

From: Sherry Willette
To: ["cliffanna2@gmail.com"](mailto:cliffanna2@gmail.com)
Cc: [Michele Norton](#); [Scott Williams](#)
Subject: Pool encroachment in the 20-foot maintenance easement located at 4230 Wall Lane
Date: Tuesday, November 29, 2016 4:49:00 PM
Attachments: [VAR Complete Packet.pdf](#)
[PLV Complete Packet.pdf](#)

Dear Mr. & Mrs. Davis,

In researching the issue of the pool recently constructed at 4230 Wall Lane and encroaching 5.2' into the 20-maintenance easement, the following options to provide a remedy are listed below:

Option #1- Decrease the size of the pool to meet the 20-foot rear setback and not encroach into the easement.

Option #2 - Apply for an occupation of easement and a variance.

- a. In section 37-21.D. of our Unified Land Development Code, an occupation of easement may be allowed under certain conditions. However, if the occupation of easement is granted, the objects occupying the easement are placed at the risk of the resident and may at any time be requested by the City for removal and the cost would be borne by the property owner. If the City removes the object, the resident will be issued an invoice for the cost of the removal. If the City damages the object in the course of maintenance, the cost of replacement, is the sole responsibility of the owner or resident. If the property owner decided to sell the property, the title would be clouded. There is no cost for an occupation of easement and no guarantee of approval. However if approved, the pool would be allowed to remain at the risk of the property owner and is subject to risks as described above.
- b. Application for variance from the minimum setback of 20-feet. There is an application fee of \$525.00. I have attached a copy of the application for a variance. There are additional costs for legal advertisements and there is no guarantee the variance would be approved. The variance would be presented to the Zoning Board of Appeals for their decision to grant or not grant the variance.

Option #3 - Apply for a partial vacation of easement and a variance.

- a. Pursuant to the provisions of Chapter 177 of the Florida Statutes and Section 53-267D. of the Unified Land Development Code which states, "platted easement shall be vacated in accordance with F.S. ch. 177". The request for partial vacation of easement will be considered by first applying to the City for a request for partial vacation of easement. I have

attached an application for partial vacation of platted easement. The application fee for a partial vacation of easement is \$825.00. There are also costs for legal advertisements. The item would be heard first by the Planning and Zoning Advisory Board and then City Commission. There is no guarantee of approval. However if granted, and you were to sell the property in the future, there would be a clear title.

- b. Application for variance from the minimum setback of 20-feet. There is an application fee of \$525.00. I have attached a copy of the application for a variance. There are additional costs for legal advertisements. and there is no guarantee the variance would be approved. The variance would be presented to the Zoning Board of Appeals for their decision to grant or not grant the variance.

Please review each of the options carefully before making a decision. If you have any questions please feel free to contact me.

Regards,

Sherry A. Willette-Grondin

Zoning Coordinator

City of North Port

4970 City Hall Boulevard

North Port, FL 34286

Office: 941.429.7229

Fax: 941-429.7164

swillette@cityofnorthport.com

www.cityofnorthport.com

A City where you can "Achieve Anything."

E-mail messages sent or received by City of North Port officials and employees in connection with official City business are public records subject to disclosure under the Florida Public Records Act.