

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

SUBJECT: 1512 Emerald Isle Point - Request for a rear yard setback variance from 30 feet to 20 feet for a proposed addition in the R-1A (Single Family Dwelling District); (Bert Foschini, applicant).

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

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

Agenda Date 1/22/07 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed addition in the R-1A (Single Family Dwelling District); (Bert Foschini, applicant); or
2. **DENY** the request for a rear yard setback variance from 30 feet to 20 feet for a proposed addition in the R-1A (Single Family Dwelling District); (Bert Foschini, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Bert Foschini Location: 1512 Emerald Isle Point Zoning: R-1A Subdivision: Emerald Estates
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a 15 foot by 18.33 foot (279 square feet) bedroom addition on to the rear of the existing home that will encroach 10 feet into the rear yard setback. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.
STAFF FINDINGS	The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that: No special conditions or circumstances exist, which are peculiar to the land,

	<p>structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.</p> <ul style="list-style-type: none">• 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. <i>The applicant can construct an addition of the same size onto the rear of the existing home without encroaching into the setbacks.</i>• 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.
<p>STAFF RECOMMENDATION</p>	<p>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:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the proposed 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.

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

Application # BU2006-214
Meeting Date 1-22-07

COPY



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

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

Name: Burt Fuschini
Address: 1512 Emerald Isle Point City: Apopka Zip code: 32703
Project Address: 1512 Emerald Isle Point City: Apopka Zip code: 32703
Contact number(s): 321-229-7789
Email address: btfuschini@yahoo.com

Is the property available for inspection without an appointment? Yes No

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 checked="" type="checkbox"/> Addition	Please describe: <u>18'x15' addition to rear of house</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.	

RECEIVED
NOV 29 2006
PLANNING DIVISION

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>20</u>
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:	
<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 type="checkbox"/> Total number of variances requested <u>1</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: Burt Fuschini

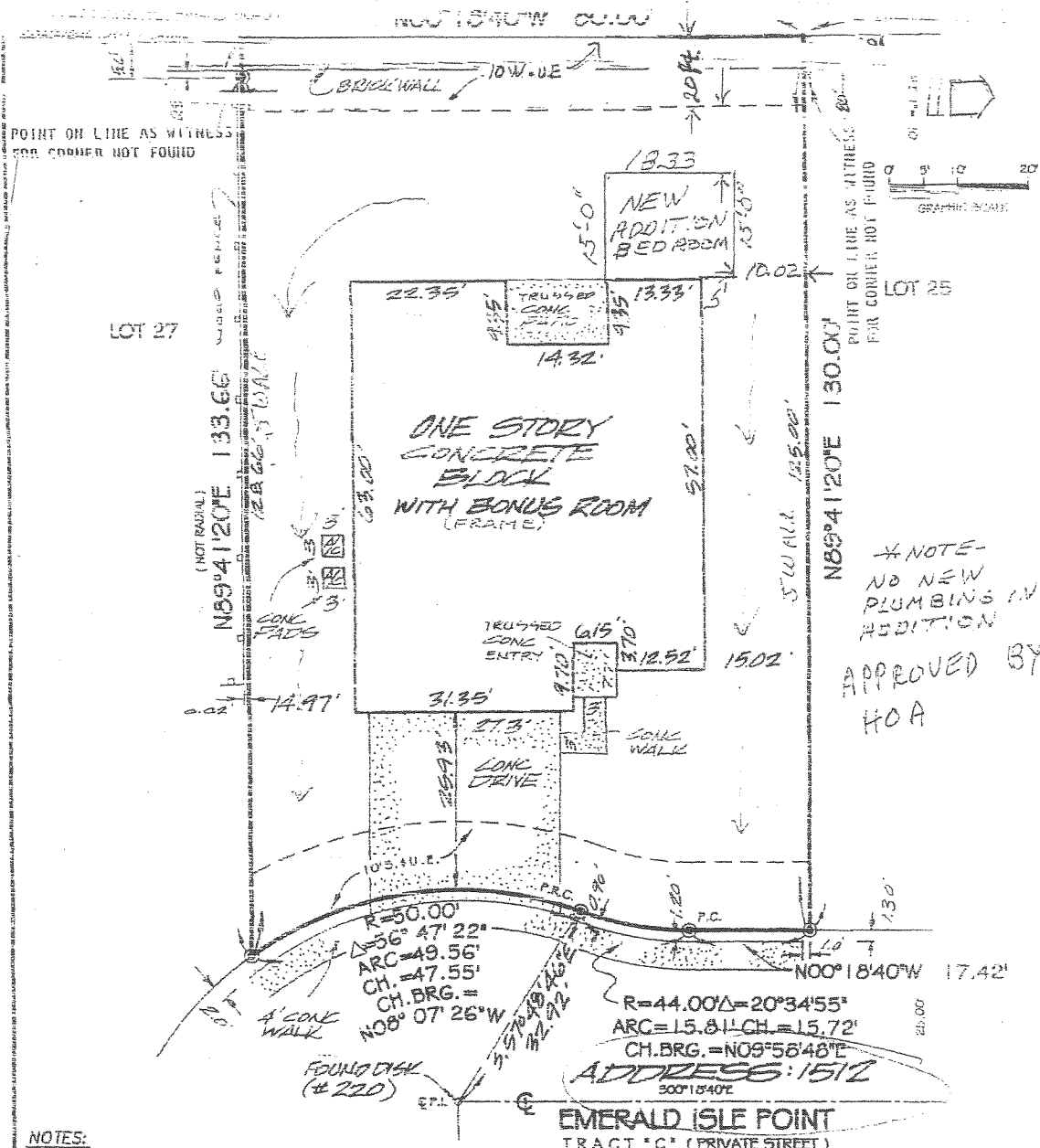
FOR OFFICE USE ONLY

Date Submitted: <u>11-29-06</u>	Reviewed By: <u>P. Johnson</u>
Tax parcel number: <u>17-21-29-5PA-0000-0260</u>	Zoning/FLU <u>R-1A / LOR</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	
<input type="checkbox"/> Platted Lot (check easements as shown on lots, in notes or in dedication)	
<input type="checkbox"/> Lot size _____	<input type="checkbox"/> Meets minimum size and width
<input type="checkbox"/> Application and checklist complete	
Notes: _____	

VARIANCE SUBMITTAL CHECKLIST

Please return this checklist with your application!

<i>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.</i>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.



NOTES:

1. BEARINGS ARE BASED ON THE CENTERLINE OF EMERALD ISLE POINT BEING S00°18'40"E.
2. UNDERGROUND IMPROVEMENTS, ROOF OVERHANGS AND FOOTERS HAVE NOT BEEN LOCATED.
3. ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929.
4. BUILDING TIES ARE TO FOUNDATION.
5. BUILDING TIES ARE NOT TO BE USED TO CONSTRUCT DEED OR PLATTED LINES.
6. BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED AND PER RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD CERTIFICATION

BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, THE PROPERTY SITE SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD AREA. THIS SITE LIES IN ZONE "X". COMMUNITY PANEL NO. 120289 0115 E EFFECTIVE DATE: APRIL 17, 1995. MAP REVISION DATE: (SUBJECT TO CHANGE)

CERTIFIED TO:

Bert P. & Yvette C. Foschini
Coldwell Banker Home Loans
First American Title Insurance Co.
Overstreet, Miles, Rich & Cumble, P.A.

THE UNDERSIGNED AND CAVONE, INC. LAND SURVEYORS AND MAPPERS MAKE NO RESERVATIONS OR GUARANTEES AS TO THE INFORMATION REFLECTED HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS AND OTHER MATTERS, AND FURTHER THIS INSTRUMENT IS NOT INTENDED TO REFLECT OR SET FORTH ALL SUCH MATTERS. SUCH INFORMATION SHOULD BE OBTAINED AND CONFIRMED BY OTHERS THROUGH APPROPRIATE TITLE VERIFICATION.

ABBREVIATIONS/LEGEND:

NO - NUMBER	P.T. - POINT OF TANGENCY	CONC - CONCRETE	W.U.E. - WALL UTILITY EASEMENT	D.E. - DRAINAGE EASEMENT
R - RADIUS	P.I. - POINT OF INTERSECTION	L.S. - LAND SURVEYOR	P.C.C. - POINT OF COMPOUND CURVATURE	U.E. - UTILITY EASEMENT
CH - CHORD	P.C. - POINT OF CURVATURE	O.R. - OFFICIAL RECORDS	S&U.E. - SIDEWALK & UTILITY EASEMENT	D.U.S.E. - DRAINAGE, UTILITY & SIDEWALK EASEMENT
ARC - ARC LENGTH	L.B. - LICENSED BUSINESS	CH.BRG. - CHORD BEARING	D.&U.E. - DRAINAGE & UTILITY EASEMENT	
C - CENTERLINE	A/C - AIR CONDITIONER PAD	Δ DELTA (CENTRAL ANGLE)		

CAVONE, INC.
LAND SURVEYORS AND MAPPERS

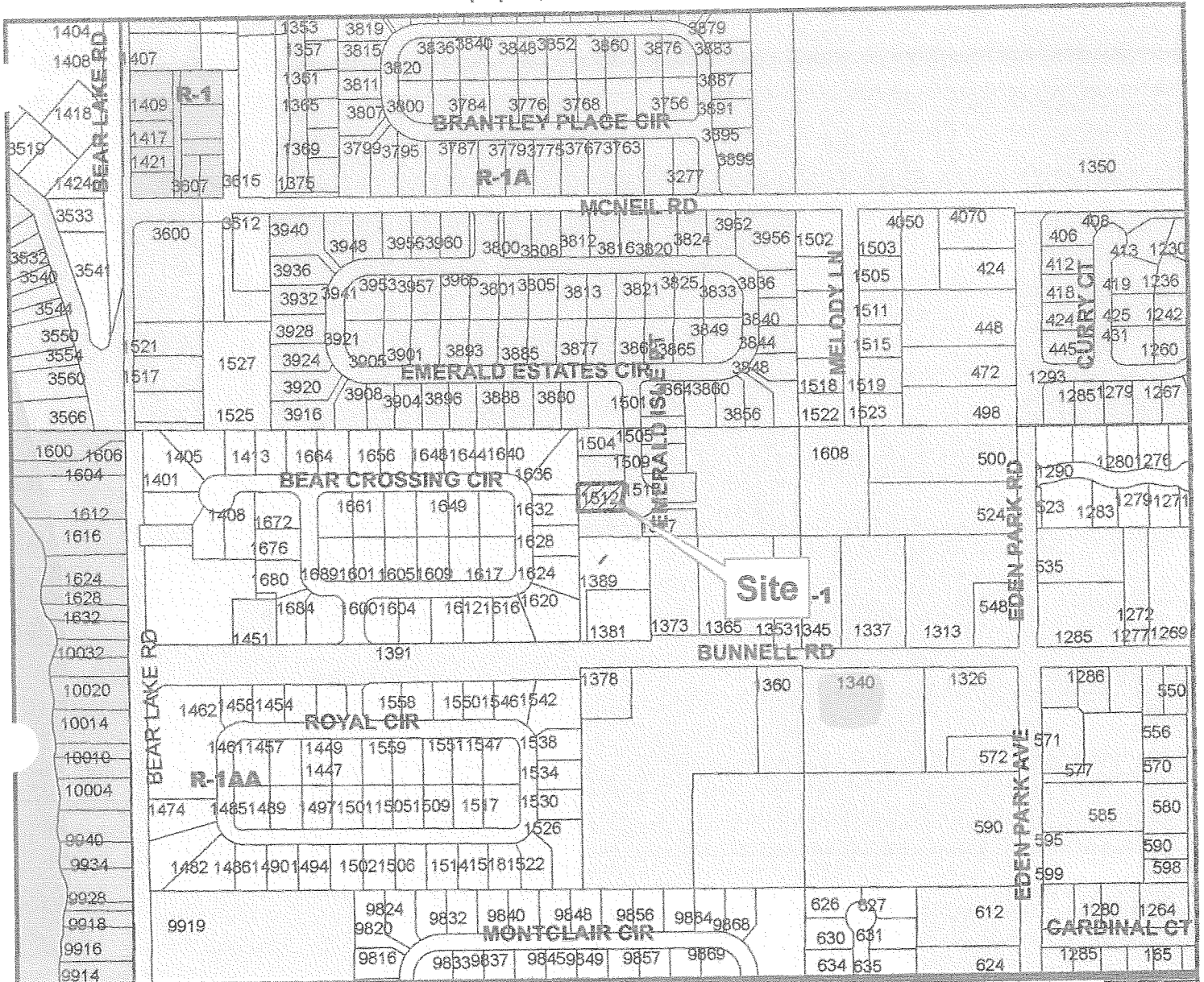
100 COUNTY ROAD 427 SOUTH
LONGWOOD, FLORIDA 32750-5400
TELEPHONE (407) 830-9080
FAX No. (407) 339-3636

THIS SURVEY NOT VALID UNLESS EMBOSSED WITH THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

William F. Cavone
DOMINICK F. CAVONE - PRESIDENT
FLORIDA SURVEYOR & MAPPER NUMBER 2005
LICENSED BUSINESS NUMBER 5073






REVISION	DATE
RECERTIFIED	01-27-04
FINAL LOCATION	02-17-04
FOUNDATION LOCATION	06-12-04
FORMBOARD LOCATION	
STAKE HOUSE	06-24-04
STAKE LOT	06-24-04

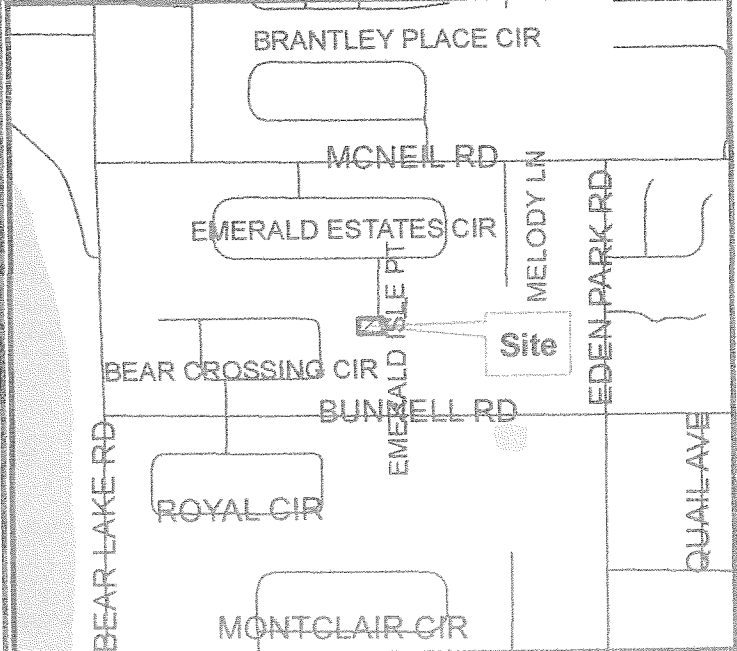
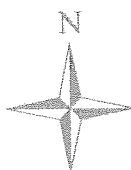
Yvette & Bert Foschini
 1512 Emerald Isle Point
 Apopka, Florida 32703



Seminole County Board of Adjustment
 January 22, 2007
 Case: BV2006-214 (Map 3207, Grid B1)
 Parcel No: 17-21-29-5PA-0000-0260

Zoning

-  BV2006-214
-  A-1
-  R-1AA
-  R-1A
-  R-1



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508																																																																					
GENERAL Parcel Id: 17-21-29-5PA-0000-0260 Owner: FOSCHINI BERT P & YVETTE C Mailing Address: 1389 HOLLY GLEN RUN City,State,ZipCode: APOPKA FL 32703 Property Address: 1512 EMERALD ISLE PT APOPKA 32703 Subdivision Name: EMERALD ESTATES Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 01-SINGLE FAMILY		2007 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$267,723 Depreciated EXFT Value: \$0 Land Value (Market): \$67,000 Land Value Ag: \$0 Just/Market Value: \$334,723 Assessed Value (SOH): \$334,723 Exempt Value: \$0 Taxable Value: \$334,723 Tax Estimator																																																																			
SALES <table border="1"> <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>02/2006</td> <td>06112</td> <td>1589</td> <td>\$400,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/2001</td> <td>04279</td> <td>1385</td> <td>\$263,800</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>10/2000</td> <td>03951</td> <td>1726</td> <td>\$426,700</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	02/2006	06112	1589	\$400,000	Improved	Yes	WARRANTY DEED	10/2001	04279	1385	\$263,800	Improved	Yes	WARRANTY DEED	10/2000	03951	1726	\$426,700	Vacant	No	2006 VALUE SUMMARY 2006 Tax Bill Amount: \$3,555 2006 Taxable Value: \$220,628 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																							
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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.																																																																					

Memorandum

Date: 9/26/06

From: Emerald Estates Architectural Review Board

To: Bert & Yvette Foschini
1512 Emerald Isle Point
Lot #26

Re: ARB Application

As per the Declaration of Protective Covenants and Restrictions, the Architectural Review Board(ARB) is to maintain the "harmony of external design and location in relation to the surrounding structures and topography." It is with the ARB's best ability and knowledge that we have reviewed the applicant's request in the hopes that it will be a welcome and appropriate improvement to the homeowner's property and the community as a whole.


Comments: Approved as noted.

1. It is understood that the property owner(s) has read and understands the EEHOA Protective Covenants and Restrictions.
2. It is understood that the property owner(s) shall perform all work in a professional and courteous manner. The ARB would suggest that if it is necessary to perform work on or from an adjacent owner's property written permission be obtained.
3. It is understood that the property owner(s) shall obtain all required permits, approvals and inspections from appropriate local jurisdiction(s). All easements and setbacks should be understood and considered by the owner(s).
4. The ARB requests that within (10) days upon completion of the requested improvements and/or receipt of final acceptance, of work completed, from the local jurisdiction(s) the we be given notice so as to "make inspections to verify completion in accordance with the approved plans(application)."
5. The approval shall be valid for (120) days from the date of this letter. Should the improvement not commence before the (120) days the approval shall expire. Re-submission to the ARB will be required prior to commencing any improvements should this approval expire.
6. The approval of the Home addition is contingent upon the exterior materials(Shingles, Fascia/Soffit Windows Doors Roof Vents), colors and finishes(Stucco texture) matching the existing home.

7. The pool addition is accepted as submitted. The screen enclosure can not exceed the tallest roof ridge, screen shall be white or bronze finish and all equipment/tanks shall be screened via vegetation that at the time of planting is three-quarts the height of the tallest piece of equipment.

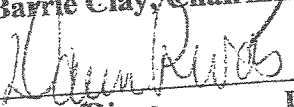
8. The homeowner shall be responsible to return any damaged community property to its original condition should sidewalk, curb, landscape, irrigation, pavement, etc. be damaged during construction.

**Emerald Estates Homeowner's Association
Architectural Board**




Barrie Clay, Chairman ARB

9/30/06
Date



Dawn Rivas **Date**

10/10/02



Michael Brehne

10/10/06
Date

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 26 Emerald Estates PB 54 PGS 78 thru 82

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

FINDINGS OF FACT

Property Owner: Bert Foschini
1389 Holly Glen Run
Apopka, Fl. 32703

Project Name: 1512 Emerald Isle Point

Requested Development Approval:

Request for a rear yard setback variance from 30 feet to 20 feet for a proposed addition in R-1A (Single Family Dwelling District)

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, Principal 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:

1. The variance granted will apply only to the proposed 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: _____
April Boswell, AICP
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 _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: