

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR A REAR YARD SETBACK VARIANCE FROM 10 FEET TO 6 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (ARTHUR & DIANE FARBER, APPLICANTS)

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Chris McMiller **EXT.** 7445

Agenda Date 09-26-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR A REAR YARD SETBACK VARIANCE FROM 10 FEET TO 6 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (ARTHUR & DIANE FARBER, APPLICANTS); OR
2. **DENY** REQUEST FOR A REAR YARD SETBACK VARIANCE FROM 10 FEET TO 6 FEET FOR A PROPOSED POOL IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (ARTHUR & DIANE FARBER, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: ARTHUR & DIANE FARBER, APPLICANTS LOCATION: 342 DEVON PLACE ZONING: PUD (HEATHROW)
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • THE APPLICANT PROPOSES TO CONSTRUCT AN POOL THAT WOULD ENCROACH 4 FEET INTO THE 10 FOOT REAR YARD SETBACK, • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none"> • THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE REQUESTED VARIANCE. • THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY ALLOW DEVELOPMENT THAT IS INCONSISTENT WITH THE TREND OF NEIGHBORHOOD DEVELOPMENT.
STAFF RECOMMENDATION	<ul style="list-style-type: none"> • BASED ON THE STATED FINDINGS, STAFF RECOMMENDS DENIAL OF THE REQUEST, UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT THE VARIANCES,

	<p>STAFF RECOMMENDS THE FOLLOWING CONDITIONS OF APPROVAL:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED GARAGE AND HOME ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.
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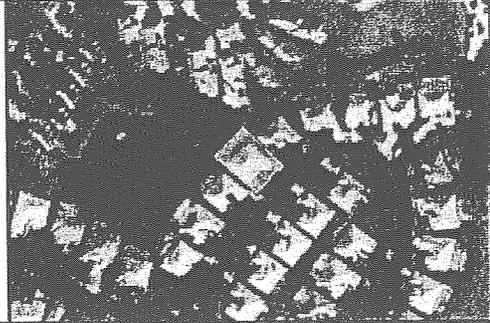
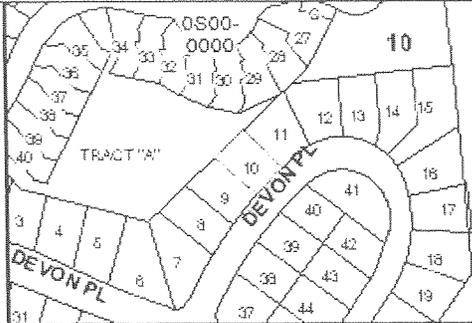
PARCEL DETAIL

DAVID JOHNSON, CFA, ASA

PROPERTY APPRAISER

SEMINOLE COUNTY FL.

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



GENERAL

Parcel Id: 12-20-29-513-0000-0100
 Owner: FARBER ARTHUR & DIANE
 Mailing Address: 342 DEVON PL
 City, State, Zip Code: HEATHROW FL 32746
 Property Address: 342 DEVON PL HEATHROW 32746
 Subdivision Name: LEXINGTON GREEN
 Tax District: 01-COUNTY-TX DIST 1
 Exemptions: 00-HOMESTEAD
 Dor: 01-SINGLE FAMILY

2005 WORKING VALUE SUMMARY

Value Method: Market
 Number of Buildings: 1
 Depreciated Bldg Value: \$223,934
 Depreciated EXFT Value: \$1,688
 Land Value (Market): \$50,000
 Land Value Ag: \$0
 Just/Market Value: \$275,622
 Assessed Value (SOH): \$255,043
 Exempt Value: \$25,000
 Taxable Value: \$230,043
 Tax Estimator

SALES

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	03/2005	05665	1968	\$354,000	Improved
WARRANTY DEED	11/2003	05137	0610	\$282,000	Improved
WARRANTY DEED	05/1998	03423	1879	\$215,000	Improved
WARRANTY DEED	02/1995	02879	0056	\$215,000	Improved
SPECIAL WARRANTY DEED	09/1992	02487	1095	\$190,800	Improved

Find Comparable Sales within this Subdivision

2004 VALUE SUMMARY

Tax Value (without SOH): \$3,762
 2004 Tax Bill Amount: \$3,762
 Save Our Homes (SOH) Savings: \$0
 2004 Taxable Value: \$222,615
 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

LAND

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	50,000.00	\$50,000

LEGAL DESCRIPTION PLAT
 LEG LOT 10 LEXINGTON GREEN PB 43 PGS 19 TO 21

BUILDING INFORMATION

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Heated SF	Ext Wall	Bld Value	Est. Cost New
1	SINGLE FAMILY	1992	11	2,374	3,181	2,374	WD/STUCCO FINISH	\$223,934	\$235,101
	Appendage / Sqft		SCREEN PORCH FINISHED / 324						
	Appendage / Sqft		OPEN PORCH FINISHED / 42						
	Appendage / Sqft		GARAGE FINISHED / 441						

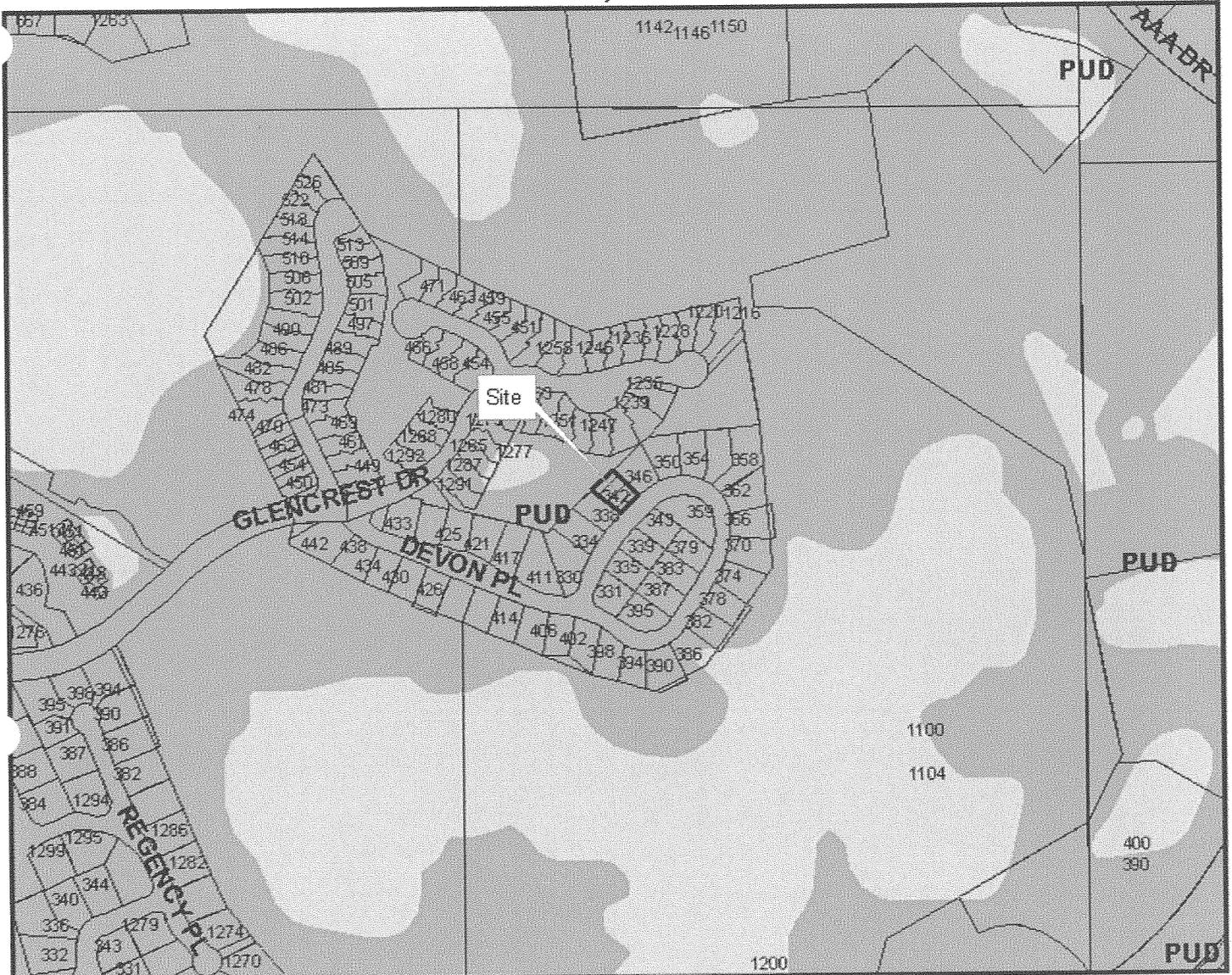
EXTRA FEATURE

Description	Year Bld	Units	EXFT Value	Est. Cost New
FIREPLACE	1992	1	\$1,688	\$2,500

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.

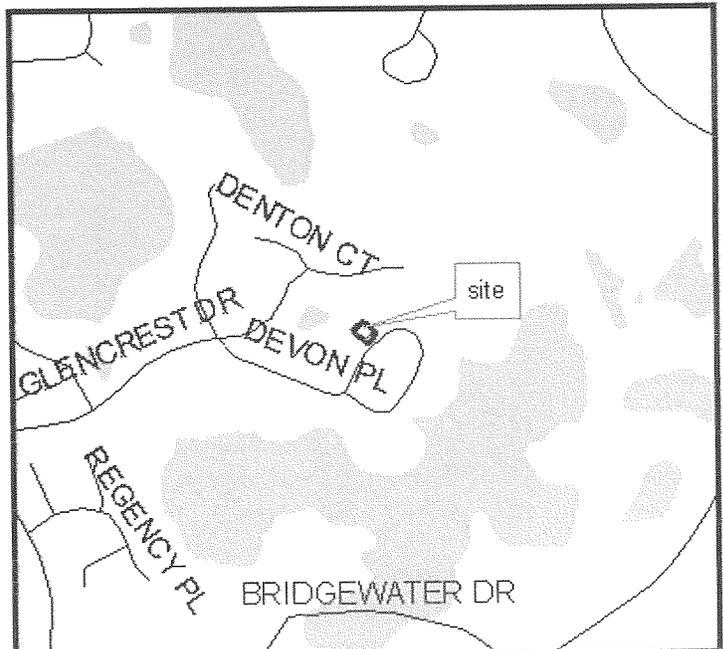
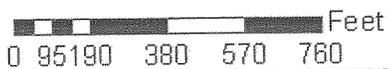
Arthur Farber
342 Devon Place
Heathrow, FL 32746



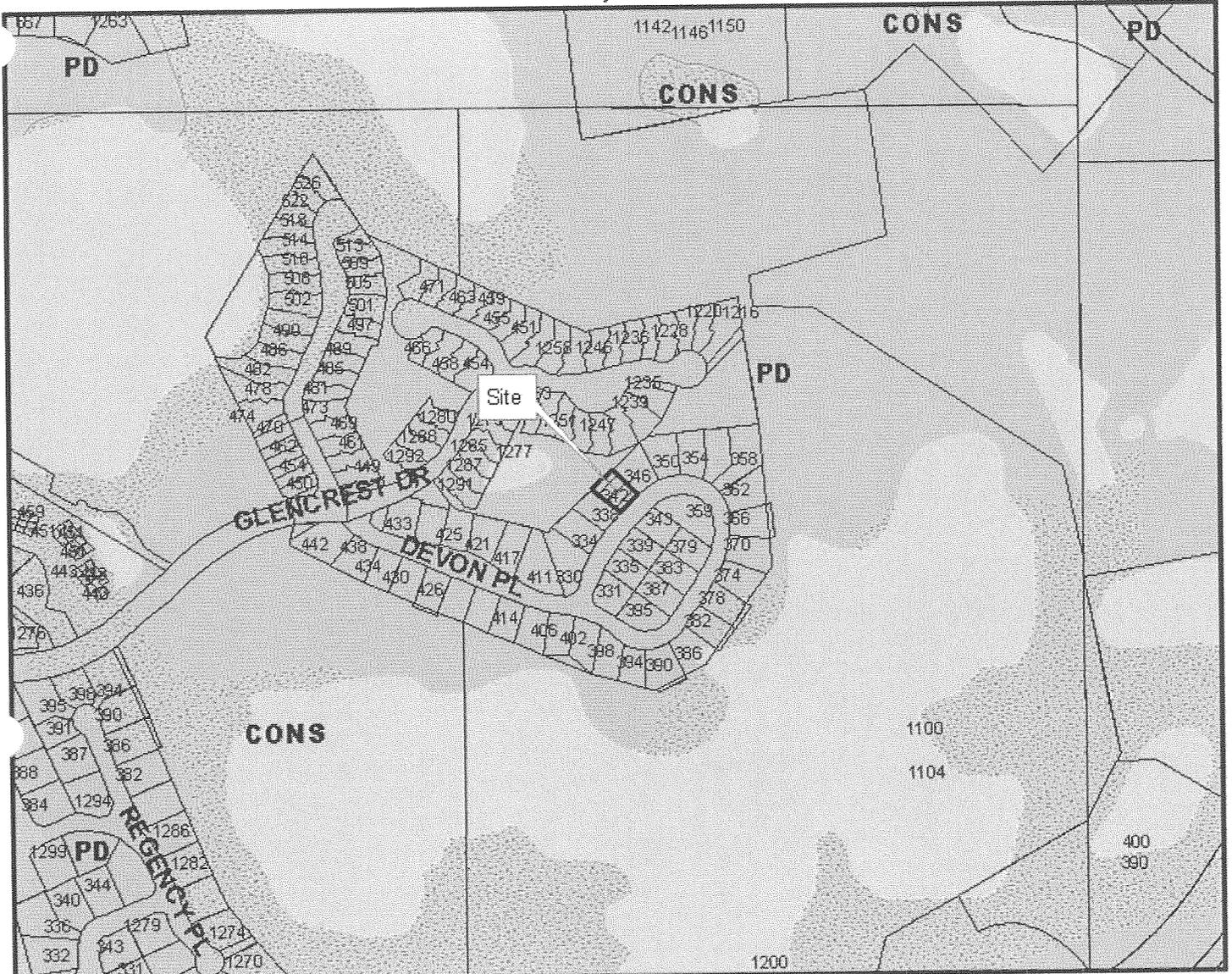
Seminole County Board of Adjustment
September 26, 2005
Case: BV2005-125
Parcel No: 12-20-29-513-0000-0100

Zoning

-  PUD Planned Unit Dev.
-  BV2005-125



Arthur Farber
 342 Devon Place
 Heathrow, FL 32746

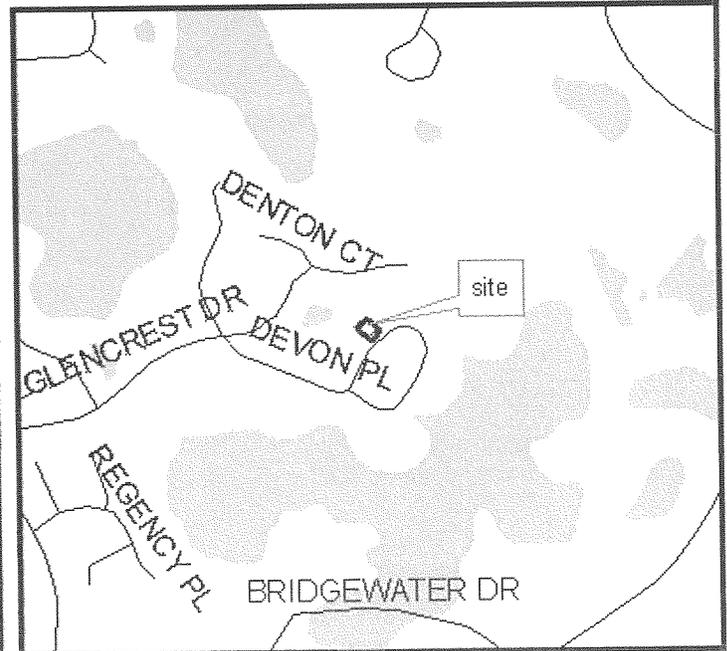


Seminole County Board of Adjustment
 September 26, 2005
 Case: BV2005-125
 Parcel No: 12-20-29-513-0000-0100

Future Land Use

- CONS, PD
- CONS, OFF
- PD, NONE
- BV2005-125

0 95 190 380 570 760 Feet



SCREEN ENCLOSURE:
BRONZE/WHITE

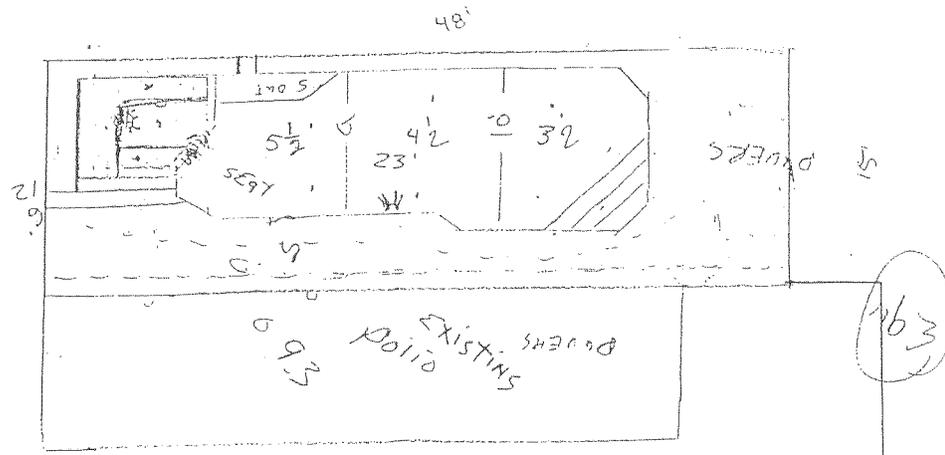
OFF SITE BID
PER LEVEL CONDITION

AUTHORIZED SIGNATURE:
Jim
Jul 1

CHILD PROOF FENCE REQUIRED
BY LAW

DECK SQ. FT.: 420 A
POOL SQ. FT.: 300 A

1. POOL SHAPE: REC REF. NO.:
2. SPA: YES
3. SIZE: 10 x 32 x - DEPTHS: 3 TO: 5 1/2
4. TILE: 6x6
5. ACRYLIC DECKING: NO
6. PAVERS: YES
7. CAPACITY: 320 A GALLONS: 10880
8. FILTER TYPE: CART SQ. FT.: C-128
9. RAILS: - LADDER: - GRAB: -
10. UNDERWATER LIGHT: YES VOLTS: 110 WATTS: 100300
11. DECK BOX: YES
12. POOL HEATER: YES 25000 TYPE: LP
13. HEAT PUMP: _____
14. A & A QUICK CLEAN: YES
15. AUTOMATIC CONTROLS: YES
16. SKIMMER: 1
17. INLET FITTINGS: 4
18. MAIN DRAIN: 4 TO CODE
19. HYDRO JETS: YES NO. OF JETS: 4
20. CHLORINATOR: ✓
21. TIMER: ✓
22. POOL FINISH: PEBBLE
23. TEST KIT: ✓
24. BRUSH & POLE: ✓
25. UNDERWATER VAC: ✓
26. HOSE FOR VAC: ✓
27. POOL SWEEP (POLARIS): NO
28. CHILD FENCE: YES to code
29. FENCE: NO
30. SCREEN: YES
31. HAUL DIRT: YES
32. TRASH HAUL: YES
33. OTHER: _____



P L O T P L A N
SCALE: 1/8" = 1'-0"

FUTRELL CUSTOM POOLS, INC.
STATE CERTIFIED CFC 012243

NAME ART FORBER
ADDRESS 342 DEVON PLACE
CITY HEATHROW FLA
LOT & SUB 10 LEXINGTON GREEN

SCREEN ENCLOSURE:
BRONZE/WHITE

OFF SITE BID
PER LEVEL CONDITION

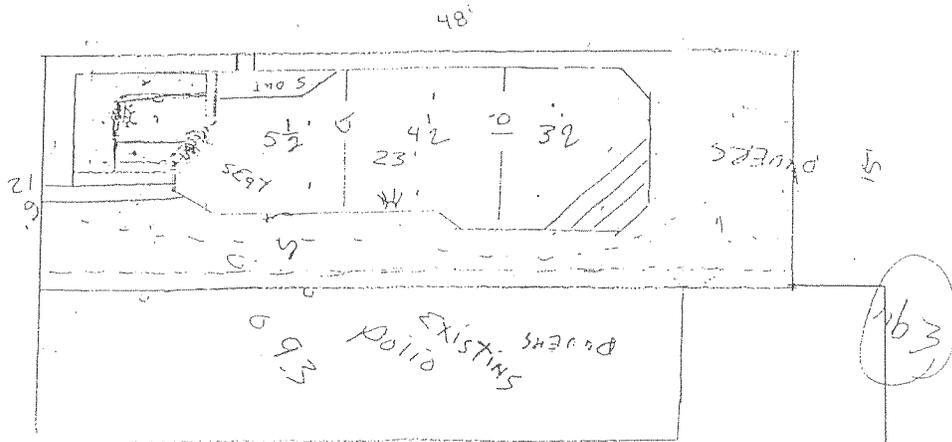
AUTHORIZED SIGNATURE:

Jim
Jul 1

CHILD PROOF FENCE REQUIRED
BY LAW

DECK SQ. FT.: 420 #
POOL SQ. FT.: 300 #

- | | | | |
|---------------------------|--------------------|--------------|---------------------------|
| 1. POOL SHAPE: | <u>REC</u> | REF. NO.: | |
| 2. SPA: | <u>YES</u> | | |
| 3. SIZE: | <u>10 x 32</u> | DEPTHS: | <u>3</u> TO: <u>5 1/2</u> |
| 4. TILE: | <u>6x6"</u> | | |
| 5. ACRYLIC DECKING: | <u>NO</u> | | |
| 6. PAVERS: | <u>YES</u> | | |
| 7. CAPACITY: | <u>320 #</u> | GALLONS: | <u>10880</u> |
| 8. FILTER TYPE: | <u>CART</u> | SQ. FT.: | <u>C-120</u> |
| 9. RAILS: | <u>-</u> | LADDER: | <u>-</u> |
| 10. UNDERWATER LIGHT: | <u>YES</u> | VOLTS: | <u>110</u> |
| | | WATTS: | <u>10000</u> |
| 11. DECK BOX: | <u>YES</u> | | |
| 12. POOL HEATER: | <u>YES</u> | TYPE: | <u>LP</u> |
| 13. HEAT PUMP: | | | |
| 14. A & A QUICK CLEAN: | <u>YES</u> | | |
| 15. AUTOMATIC CONTROLS: | <u>YES</u> | | |
| 16. SKIMMER: | <u>1</u> | | |
| 17. INLET FITTINGS: | <u>4</u> | | |
| 18. MAIN DRAIN: | <u>4 TO CODE</u> | | |
| 19. HYDRO JETS: | <u>YES</u> | NO. OF JETS: | <u>4</u> |
| 20. CHLORINATOR: | <u>✓</u> | | |
| 21. TIMER: | <u>✓</u> | | |
| 22. POOL FINISH: | <u>PEBBLE</u> | | |
| 23. TEST KIT: | <u>✓</u> | | |
| 24. BRUSH & POLE: | <u>✓</u> | | |
| 25. UNDERWATER VAC: | <u>✓</u> | | |
| 26. HOSE FOR VAC: | <u>✓</u> | | |
| 27. POOL SWEEP (POLARIS): | <u>NO</u> | | |
| 28. CHILD FENCE: | <u>YES TO CODE</u> | | |
| 29. FENCE: | <u>NO</u> | | |
| 30. SCREEN: | <u>YES</u> | | |
| 31. HAUL DIRT: | <u>YES</u> | | |
| 32. TRASH HAUL: | <u>YES</u> | | |
| 33. OTHER: | | | |



P L O T P L A N

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

FUTRELL CUSTOM POOLS, INC.

STATE CERTIFIED

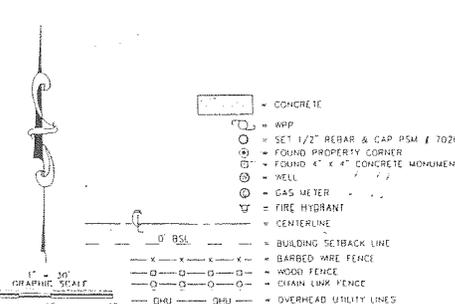
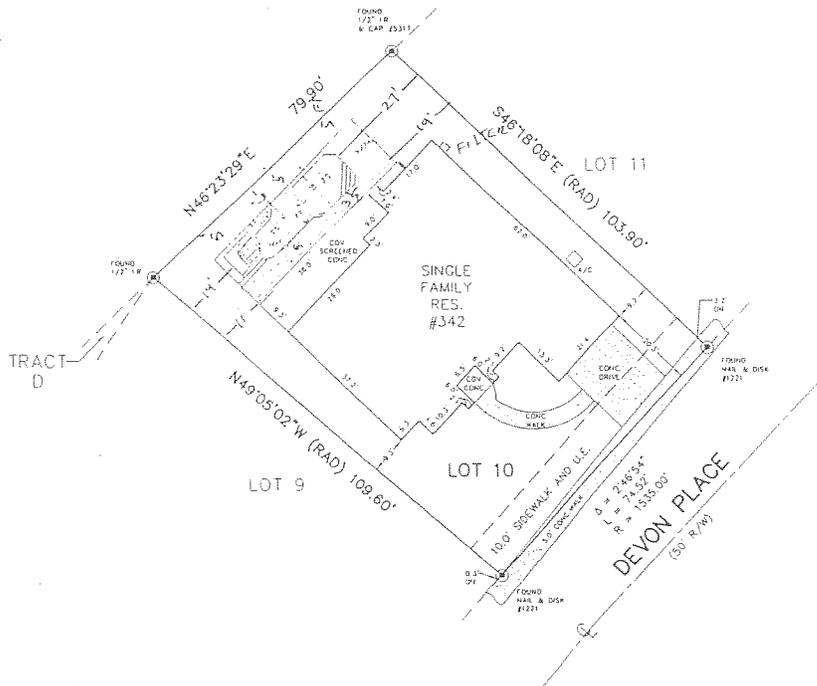
CFC 012213

NAME ART FORBER
ADDRESS 347 OGDON DRIVE
CITY HIGHTHROW FLA
LOT & SUB 10 LEXINGTON GREEN

ART

BOUNDARY SURVEY

PROPERTY DESCRIPTION: LOT 10, LEXINGTON GREEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 43, PAGES 19, 20 AND 21, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



LEGEND:

- D.R. = OFFICIAL RECORDS
- D/B/A = DOING BUSINESS AS
- U.E. = UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- D.U.E. = DRAINAGE & UTILITY EASEMENT
- RES. = RESIDENCE
- U.R. = UTILITY ROOM
- CONC. = CONCRETE
- C.B. = CONCRETE BLOCK
- WT. = WOOD FRAME
- COV. = COVERED
- ENT. = ENTRANCE
- WM. = WATER METER
- WPP. = WOOD POWER POLE
- CPP. = CONC. POWER POLE
- A/C. = AIR CONDITIONER
- R/W. = RIGHT OF WAY
- I.R. = IRON ROD
- IR. = IRON PIPE
- E.M. = CONCRETE MONUMENT
- FF ELEV. = FINISHED FLOOR ELEVATION
- NR = NOT RADIAL
- RAD = RADIAL
- R = RADIUS
- CS = CENTRAL ANGLE
- L = ARC LENGTH
- CHBRC = CHORD BEARING
- LS = LAND SURVEYOR
- LB = LAND SURVEYING BUSINESS
- F = FIELD
- M = MEASURED
- C = CALCULATED
- D = DESCRIPTION
- P = PLAT
- PCP = PERMANENT CONTROL POINT
- PRM = PERMANENT REFERENCE MONUMENT
- PC = POINT OF CURVATURE
- PRC = POINT OF REVERSE CURVATURE
- PT = POINT OF TANGENT
- POI = POINT OF BEGINNING
- POS = POINT OF COMMENCEMENT

CERTIFIED TO:
 CHILSEA FILE COMPANY
 ARTHUR FARRER

BEARINGS SHOWN HEREON ARE BASED ON THE REAR LINE OF LOT 10 BEING N46°23'29"E PER PLAT.

ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 12112G 0000 E, DATED 04/12/95, THE PROPERTY SHOWN HEREON APPEARS TO LIE IN ZONE 1.

JOB NO. BCA8841
 DRAWN BY: RD
 CHECKED BY: BC
 OPERATING UNDER L.B. # 7020

(FIELD DATE:) 02/16/05
 REVISIONS:

BRADLEY COX & ASSOCIATES
 LAND SURVEYING
 820 W. LAKE MARY BLVD., SUITE 202
 SANFORD, FLORIDA 32773
 (407) 323-9202

- NOTES:**
1. THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION AS PROVIDED BY THE CLIENT.
 2. THIS SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 3. DO NOT RECONSTRUCT PROPERTY LINES FROM BUILDING TIES.
 4. NO FOOTING OR OVERHANGS HAVE BEEN LOCATED EXCEPT AS SHOWN.
 5. NO IMPROVEMENTS OR UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
 6. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT WE HAVE PERFORMED A FIELD SURVEY OF THE HEREON DESCRIBED PROPERTY. THIS DRAWING IS A REPRESENTATION OF THAT SURVEY AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPLERS IN CHAPTER 81017-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Bradley Cox 02/21/05
 BRADLEY G. COX, PSM # 5567 (DATE)

Approved by PUD

Homeowners Associations
1275 Lake Heathrow Lane
Heathrow, Florida USA 32746
407-333-0884 FAX: 407-333-4166

July 28, 2005

Mr. Arthur Farber
342 Devon Place
Heathrow, FL 32746

**RE: DESIGN REVIEW BOARD REVIEW
342 DEVON PLACE – LEXINGTON GREEN**

Dear Mr. Farber:

The Heathrow Design Review Board has received notification that the Muirfield Village Neighborhood Association Architectural Control Board has approved your request to install a pool, spa and screen enclosure with bronze screen and domed roof as submitted, with the following conditions:

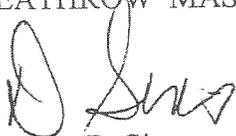
1. The pool service equipment must be buffered from view by landscaping.
2. Access through your own lot unless approval secured from adjacent lot owners.
3. Any damage to common areas (i.e., the sidewalk, sod or street) shall be your responsibility and repaired within two weeks.
4. No contractor signage shall be displayed on the property.
5. No work of any kind on Sundays.

The Heathrow Design Review Board has reviewed your application and likewise approves your request with the above conditions.

Please sign the Acknowledgement of Conditions form below and return your signed copy of the letter to the DRB at the address on the letterhead.

Sincerely,

HEATHROW MASTER ASSOCIATION, INC.



Deanna B. Sims
Community Association Manager
For the Master Design Review Board

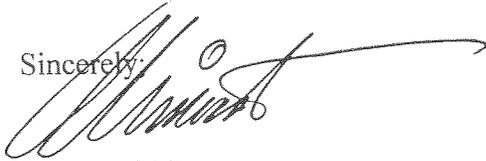
September 13, 2005

To: Seminole County Planning and Development Department
Fr: David Middleton
Re: Variance for 342 Devon Place

I live next door to Arthur Farber of 342 Devon Place, Heathrow. He is requesting a variance to put a pool in the rear of his home.

I have no objections whatsoever in this request. Our homes back to a pond and there are no neighbors behind our homes. Every home on our block except the Farber's and his other neighbor has a pool in their backyard.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Middleton', with a long horizontal flourish extending to the right.

David Middleton

346 Devon Place
Heathrow, Florida 32746
September 7, 2005

Mr. Art Farber
342 Devon Place
Heathrow, Florida 32746

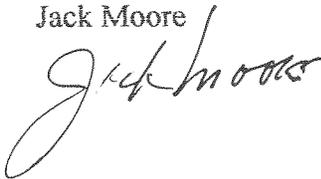
RE: Swimming Pool

Dear Art,

I have no objection to your request to install a swimming pool in your yard.

Regards,

Jack Moore

A handwritten signature in cursive script that reads "Jack Moore". The signature is written in black ink and is positioned below the printed name "Jack Moore".

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 26, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 10 LEXINGTON GREEN PB 43 PGS 19 TO 21

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

FINDINGS OF FACT

Property Owner: Arthur & Dianne Farber
342 Devon Place
Heathrow, FL 32746

Site Address: 342 Devon Place
Heathrow, FL 32746

Requested Development Approval:

REQUEST FOR A REAR YARD SETBACK VARIANCE FROM 10 FEET TO 6 FEET FOR A PROPOSED POOL.

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: Chris McMiller
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, 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: _____
Tony Walter
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 Tony Walter 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: