

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 24 FEET FOR A PROPOSED ADDITION TO A SINGLE-FAMILY HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (HEDDY & MICHAEL BERNSTEIN, APPLICANTS).

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

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

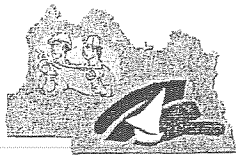
Agenda Date 1-24-05 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 24 FEET FOR A PROPOSED ADDITION TO A SINGLE-FAMILY HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (HEDDY & MICHAEL BERNSTEIN, APPLICANTS); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 24 FEET FOR A PROPOSED ADDITION TO A SINGLE-FAMILY HOME IN THE R-1AA (SINGLE-FAMILY DWELLING DISTRICT); (HEDDY & MICHAEL BERNSTEIN, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANT: HEDDY & MICHAEL BERNSTEIN LOCATION: 1219 ASTORWOOD COURT ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO CONSTRUCT AN ADDITION THAT WOULD ENCROACH 6 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK; THE AFOREMENTIONED VARIANCE IS THEREBY REQUESTED.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANT HAS FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> <li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITION HAVE BEEN</li> </ul>

	<p>DEMONSTRATED.</p> <ul style="list-style-type: none"><li>• THE REQUEST WOULD CONFER UPON THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AA DISTRICT.</li></ul>
<p><b>STAFF RECOMMENDATION</b></p>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



**COPY**

APPL. NO. BV 2004-179

**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** Rear Yard Set Back Variance  
from 30 feet to 24 feet for a proposed addition
- 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	Heddy Michael Bernstein	
ADDRESS	1219 Astorwood Ct Alt Spgs FL 32714	
PHONE 1	407-788-3811	
PHONE 2	407-579-7638	
E-MAIL	heddyb@labergeprinters.com	

PROJECT NAME: \_\_\_\_\_

SITE ADDRESS: 1219 Astorwood Ct.

CURRENT USE OF PROPERTY: Residential

LEGAL DESCRIPTION: Leg Lot 13 Academy Oaks PB 38 RG 39

SIZE OF PROPERTY: \_\_\_\_\_ acre(s) PARCEL I.D. 17-21-29-524-0000-0130

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 1 / 1  
 (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.

Heddy Bernstein 11/24/04  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

**ADDITIONAL VARIANCES**

VARIANCE 2:

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:

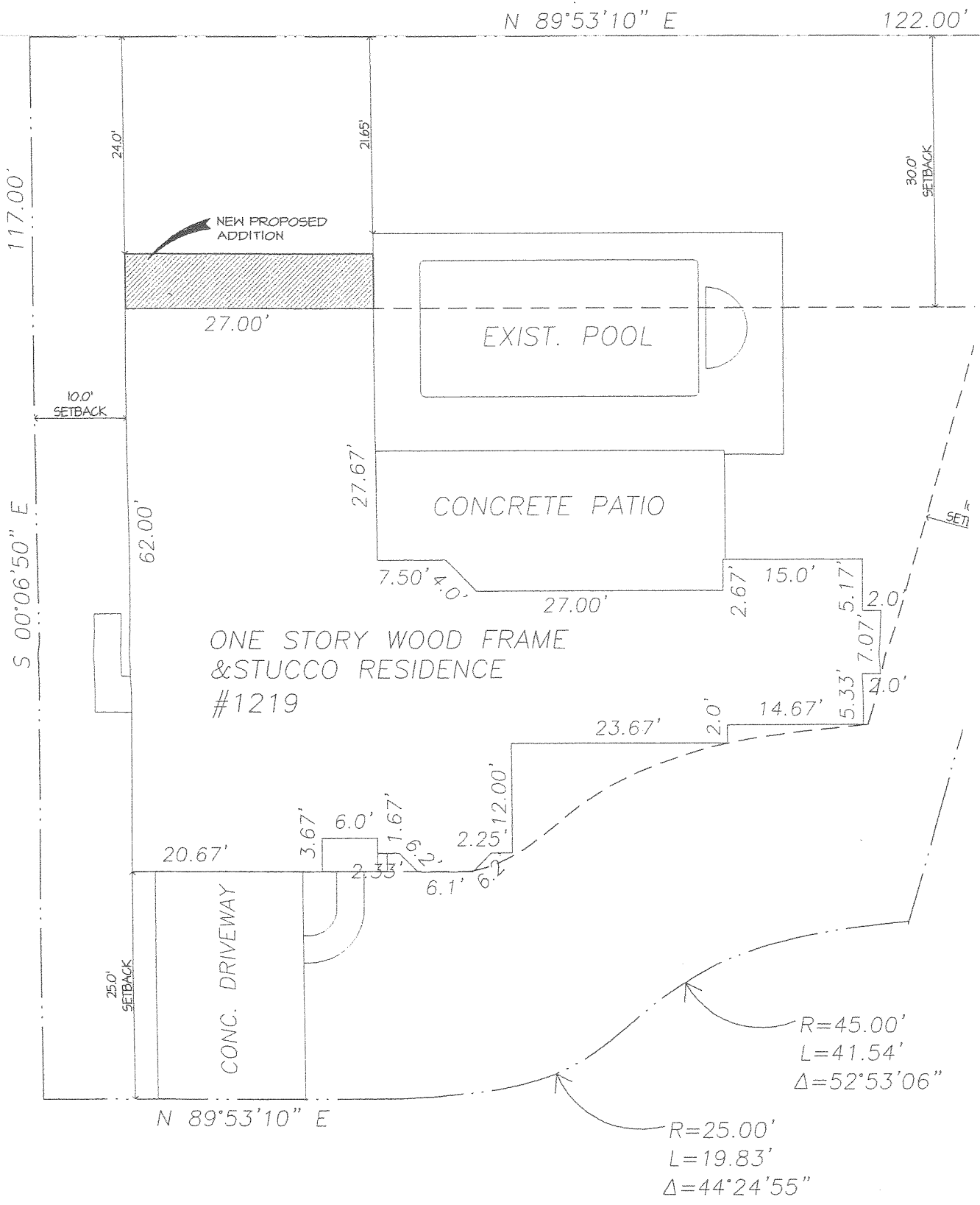
FEE(S): 150<sup>00</sup> COMMISSION DISTRICT 3 FLU/ZONING LDR/R-1AA

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

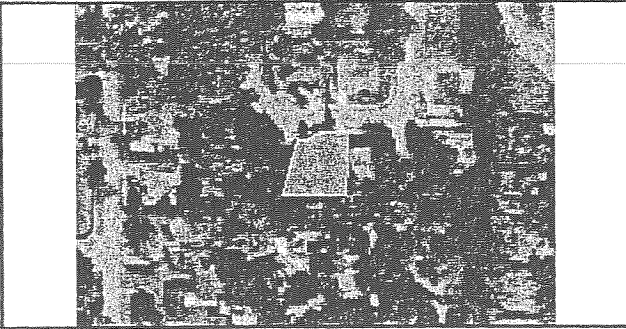
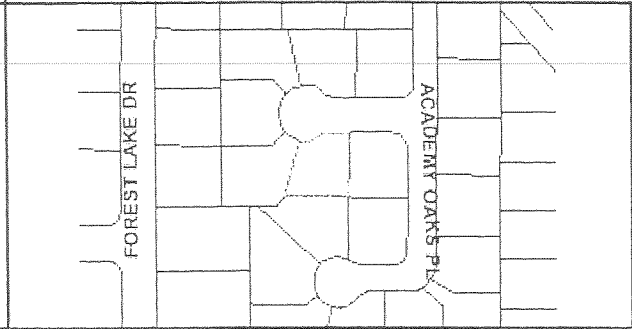
LOCATION FURTHER DESCRIBED AS South side of Astorwood Ct, approx 131 ft West of intersection of Astorwood Ct & Academy Oaks Pl.

PLANNING ADVISOR JS DATE 11/24/04

SUFFICIENCY COMMENTS addition 27x6



ASTORWOOD CT



**GENERAL**

Parcel Id: 17-21-29-524-0000-0130      Tax District: 01-COUNTY-TX DIST 1

Owner: BERNSTEIN MICHAEL S & HEDDY R      Exemptions: 00-HOMESTEAD

Address: 1219 ASTORWOOD CT

City,State,ZipCode: ALTAMONTE SPRINGS FL 32714

Property Address: 1219 ASTORWOOD CT ALTAMONTE SPRINGS 32714

Subdivision Name: ACADEMY OAKS

Dor: 01-SINGLE FAMILY

**2005 WORKING VALUE SUMMARY**

Value Method: Market

Number of Buildings: 1

Depreciated Bldg Value: \$159,419

Depreciated EXFT Value: \$12,578

Land Value (Market): \$34,000

Land Value Ag: \$0

Just/Market Value: \$205,997

Assessed Value (SOH): \$187,140

Exempt Value: \$25,000

Taxable Value: \$162,140

**SALES**

Deed	Date	Book	Page	Amount	Vac/Imp
WARRANTY DEED	02/1991	02269	1322	\$191,000	Improved

Find Comparable Sales within this Subdivision

**2004 VALUE SUMMARY**

Tax Value(without SOH): \$3,075

2004 Tax Bill Amount: \$2,681

Save Our Homes (SOH) Savings: \$394

2004 Taxable Value: \$158,651

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
LOT	0	0	1.000	34,000.00	\$34,000

**LEGAL DESCRIPTION PLAT**

LEG LOT 13 ACADEMY OAKS PB 38 PG 39

**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	1990	11	2,302	3,296	2,302	WD/STUCCO FINISH	\$159,419	\$168,252
	Appendage / Sqft		OPEN PORCH FINISHED / 486						
	Appendage / Sqft		OPEN PORCH FINISHED / 24						
	Appendage / Sqft		GARAGE FINISHED / 484						

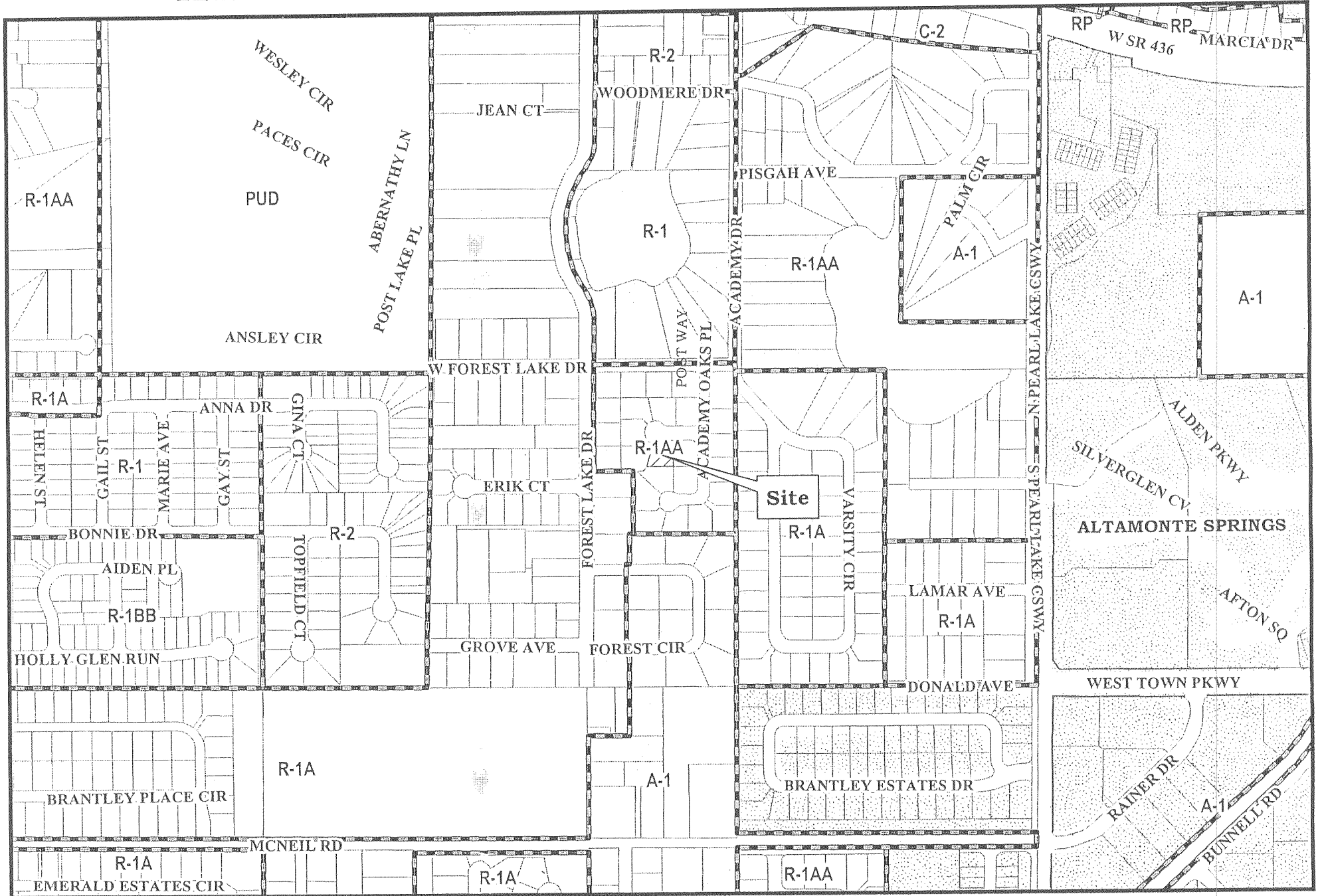
**EXTRA FEATURE**

Description	Year Blt	Units	EXFT Value	Est. Cost New
FIREPLACE	1990	1	\$1,250	\$2,000
POOL GUNITE	1991	450	\$5,850	\$9,000
COOL DECK PATIO	1991	576	\$1,310	\$2,016
SCREEN ENCLOSURE	1991	1,752	\$1,870	\$3,504
GAS HEATER	1991	1	\$440	\$1,100
SPA	1992	1	\$1,418	\$2,500
SOLAR HEATER	1992	1	\$440	\$1,100

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.

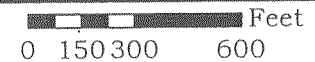
R-1AA  
LDR  
3

**Michael & Heddy Bernstein  
1219 Astorwood Court**



Parcel: 17-21-29-524-0000-0130 / District: 3

**BV2004-179  
JANUARY 24, 2005**



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On January 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 13 ACADEMY OAKS PB 38 PG 39

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

**FINDINGS OF FACT**

**Property Owner:** HEDDY & MICHAEL BERNSTEIN  
1219 ASTORWOOD COURT  
ALTAMONTE SPRINGS, FL 32714

**Project Name:** ASTORWOOD COURT (1219)

**Requested Development Approval:**

1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 24 FEET FOR A PROPOSED HOME ADDITION IN THE 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: Francisco Torregrosa, Planner  
1101 East First Street  
Sanford, Florida 32771



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**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 existing home 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: \_\_\_\_\_  
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 \_\_\_\_\_ 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: