

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

SUBJECT: 119 Spring Valley Loop – Gordon & Lynne Browne, applicant; Request for 1) a rear yard setback variance from 30 feet to 14 feet and 2) a side yard (north) setback variance from 10 feet to 5.7 feet for a proposed room addition in R-1AAA (Single Family Dwelling) district.

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date 4/28/08 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **Deny** the request for 1) a rear yard setback variance from 30 feet to 14 feet and 2) a side yard (north) setback variance from 10 feet to 5.7 feet for a proposed room addition in R-1AAA (Single Family Dwelling) district; or
2. **Approve** the request for 1) a rear yard setback variance from 30 feet to 14 feet and 2) a side yard (north) setback variance from 10 feet to 5.7 feet for a proposed room addition in R-1AAA (Single Family Dwelling) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Gordon & Lynne Browne Location: 119 Spring Valley Loop Zoning: R-1AAA (Single Family Dwelling) district Subdivision: Spring Valley Farms</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 150 square foot addition that will encroach 16 feet into the required 30-foot rear yard setback and 4.3 feet into the required 10-foot side yard setback. • When the existing house was constructed the rear yard setback was measured from the rear property line. In 1997 the point of measurement for a rear yard setback was changed which rendered the rear of this house non-conforming.

Reviewed by: _____
 Co Atty: _____
 Pln Mgr: _____

	<ul style="list-style-type: none">• There are currently no code enforcement or building violations for this property.• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the 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.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- Staff Report
- Application
- Applicant statement of request
- Proposed Site Plan
- Location map
- Property Appraiser data sheet
- PUD Commitment Card, *if applicable*

Support information:

- Proposed elevation drawings, renderings, floor plans, etc
- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Authorization letter
- Applicant Authorization Form
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

- Proposed Development Order

Fee: \$150.00 plus \$50.00 for each additional variance

COPY

Application # BY 2008-28
Meeting Date 4-28-08



VARIANCE APPLICATION
SEMINOLE COUNTY PLANNING DIVISION
1101 East First Street Sanford FL 32771 (407) 665-7444

RECEIVED MAR 07 2008

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: GORDON N. & LYNN M. BROWNE
Address: 119 SPRING VALLEY LOOP City: ALT. SPRINGS Zip code: 32714
Project Address: SAME City: _____ Zip code: _____
Contact number(s): (HOME) 407-682-0352 (CELL) 407-616-5678
Email address: GORDONBROWNE@CFL.RR.COM

Is the property available for inspection without an appointment?

Yes No If gated please provide a gate code to staff.

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input checked="" type="checkbox"/> Addition	Please describe: <u>ENLARGE MASTER B/R BY 150 SQ. FT +/- USING SPACE CURRENTLY OCCUPIED BY SCREENED PORCH.</u>
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Rear yard setback	Required setback:	<u>30'</u>	Proposed setback: <u>14'</u>
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10'</u>	Proposed setback: <u>5.7'</u>
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Total number of variances requested <u>2</u>			

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Gordon N. Browne

FOR OFFICE USE ONLY

Date Submitted: 3-7-08 Reviewed By: DG
 Tax parcel number: 22-21-29-506-0400-0080 Zoning/FLU R-1AAA/LDR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: Rear setback is non conforming as a result of change in how rear lot line is determined

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
	3. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. View a site plan online as an example of the information needed; please draw to scale and note the scale used on the plan.
	o Please start with a clean survey (ex: white out old approval stamps)
	o Size and dimension of the parcel
	o Location and name of all abutting streets
	o Location of driveways
	o Location, size and type of any septic systems, drainfield and wells
	o Location of all easements
	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
	o Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	o Building height
	o Setbacks from each building to the property lines
	o Location of proposed fence(s)
	o Identification of available utilities (ex: water, sewer, well or septic)
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

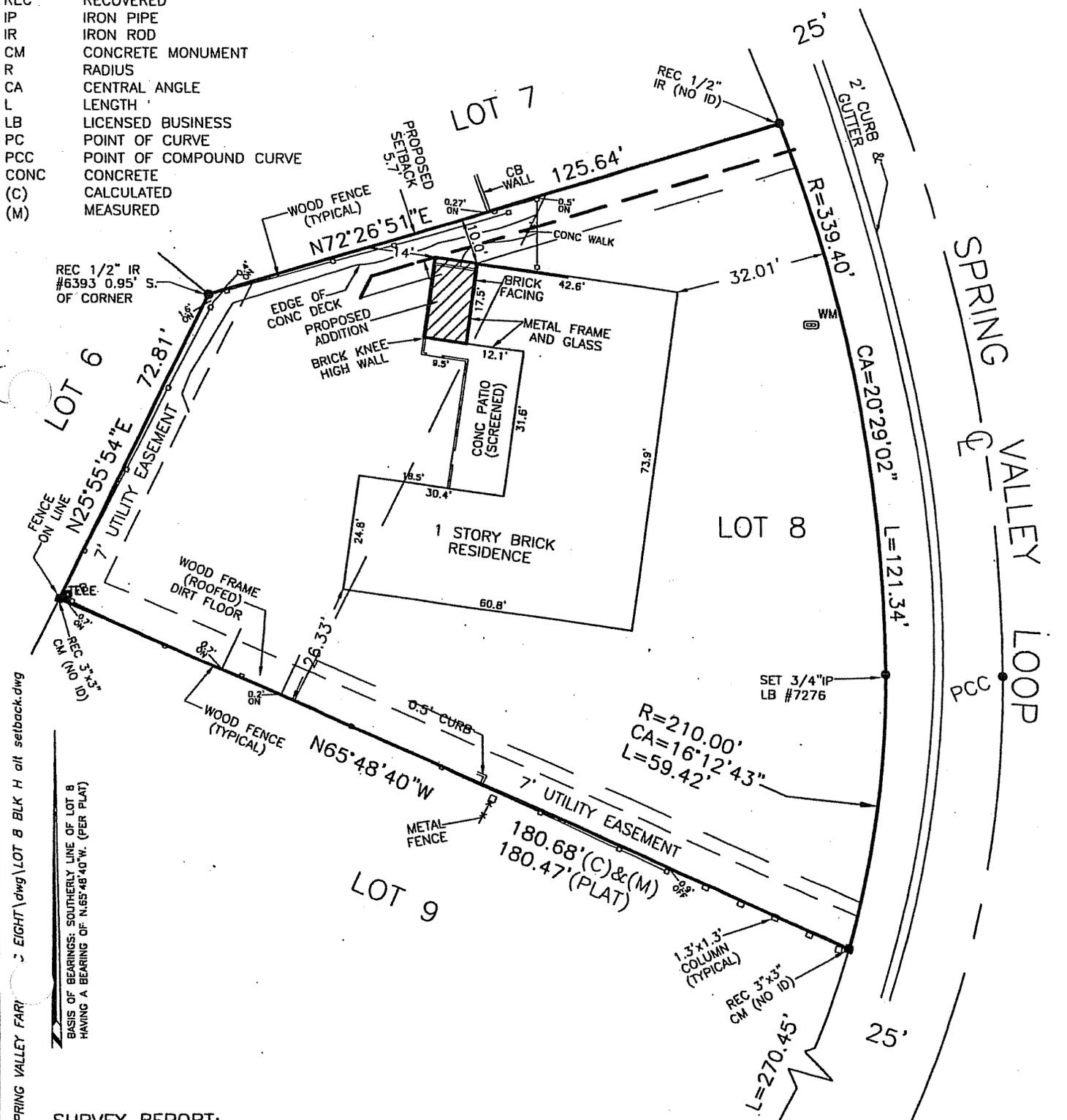
BOUNDARY SURVEY
FOR
MANZELLA BUILDERS
EXHIBIT FOR VARIANCE REQUEST

LEGAL DESCRIPTION:

LOT 8, BLOCK "H", SPRING VALLEY FARMS SECTION EIGHT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 49-50, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

LEGEND:

- ⊕ CENTERLINE
- REC RECOVERED
- IP IRON PIPE
- IR IRON ROD
- CM CONCRETE MONUMENT
- R RADIUS
- CA CENTRAL ANGLE
- L LENGTH
- LB LICENSED BUSINESS
- PC POINT OF CURVE
- PCC POINT OF COMPOUND CURVE
- CONC CONCRETE
- (C) CALCULATED
- (M) MEASURED



SPRING VALLEY FARMS SECTION EIGHT.dwg LOT 8 blk H alt setback.dwg

BASIS OF BEARINGS: SOUTHERLY LINE OF LOT 8 HAVING A BEARING OF N.65°48'40"W. (PER PLAT)

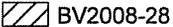
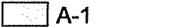
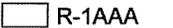
SURVEY REPORT:

Gordon & Lynn Browne
 119 Spring Valley Loop
 Altamonte Springs, Florida 32714

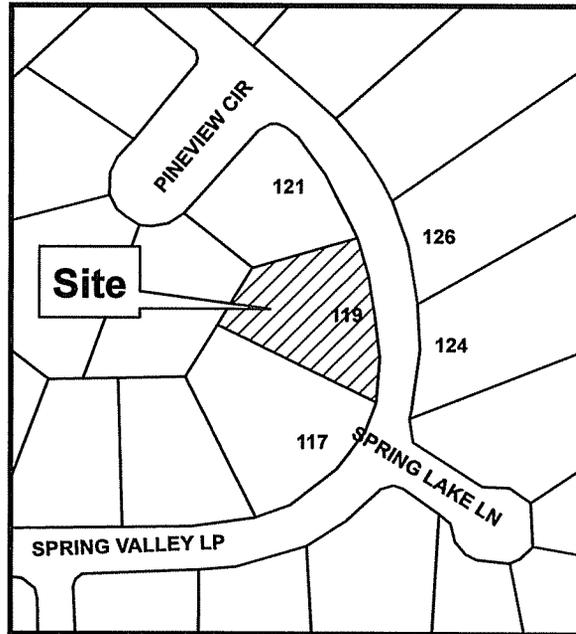


Seminole County Board of Adjustment
April 28, 2008
Case: BV2008-28 (Map 3208, Grid B2)
Parcel No: 22-21-29-506-0H00-0080

Zoning

 BV2008-28	 R-1AA
 A-1	 R-1A
 R-1AAA	

N

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1488 407-865-7508</p>																														
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 22-21-29-506-0H00-0080</p> <p>Owner: BROWNE GORDON N & LYNN M</p> <p>Mailing Address: 119 SPRING VALLEY LOOP</p> <p>City,State,ZipCode: ALTAMONTE SPRINGS FL 32714</p> <p>Property Address: 119 SPRING VALLEY LOOP ALTAMONTE SPRINGS 32714</p> <p>Subdivision Name: SPRING VALLEY FARMS SEC 08</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (1994)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p>2008 WORKING VALUE SUMMARY</p> <p>Amendment 1 impact not reflected.</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$309,828</p> <p>Depreciated EXFT Value: \$8,021</p> <p>Land Value (Market): \$90,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$407,849</p> <p>Assessed Value (SOH): \$201,483</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$176,483</p> <p>Tax Estimator</p> <p>Portability Calculator</p>																												
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>07/1987</td> <td><u>01869</u></td> <td><u>1370</u></td> <td>\$170,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1978</td> <td><u>01171</u></td> <td><u>1033</u></td> <td>\$87,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1974</td> <td><u>01035</u></td> <td><u>1994</u></td> <td>\$71,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	07/1987	<u>01869</u>	<u>1370</u>	\$170,000	Improved	Yes	WARRANTY DEED	05/1978	<u>01171</u>	<u>1033</u>	\$87,000	Improved	Yes	WARRANTY DEED	01/1974	<u>01035</u>	<u>1994</u>	\$71,000	Improved	Yes	<p>2007 VALUE SUMMARY</p> <p>Tax Amount(without SOH): \$5,978</p> <p>2007 Tax Bill Amount: \$2,520</p> <p>Save Our Homes (SOH) Savings: \$3,458</p> <p>2007 Taxable Value: \$170,615</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																									
LOT	0	0	1.000	90,000.00	\$90,000																									
BUILDING INFORMATION																														
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																					
1	SINGLE FAMILY	1970	8	2,616	3,859	2,616	BRICK/WOOD FRAMING	\$309,828	\$380,157																					
Appendage / Sqft		SCREEN PORCH FINISHED / 408																												
Appendage / Sqft		GARAGE FINISHED / 625																												
Appendage / Sqft		OPEN PORCH FINISHED / 210																												
<p>NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished</p> <p>Permits</p>																														
EXTRA FEATURE																														
Description		Year Blt	Units	EXFT Value	Est. Cost New																									
FIREPLACE		1970	1	\$800	\$2,000																									
POOL GUNITE		1972	512	\$4,096	\$10,240																									
COOL DECK PATIO		1972	1,180	\$1,652	\$4,130																									
ALUM SCREEN PORCH W/CONC FL		1987	180	\$612	\$1,530																									

ALUM PORCH NO FLOOR	1987	252	\$403	\$1,008
WOOD UTILITY BLDG	1972	56	\$134	\$336
WOOD CARPORT NO FL	1992	270	\$324	\$810

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.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: GORDON N. & LYNN M. BROWNE Name: _____
Address: 119 SPRING VALLEY LOOP, ALT. SPRINGS Address: _____
Phone #: 407-682-0352 Phone #: _____

Name: _____ Name: _____
Address: _____ Address: _____
Phone #: _____ Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	
Trustees: _____	Beneficiaries: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____ Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: _____ Name: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

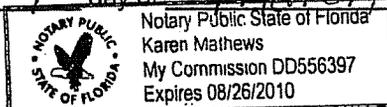
MARCH 7, 2008
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA -
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 7 day of March, 2008 by _____

[Signature]
Signature of Notary Public



Print, Type or Stamp Name of Notary Public

Personally Known _____ OR Produced Identification
Type of Identification Produced Florida Drivers License

For Use by Planning & Development Staff	
Date: _____	Application Number: _____

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 BLK H SPRING VALLEY FARMS SEC 8 PB 15 PG 50

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

FINDINGS OF FACT

Property Owner: GORDON N & LYNN M BROWNE
119 SPRING VALLEY LOOP
ALTAMONTE SPRINGS FL 32714

Project Name: Spring Valley Loop (119)

Requested Development Approval:

Request for 1) a rear yard setback variance from 30 feet to 14 feet and 2) a side yard (north) setback variance from 10 feet to 5.7 feet for a proposed room addition in R-1AAA (Single Family Dwelling) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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: Denny Gibbs, Senior Planner
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:
 - a. The variance granted will apply only to the rear addition 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: _____
Alison C. Stettner
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 _____ 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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

**SEMINOLE COUNTY DENIAL DEVELOPMENT
ORDER**

On April 28, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 8 BLK H SPRING VALLEY FARMS SEC 8 PB 15 PG 50

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

FINDINGS OF FACT

Property Owner: GORDON N & LYNN M BROWNE
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ALTAMONTE SPRINGS FL 32714

Project Name: Spring Valley Loop (119)

Requested Development Approval:

Request for 1) a rear yard setback variance from 30 feet to 14 feet and 2) a side yard (north) setback variance from 10 feet to 5.7 feet for a proposed room addition in R-1AAA (Single Family Dwelling) district.

The Development Approval was sought to construction an addition within the side and rear yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

ORDER

The requested development approval is hereby denied.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
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 _____ 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 _____, 2008.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

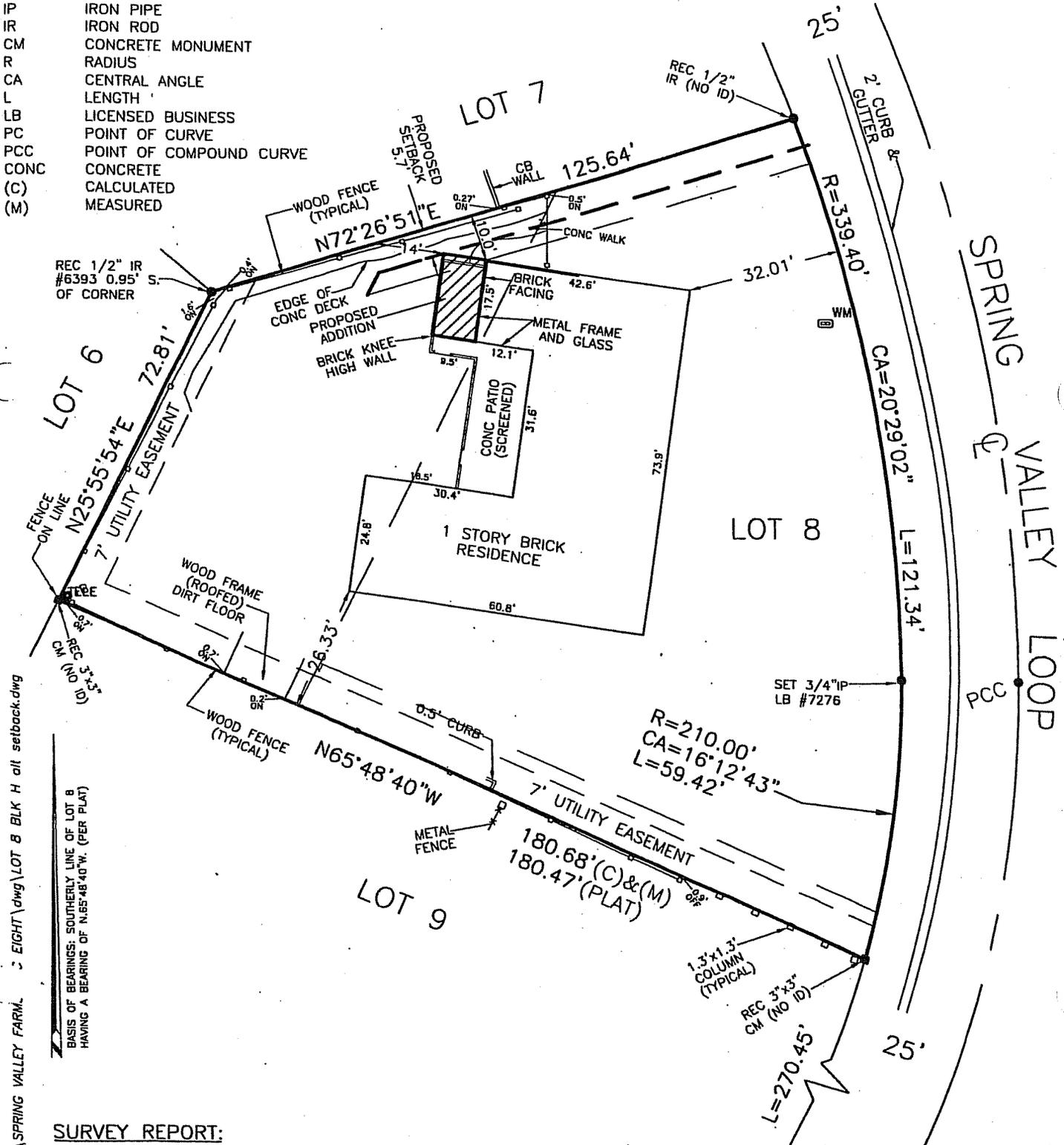
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LEGEND:

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- CONC CONCRETE
- (C) CALCULATED
- (M) MEASURED



\\SPRING VALLEY FARM. \ EIGHT.dwg \ LOT 8 BLK H all setback.dwg

BASIS OF BEARINGS: SOUTHERLY LINE OF LOT 8 HAVING A BEARING OF N.65°48'40"W. (PER PLAT)

SURVEY REPORT: