

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR (1) MINIMUM REAR YARD SETBACK FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL; AND (2) MINIMUM REAR YARD SETBACK FROM 5 FEET TO 3 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE R-1BB (SINGLE FAMILY DWELLING DISTRICT); (RICHARD & SHARON JOHNSON, APPLICANTS).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

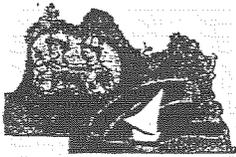
**Agenda Date** 03-28-05 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR (1) MINIMUM REAR YARD SETBACK FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL; AND (2) MINIMUM REAR YARD SETBACK FROM 5 FEET TO 3 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE R-1BB (SINGLE FAMILY DWELLING DISTRICT); (RICHARD & SHARON JOHNSON, APPLICANTS); OR
2. **DENY** THE REQUEST FOR (1) MINIMUM REAR YARD SETBACK FROM 10 FEET TO 5 FEET FOR A PROPOSED POOL; AND (2) MINIMUM REAR YARD SETBACK FROM 5 FEET TO 3 FEET FOR A PROPOSED POOL SCREEN ENCLOSURE IN THE R-1BB (SINGLE FAMILY DWELLING DISTRICT); (RICHARD & SHARON JOHNSON, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	<b>APPLICANTS:</b> RICHARD & SHARON JOHNSON <b>LOCATION:</b> 5386 ENDICOTT PLACE <b>ZONING:</b> R-1BB (LAKES OF ALOMA)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANTS PROPOSE TO CONSTRUCT A POOL THAT WOULD ENCROACH 5 FOOT INTO THE 10 FOOT MINIMUM REAR YARD SETBACK AND A POOL SCREEN ENCLOSURE THAT WOULD ENCROACH 2 FEET INTO THE 5 FOOT MINIMUM REAR YARD SETBACK.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"> <li>• THE GRANTING OF THE REQUESTED VARIANCES WOULD CONFER SPECIAL PRIVILEGES DENIED TO</li> </ul>

	<p>OTHER PROPERTIES IN THE LAKES OF ALOMA NEIGHBORHOOD BY ALLOWING ENCROACHMENT INTO THE REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF SPECIAL CIRCUMSTANCES OR HARDSHIP BY THE APPLICANTS.</p> <ul style="list-style-type: none"><li>• THE OPPORTUNITY EXISTS TO CONSTRUCT A COMPLIANT POOL AND SCREEN ENCLOSURE. THEREFORE, THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.</li><li>• THE REQUESTED VARIANCES WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.</li></ul>
<p><b>STAFF RECOMMENDATION</b></p>	<ul style="list-style-type: none"><li>• BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANTS CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:<ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED POOL AND SCREEN ENCLOSURE AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul></li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET (ROOM 221)  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

APPL. NO. BV 2005-014

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

**APPLICATION TYPE:**

- VARIANCE** RYSBY from 10 ft. to 5 ft. for proposed pool that would encroach 1.5 ft. into drainage/utility easement
- SPECIAL EXCEPTION**
- MOBILE HOME SPECIAL EXCEPTION**
  - EXISTING (YEAR \_\_\_\_\_)  PROPOSED (YEAR \_\_\_\_\_)
  - REPLACEMENT (YEAR \_\_\_\_\_) SIZE OF MOBILE HOME \_\_\_\_\_
  - ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
  - PLAN TO BUILD  YES  NO IF SO, WHEN \_\_\_\_\_
  - MEDICAL HARDSHIP  YES (LETTER FROM DOCTOR REQUIRED)  NO
- APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Sharon T. + Richard A. Johnson</u>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <b>RECEIVED</b>            FEB 03 2005         </div>
ADDRESS	<u>5386 Endicott Place</u>	
	<u>Oviedo, FL 32765</u>	
PHONE 1	<u>407-678-9272</u>	
PHONE 2	<u>407-405-2809 (cell)</u>	
E-MAIL	<u>SJohnson23@cfi.rr.com</u>	

PROJECT NAME: Lakes of Aloma

SITE ADDRESS: 5386 Endicott Place

CURRENT USE OF PROPERTY: Home

LEGAL DESCRIPTION: LOT 56, LAKES OF ALOMA PB 41 PGS 31 TO 33

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 31-21-31-509-0000-0560

UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS \_\_\_\_\_

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 3/28/05 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Sharon T. Johnson  
 SIGNATURE OF OWNER OR AGENT\* 2/3/05  
DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

**ADDITIONAL VARIANCES**

VARIANCE 2:

Rear yard setback from 5 feet to 3 feet for a proposed pool screen enclosure

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

**APPEAL FROM BOA DECISION TO BCC**

**APPELLANT INFORMATION**

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ APPELLANT SIGNATURE \_\_\_\_\_

**FOR OFFICE USE ONLY**

PROCESSING:

FEE(S): ~~\$150~~ \_\_\_\_\_ COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING MDR/R-1BB

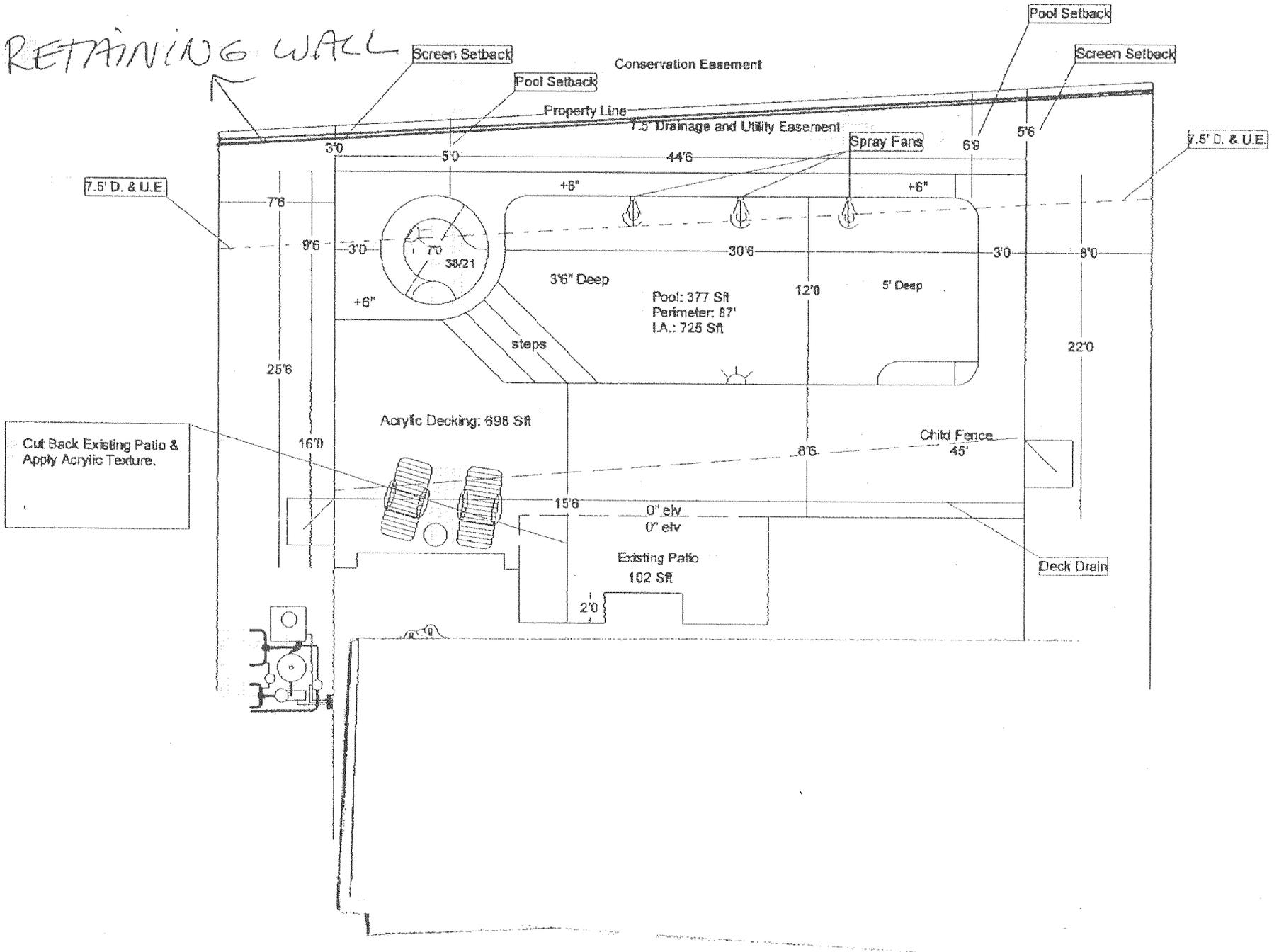
BCC HEARING DATE \_\_\_\_\_ (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

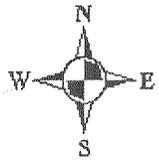
PLANNING ADVISOR ERM \_\_\_\_\_ DATE 02-03-05

SUFFICIENCY COMMENTS Addition info to be provided

**\* RETAINING WALL**

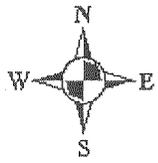


Cut Back Existing Patio & Apply Acrylic Texture.



Sharon T & Richard A Jr son  
536 Endicott Pl.  
Oviedo, FL. 32765



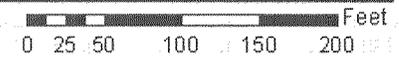


Sharon T & Richard A Johnson  
536 Endicott Pl.  
Oviedo, FL. 32765



Parcel No: 31-21-31-509-0000-0560

BV2005-014



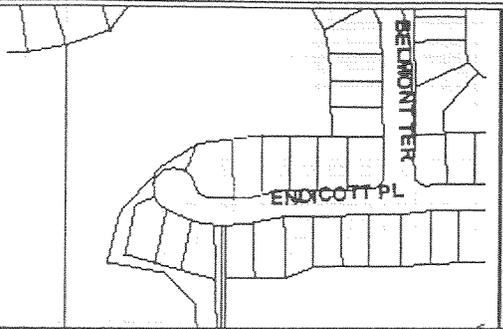
**PARCEL DETAIL**

DAVID JOHNSON, CFA, ASA

**PROPERTY APPRAISER**

SEMINOLE COUNTY, FL

1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-665-7506



**GENERAL**

Parcel Id: 31-21-31-509-0000-0560 Tax District: 01-COUNTY-TX DIST 1  
 Owner: JOHNSON RICHARD A & SHARON T Exemptions: 00-HOMESTEAD  
 Address: 5386 ENDICOTT PL  
 City, State, Zip Code: OVIEDO FL 32765  
 Property Address: 5386 ENDICOTT PL OVIEDO 32765  
 Subdivision Name: LAKES OF ALOMA  
 Dor: 01-SINGLE FAMILY

**2005 WORKING VALUE SUMMARY**

Value Method: Market  
 Number of Buildings: 1  
 Depreciated Bldg Value: \$124,479  
 Depreciated EXFT Value: \$2,071  
 Land Value (Market): \$29,400  
 Land Value Ag: \$0  
 Just/Market Value: \$155,950  
 Assessed Value (SOH): \$117,394  
 Exempt Value: \$25,000  
 Taxable Value: \$92,394  
 Tax Estimator

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	02/1998	03380	0946	\$127,400	Improved
WARRANTY DEED	12/1992	02524	0882	\$127,000	Improved
WARRANTY DEED	10/1989	02122	1525	\$113,800	Improved

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

Tax Value (without SOH): \$2,221  
 2004 Tax Bill Amount: \$1,525  
 Save Our Homes (SOH) Savings: \$696  
 2004 Taxable Value: \$90,205  
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	29,400.00	\$29,400

**LEGAL DESCRIPTION PLAT**

LEG LOT 56 LAKES OF ALOMA PB 41 PGS 31 TO 33

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1989	8	1,728	2,264	1,728	WD/STUCCO FINISH	\$124,479	\$131,724
	Appendage / Sqft		OPEN PORCH FINISHED / 80						
	Appendage / Sqft		GARAGE FINISHED / 456						

**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1989	1	\$1,200	\$2,000
ALUM SCREEN PORCH W/CONC FL	1991	192	\$871	\$1,632

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

\*\*\* If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

R-1EE

MDR



**COPY**

FLALTH0101  
Box 153000  
Altamonte Springs, FL 32715

February 7, 2005

Sharon and Rick Johnson  
5386 Endicott Place  
Oviedo Florida 32765

Ref : Request for vacating utility easement  
Lot 56, Lakes of Aloma  
Thereof as recorded in Plat Book 41, pages 31-33  
Public records of Seminole County / Florida

Sharon and Rick

I have reviewed the plats for the above referenced property and have determined that Sprint / Florida does provide service to this area and this amendment will not encroach unreasonably on our ability to provide service to this area. Sprint /Florida has no objections to abandonment of the above referenced Utility Easement.

Note: this in no way affects the utility easement along the front and side of the above-described properties as it currently is, and will remain, " in use".

If I can be of any further assistance please contact me at 407/830-3279

Steve O'Brien

Network Engineer E&C

A handwritten signature in cursive script that reads "Steve O'Brien".

**COPY**

To Whom It May Concern,

February 12, 2005

We Donald Shane Weast and Sheri Shutt Weast

who live at 5392 Endicott PL - Endicott Place, Oviedo, Fl. 32765

grant permission to our next door neighbors Rick & Sharon Johnson at 5386

Endicott Place to build a retaining wall, pool, deck, and screen. In order to do so we

understand that they are applying for a variance with Seminole County to use their

back yard utility and drainage easement and we support their efforts.

Donald Shane Weast

Sheri Shutt Weast

**COPY**

**Sharon Johnson**

---

**From:** Usry, Marvin [Marvin.Usry@mybriighthouse.com]  
**Sent:** Thursday, February 17, 2005 9:12 AM  
**To:** sjohnson23@cfl.rr.com  
**Cc:** King, PJ  
**Subject:** FW: cable utilities on my property backyard

Ms. Johnson,

We have reviewed your request regarding the vacation of an Easement on your property. A letter of no objection is being processed and mailed today.

Thank you,

Marvin L. Usry, Jr.  
Bright House Networks

-----Original Message-----

**From:** King, PJ  
**Sent:** Thursday, February 17, 2005 9:08 AM  
**To:** Usry, Marvin  
**Subject:** FW: cable utilities on my property backyard

-----Original Message-----

**From:** Sharon Johnson [mailto:sjohnson23@cfl.rr.com]  
**Sent:** Thursday, February 17, 2005 7:22 AM  
**To:** King, PJ  
**Subject:** RE: cable utilities on my property backyard

Dear Mr. King,

I am waiting for your letter to confirm this and say that your co. doesn't mind we use the backyard easement. Do you know if this has been sent yet? Thank you in advance for your attention.

Sharon Johnson  
5386 Endicott Place  
Oviedo, Fl. 32765

-----Original Message-----

**From:** King, PJ [mailto:Pj.King@mybriighthouse.com]  
**Sent:** Monday, February 07, 2005 7:30 AM  
**To:** Sharon Johnson  
**Subject:** RE: cable utilities on my property backyard

Per your request:

Bright House Networks facilities are located in the front easement / right-of-way at your address.

Any questions on this please let me know.

-----Original Message-----

**From:** Sharon Johnson [mailto:sjohnson23@cfl.rr.com]  
**Sent:** Sunday, February 06, 2005 6:55 PM  
**To:** King, PJ  
**Subject:** cable utilities on my property backyard

**COPY**

Dear Mr. King,  
Please let me know if there are utilities with your company on my property at 5386 Endicott Place. The legal description is Lot 56, Lakes of Aloma PB 41 PGS 31 to 33. The back 7.5 feet of our backyard is our concern as this is notated on The Map of Survey as a 7.5' Drainage and utility easement. If there are no utilities, then we are going to proceed and ask for a variance and fill out a vacate request. Thank you for your prompt attentions.  
Sharon T. Johnson  
phone= 407-678-9272  
E mail= sjohnson23@cfl.rr.com

--  
No virus found in this outgoing message.  
Checked by AVG Anti-Virus.  
Version: 7.0.300 / Virus Database: 265.8.5 - Release Date: 2/3/2005

--  
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Checked by AVG Anti-Virus.  
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No virus found in this outgoing message.  
Checked by AVG Anti-Virus.  
Version: 7.0.300 / Virus Database: 265.8.8 - Release Date: 2/14/2005

--  
No virus found in this incoming message.  
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Version: 7.0.300 / Virus Database: 265.8.8 - Release Date: 2/14/2005

# LAKES OF ALOMA

DATE RECEIVED :

## ARCHITECTURE REVIEW COMMITTEE APPLICATION FOR REVIEW

NAME Sharon + Rick Johnson LOT NUMBER 56

ADDRESS 5386 Endicott Pl. Oviedo, FL 32765

PHONE NUMBER AND TIME YOU CAN BE REACHED 407-678-9272

### BRIEFLY DESCRIBE THE PROPOSED IMPROVEMENT

Permission to use "7.5 Drainage and Utility Easement" area in our backyard. We plan to apply for variance through Seminole County so we can consider refertor wall, pool, deck, + screen. Plans to be presented next month.

DATE OF ANTICIPATED START \_\_\_\_\_ COMPLETION DATE \_\_\_\_\_

Who will perform the actual work on this improvement \_\_\_\_\_

INCLUDE A SKETCH, INCLUDING MEASUREMENTS, ON A COPY OF YOUR PROPERTY SURVEY AND ATTACH TO APPLICATION ( for installing or moving fence draw plans on copy of your boundary survey )

### Location of improvement

### Material Used for Improvement

<input type="checkbox"/> Front of house	<input type="checkbox"/> Patio
<input type="checkbox"/> Roof on House	<input type="checkbox"/> Fence
<input checked="" type="checkbox"/> Back of House	<input type="checkbox"/> Other
<input type="checkbox"/> Side of House	
<input type="checkbox"/> Garage Area	

<input type="checkbox"/> Paint color(s)	<input type="checkbox"/> Brick Type(s)	<input type="checkbox"/> Fence Type(s)
<input type="checkbox"/> Stain color(s)	<input type="checkbox"/> Screen Type(s)	<input type="checkbox"/> Height
<input type="checkbox"/> attach color sample	<input type="checkbox"/> Electrical	<input checked="" type="checkbox"/> Other
<input type="checkbox"/> Pipe		

I understand the Architectural committee will act on this request as quickly as possible and contact me in writing regarding their decisions. I agree not to begin property improvement(s) until the Architectural Committee notifies me of their approval

Signature Sharon Johnson Date 2/8/05

Approved  Rejected  Need further Information

### COMMENTS

\_\_\_\_\_  
 \_\_\_\_\_ DATE \_\_\_\_\_  
 \_\_\_\_\_ DATE \_\_\_\_\_  
 \_\_\_\_\_ DATE 2/23/05

(ACCEPTANCE BY THE ARC DOES NOT TAKE PRECEDENCE OVER LOCAL CODE ENFORCEMENT AND REVIEW PROCEDURES.)

To Whom It May Concern,

February 23, 2005

We Brian Heimer and Corday Heinz  
who live at 5380 Endicott Place, Oviedo, FL 32765

grant permission to our next door neighbors Rick & Sharon Johnson at 5386  
Endicott Place to build a retaining wall, pool, deck, and screen. In order to do so we  
understand that they are applying for a variance with Seminole County to use their  
back yard utility and drainage easement and we support their efforts.

Brian Heimer  
Corday Heinz

844 Maguire Road  
Ocoee, FL 34761  
Tel 407-532-8596  
Fax 407-656-1162



February 17, 2005

Sharon & Rick Johnson  
5386 Endicott Place  
Oviedo, Florida 32765

Re: Request for Vacation of a Drainage and Utility Easement  
SECTION 31, TOWNSHIP 21, RANGE 31

Dear Mr. & Mrs. Johnson,

Bright House Networks has reviewed your request for a Vacation of a Drainage and Utility Easement described as:

The 7.5" Drainage and Utility Easement lying adjacent to the north or rear property line 5386 Endicott Place, Oviedo, Florida.

Bright House Networks has "No Objection" to the Vacation of a Drainage and Utility Easement.

Please do not hesitate to call me at (407) 532-8508 should have any additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "P.J. King".

P.J. King  
Time Warner Communications  
Senior Construction Manager

cc: Marvin L. Usry, Jr. *MU*  
Construction Supervisor

PJK/vbs



February 21, 2005

Mr. & Mrs. Rick Johnson  
5386 Endicott Place  
Oviedo, FL 32765

**RE: Vacation and Abandonment of a Utility Easement**

Dear Mr. & Mrs. Johnson:

Please be advised that Progress Energy (formerly known as Florida Power Corporation) has "no objection" to the vacation and abandonment of that certain portion of 7.5 foot wide platted utility easement, being more particularly described as the North 7.5 feet of Lot 56, LAKES OF ALOMA, according to the plat thereof, as recorded in Plat Book 41, Pages 31 through 33, of the Public Records of Seminole County, Florida.

If I can be of further assistance, please do not hesitate to contact me at (407) 359-4443.

Very truly yours,

A handwritten signature in cursive script that reads "Janice Carmell".

Janice Carmell  
Operations Support  
North Central Region

ARCHITECTURE REVIEW COMMITTEE APPLICATION FOR REVIEW

NAME Sharon + Rick Johnson LOT NUMBER 56

ADDRESS 5386 Endicott Pl. Oviedo, FL 32765

PHONE NUMBER AND TIME YOU CAN BE REACHED 407-678-9272

BRIEFLY DESCRIBE THE PROPOSED IMPROVEMENT

Permission to use "7.5 Drainage and Utility Easement" area in our backyard. We plan to apply for Variance through Seminole County so we can consider retention wall, pool, decks + screens. Plans to be presented next month.

DATE OF ANTICIPATED START \_\_\_\_\_ COMPLETION DATE \_\_\_\_\_

Who will perform the actual work on this improvement \_\_\_\_\_

INCLUDE A SKETCH, INCLUDING MEASUREMENTS, ON A COPY OF YOUR PROPERTY SURVEY AND ATTACH TO APPLICATION ( for installing or moving fences draw plans on copy of your boundary survey )

Location of improvement

Material Used for Improvement

<input type="checkbox"/> Front of house	<input type="checkbox"/> Patio
<input type="checkbox"/> Roof on House	<input type="checkbox"/> Fence
<input checked="" type="checkbox"/> Back of House	<input type="checkbox"/> Other
<input type="checkbox"/> Side of House	
<input type="checkbox"/> Garage Area	

<input type="checkbox"/> Paint color(s) attach color sample	<input type="checkbox"/> Brick Type(s)	<input type="checkbox"/> Fence Type(s)
<input type="checkbox"/> Stain color(s) attach color sample	<input type="checkbox"/> Screen Type(s)	<input type="checkbox"/> Height
<input type="checkbox"/> Pipe	<input type="checkbox"/> Electrical	<input checked="" type="checkbox"/> Other

I understand the Architectural committee will act on this request as quickly as possible and contact me in writing regarding their decisions. I agree not to begin property improvement(s) until the Architectural Committee notifies me of their approval

Signature Sharon Johnson Date 2/8/05

Approved  Rejected  Need further information

COMMENTS

<u>[Signature]</u>	DATE _____
<u>[Signature]</u>	DATE _____
<u>[Signature]</u>	DATE <u>2/23/05</u>

(ACCEPTANCE BY THE ARC DOES NOT TAKE PRECEDENCE OVER LOCAL CODE ENFORCEMENT AND REVIEW PROCEDURES.)

To Whom It May Concern,

February 23, 2005

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understand that they are applying for a variance with Seminole County to use their  
back yard utility and drainage easement and we support their efforts.

Brian Heinz  
Corday Heinz

844 Maguire Road  
Ocoee, FL 34761  
Tel 407-532-8596  
Fax 407-656-1162

**bright  
house**  
NETWORKS



February 17, 2005

Sharon & Rick Johnson  
5386 Endicott Place  
Oviedo, Florida 32765

Re: Request for Vacation of a Drainage and Utility Easement  
SECTION 31, TOWNSHIP 21, RANGE 31

Dear Mr. & Mrs. Johnson,

Bright House Networks has reviewed your request for a Vacation of a Drainage and Utility Easement described as:

The 7.5" Drainage and Utility Easement lying adjacent to the north or rear property line 5386 Endicott Place, Oviedo, Florida.

Bright House Networks has "No Objection" to the Vacation of a Drainage and Utility Easement.

Please do not hesitate to call me at (407) 532-8508 should have any additional questions or concerns.

Sincerely,

P.J. King  
Time Warner Communications  
Senior Construction Manager

cc: Marvin L. Usry, Jr. *MU*  
Construction Supervisor

PJK/vbs



**Progress Energy**

February 21, 2005

Mr. & Mrs. Rick Johnson  
5386 Endicott Place  
Oviedo, FL 32765

**RE: Vacation and Abandonment of a Utility Easement**

Dear Mr. & Mrs. Johnson:

Please be advised that Progress Energy (formerly known as Florida Power Corporation) has "no objection" to the vacation and abandonment of that certain portion of 7.5 foot wide platted utility easement, being more particularly described as the North 7.5 feet of Lot 56, LAKES OF ALOMA, according to the plat thereof, as recorded in Plat Book 41, Pages 31 through 33, of the Public Records of Seminole County, Florida.

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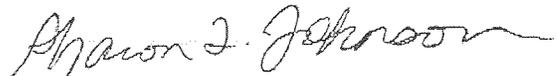
Janice Carmell  
Operations Support  
North Central Region

Sharon & Rick Johnson  
5386 Endicott Place  
Oviedo, Fl. 32765

To Whom It May Concern,

March 3, 2005

We would like your permission to use the 7.5' area of our backyard that faces the conservation area. We would like to renovate our backyard by building a retaining wall, pool, deck, and screen. Our design to follow indicates that on one side we would have 3 feet to deck and screen and 5' to pool and spa as the property gradually slants back, we would use 5 feet and 6 inches to deck and screen and 6 feet 9 inches to pool and spa. This area is designated as "7.5' Drainage and Utility Easement" as noted on the Map of Survey. Currently our backyard slopes downward and has serious erosion that has gradually gotten worse within the last few years. The retaining wall should prevent this from continuing. There are no utilities in this area and we have obtained letters from the utility companies, so we can verify this as well as make sure they have no objection to us using this area. Due to the L shaped design of our home, size and shape (slanted rectangle) of backyard lot, we have a small and limited sized back yard. Being allowed to use most of our existing property would enable us to build a small pool. All this information as well as letters from our next door neighbors has been faxed in order to request a variance. We know this will increase the value of our home and our neighborhood's property value. Please consider our request.

  
Sharon T. Johnson

  
Richard A. Johnson

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On March 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 56, Lakes of Aloma PB 41 PGS 31 to 33

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** Sharon and Richard Johnson  
5386 Endicott Place  
Oviedo, Fl. 32765

**Site Address:** 5386 Endicott Place

**Requested Development Approval:**

Request for (1) minimum rear yard setback from 10 feet to 5 feet for a proposed pool; and (2) minimum rear yard setback from 5 feet to 3 feet for a proposed pool screen enclosure in the R-1BB (Single Family Dwelling District); Located on the north side of Endicott Place, approximately 290 feet west of the intersection of Belmont Terrace and Endicott Place

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall  
1101 East First Street  
Sanford, Florida 32771

### Order

#### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED POOL AND SCREEN ENCLOSURE, AS DEPICTED ON THE ATTACHED SITE PLAN.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA       )  
COUNTY OF SEMINOLE    )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: