

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

**SUBJECT:** 1089 Clinging Vine Place – Richard & Susan Schilke, applicant; request for a rear yard setback variance from 30 feet to 19 feet-1 inch for a proposed sun room addition in R-1A (Single Family Dwelling District).

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

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

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

**MOTION/RECOMMENDATION:**

1. **DENY** the request for a rear yard setback variance from 30 feet to 19 feet-1 inch for a proposed sun room addition in R-1A (Single Family Dwelling District); or
2. **APPROVE** the request for a rear yard setback variance from 30 feet to 19 feet-1 inch for a proposed sun room addition in R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant: Richard & Susan Schilke
	Location: 1089 Clinging Vine Place
	Zoning: R-1A (Single Family Dwelling District)
	Subdivision: Eagle's Landing
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant proposes to construct a 175 square foot (10 foot-9 inch by 15 foot-11 inch) sunroom addition that would encroach 10 feet-11 inches into the required 30-foot rear yard setback.</li> <li>• The applicant submitted a building permit application for the proposed addition to the Building Division, (App # 06 00011964).</li> <li>• There are currently no code enforcement or building violations for this property.</li> <li>• There is no record of prior variances for this property.</li> </ul>

<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• There is no record of prior variances for this property.</li></ul> <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>	<ul style="list-style-type: none"><li>• 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:<ul style="list-style-type: none"><li>• Any variance granted shall apply only to the sunroom addition 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></li></ul>

**INDEX OF ATTACHMENTS**

*Items that are checked are included in the packet*

- PUD Commitment Card, *if applicable*
- Application**
- Authorization letter
- Applicant statement of request
- Proposed Development Order**
- Proposed Site Plan**
- Proposed elevation drawings, renderings, floor plans, etc
- Property Appraiser data sheet**
- Location map**

Support information:

- Aerials, *if warranted*
- Plat, *if warranted*
- Code Enforcement information
- Building Permit information
- Correspondence
- Supporting documentation
- Letters of support
- HOA approval letter
- Pictures provided by applicant
- Other miscellaneous documents

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

**COPY**

Application # BU2006-213  
Meeting Date 1-22-07



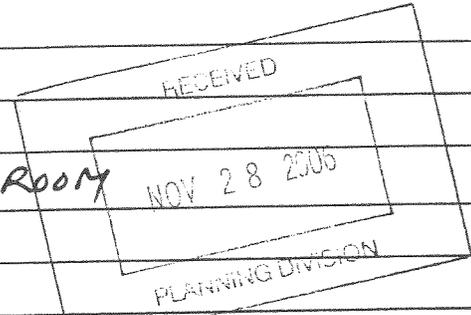
**VARIANCE APPLICATION**  
**SEMINOLE COUNTY PLANNING DIVISION**  
1101 East First Street Sanford FL 32771 (407) 665-7444

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

Name: Richard and Susan Schilke  
Address: 1089 Clinging Vine Place City: Winter Springs Zip code: 32708  
Project Address: 1089 Clinging Vine Place City: Winter Springs Zip code: 32708  
Contact number(s): 407-699-1388 / 407-699-1842  
Email address: \_\_\_\_\_

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>SUN ROOM</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>19' 1 inch</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 checked="" type="checkbox"/> Total number of variances requested <u>1</u>			

THIS 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] [Signature]

**FOR OFFICE USE ONLY**

Date Submitted: 11-29-06 Reviewed By: T. Johnson  
 Tax parcel number: 24-21-30-509-0000-0310 Zoning/FLU R-1A/LOR

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!*

*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.*

✓	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 ½ 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
✓	o Location of all easements
✓	o Existing or proposed house or addition <i>(Label existing, label proposed, and include square footage and dimensions of each )</i>
✓	o Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
✓	o Building height
✓	o Setbacks from each building to the property lines
✓	o Location of proposed fence(s)
✓	o 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.

107 204 373

1089 Clinging Vine Place  
Winter Springs, FL 32708

October 2006

Seminole County  
Board of Adjustment

Ladies and Gentlemen:

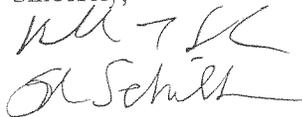
We are the homeowners at 1089 Clinging Vine Place, and respectfully request a variance in our property setback. We would like to build a sunroom addition with Four Seasons Sunroom as our contractor. We plan to use the sunroom as an exercise room with equipment needed for training and physical therapy. With a growing family of five, the additional space is needed for this purpose.

The location planned for this addition is behind the house, adjacent to the master bedroom and the screen enclosure. The addition will not be visible from the street or neighbors, requires no trees or shrubs to be removed, and still leaves nearly 20 feet of setback to our property wall.

The location of our home lot means there is very little impact to any other homeowners. We have a retention pond area directly behind our home on the other side of the subdivision wall; conservation area in front and to one side, and are at the end of a cul-de-sac. We have one neighbor on the other side, Mr. and Mrs. Phil Waisinen, and our board-on-board fence separates our properties. The fence, trees and other landscaping limits visibility of this structure from their property, and they support the project.

We greatly appreciate your consideration in our request.

Sincerely,



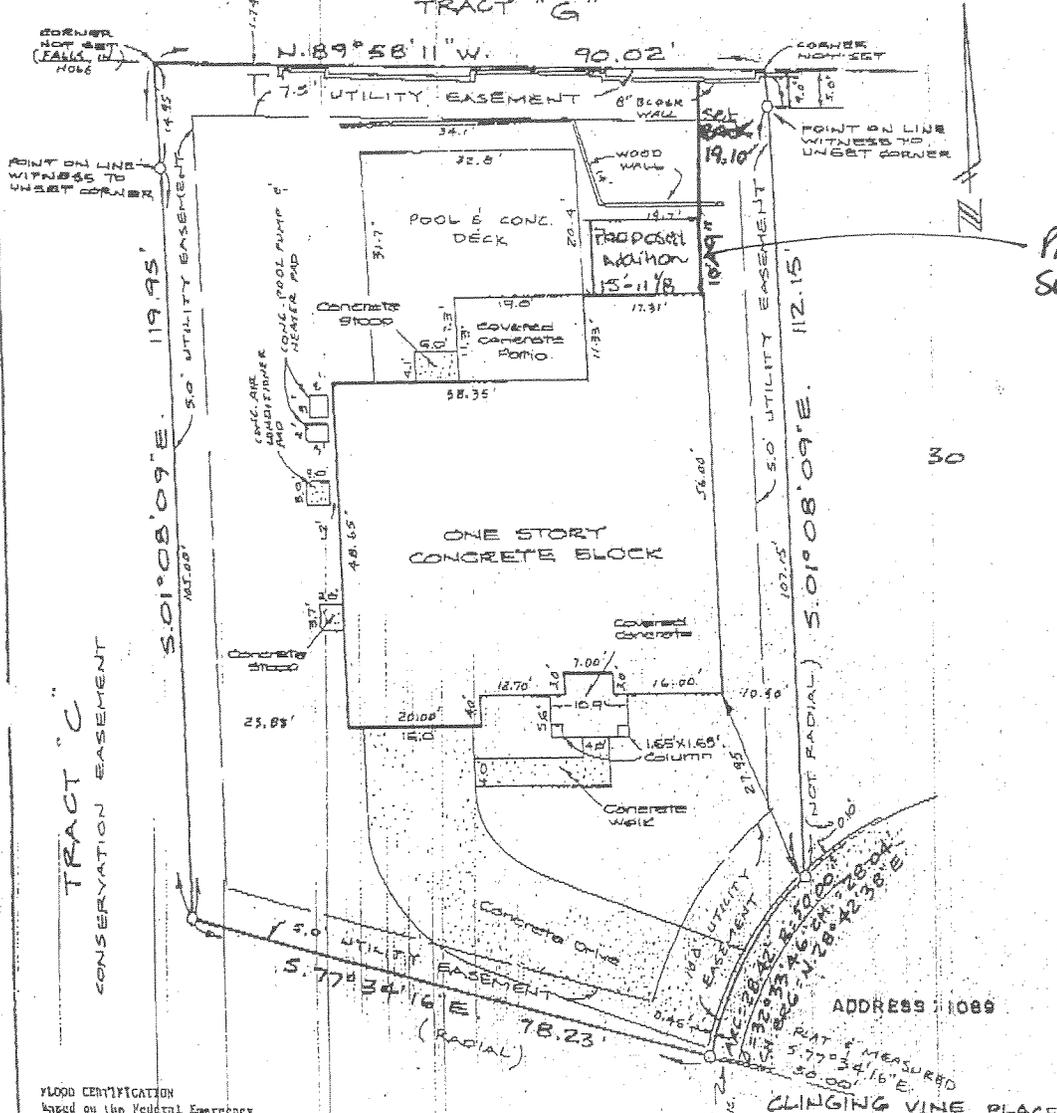
Richard and Susan Schilke

11-28-06P09:56 RCVD

PLAT OF BOUNDARY SURVEY for: LENNAR HOMES, INC.  
 DESCRIPTION: LOT 31, EAGLE'S LANDING

RECORDED IN PLAT BOOK 42, PAGE(S) 75, 76 & 77 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

SUNRISE VILLAGE UNIT 5  
 PLAT BOOK 39, PAGE 77  
 TRACT "G"



Proposed  
 SW ROOM

30

TRACT "C"  
 CONSERVATION EASEMENT

ADDRESS: 1089

CLINGING VINE PLACE

RADIUS  
 POINT  
 DISK  
 No. RL52259

FLOOD CERTIFICATION  
 Based on the Federal Emergency  
 Management Agency Flood Insurance  
 rate map, the property, which  
 shown hereon DOES NOT LIE  
 within the 100 year flood  
 hazard area.  
 Lies in Zone "B" and "C"  
 Community Panel No. 1208880145B  
 Effective Date: 8-3-81

CERTIFIED TO:  
 Richard F. & Susan Rawls Schilke  
 Randall Mortgage Co.  
 Universal Title Insurers, Inc.  
 American Pioneer Title Insurance Co.

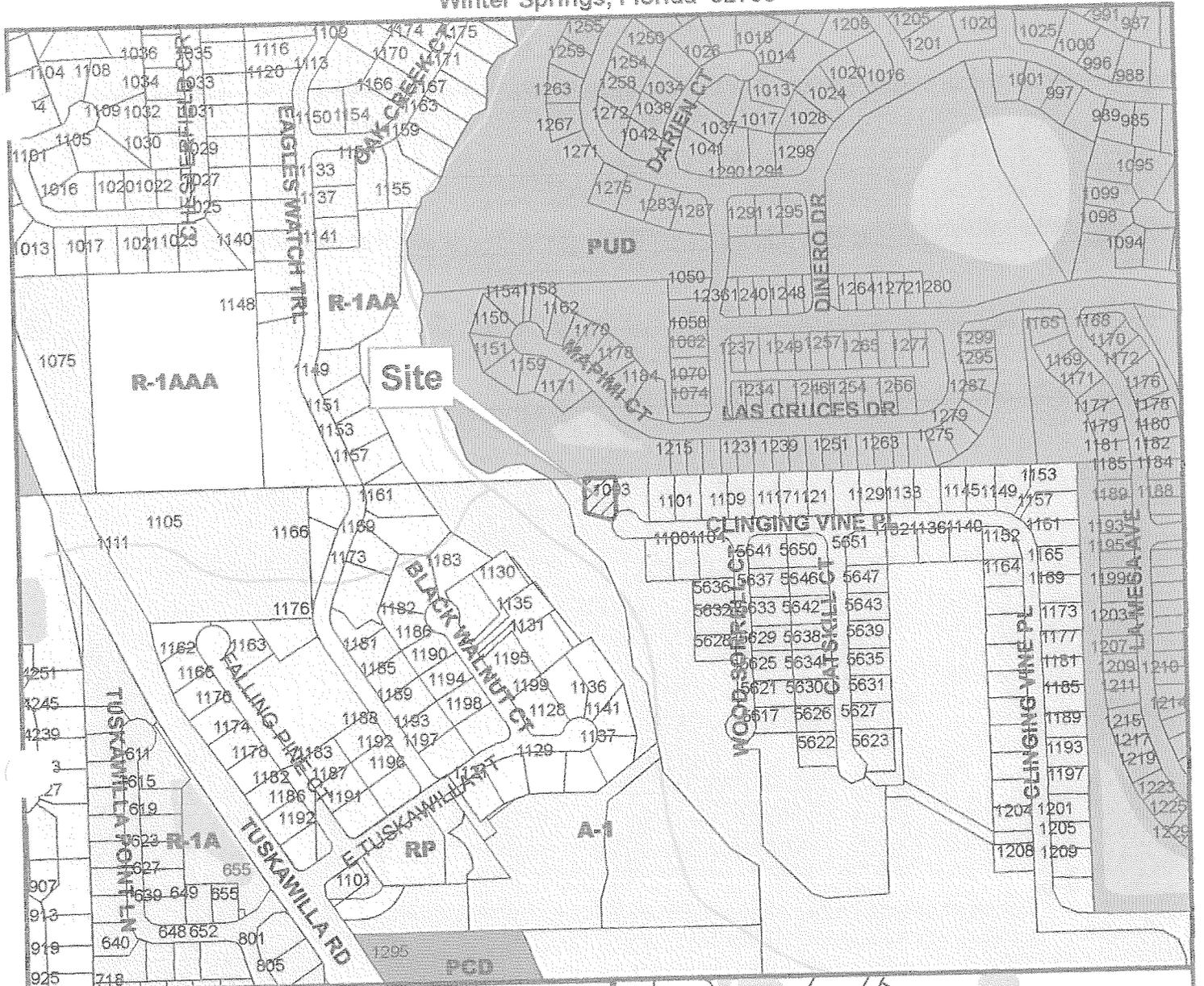
1. BEARING WAS BASED ON THE NORTH LINE OF LOT 31 AS BEING 119.95' ±
2. INDICATES 1/2" DIAMETER IRON PIPE WITH CAP No. LS2005
3. INDICATES 1/2" DIAMETER IRON PIPE WITH CAP No. LS2005
4. INDICATES 1/2" DIAMETER IRON PIPE WITH CAP No. LS2005
5. INDICATES 1/2" DIAMETER IRON PIPE WITH CAP No. LS2005
6. INDICATES 4" x 4" CONCRETE JOIST
7. INDICATES CROSS IN CONCRETE
8. VEHICULAR ACCESS RIGHTS TO ARE DEDICATED TO
9. ELEVATIONS ARE BASED ON N.E.V. DATUM OF 1929

ABBREVIATIONS:  
 FC. POINT OF CURVATURE  
 PT. POINT OF TANGENCY  
 P.I. POINT OF INTERSECTION  
 P.R.C. POINT OF REVERSE CURVATURE  
 P.C. POINT OF BEGINNING CURVATURE  
 C.C. CHORD  
 C.M.B.R. CHORD BEARING  
 R. RADIUS  
 D. DELTA  
 C. CENTERLINE  
 CON. CONCRETE

NOTE: The 50' x 7.50' of the 15.0' Utility Easement along the REAR of Lot 31 was vacated by Resolution No. 99-11-280 dated September 23, 1999 and recorded in A.R. Book 2220 Page 1048 of the Public Records of Seminole County, Florida.

<p>300 SOUTH COUNTY ROAD 427          LOEWOOD, FLORIDA 32750-5459          TELEPHONE: (407) 830-9080</p>	PLEASE CERTIFY THAT THIS SURVEY WAS MADE UNDER THE DIRECTION AND SUPERVISION OF THE SIGNING PROFESSIONAL LAND SURVEYOR IN CHAPTER 463, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 463.08, FLORIDA STATUTES.	FINAL FOUNDATION STAKED: 12-17-93 7-7-93 5-25-93	SCALE: 1"=20'
	NOT VALID UNLESS EMBOSSED WITH SURVEYORS' SEAL	Dominick F. Cavone - President Florida Professional Land Surveyor No. 2005	

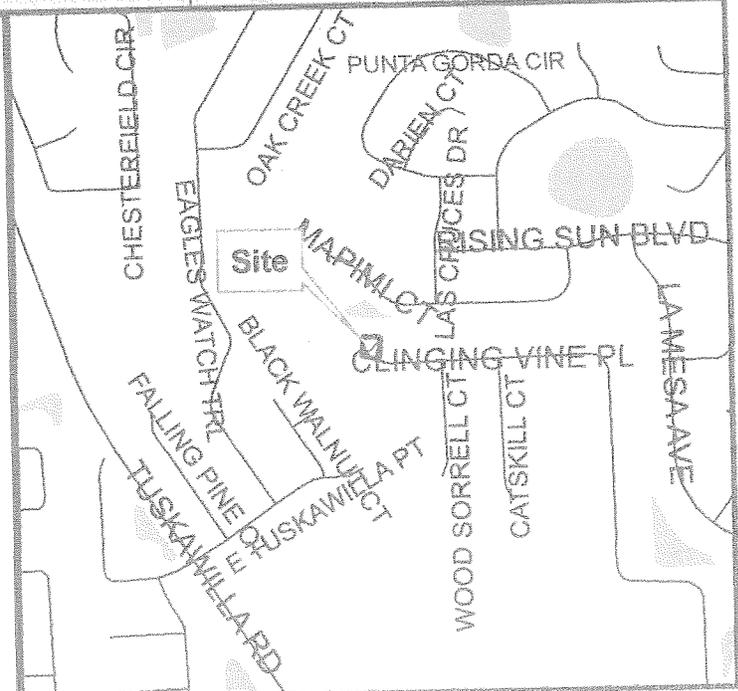
Susan & Richard Schilke  
 1089 Clinging Vine Place  
 Winter Springs, Florida 32708



Seminole County Board of Adjustment  
 January 22, 2007  
 Case: BV2006-213 (Map 3211, Grid D2)  
 Parcel No: 24-21-30-509-0000-0310

**Zoning**

 BV2006-213	 R-1AA	 PUD
 A-1	 R-1A	 PCD
 R-1AAA	 RP I	





Corporate Owned & Operated

Four Seasons Sunrooms Of Orlando  
4608 Millenia Plaza Way  
Orlando, FL 32839

Phone - 407-206-3776  
Fax - 407-206-3797

### FACSIMILE TRANSMITTAL SHEET

TO: Patty	FROM: Kimberly Loper
COMPANY: Seminole County	DATE: 11/28/06
FAX NUMBER: 407-665-7385	TOTAL NO. OF PAGES INCLUDING COVER: 2
Phone number:	
CC:	

URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    AS REQUESTED

Hello Patty,

Attached is the site plan for you to add to our package for the variance request for Mr. & Mrs. Richard Schilke at 1089 Clinging Vine Place, Winter Springs, FL. When reviewing the dimensions I saw that the incorrect setback was put in the proposed setback. The room is actually 10' - 9 1/8" which would leave us with a 19' - 2 7/8" remaining setback to the end of property, not a 20'-0" setback. As per our conversation, I have changed the setbacks on the siteplan to reflect the correct setback. Thank you for your time.

Sincerely,  
Four Seasons Orlando

*Kim Loper*  
Kim

*19' - 2 7/8" setback*

<p>DAVID JOHNSON, CFA, ASA  <b>PROPERTY APPRAISER</b>                  SEMINOLE COUNTY FL                  1101 E. FIRST ST                  SANFORD, FL 32771-1468                  407-665-7508</p>																																							
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 24-21-30-509-0000-0310                  Owner: SCHILKE RICHARD F &amp; SUSAN R                  Mailing Address: 1089 CLINGING VINE PL                  City,State,ZipCode: WINTER SPRINGS FL 32708                  Property Address: 1089 CLINGING VINE PL WINTER SPRINGS 32708                  Subdivision Name: EAGLES LANDING                  Tax District: 01-COUNTY-TX DIST 1                  Exemptions: 00-HOMESTEAD (1994)                  Dor: 01-SINGLE FAMILY</p>		<p><b>2007 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market                  Number of Buildings: 1                  Depreciated Bldg Value: \$206,478                  Depreciated EXFT Value: \$9,678                  Land Value (Market): \$40,000                  Land Value Ag: \$0                  Just/Market Value: \$256,156                  Assessed Value (SOH): \$179,633                  Exempt Value: \$25,000                  Taxable Value: \$154,633                  Tax Estimator</p>																																					
<p style="text-align: center;"><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>12/1993</td> <td>02705</td> <td>1093</td> <td>\$166,300</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1992</td> <td>02502</td> <td>1723</td> <td>\$437,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>07/1991</td> <td>02315</td> <td>1925</td> <td>\$100</td> <td>Vacant</td> <td>No</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	12/1993	02705	1093	\$166,300	Improved	Yes	WARRANTY DEED	11/1992	02502	1723	\$437,000	Vacant	No	QUIT CLAIM DEED	07/1991	02315	1925	\$100	Vacant	No	<p><b>2006 VALUE SUMMARY</b></p> <p>Tax Value(without SOH): \$3,741                  2006 Tax Bill Amount: \$2,408                  Save Our Homes (SOH) Savings: \$1,333                  2006 Taxable Value: \$149,401                  DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>									
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October 2006

TO WHOM IT MAY CONCERN:

We live next door to Rick and Susan Schilke and their family on Clinging Vine Place. We understand they would like to put a sunroom addition on their home.

This addition will not impact our property or our lives. Based on their fence and our large bougainvillea, I doubt we'll even be able to see it! We have no problem with this project, and hope they are able to make this change.

If you need to speak with us, please feel free to call 407-695-7494.

Sincerely,

A handwritten signature in cursive script that reads "Phil Waisanen". The signature is written in black ink and is positioned below the word "Sincerely,".

Phil and Delorise Waisanen  
1093 Clinging Vine Place  
Winter Springs, FL 32708

**Seminole Eagles Landing Home Owners Association Inc.  
Architectural Review Board Form**

Owner's Name Richard Schilke Home Phone 407 699 1588  
 Address 1089 Clinging Vine Date Submitted 10/27/2006

*To protect each homeowner's rights and property values the neighborhood covenants require in Article VI Section 1 that any homeowner considering improvements or alterations to their home or property submit an Architectural Review Board Form (ARB Form) to the ARB prior to beginning work. Receipt of county approvals or permits does not constitute approval by the ARB. Likewise, ARB approval does not fulfill your requirement to obtain the required permit(s) from the county. The ARB reserves the right to investigate applications and inspect materials prior to processing the request. If any change is made that is not been approved by the ARB the Board of Directors has the right to require you to remove the improvements from your property.*

*Please complete this form in detail and provide to Sentry Management, the ARB Chair or any of the HOA Board members.*

*Improvements that require an ARB form include but are not limited to: Home Additions, Shed, Fence, New Roof, wall, Driveway Extensions, Exterior Painting, Enlarging Existing Planting Beds or any alteration to the exterior of the home or property.*

*Note: ARB approval is not required for emergency home repairs, changes to seasonal plantings within existing beds, changes to landscaping not visible from the street or re-sodding existing grass areas.*

Description of Proposed Improvement A 10'-9 1/8" x 15'-11 1/8" Sunroom off the master bathroom and adjacent to the screened patio. The addition requires no removal of trees or landscaping, and should not be visible from the street.

Materials: Roof Tiles (Attach Samples) \_\_\_\_\_  
 Paint Color(s) (Attach Samples) \_\_\_\_\_  
 Fence Height and Wood Type \_\_\_\_\_  
 Landscaping (plants) \_\_\_\_\_

Who will perform the work? Four Seasons Sunroom

Attach 2 copies of plans, sketch or drawing with all proposed additions, or changes including measurements. If you are proposing exterior paint or new roofing include paint samples or shingle sample.

Please notify Sentry Management, ARB member or HOA Board member when work is completed to close out this form. Work is to be completed within 6 months of approval date.

Homeowners Signature RL Schilke Date 10-28-2006

The plans will be reviewed for the limited purpose of determining the aesthetic compatibility of the design plans with the community. No review has been made with respect to the functionality, safety, compliance with government regulations, or otherwise, and no reliance on this approval should be made by any party with respect to such matters.

The undersigned expressly disclaims liability of any kind with respect to these plans. The review hereof, or any structures built pursuant hereto, including but not limited to, liability for negligence or breach of express or implied warranty.

Received by ARB Date / Name Linda Brentyl  
 Approved  Disapproved  Date 11-3-06  
 ARB Chair Signature Linda Brentyl Notification Sent Date \_\_\_\_\_  
 ARB Member Signature \_\_\_\_\_

Comments Enjoy - Sounds and looks beautiful!

Work Completed Date \_\_\_\_\_

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 31 EAGLES LANDING PB 42 PGS 75 TO 77

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

### FINDINGS OF FACT

**Property Owner:** Richard & Susan Schilke  
1089 Clinging Vine Place  
Winter Springs FL 32708

**Project Name:** Clinging Vine Place (1089)

**Requested Development Approval:**

Request for a rear yard setback variance from 30 feet to 19 feet 1 inch for a proposed sun room 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: 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:

1. The variance granted will apply only to the sunroom 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: