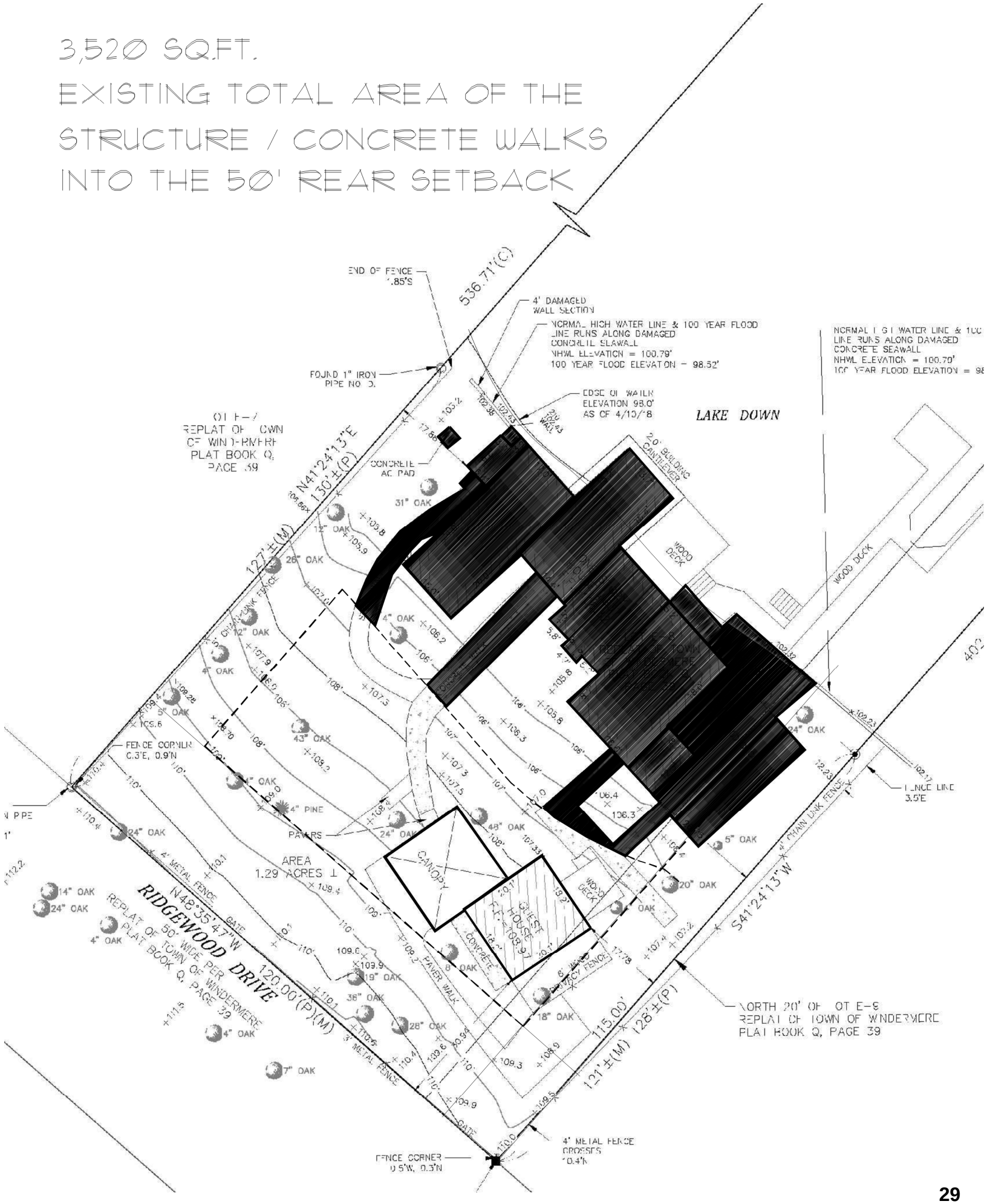
DATE	REVISIONS
03/26/25	ADDED TITLE & CERTIFICATION

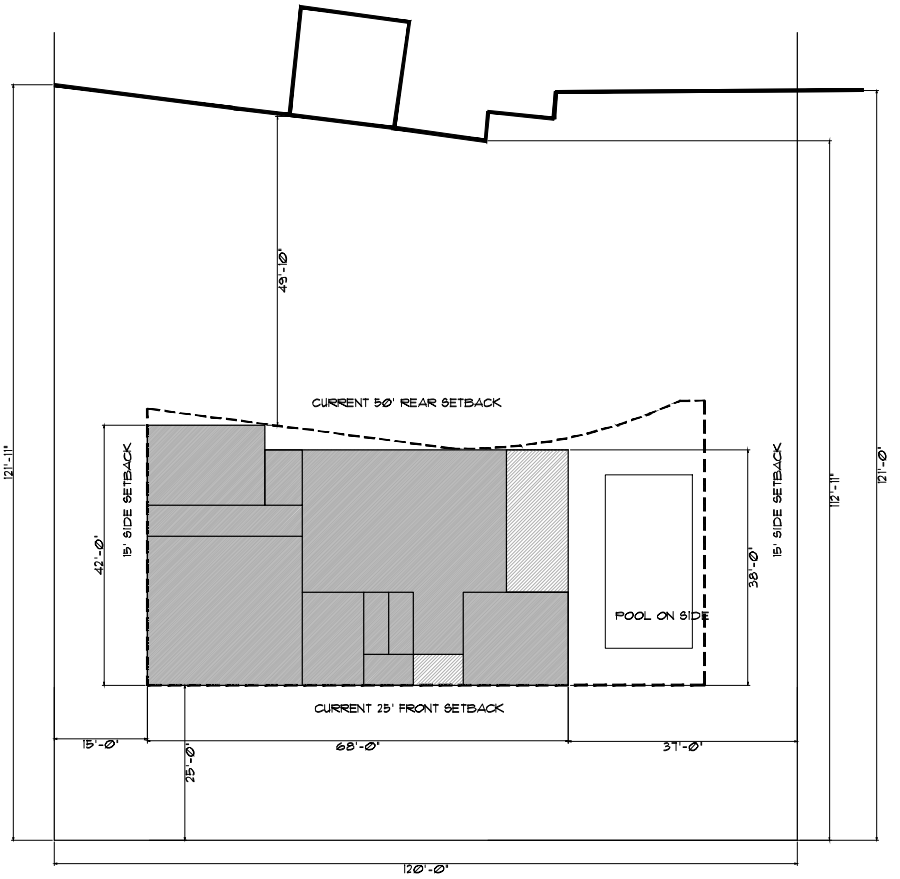
JOB # 20220182
DATE: 03/05/2025
SCALE: 1"=20'
CALC BY: BRH
FIELD BY: MH/EL
DRAWN BY: BRH/MC/JG
CHECKED BY: MF

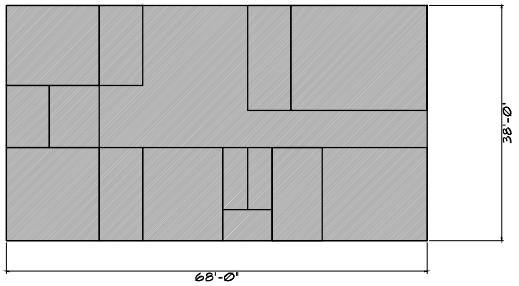
SHEET 1 OF 1

Drawing name: G:\AVA\2022\182-637 Ridgewood Drive-TJL Karr\JG Dgn Files\Ava-Xref\V2022182 Boundary Sheet 1

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









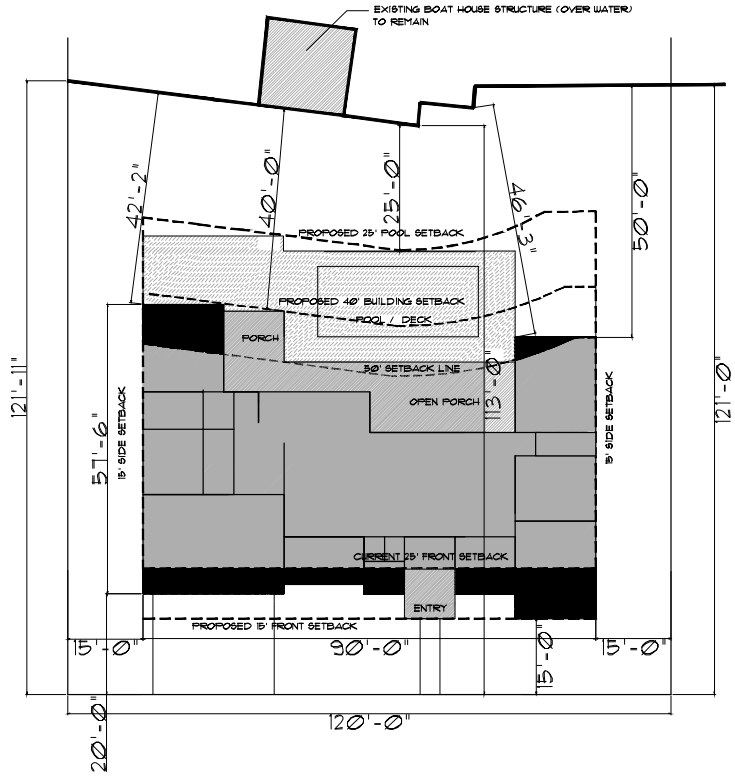
PLAN CONCEPT

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

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)

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

PLAN CONCEPT

1/4" = 1'-0"

PROPOSED SETBACKS

15' FRONT SETBACK

40' REAR BUILDING SETBACK (MINIMAL IMPACT)

25' REAR POOL SETBACK



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

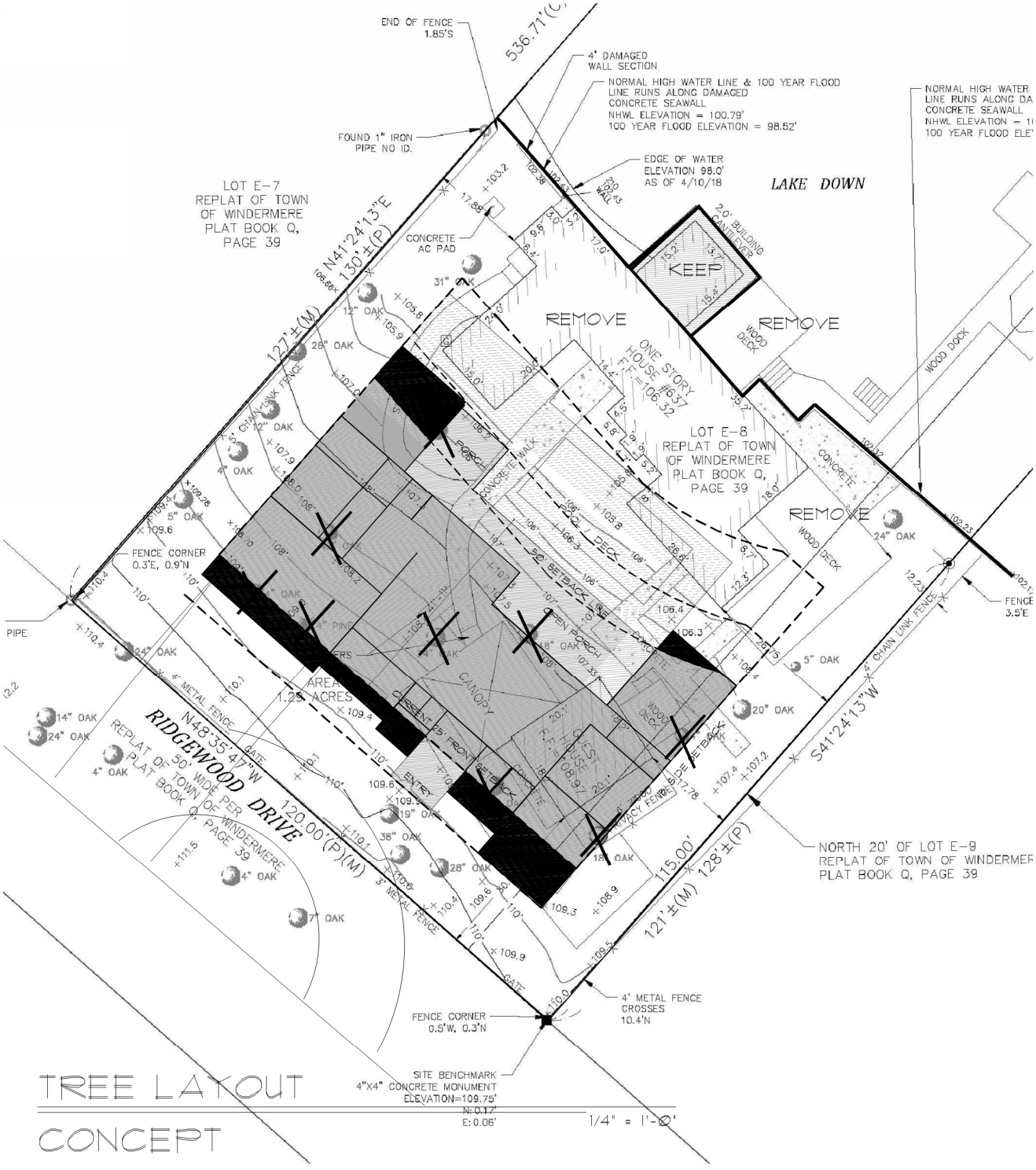
NO NEIGHBORS ARE IN FAVOR FOR THIS IMPROVEMENT



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


TREE LAYOUT
CONCEPT
1/4" = 1'-0"
LOT E-7
REPLAT OF TOWN
OF WINDERMERE
PLAT BOOK Q,
PAGE 39
LOT E-8
REPLAT OF TOWN
OF WINDERMERE
PLAT BOOK Q,
PAGE 39
NORTH 20' OF LOT E-9
REPLAT OF TOWN OF WINDERMER
PLAT BOOK Q, PAGE 39
RIDGEWOOD DRIVE
50' WIDE PER
PLAT BOOK Q, PAGE 39
LAKE DOWN
KEEP
REMOVE
REMOVE
ONE STORY
HOUSE #637
T.F.F. = 106.32
WOOD DECK
WOOD DOCK
CONCRETE
CONCRETE WALK
PORCH
POOL / DECK
OPEN PORCH
CANOPY
CLOSET
ENTRY
AREA
1.25 ACRES
END OF FENCE
1.85'S
FOUND 1" IRON
PIPE NO ID.
4" DAMAGED
WALL SECTION
NORMAL HIGH WATER LINE & 100 YEAR FLOOD
LINE RUNS ALONG DAMAGED
CONCRETE SEAWALL
NHWL ELEVATION = 100.79'
100 YEAR FLOOD ELEVATION = 98.52'
EDGE OF WATER
ELEVATION 98.0'
AS OF 4/10/18
CONCRETE
AC PAD
FENCE CORNER
0.3'E, 0.9'N
FENCE CORNER
0.5'W, 0.3'N
4' METAL FENCE
CROSSES
10.4'N
SITE BENCHMARK
4"X4" CONCRETE MONUMENT
ELEVATION=109.75'
N: 0.17'
E: 0.06'
N41°24'13"E
130'±(P)
127'±(M)
S41°24'13"W
121'±(M) 128'±(P)
115.00'
N48°35'47"W
120.00'(P)(M)
536.71'(C)
50' SETBACK
FRONT SETBACK
SIDE SETBACK
REAR SETBACK
31" OAK
26" OAK
12" OAK
5" OAK
4" OAK
24" OAK
14" OAK
19" OAK
36" OAK
28" OAK
7" OAK
18" OAK
20" OAK
4' CHAIN LINK FENCE
3' METAL FENCE
PRIVACY FENCE
GATE

Arborist Report

Jeff Washeck, Certified Arborist (ISA Certified Arborist FL-9429A)
MGR, Sigma Tree Consulting LLC
Blue Jay Ln, Satellite Beach, FL, 32937 407-990-2070

For Karr Residence, 637 Ridgewood Dr, Windermere, FL, 34786
Date April 3, 2026

Overview and Objective

A site visit was conducted to perform a visual health and structural assessment of 12 trees located on a residential property at 637 Ridgewood Dr. The assessment was requested in connection with a planned demolition and new construction project at the site. The primary objective was to accurately identify each tree on the lot, assign a corresponding condition rating, and document any observable defects or risk factors relevant to the development process. This report aims to provide a comprehensive inventory of the trees identified as likely to be impacted by construction-related activities at the site and offer professional recommendations based on the observed conditions.

Methodology

This evaluation was conducted using industry-accepted arboricultural practices for visual tree assessment, in alignment with the ISA Best Management Practices for basic site inspections. All diameter measurements were recorded at 4 ½ feet above ground level (DBH) using a standard forestry tape unless otherwise noted. Each tree was visually inspected from the ground with emphasis on crown condition, trunk structure, and root flare visibility. Tree condition ratings were assigned using appraisal criteria adapted from Purdue University's Forestry and Natural Resources Extension, informed by standards set forth in the Guide for Plant Appraisal, 10th Edition by the Council of Tree and Landscape Appraisers. General observations regarding health, structure, and site factors were recorded to support professional judgment. While this assessment did not constitute a formal Level 2 TRAQ risk evaluation, basic risk factors including likelihood of failure, likelihood of target impact, and potential consequences were considered on an observational basis for each tree, consistent with the scope of a Level 1 Limited Visual Assessment. This analysis does not include resistance drilling, advanced decay detection, or invasive root investigation.

Site Context

The property at 637 Ridgewood Dr is a lakefront residential lot with an existing single-family structure slated for complete demolition and replacement. The lot sits on a gentle slope descending from the street down to the waterline, with the existing structure extending over the water's edge. The overall condition of the property and landscape reflects a period of neglect, with no documented pruning history or active tree management program in evidence.

Observations made during this assessment are based solely on current site conditions, as no formal maintenance records were available for reference.

Notably, evidence of prior large-scale tree failures was observed at the site. The specific weather conditions or load factors that contributed to those failures are unknown, but their occurrence is relevant for evaluating the current tree stock and establishing appropriate forward guidance for the remaining specimens on the lot in the context of future construction-related activities.

Observation and Tree Specifics

The subject property contains a mix of mature canopy trees consistent with an unmanaged lakefront residential lot. The inventory includes four (4) Live Oaks (*Quercus virginiana/geminata*), four (4) Pignut Hickories (*Carya glabra*), one (1) Laurel Oak (*Quercus laurifolia*), one (1) Shumard Oak (*Quercus shumardii*), one (1) Norfolk Island Pine (*Araucaria heterophylla*), and one (1) American Holly (*Ilex opaca*), for a total of twelve (12) trees evaluated.

The majority of the specimens assessed are in fair overall condition, with individual trees ranging from good to poor. A number of health and structural concerns were identified across the inventory, including branch dieback, epicormic sprouting, weak branch attachments, overextended scaffold branches, directional leans, and various decay indicators. The frequency and severity of these findings vary by specimen and are documented individually in the attached inventory. The absence of any documented pruning history is reflected in the overall condition of the tree stock, and the pattern of concerns observed is consistent with a canopy that has developed without active management over an extended period of time.

All twelve specimens evaluated are situated within or in close proximity to the anticipated construction footprint and associated workspace. Individual tree measurements, condition ratings, and supporting commentary are provided in the attached inventory for reference.

Discussion

The twelve trees evaluated at this site present a mixed but generally concerning inventory, with the majority rated Fair and several rated Poor. No trees were assigned an Excellent condition rating, and only two specimens (Trees #7 and #11) were found to be in Good overall condition at the time of inspection. The findings are consistent with a canopy that has developed without active management and has a documented history of structural failures at the site.

The four Pignut Hickories warrant particular attention in the context of the planned construction. Hickories are notably sensitive to root disturbance and typically respond poorly to the compaction, trenching, and grade changes associated with construction activity. Even specimens in fair condition can decline rapidly when their root zones are compromised, and the hickories evaluated here are not starting from a position of strength. Trees #5, #6, #8, and #12 collectively exhibit dieback, decay, prior branch failures, codominant structure with bark inclusion, and leans with no corrective growth. Said conditions would be difficult to manage under normal circumstances, let alone in the context of active construction. Meaningful preservation of any of

the hickories on this site is unlikely to be a realistic outcome given the scope of the planned development.

The two largest Live Oaks on site, Trees #1 and #2, are notable for their size but carry their own concerns; specifically heavy leans, trunk curvature, and evidence of prior cluster failures. Tree #10 presents additional concerns in the form of significant trunk bulging and vine infestation. Tree #9 is in poor condition with trunk deformity from girdling alongside excess epicormic growth, and represents minimal preservation value. Trees #3 and #4 are both in poor condition and are unlikely candidates for retention under any circumstances.

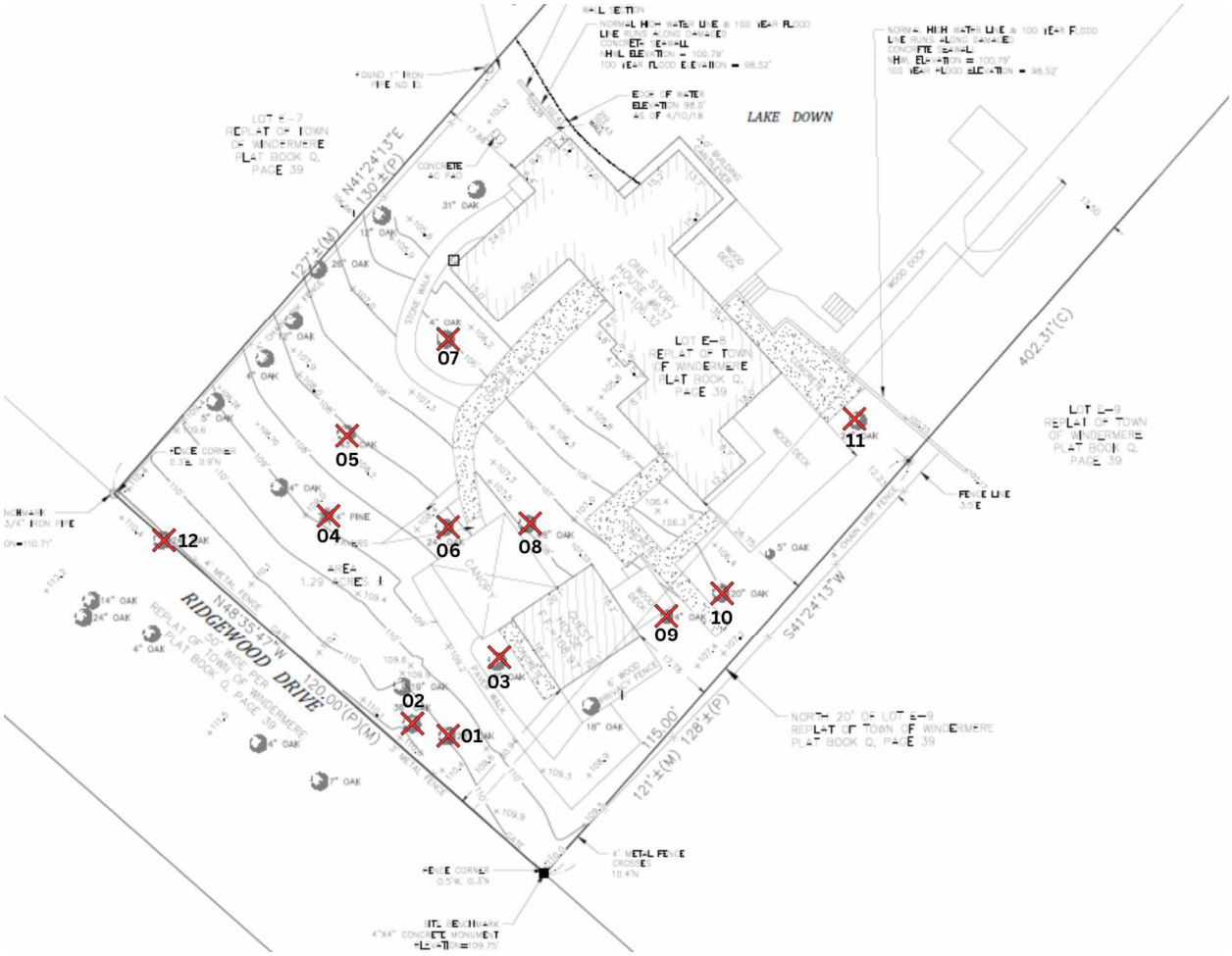
Given the scope of the planned demolition and reconstruction, the proximity of all evaluated specimens to the construction footprint, and the overall condition of the tree stock, removal of the majority of trees on this inventory is a reasonable and expected outcome of the development process. Of the twelve trees evaluated, Trees #7 and #11 represent the strongest specimens on site from a health and structural standpoint, and are noted as such for the record. All remaining specimens present condition ratings, structural concerns, or species-specific sensitivities that collectively reflect a tree stock in various stages of decline, with limited long-term viability regardless of the development timeline.

Inventory

Tree condition ratings in the attached inventory are categorized using the following criteria:

- **Excellent —** An ideal specimen exhibiting strong structure, full canopy density, and no evidence of disease, decay, dieback, or pest activity. Strong candidate for preservation.
- **Good** — Generally healthy with only minor defects such as small amounts of deadwood, slight crown imbalance, or early localized signs of stress. Likely suitable for preservation with routine maintenance.
- **Fair —** Exhibits notable structural or physiological concerns such as canopy imbalance, dieback, bole defects, or pest activity. Preservation may be viable in low-target settings, but long-term health and structural integrity are uncertain.
- **Poor —** Severely stressed, diseased, or structurally compromised with advanced decay or irreversible defects. Limited potential for recovery. Strong candidate for removal.

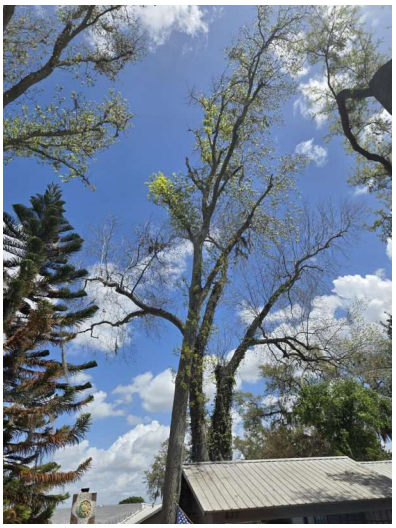
Tree ID	Species	DBH	Condition	Notes
01	Live Oak	29”	Fair	Heavy lean, unbalanced, prior failure in cluster
02	Live Oak	34”	Fair	Lean, trunk curvature, prior failure in cluster
03	Holly	7”	Poor	Dieback, heavy epicormic growth, vine-choked
04	Norfolk Pine	7”	Poor	Browning needles, suckering at root flare
05	Hickory	32”	Fair	Dieback, suckers on trunk, prior branch failures
06	Hickory	22”	Poor	Widespread dieback, decay around root collar
07	Shumard Oak	7”	Good	Healthy crown, slight lean, some sucker growth on trunk
08	Hickory	47”	Fair	Defoliated, co-dom with bark inclusion, decay around union
09	Laurel	9”	Poor	Stunted canopy, excess epicormic growth, trunk deformity
10	Live Oak	25”	Fair	Lopsided crown, vine-choked, significant trunk bulging
11	Live Oak	22”	Good	Lean w/ corrective growth in roots, healthy crown
12	Hickory	21”	Fair	Lean towards road and power lines w/ no corrective growth



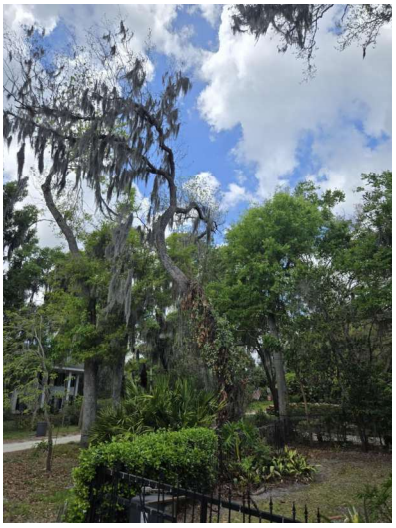
Site map showing the approximate location of the subject trees.

Gallery

		
Tree 01 - Live Oak	**Tree 02 - Live Oak**	**Tree 03 - Holly**

		
Tree 04 - Norfolk Pine	**Tree 05 - Hickory**	**Tree 06 - Hickory**

No Image		
Tree 07 - Shumard Oak	**Tree 08 - Hickory**	**Tree 09 - Laurel**

		
Tree 10 - Live Oak	**Tree 11 - Live Oak**	**Tree 12 - Hickory**

Arborist Disclosure Statement

ISA certified arborists are tree care specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the health and beauty of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within the trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, the efficacy of any remedial treatments, such as pruning, fertilization, or medicine, also cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Disclaimer and Acknowledgment of FL Statute 163.045

My observations made at the site were true and factual to the best of my ability. The methodologies used were in accordance with the code of ethics and tree assessment guidelines laid out by the International Society of Arboriculture (ISA) as well as the ANSI A300 standards. Arboriculture is not a perfect science, and subjectivity is inevitable as different arborists will often have different opinions based on their own personal experiences. My opinions and recommendations are based purely on my education and over a decade of experience actively climbing and working in trees.

Trees can be managed but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to remove all trees. There are no certainties when ascertaining the structural integrity of trees, only qualitative likelihoods. The tree owner's personal risk tolerance is, and always should be, the ultimate deciding factor when moving forward with any recommended procedures.



STORMWATER S U M M A R Y

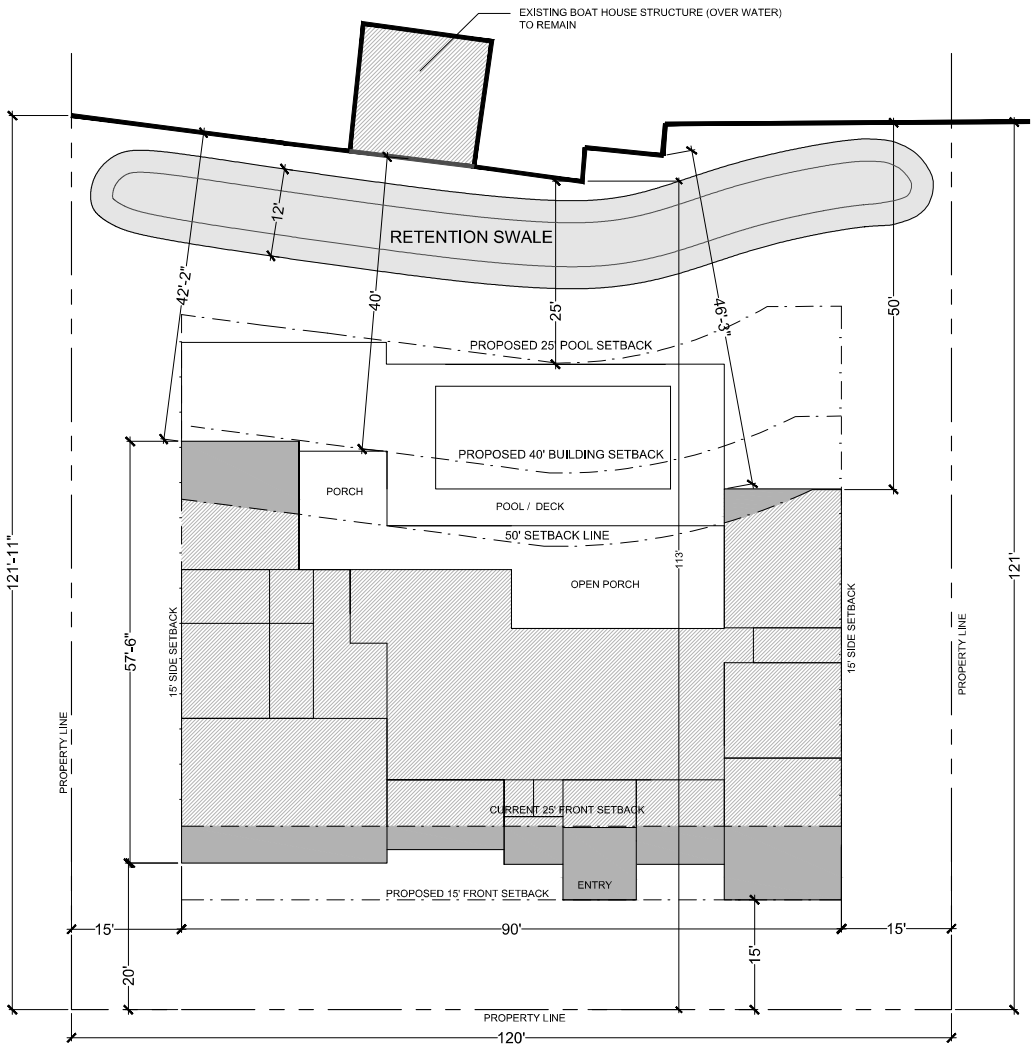
PROPERTY AREA = 14,225 SQ FT
45% IMPERVIOUS COVERAGE = 6,401 SQ FT

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
August 4, 2026

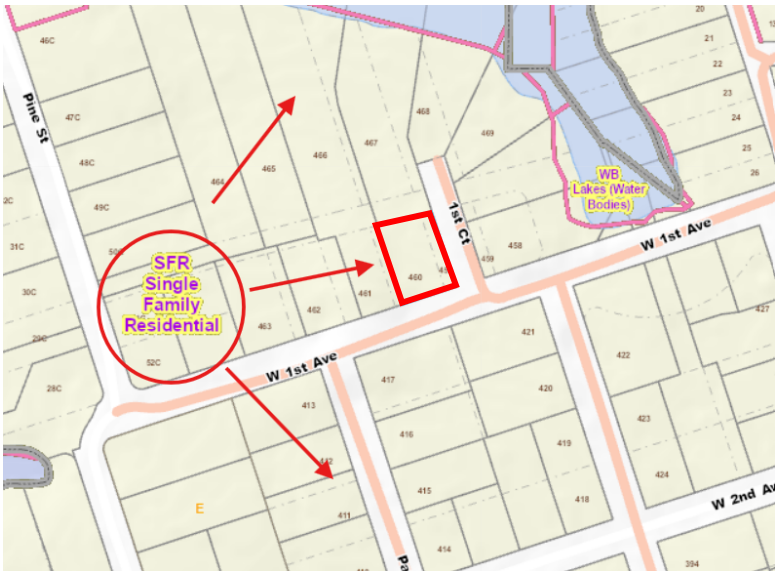
Town Council
August 11, 2026

Case Number:	Z26-10
Owner/Applicant:	Michael and Barbara Hogan (Owner)/ James Rothrock. PE (Authorized Representative)
Requested Action:	Variance to permit a maximum impervious surface area of 0.529 (52.9%), whereas the LDC restricts properties with a residential land use district to a maximum impervious surface area of 0.45 (45%).
Property Address:	2 1st Court
Legal Description:	PLAT OF WINDERMERE G/36 THE W 20 FT OF LOT 459 & E 75.97 FT OF LOT 460 IN SEC 8 23 28
Future Land Use:	Single Family Residential
Zoning:	Single Family Residential
Existing Use:	Single-Family Residential

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



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

CASE SUMMARY

James Rothrock, PE, authorized representative of the owner of the property located at 2 1st Court (Michael and Barbara Hogan), has requested approval of a variance in accordance with Section 10.02.00 of the Town of Windermere Land Development Code (LDC). The requested variance is to permit a maximum impervious surface area of 0.529 (52.9%), whereas the Town's LDC states that residential properties are permitted a maximum impervious surface area of 0.45 (45%). The aerial map provided below shows the location of the subject property, which is highlighted in blue.



Aerial Imagery of 2 1st Court (Outlined in Blue) - Source: Orange County Property Appraiser

Section 6.01.02 provides the following table, which breaks down the maximum permitted impervious surface permitted by land use type:

Table of Impervious Surface Ratios	
Conservation	0.20
Public	0.80
Residential	0.45
Commercial	0.80
Recreation	0.25
Mixed use	0.60

The applicant requests approval of an impervious surface ratio of 0.529 (52.9%) on the subject property to accommodate additional driveway and paver improvements that were previously installed without a permit on the property. However, the Town's LDC establishes a maximum impervious surface area of 0.45 (45%) for properties with a residential land use. As a result, the total impervious surface ratio does not comply with applicable regulations.

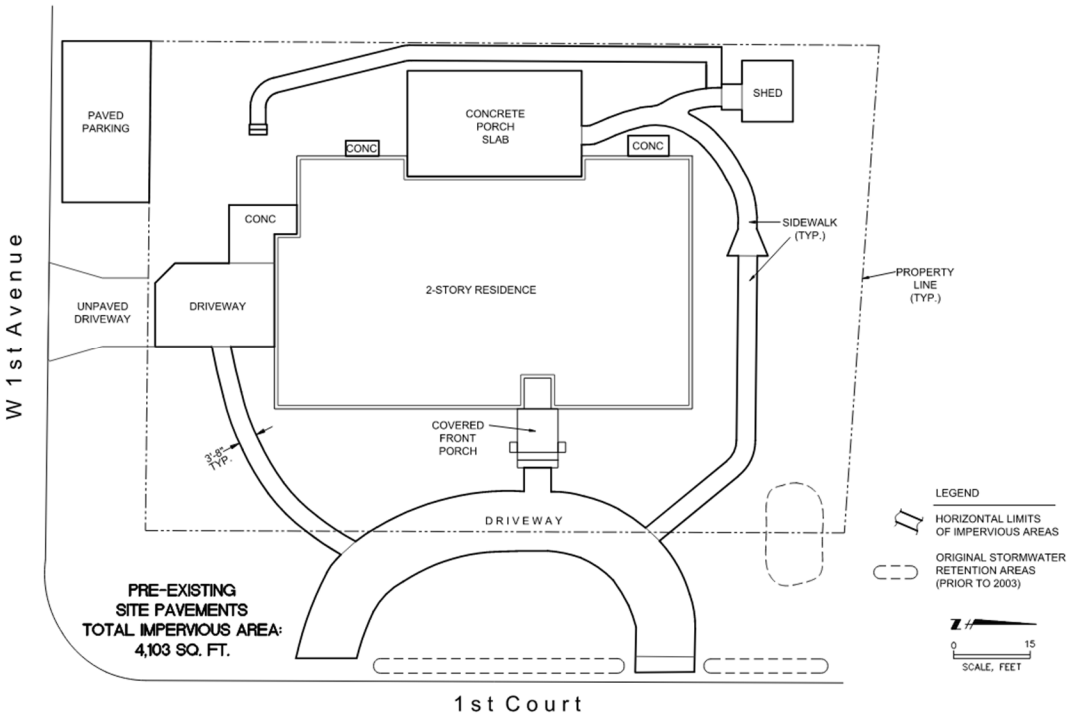
The following considerations are also applicable to the impervious surface area at 2 1st Court, in accordance with Section 6.01.02 of the Town's Land Development Code:

- *Generally. Impervious surface on a development site shall not exceed the ratios provided in the table in subsection (e) of this section* [see table excerpt provided above].

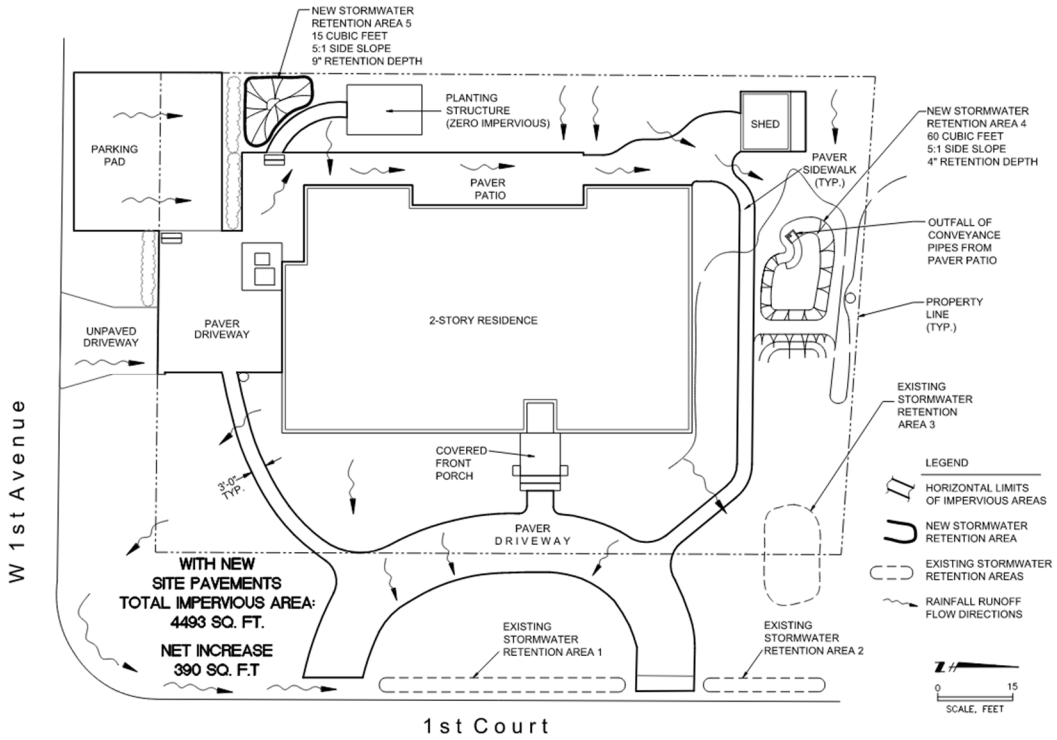
- *The impervious surface ratio is the percentage of the lot or site covered with buildings, accessory structures, swimming pools, patios, decks, driveways, parking areas and any other area covered with impervious materials.*

The subject property applied for a building permit with the Town in March of 2024 (permit number 24-03-023) to account for unpermitted driveway and paver improvements identified on the property. Prior to these improvements, the property's impervious surface coverage totaled approximately 50%, exceeding the Town's maximum permitted coverage of 45% for residential properties. These conditions appear to have existed on the property since at least 2006, meaning that the existing impervious surface exceedance was classified as a nonconformity in accordance with Section 10.01.02 of the LDC.

However, during staff review of the permit application and scope of work, it was determined that the improvements resulted in an increase to the property's existing nonconforming impervious surface area, raising the total impervious coverage to 52.9%. See below property diagrams for reference.



Applicant-Provided Preexisting Site Conditions Impervious Surface Diagram



Applicant-Provided Post-Improvements Impervious Surface Diagram

Per Section 10.01.03 of the LDC, nonconforming development or structures shall only be expanded or improved if the expansion or improvement is fully compliant with the requirements of this Land Development Code and the nonconforming condition is not increased as a result of the new construction. Accordingly, the increase in the property's nonconforming impervious surface area resulting from the installation of additional pavers is inconsistent with Section 10.01.03 of the Land Development Code, which prohibits the expansion of legal nonconformities. As such, approval of the requested variance is necessary to permit the increase of the property's maximum impervious surface area from the existing 50% to 52.9%.

Factoring in the additional 390 square feet of impervious surface associated with the identified unpermitted improvements, one inch of rainfall runoff from these areas would be expected to generate approximately 33 cubic feet (250 gallons) of additional required stormwater volume based on the Town's retention requirements. As shown in the attached Stormwater Evaluation Report, two additional retention areas that would be installed in conjunction with approval of the requested variance would be designed to provide 75 cubic feet (560 gallons) of additional retention. This represents approximately 230% of the property's required retention capacity based on the additional impervious surface area and would therefore satisfy the Town's stormwater management requirements.

The subject property also made improvements to the parking pad connection to W 1st Avenue within the Town right-of-way. Since this is in the Town's right-of-way and not on private property, it is not part of this variance request. However, this is being addressed by Town Public Works through the Town's right-of-way permitting process.

The existing circular driveway connection to 1sst Court was previously approved by the former Town Manager and former Town Public Works Director. In addition, the existing swales within the right-of-way of 1st Court were approved by the former Town Manager and the Hogan's were permitted to use them as retention for their circular driveway/front yard. This was previously approved and is not part of this variance request.

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 August 5, 2026, three (3) responses were received in support of this case, and two (2) responses were received in opposition.

DEVELOPMENT REVIEW BOARD RECOMMENDATION

The proposed variance for 2 1st Court was reviewed at the August 4, 2026 meeting of the Development Review Board (DRB). Based on the information provided in the staff report and input from the applicant and public, the DRB found the proposed variance compliant with the requirements for the approval of a variance in accordance with Section 10.02.02 of the LDC and recommended approval of the variance with the condition that the retention plan submitted with the variance application package be implemented on the subject property. The DRB vote was 5-0 to recommend approval.

Windermere Engineering Services, Inc.

Forensic Engineering ♦ Geotechnical Engineering ♦ Civil/Structural Engineering ♦ Expert Testimony

June 1, 2026

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

Re: **Town of Windermere Variance Request to Percent Impervious Area**
The Hogan Residence
2 1st Court, Windermere, Florida
WES Project/Report G400-001-01/02



Dear Mr. and Mrs. Hogan:

INTRODUCTION *and* SCOPE

By this letter, *Windermere* Engineering Services (WES) presents the results of our analyses of the percent impervious areas and modified stormwater management facilities at the referenced residence. This letter provides the basis for the zoning variance which is sought from the Town of Windermere. These studies were planned in conjunction with, and were authorized by, the owners.

It is our understanding that modifications were made to the driveway, patio and sidewalk pavements on the subject property in the 2023-24 timeframe. In the course of the new work, new paver driveway surfaces, vehicle parking areas, sidewalks and patio areas were constructed in the front, rear and side yard areas at your residence. At the time, it was believed that the pavements resulted in a negligible increase, if any, to the impervious areas on the property. However, subsequent evaluations found a net 390-square foot increase to the impervious surface areas on the property, resulting in the need to construction new stormwater retention.

The recent additions to the impervious site areas also resulted in a combined 52.9-percent of impervious site area. Although only a 2.9-percent increase to the 50.0-percent of impervious area which was present as far back as 2006, it still exceeded the 45-percent maximum impervious site areas which was a part of the Town of Windermere stormwater criteria when the new impervious areas were added in 2023-24. As a result, a zoning variance is sought for the 390-square foot increases to the impervious site areas which were added in 2023-24.

Because the Town of Windermere requires retention of the first one inch of rainfall runoff, for all increases to the impervious areas on residential lots, evaluations and design services also are provided to select a candidate layout for the required new stormwater retention facilities.

To determine the sizes of the impervious areas of the site pavements which existed prior to the recent construction ("pre-existing" condition), we consulted aerial photography maintained by

2834 Midsummer Drive
Windermere, Florida 34786
E-Mail JR@wpes.net

407/293-7030
fax/293-0319
cell/808-7765

the Orange County Property Appraiser, along with a 2001 Boundary Survey prepared by Ireland Surveying, Inc., Winter Park, Florida, in the course of performing the present studies.

EXPLORATIONS *and* FINDINGS

The undersigned met with property owners Michael and Barbara Hogan to review the changes to the site pavements. Site explorations consisted of photography and as-built measurements of the recently constructed pavements. These were compared to the previous pavements through review of the aerial photographs and the 2001 boundary survey, augmented by discussions with the property owners. **Figure 1: Pre-Existing Impervious and Retention Areas** shows the pavements which were present prior to the 2023-24 pavement expansions and modifications. **Figure 2: Current Impervious and Retention Areas with New Work** shows the current paved areas after the construction work in 2023-24. Both plans were developed using AUTOCAD software and the aforementioned as-built measurements, 2001 boundary survey and aerial photography, comparing the three sources and obtaining the best estimations of the pre-existing and post-development impervious areas on the site. **The pavement area calculations were performed by AUTOCAD, calculating the surface areas from the actual land area measurements.**

ANALYSIS *of the* VARIANCE

The Town of Windermere criteria for evaluation of the variance are prescribed by Section 10.02.02 of the Land Development Code titled, "Limitations on Granting Variances." The criteria require "a positive finding, based on substantial competent evidence" on each of the listed six considerations, to achieve favorable consideration of the variance. The considerations include practical and economic factors, traffic congestion, public safety, aesthetics, property values and the general conformance of the subject of the variance with adjacent properties, such that it maintains harmony with the surrounding community. **Figure 3: Discussion of the Proposed Variance** is attached to this document and discusses various considerations involved. **Figure 4: Photographs** provides selected illustrations of the completed paver construction.

Four considerations regarding this variance are worthy of note:

- The paver installation has been present for approximately two years at the time of this variance request. There has been no negative public response regarding the paver installation.
- While there are three areas of pavers which extend into the rights-of-way of the adjacent public streets of the Town of Windermere, none of the paver areas within the rights-of-way was changed in size during the recent paver reconstruction. These three paver aprons also retained the general appearance of pavers having neutral colors. Since these paver aprons remain unchanged, in essence, they are "grandfathered in" and are not a part in this variance.

- The ***increased*** paver surface areas are entirely within the property boundaries (none in rights-of-way).
- The new stormwater retention which is proposed in conjunction with the recent paver installation provides ***230 percent*** of the actual retention requirement by the Town of Windermere. This represents a significant net increase to the stormwater retention, compared to the pre-existing condition, for a significant enhancement to the protection of the Town's natural resources, including the Butler Chain of Lakes, an expression of goodwill by the Hogan Family.

INCREASE *in the* PERCENT IMPERVIOUS AREA

The preceding figures, and the impervious areas resulting from each of these site plans, were used to determine the total impervious area (residence, utility shed and pavements) on the subject property. Based on the pre-existing impervious areas from **Figure 1,** the total impervious area was 6,653 square feet. The current impervious areas from **Figure 2,** represent a total of 7,043 square feet. Comparing these two, it is found that an increase of 390 square feet has resulted.

The pre-existing and current impervious areas also were compared to the 13,310-square foot total site area of the subject property. The results include a pre-existing (2006 timeframe and prior) 50.0-percent impervious surface area and a current (following the 2023-24 improvements) 52.9-percent impervious surface area. Thus, a 2.9 percent increase to the impervious areas resulted from the recent work. Furthermore, since the 50.0-percent impervious surface represents a pre-existing condition that is "grandfathered in," it is the recent 2.9-percent increase to the impervious surface area which represents the subject of this variance request.

STORMWATER RETENTION ANALYSES

The Town of Windermere has compiled its rainfall runoff retention requirements in its **Stormwater Retention Ordinance No. 2015-04.** The ordinance stipulates that stormwater retention be provided when additional impervious areas totaling **125 square feet** or more will be constructed. According to Ms. Amanda Warner of Wade Trim Town Planners, Inc., stormwater retention is to be provided for the ***net increase to the impervious area*** on the residential lot.

The Windermere "Rational Runoff Formula" determines the required retention volume Q, as follows:

$Q = CIA,$ where volume Q is in cubic feet, C is a dimensionless runoff coefficient, I is the design rainfall quantity expressed in cubic feet (1 inch multiplied by 0.083), and A is the site area (area over which rainfall occurs) expressed in square feet.

The rainfall coefficient $C = [(A_i/A_t) \times 0.9 + (A_p/A_t) \times 0.3]$, where

A_i equals the impervious (paved) site area in square feet;

A_p equals the pervious (unpaved) site area in square feet; and

A_t equals the total site area in square feet.

For new additions to the existing development on a site, only the increases to the stormwater retention requirement by the new additions to the impervious areas are to be accounted for. The rainfall coefficient C also is taken as 1.0 in the preceding equation (a conservative assumption), eliminating rainfall coefficient computation (the second equation appearing above). Thus, A equals A_{ni} (it reflects only the ***net increases to the impervious areas*** (A_{ni}). And the calculation for the required stormwater retention volume $Q = IA_{ni}$.

Because the retention requirement applies only to the increased quantity of rainfall runoff, the first step was to compare the pre-existing site conditions ("pre-development) with those which were present at the completion of the construction ("post-development"). **Figure 1: Pre-Existing Impervious and Retention Areas** presents the site layout prior to the new work, based on the Boundary Survey provided plus interpretations from historical aerial photographs. The area of the residence itself was not included since it remained unchanged. **Figure 2: Current Impervious and Retention Areas with New Work** shows the new improvements based on field measurements—again without including the surface area of the previously-existing residence itself. Thus, the changes to the ancillary site pavements on the subject property consisted of the following:

- The typical sidewalk widths were decreased from 3 feet 8 inches (3.7 ft.) to 3 feet (3.0 ft.).
- The concrete back porch slab and two concrete doorway landings were removed and replaced by one long paver patio which extended across the entire width of the rear of the residence.
- A sidewalk at the western property line was removed in favor of a new, enlarged paver patio.
- A new canopy and pavements were constructed at the rear (northern) side of the shed.
- Parts of the new paver patio at the rear of the residence were extended around the southwestern corner of the residence to connect to the driveway leading to the side-entry garage.
- An existing concrete paved parking area along West 1st Avenue was removed and replaced with an enlarged paver parking pad (the enlargements entirely within the property).
- At the rear of the residence, a new sidewalk (impervious area) extended to a new pergola structure (having no roof) with potting racks and a bare earth floor below (no impervious area).

The pre-existing stormwater collection areas were developed prior to 2006, in conjunction with pavements constructed on the subject property at that time. These consisted of retention swales and

a broad, shallow retention area in the northeastern part of the subject property, respectively. **Figure 2** shows the configurations of the three previously-existing retention areas **(Areas 1, 2 and 3).**

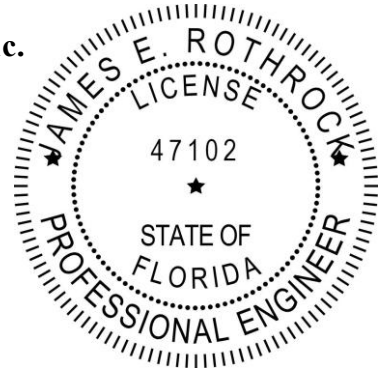
Based on the preceding, a **390-square foot** increase to the impervious areas resulted from the 2023-2024 construction. One inch of rainfall runoff from these increased impervious areas represents a **33-cubic foot (250-gallon)** increased stormwater volume; however, **75 cubic feet (560 gallons) of new storage would be provided** in conjunction with the zoning variance, representing **230 percent** of the required stormwater retention. **Figure 2: Current Impervious and Retention Areas with New Work** shows two new Stormwater Retention Areas 4 and 5 located north and southwest of the residence, respectively and providing retention volumes of 60 and 15 cubic feet, respectively.

ADDITIONAL COMMENTS *and* CLOSURE

As stated previously, the town ordinance requires that a design professional verify the compliance of the completed stormwater retention improvements with the approved plans and town ordinances, prior to the town's issuance of the Certificate of Occupancy. Given the limited surface areas and depths of the mew retention facilities, **the configurations of the areas will be verified during the layout and construction of the retention areas, and the retention volumes certified for compliance when the construction is complete. This will be done by issuing a revised Figure 2 showing the "as-built" retention area sizes and configurations.**

We trust this letter, and its enclosure, are sufficient for the present needs. As you review the information presented herein, please contact us with any further questions you may have.

Yours very truly,
***Windermere* Engineering Services, Inc.**



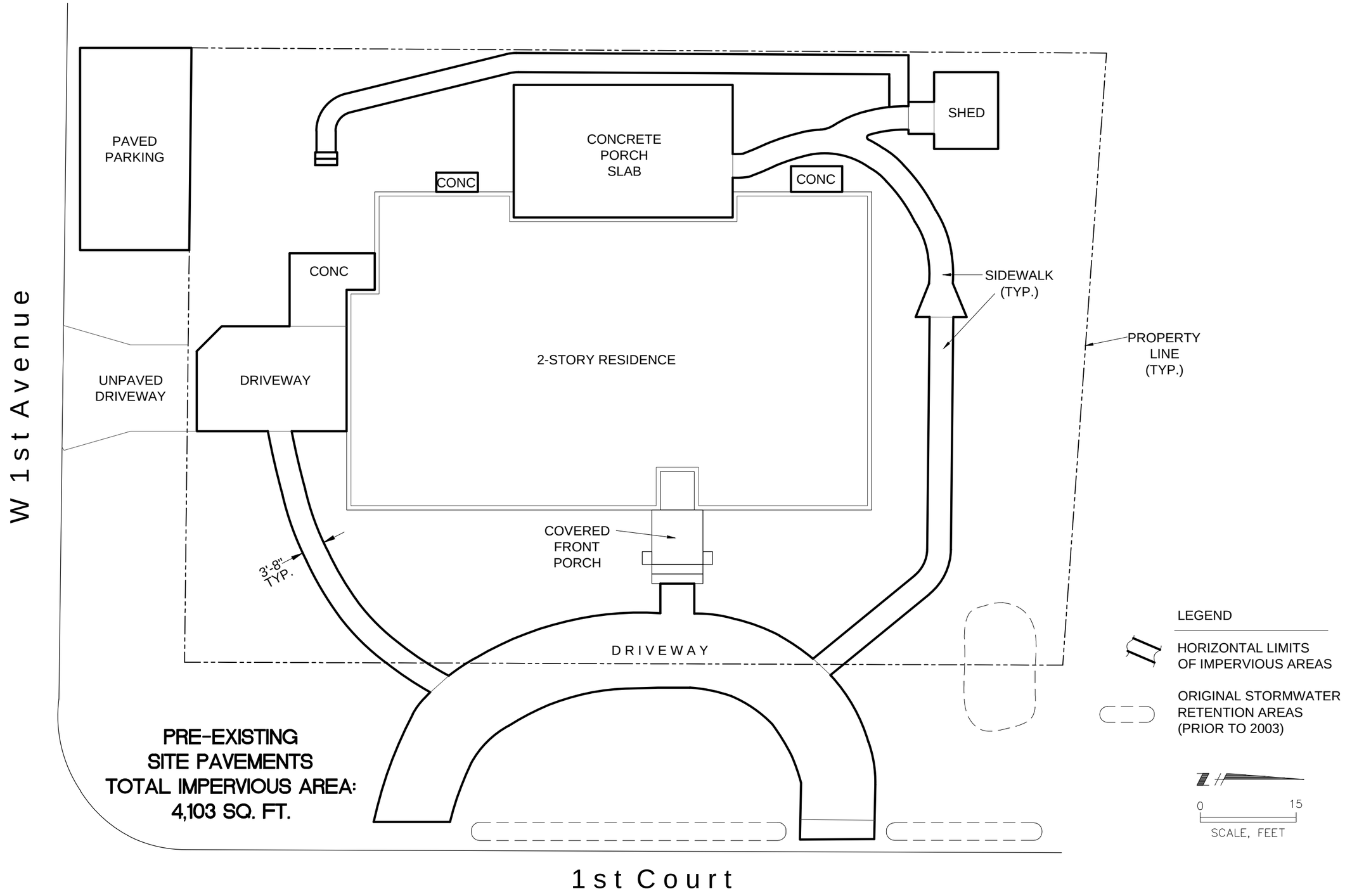
This item has been digitally signed and sealed by JAMES E. ROTHROCK, P.E. on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

James E. Rothrock, M.S., P.E., C.G.C.
Florida P.E. Registration No. 47102
Principal Engineer / President

Four figures are attached, As Stated:

Figure 1: Pre-Existing Impervious and Retention Areas *[Prior to 2023-24]*
Figure 2: Current Impervious and Retention Areas with New Work *[2023-26]*
Figure 3: Discussion of the Proposed Variance
Figure 4: Photographs



FOR: THE HOGAN FAMILY

DRAWN BY: AHM	DATE: 5/26/2026
CHECKED BY: JER	DATE: 5/26/2026
SCALE: AS SHOWN	
PROJECT/REPORT NO: G400-001-01/02	

VARIANCE TO IMPERVIOUS AREA AND AND PROPOSED STORMWATER RETENTION
THE HOGAN RESIDENCE
2 1ST COURT, WINDERMERE FLORIDA

PRE-EXISTING IMPERVIOUS AND RETENTION AREAS

Windermere Engineering Services, Inc.
2834 Midsummer Drive
Windermere, FL 34786
407/293-7030 FAX -0319
Cell 407/808-7765 EmlJR@WPES.net

FIGURE: 1

NEW STORMWATER
RETENTION AREA 5
15 CUBIC FEET
5:1 SIDE SLOPE
9" RETENTION DEPTH

PLANTING
STRUCTURE
(ZERO IMPERVIOUS)

SHED

PARKING
PAD

PAVER
PATIO

PAVER
SIDEWALK
(TYP.)

NEW STORMWATER
RETENTION AREA 4
60 CUBIC FEET
5:1 SIDE SLOPE
4" RETENTION DEPTH

OUTFALL OF
CONVEYANCE
PIPES FROM
PAVER PATIO

PROPERTY
LINE
(TYP.)

UNPAVED
DRIVEWAY

PAVER
DRIVEWAY

2-STORY RESIDENCE

EXISTING
STORMWATER
RETENTION
AREA 3

COVERED
FRONT
PORCH

3'-0"
TYP.

PAVER
D R I V E W A Y

WITH NEW
SITE PAVEMENTS
TOTAL IMPERVIOUS AREA:
4493 SQ. FT.

NET INCREASE
390 SQ. F.T

EXISTING
STORMWATER
RETENTION AREA 1

EXISTING
STORMWATER
RETENTION AREA 2

LEGEND

HORIZONTAL LIMITS
OF IMPERVIOUS AREAS

NEW STORMWATER
RETENTION AREA

EXISTING STORMWATER
RETENTION AREAS

RAINFALL RUNOFF
FLOW DIRECTIONS

0 15
SCALE, FEET

W 1st Avenue

1st Court

FOR: THE HOGAN FAMILY

DRAWN BY: AHM | DATE: 5/26/2026
CHECKED BY: JER | DATE: 5/26/2026
SCALE: AS SHOWN
PROJECT/REPORT NO: G400-001-01/02

VARIANCE TO IMPERVIOUS AREA AND PROPOSED STORMWATER RETENTION
THE HOGAN RESIDENCE
2 1ST COURT, WINDERMERE FLORIDA

CURRENT IMPERVIOUS AND RETENTION AREAS WITH NEW WORK

Windermere Engineering Services, Inc.
2834 Midsummer Drive
Windermere, FL 34786
407/293-7030 FAX -0319
Cell 407/808-7765 EmlJR@WPES.net

FIGURE: 2

Figure 3

Discussion of the Proposed Variance

2 1st Court, Windermere, Florida

This letter addresses the proposed variance pursuant to the Town of Windermere Land Development Code, Section 10.02.02 titled, "Limitations on granting variances."

At issue is the variance of the percent of impervious surfaces on the subject property when compared to the town's contemporary Land Development Code, which presently stipulates that the total impervious surface areas should not exceed 45 percent of the overall lot area.

The Hogan Family has owned the subject property since March 1987. During approximately the first 15 years, Mr. and Mrs. Hogan constructed a number of improvements, including paver driveways and sidewalks, bringing the configuration of the property very near to its present character. All of these improvements were completed prior to 2006. A review of these impervious areas, after the fact, found that the resulting percent impervious surfaces across their lot was 50.0 percent of the total lot area. This exceeds the current code requirement (enacted prior to 2015) but was in compliance when these improvements were constructed.

Then, in 2023, Mr. and Mrs. Hogan updated their paver driveways and sidewalks to new materials. These improvements largely conformed with the earlier (pre-2006) configuration except for updates in the backyard, where a terraced patio was removed and replaced with a patio on a single level. A parking pad along 1st Avenue also was updated with expanded paver surfacing. While the original intent of the project was "replacement in kind," it was found, after the fact, that an estimated 390-square foot net increase to the impervious areas resulted.

The resulting 390-square foot (2.9-percent) increase to the impervious area is at issue presently. Capturing the required 1-inch of rainfall runoff from the 390-square foot impervious area requires the retention of 32.5 cubic feet (243 gallons) of rainfall runoff. A stormwater retention scheme is proposed in conjunction with this variance request providing storage of ***75 cubic feet (560 gallons)*** of stormwater runoff, ***thus providing 230 percent*** of the required storage volume.

Visual examination of 2 1st Court from the surrounding public streets and other residential properties would find the property appears highly consistent with its appearance prior to 2006, aside from the increased surface area of the parking pad along 1st Avenue. Here, the paver surfacing was expanded by approximately 375 square feet (12 feet by 31.3 feet), very close to the total 390-square foot net increase of impervious area from the entire 2023 redevelopment project.

Section 10.02.02 requires "a positive finding, based on substantial competent evidence, on each of the following" six considerations, to achieve favorable consideration of the variance. These considerations are stated below, followed by explanations of each of the conditions present:

(1) There are practical or economic difficulties in carrying out the strict letter of the regulation.

Response: Complying with the regulation (eliminating the total 390-square foot increased impervious area constructed since the regulation changed, prior to 2015) would involve

tearing out the net increase to the paver areas. Using the 375-square foot increase to the paver parking pad along 1st Avenue as an example, this would return the area to the pre-existing gravel surfacing inside the lot line. The hardship involved would be the removal of the recently-constructed paver parking pad. Since the variance request provides onsite capture of 230 percent of the required rainfall runoff from the paver pad, the proposed capture of additional stormwater runoff would be ***eliminated*** when the subject of the variance request (keeping the 390 square-foot increase to the impervious area) was eliminated.

(2) The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

Response: Since the pavers which resulted in the increased impervious area are already installed, the variance request is ***not*** based on the cost to develop the site. In fact, there ***would be*** a cost to proceed with the variance, based on the time, effort and dollar value to construct the 75-cubic foot increase to the stormwater retention. It is further noted that the cost to remove the pavers is nominal, since the Hogan Family would remove the pavers themselves.

(3) The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire or other hazard[s] to the public.

Response: No increase to the congestion on the surrounding public streets results from the increased paver area. This same area along 1st Avenue would be used for parking in any case, the only difference being that it will be more aesthetically pleasing if the paver surface is allowed to remain unchanged (i.e., if the 375-square foot increase remains unchanged). The paver installation also poses no hazard to the public, fire or otherwise.

(4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Response: The recently-installed pavers are believed to present a positive aesthetic for the surrounding properties along 1st Avenue, as well as for passers-by along 1st Avenue.

(5) 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.

Response: Stated simply, the intent of the town's Land Development Code is to manage growth, maintain the town's residential character, protect its natural environment and ensure that present and future development support these goals. The attractive and low-key aesthetic of professionally-installed pavers on the well-maintained landscaped property in the unpaved 1st Avenue streetside setting are in harmony with the Land Development Code.

(6) The variance will not encourage further requests for changes where such a land use would not be deemed appropriate.

Response: Mr. and Mrs. Hogan believe their property's appearance encourages proper and attractive land use and development, in keeping with the town's lovely character.



▲ Photograph 1 – Overall view of Front (East) Elevation of residence looking west. First Court is in the foreground.

▼ Photograph 2 – Front yard of residence looking north showing new paver circle driveway and well-maintained yard.





▲ Photograph 3 – Southern part of front yard looking south-southwest showing pavers and yard; First Avenue in background.

▼Photograph 4 – Northern (right-side) yard looking west showing proposed location of Stormwater Retention Area 4.





▲ Photograph 5 – Shed at northwestern corner of the yard looking west-southwest. The entire shed and porch canopy are counted as impervious site areas even though shed has wood-framed floor with void space beneath for infiltration (arrow).

▼ Photograph 6 – South driveway (to garage) looking south showing 1st Avenue. Limestone-surfaced driveway dips below 1st Avenue to capture rainfall and provide infiltration, even though this is not credited in the retention calculations.





▲ Photograph 7 – Western (rear) yard looking south showing long dimension of rear patio. Earlier two-tier patio with sidewalk along western property boundary was replaced by single-level patio with minor change in impervious surface area.



▲ Photograph 8 – Parking pad along First Avenue; photograph taken looking northeast, subject residence in background.

▼ Photograph 9 – Parking pad along First Avenue; photograph taken looking northwest. Note storm inlet, bottom of photo.





▲ Photograph 10 – Proposed location of Stormwater Retention Area 5 in southwestern part of subject property, just north of box trailer in Photos 8 and 9, preceding. The retention area will receive stormwater runoff from the parking pad.

▼Photograph 11 – View of subject property from corner of First Avenue and First Court; parking pad at far-left background.



AGENT AUTHORIZATION FORM

I/WE, (PRINT PROPERTY OWNER NAME) Michael / BARBARA Hogan AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 21st Ct., DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), James E. Rothrock, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, _____, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 5/29/26 Michael J Hogan — Signature of Property Owner — MICHAEL J HOGAN — Print Name Property Owner

Date: 5/29/26 Barbara W Hogan — Signature of Property Owner — BARBARA W HOGAN — Print Name Property Owner

STATE OF FLORIDA
COUNTY OF Orange

I certify that the foregoing instrument was acknowledged before me this 29th day of May, 2026 by Michael and Barbara Hogan. He/she is personally known to me or has produced FDL as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 29th day of May, in the year 2026.

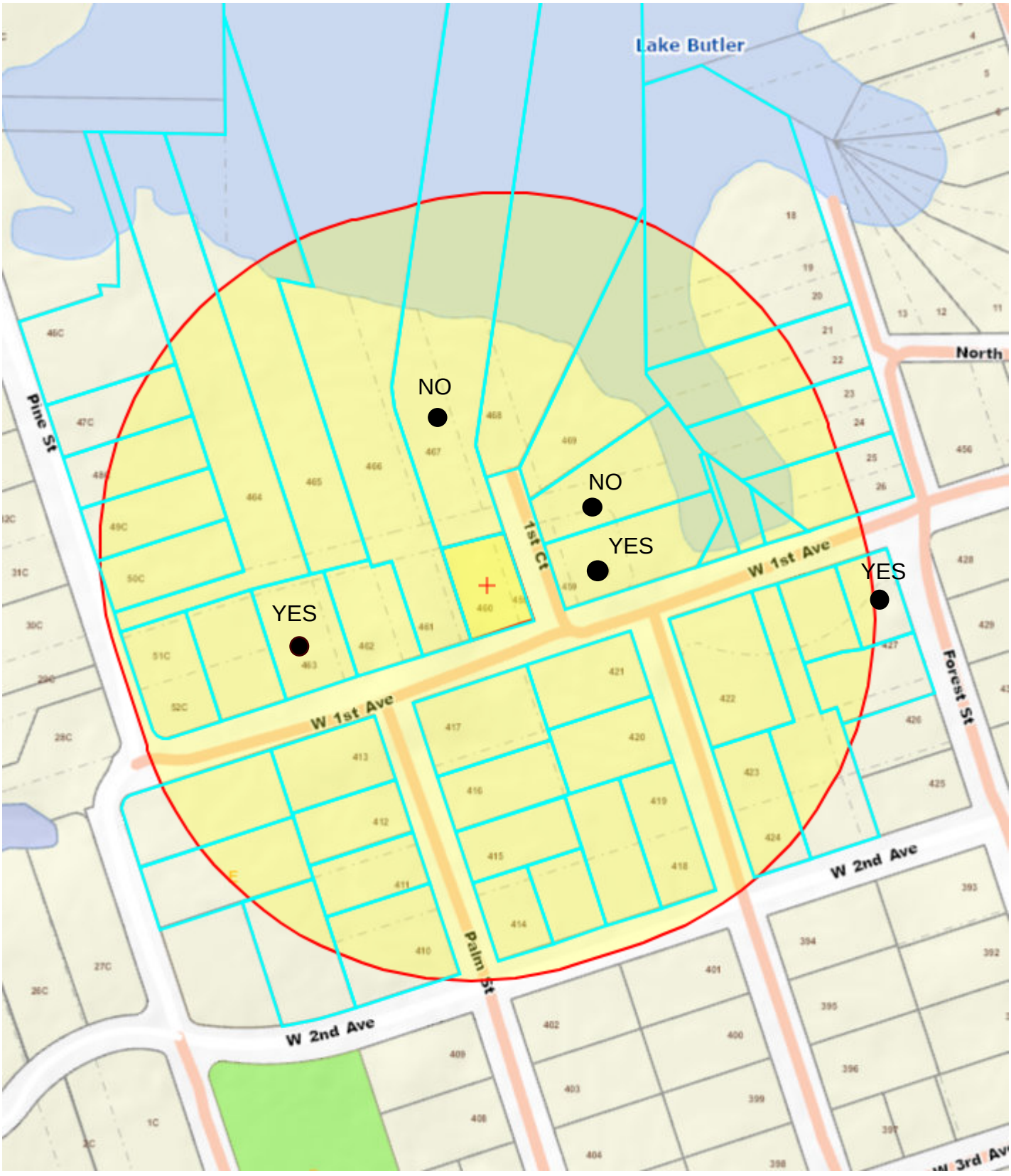
DAWN D. HART
Notary Public, State of Florida
Commission# HH 412557
My comm. expires August 27, 2027
(Notary Seal)

Signature of Notary Public
Notary Public for the State of Florida

My Commission Expires: 08/27/27

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID #: 17-23-28-9336-04-613
LEGAL DESCRIPTION: G/36 THE W20 FT OF LOT 459 & E 75.97 FT OF LOT 460 IN SEC 8 23 28

Z26-10 Public Notice Responses



Updated 7/29/26

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

July 8, 2026

RAMSEY JOHN MARK
RAMSEY JANE K
3 1ST CT
WINDERMERE, FL 34786-8506

RE: Public Notice of Variance Public Hearing for 2 1st Court – Z26-10

James Rothrock, authorized representative of the property located at 2 1st Court, has requested approval of a variance in accordance with Section 10.02.00 of the Town of Windermere Land Development Code (LDC). The requested variance is to permit a maximum impervious surface area of 0.529 (52.9%), whereas the LDC restricts properties with a residential land use district to a maximum impervious surface area of 0.45 (45%).

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, July 31, 2026.**

This matter will be presented to the Development Review Board on **Tuesday, August 4, 2026, at 6:30 p.m.** Their recommendation will be heard by the Town Council on **Tuesday, August 11, 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 – Z26-10 (2 1st Court)

APPROVAL:_____ **DISAPPROVAL:** X

COMMENTS: 2 1ST COURT ENCROACHES INTO THE RIGHT OF WAY BY A VERY large margin. We have notified the town (wade trim) AND INCLUDED PHOTOS showing

SIGNATURE:_____ **DATE:**_____

RAMSEY JOHN MARK
RAMSEY JANE K
3 1ST CT
WINDERMERE, FL 34786-8506

THAT EMERGENCY VEHICLES COULD NOT PASS BY. The Property OWNER IS ASSERTIVE SHOULD ANYONE "TOUCH" THE GRASS. IT IS NOT SAFE OR CONSISTENT TREATMENT WITH THE OTHER 1ST CT PROPERTIES WE ARE NOT SUPPORTIVE OF THE VARIANCE.

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

July 8, 2026

ROLAND FAMILY TRUST
1 1ST CT
WINDERMERE, FL 34786-8506

RE: Public Notice of Variance Public Hearing for 2 1st Court – Z26-10

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

RECOMMEND – Z26-10 (2 1st Court)

APPROVAL: X **DISAPPROVAL:** _____

COMMENTS: Our town should stop sueing our Residents + Making a Mockery of the name Windemer

SIGNATURE: _____ **DATE:** 7-16-26

ROLAND FAMILY TRUST
1 1ST CT
WINDERMERE, FL 34786-8506

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

July 8, 2026

BRADY SCOTT C LIFE ESTATE
BRADY PAMELA J LIFE ESTATE
4 1ST CT
WINDERMERE, FL 34786-8506

RE: Public Notice of Variance Public Hearing for 2 1st Court – Z26-10

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

RECOMMEND – Z26-10 (2 1st Court)

APPROVAL: _____ **DISAPPROVAL:** ✓

COMMENTS: (1) They have (2) Driveways - and they call the police anytime our Guests Park Along 1st Court (even though we do not block their Drives) (2) They HAVE AN ADDITIONAL GRASS SWALE THAT extends even Further into 1st Court... the GRASS is into the street... the street is too NARROW SO that if a CAR WAS PARKED on 1st Court, AN AMBULANCE has Difficulty Getting thru. Their Driveway on 1st Court extends WAY OUT into the street and the Town of Windermere should require this to be corrected,

(3) They should only have ONE Driveway.

SIGNATURE: _____ **DATE:** 7/13/26
(Scott Brady)

BRADY SCOTT C LIFE ESTATE
BRADY PAMELA J LIFE ESTATE
4 1ST CT
WINDERMERE, FL 34786-8506

RECOMMEND – Z26-10 (2 1st Court)

APPROVAL: ✓ **DISAPPROVAL:** _____

COMMENTS: _____

_____

_____

SIGNATURE: DSClark Tonj **DATE:** 07/14/2026

CLARK ANTHONY J LIFE ESTATE
CLARK DIANNE S LIFE ESTATE
108 FOREST ST
WINDERMERE, FL 34786-8538

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

July 8, 2026

YEAGER WILLIAM W
YEAGER BROOK R
415 W 1ST AVE
WINDERMERE, FL 34786-8505

RE: Public Notice of Variance Public Hearing for 2 1st Court – Z26-10

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

RECOMMEND – Z26-10 (2 1st Court)

APPROVAL: X **DISAPPROVAL:** _____

COMMENTS: _____

_____

_____

SIGNATURE: William Yeager **DATE:** 7/15/26

YEAGER WILLIAM W
YEAGER BROOK R
415 W 1ST AVE
WINDERMERE, FL 34786-8505

INTERLOCAL AGREEMENT FOR PERMIT INSPECTION AND REVIEW AND FIRE SERVICES

THIS INTERLOCAL AGREEMENT (this "Agreement"), is entered into and effective as of October 1, 2026, by and between the **CITY OF OCOEE, FLORIDA,** a municipal corporation created by and existing under the laws of the State of Florida, whose mailing address is c/o Ocoee Fire Department, 563 South Bluford Avenue, Ocoee, Florida 34761 ("Ocoee"), and the **TOWN OF WINDERMERE, FLORIDA,** a municipal corporation created by and existing under the laws of the State of Florida, whose mailing address is P.O. Drawer 669, Windermere, Florida 34786 ("Windermere").

WITNESSETH:

WHEREAS, Section 163.01, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" authorizes local governments to make the most efficient use of their powers by allowing them to cooperate with other localities on a basis of mutual advantage and thereby provide services and facilities that will harmonize geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, Ocoee presently has the manpower, equipment, and ability to process, review, and provide inspection relating to fire permits and plans on behalf of Windermere, and to provide fire investigation, hazard mitigation, fire code enforcement and other fire and emergency related services to Windermere; and

WHEREAS, Ocoee desires to process, review, and provide inspection relating to fire permits and plans in exchange for the direct payment of fees by applicant and Windermere authorizes Ocoee to provide such services for its applicant and citizens; and

WHEREAS, Ocoee desires to provide certain fire and emergency related services to Windermere in exchange for the payment of annual fees by Windermere and Windermere desires to purchase such services from Ocoee; and

WHEREAS, the City Commission of Ocoee has authorized Ocoee to enter into this Agreement, and the Town Council of Windermere has authorized Windermere to enter into this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual promises, terms and conditions contained herein and of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Windermere and Ocoee hereby agree as follows:

1. FIRE INSPECTION AND PERMIT REVIEW SERVICES:

A. Provision of Services. Ocoee hereby agrees to process, review, and provide inspection relating to fire permits (with such services being collectively referred to as "Fire Permit Review Services"), to the citizens and properties located within the corporate limits of Windermere along with its provision of such services to the citizens and properties located within the corporate limits of Ocoee. As a result of this Agreement, Windermere will not provide fire permit review services directly to its citizens or properties located within its corporate limits. When applying for a fire permit, this Agreement authorizes Ocoee to collect all necessary application information and fees directly from applicants residing in or doing business in Windermere, including its citizens, at the time of application for a permit. This Agreement authorizes Ocoee to enforce the provisions of said permits. This Agreement is a contract for the provision of services and shall not, in any manner whatsoever, constitute a transfer of municipal home rule powers. This Agreement is solely an interlocal agreement to provide services authorized by Chapter 163, Florida Statutes.

B. Payment of Fees. At the time of an application for Fire Permit Review Services, applicants shall remit directly to Ocoee per Resolution 2018-021, which is attached hereto as **Exhibit "A"**, with the updated fee schedule listed on **Exhibit "B"** , attached. These fees may be changed with 30 days written notice from Ocoee to Windermere.

C. Scope of Services. The parties hereto agree as follows:

(1) Ocoee Fire Department shall be the primary department authorized to engage in Fire Permit Review Services per this Agreement. Fees for all services are described in **Exhibit "B"**, attached hereto.

(2) Separate permits will be required for fire protection systems.

(3) In addition to any fees paid by applicant to Ocoee at the time of application for a building permit, at the time of such application, the applicant shall also pay a nonrefundable plan review fee for review by the Ocoee Fire

Department, as described in **Exhibit "B"**, attached hereto.

In the event that the Ocoee Fire Department, upon initial inspection, shall find work not in compliance with the Florida Fire Prevention Code, the person doing said work shall promptly do everything necessary to bring said work within the requirements of the Florida Fire Prevention Code. The Ocoee Fire Department shall then, upon notice from such person, reinspect said work after payment of the fees outlined in **Exhibit "B"**, attached hereto.

D. Florida Fire Prevention Code. Inspections and Fire Permit Review Services set forth in this Agreement shall be conducted in accordance with Chapter 633, Florida Statutes, and the provisions of the current edition of the Fire Protection Code, adopted pursuant to state law.

E. Inspection. Inspections required in the context of Fire Permit Review Services, as set forth in this section, are in addition to and shall not be construed to conflict with the annual fire inspections on commercial properties referenced in Section 2 of this Agreement. Inspections shall be conducted by and through Ocoee Fire Department and Fire Department officers and employees.

F. Duties and Level of Service. Ocoee shall provide substantially the same Fire Permit Review Services for residents of Windermere that are available and provided to the residents of Ocoee. The rendition of service, standards of performance, and other matters incident to performance of services and control of personnel will be controlled exclusively by Ocoee. Additionally, during the performance of Fire Permit Review Services for citizens and applicants of Windermere, all officers and employees of Ocoee shall perform only those functions that are within the scope of the duties and responsibilities of such officer or employee in the performance of such Fire Permit Review Services for Ocoee. This Agreement shall not be construed to impose any obligation, duty or responsibility whatsoever on Ocoee to provide any specific types, kinds, or numbers of personnel or equipment within the corporate limits of Windermere at any specific time.

2. FIRE SERVICES:

A. Provision of Services. Ocoee hereby agrees to provide Fire Protection Services, Fire Suppression Services, Emergency Medical Services & Transportation, Emergency Rescue Services, Fire Investigation Services and Public Service Incident Responses (with such services being defined herein and collectively referred to as the "Fire Services"), to the citizens and properties located within the corporate limits of

Windermere along with its provision of such services to the citizens and properties located within the corporate limits of Ocoee. As a result of this Agreement, Windermere does not intend to provide Fire Services directly to its citizens and properties located within its corporate limits. Windermere hereby agrees to pay certain fees, as hereinafter defined, to Ocoee for the provision of such Fire Services by Ocoee during the term of this Agreement. This Agreement is a contract for the provision of services and shall not, in any manner whatsoever, constitute a transfer of municipal home rule powers. This Agreement is solely an interlocal agreement to provide services authorized by Chapter 163, Florida Statutes.

B. Definitions:

i. Emergency Medical Services & Transportation. -Timely response to an incident requiring medical aid by qualified personnel and properly equipped emergency vehicles in order to provide first aid, basic life support, advanced life support, transportation of patients to appropriate emergency facilities, and other related services.

ii. Emergency Rescue Services. - Timely response of qualified personnel and equipment to mitigate a threat to life or property caused by unusual conditions or accidents, including, but not limited to, automobile accidents, industrial/agricultural accidents, and accidents involving building structural failure.

iii. Fire Investigation Services. - The investigation into the source, cause and circumstances of fire incidents.

iv. **Fire Protection Services.** -All public services which are provided to protect people and property from damage and harm caused by fire, smoke and heat, which include, but are not limited to, fire prevention activities, fire inspection, fire safety education, fire control or suppression, and responses to emergencies involving hazardous materials. Fire inspections shall be limited to annual fire inspections on commercial properties and shall not be deemed to include the inspection/testing of fire hydrants. (Refer to Section 1, above, for Permit Inspection and Review Services regarding initial plan and/or building permit reviews.) Fire safety education shall be limited to providing fire safety literature, bulletins and community outreach programs, upon request and subject to availability, to schools, churches and governmental buildings

substantially consistent with and with similar frequency to those provided in Ocoee at schools, churches and governmental buildings. Responses to emergencies involving hazardous materials shall be limited to first response clean-up only subject to capabilities based on the substance and shall not be deemed to include substantive site clean-up or product or soil removal.

v. Fire Suppression Services. - Immediate response by qualified personnel with properly equipped apparatus to a threat to life or property caused by the release of smoke, fire or heat, for the purpose of eliminating that hazard.

vi. Public Service Incident Response. –That service resulting from a request for non-emergency assistance by an individual which may include, but is not limited to, the following:

a. provision of non-emergency assistance to an individual who is locked-in or locked-out from a vehicle or a structure;

b. provision of assistance and supervision regarding the maintenance, installation, repair, or operation of a fire protection system in a residential or commercial building or structure; and

c. provision of assistance to the general public regarding fire prevention and safety.

C, Tanker. During the first year of the 2026-2029 Interlocal Agreement, the Town of Windermere agrees to purchase a new tanker truck to replace the current tanker. The parties acknowledge that Windermere owns the tanker truck that is currently being housed at Ocoee's fire station on Maguire Road. Under this Agreement, Windermere shall continue to own the tanker truck and will insure the same, naming Ocoee as an additional insured. Ocoee shall have the right to use the tanker truck in its normal day-to-day activities in providing the Fire Services in Windermere and in Ocoee. During the term of this Agreement, Ocoee agrees to be responsible for the routine maintenance and repair of the tanker truck and shall continue to house the tanker truck at the fire station on Maguire Road or such other location as determined by Ocoee. term of this Agreement.

D. Administrative Agent. Ocoee hereby agrees to administer this Agreement by and through its Fire Department and Fire Department officers and employees.

E. Duties and Level of Service. Ocoee shall provide substantially the same Fire Services for residents of Windermere that are available and provided to the residents of Ocoee. The rendition of service, standards of performance, discipline of officers and employees, and other matters incident to performance of services and control of personnel will be controlled exclusively by Ocoee. Additionally, during the performance of Fire Services for Windermere, all officers and employees of Ocoee shall perform only those functions that are within the scope of the duties and responsibilities of such officer or employee in the performance of such Fire Services for Ocoee. This Agreement shall not be construed to impose any obligation, duty or responsibility whatsoever on Ocoee to provide any specific types, kinds, or numbers of fire or emergency personnel, equipment or apparatus at any fire station or other facility in Ocoee or at any emergency scene within the corporate limits of Windermere at any specific time.

F. Payment of Fees. Windermere hereby agrees to pay to Ocoee an annual fee (collectively, the "Fees") for the provision of Fire Services pursuant to the terms and conditions of this Agreement. The annual Fees in the amount of $1,100,000 for the first year of this Agreement shall be remitted and payable to Ocoee on February 1,2027. The Fees shall increase for the second year of this agreement to $1,178,000 and for the third year of this agreement to 1,312,475.

In the event this Agreement is extended beyond the Initial Term, the Fees for each year shall increase by three percent (3%) over the Fees for the prior year, unless the parties agree to different Fees amount as part of the extension of the term. In the event payment is not made on a timely basis, a late charge at the rate of twelve percent (12%) per annum shall be added to Windermere's Fees due and owing to Ocoee. Interest shall be compounded and computed daily, based on a 365-day year, commencing the first calendar day after the due date. If payment is more than thirty (30) days delinquent, Ocoee may terminate this Agreement as provided herein.

G. Ancillary Fees/Charges. The parties acknowledge and agree that Ocoee may invoice, collect, and retain fees from Windermere residents for EMS transportation, as well as collect from residents and businesses based on false alarm fees in accordance with the fee schedules adopted by Ocoee. Ocoee may

also invoice, collect, and retain fees from residents or businesses within Windermere whose negligent or unlawful acts cause an incident resulting in an emergency response.

3. **Employee Status.** Persons employed by Ocoee in the performance of this Agreement shall remain employees of Ocoee for all purposes and shall not have any claims against Windermere for pension rights, workers' compensation, unemployment compensation, civil service rights, or other employees' rights or privileges granted by Federal, state or local law or by Windermere to its officers and employees. Further, Ocoee agrees that Windermere shall assume no liability for the payment of salary, wages, or other compensation or entitlement to officers, agents, or employees of Ocoee who perform Fire Permit Review Services or Fire Services to Windermere as provided in this Agreement.

4. **Agency Relationship.** For the purposes of this Agreement, Ocoee shall be an agent of Windermere entitled to exercise all municipal and corporate powers of Windermere in the same manner as if the Fire Permit Review Services or Fire Services and other related services set forth herein were being performed by employees of Windermere.

5. **Equal Employment.** Ocoee hereby acknowledges that it adheres to the policies and regulations of the Equal Employment Opportunity Commission as set forth in Chapter XIV of the Code of Federal Regulations which provide for the equality of opportunity, both before and during employment with any local department or agency, for all applicants and employees, regardless of race, color, sex, religion, national origin, marital status, or other similar factors that are not job related. Such policy applies to all levels of employment for Ocoee and to all job classifications. In addition, it is the responsibility of each division within Ocoee and each department head or supervisor to give the non-discrimination policy full support by leadership and by personal example. Further, it is the duty of each employee to help maintain the work environment which is conducive to and which effectuates Ocoee's commitment and philosophy to equal employment opportunity.

6. **Cooperation.** To facilitate performance of this Agreement, Ocoee hereby agrees to fully cooperate with Windermere with regard to the provision of Fire Permit Review Services and Fire Services, and Windermere hereby agrees to fully cooperate with Ocoee regarding the same.

7. **Term of Agreement.** This Agreement shall be effective for a period of three (3) years commencing on October 1, 2026, and expiring on September 30, 2029 (the "Initial Term"), unless otherwise terminated as provided below. Upon the expiration of the Initial Term or upon the expiration of each subsequent one-year period thereafter, the term of this Agreement may be extended for an additional period of one (1)year upon the receipt by Ocoee of Windermere's written notice of intention to extend this Agreement. Such notice must be delivered to Ocoee on or before January 1, 2029, with respect to the Initial Term and on or before January 1st of each year thereafter with respect to any renewal terms in order to allow each City to adjust its respective budget by March 1st for the next fiscal year. Upon receipt of such notice of Windermere's intention to extend the then term of this Agreement, Ocoee may, at its sole option, elect to terminate this Agreement at the end of the current term or to extend this Agreement for an additional one-year term, all by written notice to Windermere delivered within forty-five (45) days of receipt of notice from Windermere of its intention to extend this Agreement. For purposes hereof, "term" shall mean the Initial Term and any subsequent one-year extension of this Agreement. Additionally, for the purposes hereof "year" shall mean each contract year of this Agreement which commences on October 1st and ends on the following September 30th and corresponds to the fiscal years of Ocoee and Windermere.

8. **Disputes.** If a dispute arises regarding the services rendered under this Agreement, then the City Managers of Ocoee and Windermere shall proceed in good faith to resolve any such dispute. In the event that the disputed matter is not resolved to the satisfaction of the parties, each party may avail itself to the remedies available at law or in equity. This Agreement shall be construed by and governed by the laws of the State of Florida. Any and all legal action necessary to enforce this Agreement shall be held in Orange County, Florida.

9. **Annexation.**

A. Windermere shall keep Ocoee advised regarding annexations and the corporate limits of Windermere in order that Ocoee may provide Fire Permit Review Services and Fire Services to properties added to Windermere subsequent to the date hereof. Ocoee shall not be obligated to provide Fire Permit Review Services and Fire Services to properties annexed into the corporate limits of Windermere unless and until Ocoee receives from Windermere written notice of such annexations along with a street

address for such properties.

B. The parties agree that the Fire Services fees, as provided in Section 2F of this Agreement, are based on Ocoee providing Fire Services in the corporate limits of Windermere as of the effective date of this Agreement. In the event the corporate limits of Windermere are expanded significantly due to the annexation of multiple properties and/or subdivisions, the Fire Services fees provided in Section 2F shall be renegotiated and adjusted accordingly. Provision of services and the adjustment of Fire Services fees shall only become effective upon the execution of an amendment to this Agreement by both parties.

10. Termination.

(A) This Agreement shall expire at the end of the term unless one party shall notify the other party by one-year written notice of its intention to terminate this Agreement, in which event the term of this Agreement shall expire on the first September 30th following the end of the one-year notice period.

(B) Further, the term may be terminated by either party in the event that the other party shall violate or fail to perform any material obligation of such party under this Agreement, and such violation or failure shall continue for a period of sixty (60) days after notification of such breach by the other party. Such termination shall be effective not less than ninety (90) nor more than one hundred twenty (120) days after delivery of written notice of termination to the breaching party; provided, however, with regard to Fire Services, if Ocoee terminates this Agreement pursuant to this subsection, Windermere shall be obligated to pay to Ocoee on a pro-rata basis for the services rendered in any partial year and Ocoee agrees to continue providing the Fire Services until either Windermere has obtained replacement Fire Services or has had an adequate period of time to obtain such replacement Fire Services.

11. Notices. All notices required to be given under this Agreement shall be in writing, and deemed sufficient to each party when sent by Certified United States Mail, return receipt, to the City Manager of the other party.

12. Amendment. Except for changes in Fire Permit Review Services fees, as described in section 1.B. and 9.A. of this Agreement, this Agreement shall be modified, amended or altered only by an instrument in writing signed by both parties, and such execution by Windermere shall be valid and binding against Windermere only if

expressly approved by its Town Council at a legally valid meeting thereof and such execution by Ocoee shall be valid and binding against Ocoee only if expressly approved by its City Commission at a legally valid meeting thereof, and provided the execution of such amendment conforms to all the federal, state and local laws, rules, procedures and ordinances applicable to the execution of this Agreement.

13. **Entire Agreement.** The Agreement contains the entire agreement between Ocoee and Windermere with respect to the subject matters hereof and supersedes any prior agreements or understandings, written or oral, between the parties. The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not, solely as a matter of judicial constraint, be construed more severely against one of the parties than the other. Neither party shall assign, delegate, or otherwise transfer its rights and obligations as set forth in this Agreement to any other entity without the prior written consent of the other.

14. **Filing.** This Agreement and subsequent amendments thereto shall be filed by the parties with the clerk of the Circuit Court of Orange County, Florida, in conformance with Section 163.01(11), Florida Statutes.

IN WITNESS WHEREOF, the parties hereto set their hands and seals, all on the day and year first above written.

ATTEST:

_____
Melanie Sibbitt, City Clerk

(SEAL)

_____
City Attorney

APPROVED:

CITY OF OCOEE, FLORIDA

_____
Rusty Johnson, Mayor

APPROVED BY THE OCOEE CITY COMMISSION AT A MEETING HELD ON _____, 2026 , UNDER AGENDA ITEM NO. _____

ATTEST:

_____
Town Clerk

(SEAL)

FOR USE AND RELIANCE ONLY BY THE TOWN OF WINDEREMERE, FLORIDA APPROVED AS TO FORM AND LEGALITY THIS _____ DAY OF _____, 2026

_____

By: _____
Town Attorney

APPROVED:

TOWN OF WINDERMERE, FLORIDA

_____
Mayor

APPROVED BY THE WINDERMERE TOWN COUNCIL AT A MEETING HELD ON _____, 2026, UNDER AGENDA ITEM NO. _____

EXHIBIT A

Resolution 018-021

RESOLUTION NO. 2018-021

A RESOLUTION OF THE CITY OF OCOEE, FLORIDA, ADOPTING A SCHEDULE OF RATES, CHARGES, AND FEES FOR FIRE PREVENTION AND EMERGENCY GROUND MEDICAL TRANSPORT AND RELATED SERVICES PROVIDED BY THE CITY IN ACCORDANCE WITH CHAPTER 78 OF THE CITY OF OCOEE CODE OF ORDINANCES; PROVIDING FOR ANNUAL ADJUSTMENT IN ACCORDANCE WITH THE CPI; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECITIVE DATE.

WHEREAS, since 1957, the Ocoee Fire Department has continuously existed as a duly constituted and organized department of the City of Ocoee, and

WHEREAS, the City of Ocoee Charter recognizes the authority of the City to provide for police, fire, sanitary, and similar protection and services to its visitors and citizens; and

WHEREAS, on June 19, 2018, the City Commission of the City of Ocoee ("City Commission") determined that it is in the interest of the public health, safety, and welfare of the visitors and citizens of the City to provide emergency ground medical transport and related services directly through the Ocoee Fire Department; and

WHEREAS, on December 4, 2018, the City Commission adopted an ordinance substantially amending Chapter 78, City of Ocoee Code of Ordinances, relating to fire prevention and emergency medical response; and

WHEREAS, Chapter 78, City of Ocoee Code of Ordinances, as amended, authorizes the City Commission to adopt a uniform schedule of rates, charges, and fees to be imposed and collected by the City for the provision of fire prevention services, as well as emergency ground medical transport and related services; and

WHEREAS, the City Commission wishes to establish uniform reasonable rates, charges, and fees to be imposed and collected for certain fire prevention services and emergency ground medical transport and related services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. Authority. The City Commission has the authority to adopt this Resolution pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 3. Rates for Fire Prevention and Emergency Medical Transport Services. The City Commission formally adopts the following fee schedule for fire prevention and emergency ground medical transport and related services, as follows:

Plan Review and Permit Fees (Section 78-9):
¼ of 1 % of value of construction.
Permit Fee -- $30.00 + $4.50 per $1,000 of valuation
Method of payment: Exact cash amount or check payable to the City of Ocoee

Re-inspection Fee (as needed) (Section 78-10):
First occurrence -- $25.00
Second occurrence -- $40.00
Third occurrence -- $40.00
Fourth occurrence $100.00

Fireworks (Section 78-13):
Temporary Retail Sales -- $100.00

Emergency Medical Response (EMS) (Section 78-14)
EMS Transport (plus per mile charge listed below)
Basic Life Support (BLS) -- $514.00
Advance Life Support I (ALS) -- $863.00
Specialty Care Support I (SCS) -- $863.00
Advance Life Support II (ALS II) $808.00
Per Mile Charge-- $13.00
Medically Indigent Fee (BLS, ALS, ALS II, SCS) * -- Medicaid Rate Schedule

*Medically indigent status is determined by the hospital, provided the responsible party submits a letter from the hospital indicating medical indigence/hardship.

SECTION 4. Annual Adjustment. Beginning in Fiscal Year 2019, fees shall be increased by an annual percentage increase in the consumer price index (CPI-I, as developed by the Bureau of Labor Statistics of the U.S. Department of Labor) as compared to the previous year.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon passage and adoption.

[Signatures to follow]

PASSED AND ADOPTED this 4th day of December, 2018.

APPROVED:

ATTEST:

Melanie Sibbitt, City Clerk

CITY OF OCOEE, FLORIDA

Rusty Johnson, Mayor

(SEAL)

APPROVED BY THE OCOEE CITY COMMISSION ON THE ABOVE DATE UNDER AGENDA ITEM NO. 10(b)

FOR USE AND RELIANCE ONLY
BY THE CITY OF OCOEE, FLORIDA;
APPROVED AS TO FORM AND LEGALITY
this 4th day of DEC., 2018.
SHUFFIELD, LOWMAN & WILSON, P.A.

By:_____
City Attorney

Exhibit B

Ocoee Fire Department
Fire Prevention and Emergency
Medical Transport Fees
Effective October 2025

Fire Prevention

Plan Review Fee	½ of 1% of value of construction
Permit Fee	**$50** + **$5.50** per **1,000** of valuation
Re-Inspection Fee	First Occurrence $40.00 Second Occurrence $60.00 Third Occurrence $80.00 Fourth Occurrence $100.00
Fireworks	Temporary Retail Sales $100.00

Emergency Medical Transport (EMS)

Fee Type	Cost
EMS Transport (plus per mile charge listed below) Basic Life Support (BLS)	$611.00
Advance Life Support I (ALS)	$1024.00
Specialty Care Support I (SCS)	$1024.00
Advance Life Support II (ALS II)	$960.00
Per Mile Charge	$17.00
Medically Indigent Fee (BLS, ALS, ALS II, SCS)	Medicaid Rate Schedule