

SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM

**SUBJECT:** 1458 Sky Eagle Cv – Paul & Sara Linartas, applicants; Request for a 1) front yard setback variance from 100 feet to 6.3 feet and a 2) side yard setback variance from 10 feet to 7.75 feet for and existing concrete block utility shed in A-1 (Agriculture District).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date 02-25-08 Regular  Consent  Public Hearing – 6:00

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a 1) front yard setback variance from 100 feet to 6.3 feet and a 2) side yard setback variance from 10 feet to 7.75 feet for and existing concrete block utility shed in A-1 (Agriculture District); or
2. **Approve** the request for a 1) front yard setback variance from 100 feet to 6.3 feet and a 2) side yard setback variance from 10 feet to 7.75 feet for and existing concrete block utility shed in A-1 (Agriculture District); or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Paul & Sara Linartas Location: 1458 Sky Eagle CV Zoning: A-1 (Agriculture District) Subdivision: Aras Acres
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is requesting a variance for an existing shed that encroaches 93.7 feet into the required 100-foot front yard setback and 2.25 feet into the required 10-foot side yard setback.</li> <li>• The 18-foot by 20-foot concrete block shed is being used to shelter the water pump system for the single family residence.</li> <li>• The shed also encroaches into a 10-foot drainage and utility easement; the applicant is in the process of having</li> </ul>

	<p>the easement vacated.</p> <ul style="list-style-type: none"><li>• In December of 2006, the applicant received a notice of code violation for the un-permitted construction of the shed.</li><li>• There is no record of prior variances for this property.</li></ul>
<b>STAFF FINDINGS</b>	<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"><li>• 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.</li><li>• Special conditions and circumstances result from the actions of the applicant.</li><li>• 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.</li><li>• 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.</li><li>• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.</li><li>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</li><li>• The grant of the variance would not be in harmony with the general intent of Chapter 30.</li></ul>
<b>STAFF RECOMMENDATION</b>	<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"><li>• Any variance granted shall apply only to the 18-foot by 20-foot concrete block shed as depicted on the attached site plan; and</li><li>• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.</li></ul>

**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

Application # BU2008-05  
Meeting Date 2-25-08



**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: Paul and Sara Linartas / J. Linartas  
Address: 1458 Sky Eagle CV City: Lake Mary Zip code: 32746  
Project Address: Same City: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Contact number(s): 407-923-2743  
Email address: \_\_\_\_\_

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

What type of structure is this request for?	
<input checked="" type="checkbox"/> Shed	Please describe: <u>Water well enclosure shed</u>
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input checked="" 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 checked="" type="checkbox"/> Front yard setback	Required setback:	<u>100</u>	Proposed setback: <u>6.30'</u>
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10'</u>	Proposed setback: <u>7.75'</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 type="checkbox"/> Total number of variances requested _____			

Projecting beyond main building line

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: [Signature]

**FOR OFFICE USE ONLY**

Date Submitted: 1-11-09 Reviewed By: P. Johnson  
 Tax parcel number: 36-19-29-510-0000-0030 zoning/FLU A-1/SE  
 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: \_\_\_\_\_  
 \_\_\_\_\_

**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). <i>This form can be obtained at <a href="http://www.seminolecountyfl.gov/pd/planning/forms.asp">http://www.seminolecountyfl.gov/pd/planning/forms.asp</a></i>
✓	3. Provide a legible 8 1/2 x 11 inch site plan with the following information <b>NOTE: Please use your property survey for your site plan, if available.</b> <b>See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.</b>
✓	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 <i>Location, size + type of septic system + drain fields approved by Health Dept.</i>
✓	o Location of all easements
N/A	o Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
✓	Well water Shed Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
10'	o Building height
✓	o Setbacks from each building to the property lines
N/A	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.

✓ Letter and Pictures

I plead for consideration by  
Planning Division and  
Board of Adjustment, because  
of the following facts.

Permit was acquired to sink water well, pour slab, and  
put up roof over the equipment to protect from elements.  
Before well was constructed set back requirements  
were met.

After I donated 25' x 466' of my property North to  
Markham Rd., the set back fell short of 10' requirement,  
and now from relocated boundary it measures 6.30'.  
Also from original West boundary was 10', after re-  
located boundary is 7.15'

Present location of the water well enclosure  
does not interfere with anybody now, nor in the future.  
Because North of shed is Markham Rd., to the West  
buffer zone, to the South my house, and East to  
minor development Rd. called Sky Eagle Ct.  
Nothing will ever be built in any direction to interfere  
with this 10' low profile to the peak of the roof, water shed  
built in good taste. It will be camouflaged by vegetation  
"Please see Exhibit I and Exhibit II (Photos)"

I am not asking to be as a special privilege, as you can  
see, but simply became victim of circumstances.

Please consider my plea favorably, just as I  
volunteered to donate prime frontage to the County.

Thank you for your consideration

*Paul Sinter*  
Paul Sinter

SCALE: 1" = 40'



MARKHAM ROAD

(2)

50.00'

CORNER FALLS IN CONC FOOTER  
0.08' OUT

0.74' IN

6.30' (EXISTING)  
10.00' (REQUIRED)

N 89°26'46" E 203.31'

(10)

0.68' IN

CORNER FALLS IN CONC FOOTER

7.15' (EXISTING)  
10.00' (REQUIRED)



6' BLOCK WALL

(1)

10' DRAINAGE & UTILITY EASEMENT  
N 00°06'41" W 225.00'

(5)

(9)

(8)

8' BLOCK WALL

TRANSFORMER

0.31' OUT

FND IRON & CAP (#3382)

10' DRAINAGE & UTILITY EASEMENT

S 89°26'46" W 203.31'

(1)

(5)

(4)

LOT 3

S 00°06'41" E 225.00'

LOT 2

SKY EAGLE CV, LOT 1

LOT 5

60' INGRESS/EGRESS  
DRAINAGE & UTILITY  
EASEMENT

FND "x" IN CONCRETE

LOT 2

LOT 1

<p><b>PARCEL DETAIL</b></p> <p>DAVID JOHNSON, CFA, ASA</p> <p><b>PROPERTY APPRAISER</b></p> <p>SEMINOLE COUNTY, FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-865-7508</p>		<p><b>2008 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$628,941</p> <p>Depreciated EXFT Value: \$32,118</p> <p>Land Value (Market): \$100,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$761,059</p> <p>Assessed Value (SOH): \$761,059</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$736,059</p> <p><b>Tax Estimator</b></p> <p><b>Tax Reform Calculator</b></p>													
<p><b>GENERAL</b></p> <p>Parcel Id: 36-19-29-510-0000-0030</p> <p>Owner: LINARTAS SARA TRUSTEE</p> <p>Own/Addr: FBO PAUL LINARTAS</p> <p>Mailing Address: 1458 SKY EAGLE CV</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 1458 SKY EAGLE CV LAKE MARY 32746</p> <p>Subdivision Name: ARAS ACRES</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2007)</p> <p>Dor: 01-SINGLE FAMILY</p>	<p><b>2007 VALUE SUMMARY</b></p> <p>Tax Amount(without SOH): \$11,066</p> <p>2007 Tax Bill Amount: \$11,066</p> <p>Save Our Homes (SOH) Savings: \$0</p> <p>2007 Taxable Value: \$749,326</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>														
<p><b>SALES</b></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>02/2006</td> <td>06123</td> <td>1023</td> <td>\$40,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> <p><u>Find Comparable Sales within this Subdivision</u></p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	02/2006	06123	1023	\$40,000	Vacant	No	<p><b>LEGAL DESCRIPTION</b></p> <p>PLATS: <input type="text" value="Pick..."/></p> <p>LOT 3 ARAS ACRES PB</p>
Deed	Date	Book	Page	Amount	Vac/Imp	Qualified									
WARRANTY DEED	02/2006	06123	1023	\$40,000	Vacant	No									

Paul Linartas  
1458 Sky Eagle Cv.  
Lady Lake, Fl. 32746  
407-644-2804

August 31, 2007

Seminole Cnty Gov.  
1101 East First St.  
Sanford, Fl. 32771

RE: Naming an agent

To whom it may concern:

I, Paul Linartas, reside at the address above, authorize and assign my father, Joseph Linartas, to represent me in matters related to:

Parcel ID No. 36-19-29-510-0000-0030  
Project # 07-00900009  
Project Utility Vacate  
Location Markham Rd. and Sky Eagle Cv.

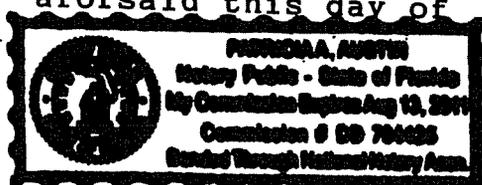
  
\_\_\_\_\_  
Paul Linartas

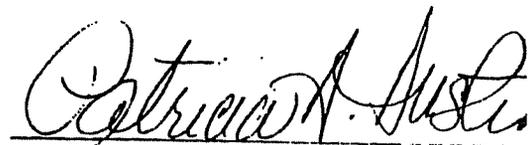
State of Florida  
County of Orange

I Hereby Certify that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgment, personally appeared

Paul Linartas  
to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

Witness my hand and official seal in the County and State last aforesaid this day of Aug., 31st, A.D. 2007



  
\_\_\_\_\_  
Patricia Austin

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: Paul & Sara LINARTAS Name: \_\_\_\_\_  
Address: 1458 Sky Eagle Cv. Lake Mary Address: \_\_\_\_\_  
Phone #: 407-924-7913 FL. 32746 Phone #: \_\_\_\_\_

Name: Joseph & Jura LINARTAS Name: \_\_\_\_\_  
Address: 1454 Sky Eagle Cv. Lake Mary, FL 32746 Address: \_\_\_\_\_  
Phone #: 407-923-2743 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: The Florida Property Trust # 300  
Trustees: Sara Linartas Beneficiaries: Paul Linartas  
Address: 1458 Sky Eagle Cv. Address: 1458 Sky Eagle Cv.  
Lake Mary, FL 32746 Lake Mary, FL 32746

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION AND AFFIDAVIT**

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.

1-11-08  
Date

P. Smarter  
Owner, Agent, Applicant Signature

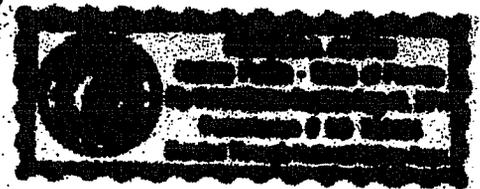
STATE OF FLORIDA  
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 11 day of January, 2008 by \_\_\_\_\_

Paul S. [Signature]  
Signature of Notary Public

Patricia A. Austin  
Print, Type or Stamp Name of Notary Public

Personally Known  OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



**For Use by Planning & Development Staff**

Date: \_\_\_\_\_ Application Number: \_\_\_\_\_

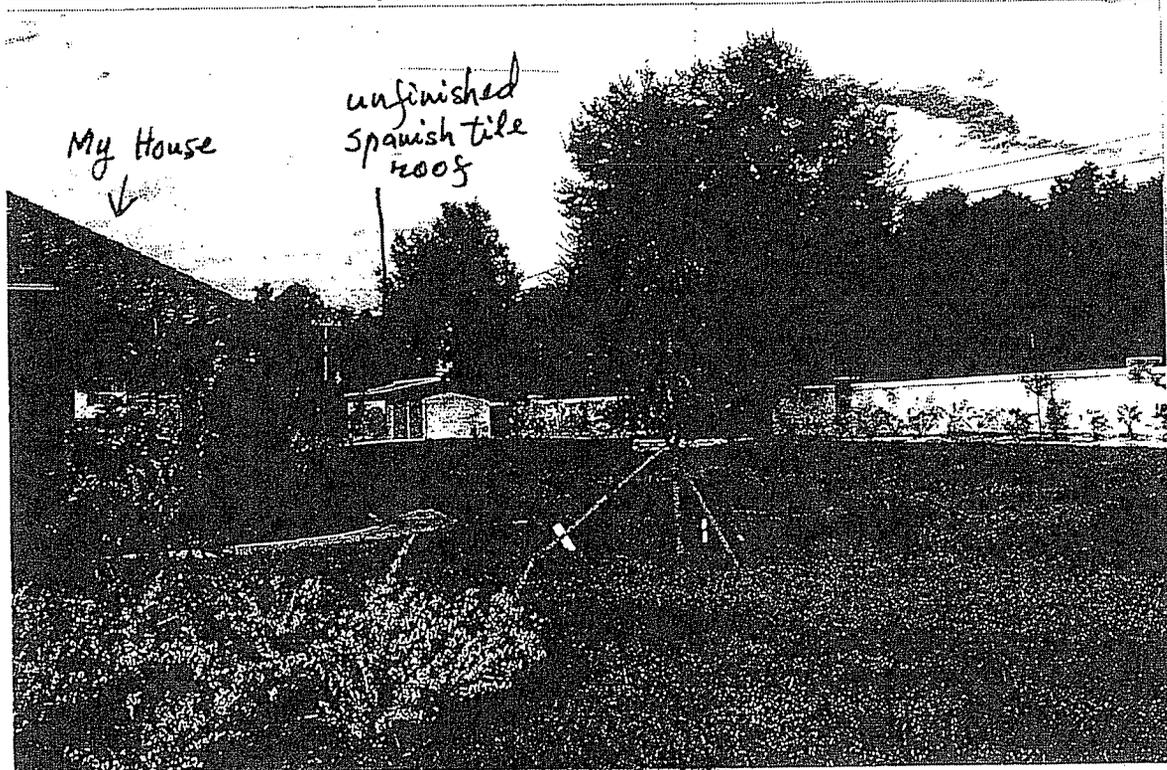
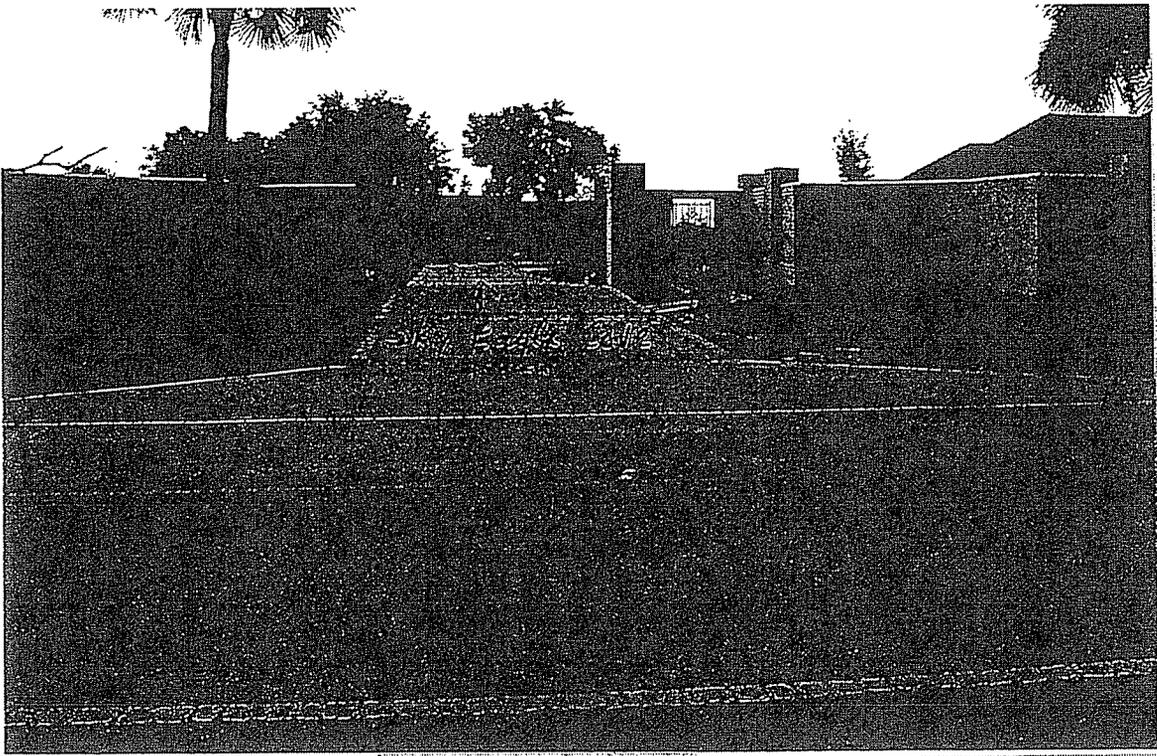


Exhibit II

## SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On February 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 3  
ARAS ACRES PB 62 PG 34

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

### FINDINGS OF FACT

**Property Owner:** Paul & Sara Linartas  
1458 Sky Eagle CV  
Lake Mary, FL 32746

**Project Name:** Sky Eagle CV (1458)

### Requested Development Approval:

Request for a 1) front yard setback variance from 100 feet to 6.3 feet and a 2) side yard setback variance from 10 feet to 7.75 feet for and existing concrete block utility shed in A-1 (Agriculture District).

The Development Approval was sought to bring into compliance an existing shed that is encroaching into the front and side yard setbacks. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Joy Williams, 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:

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On February 25, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 3  
ARAS ACRES PB 62 PG 34

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

**FINDINGS OF FACT**

**Property Owner:** Paul & Sara Linartas  
1458 Sky Eagle CV  
Lake Mary, FL 32746

**Project Name:** Sky Eagle CV (1458)

**Requested Development Approval:**

Request for a 1) front yard setback variance from 100 feet to 6.3 feet and a 2) side yard setback variance from 10 feet to 7.75 feet for and existing concrete block utility shed in A-1 (Agriculture 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: Joy Williams, 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 18-foot by 20-foot concrete block shed 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:

