

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

**SUBJECT:** Request for a (1) rear yard setback variance from 30 feet to 15 feet; and a (2) side yard (south) setback variance from 7 feet 6 inches to 3 feet for an existing shed in the R-1A (Single Family Dwelling District); (Gregory and Dale McElhiney, applicants).

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

**AUTHORIZED BY:** Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7444

**Agenda Date** 5/22/06 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **APPROVE** the request for a (1) rear yard setback variance from 30 feet to 15 feet; and a (2) side yard (south) setback variance from 7 feet 6 inches to 3 feet for an existing shed in the R-1A (Single Family Dwelling District); or
2. **DENY** the request for a (1) rear yard setback variance from 30 feet to 15 feet; and a (2) side yard (south) setback variance from 7 feet 6 inches to 3 feet for an existing shed in the R-1A (Single Family Dwelling District); or
3. **CONTINUE** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	Applicant:	Gregory & Dale McElhiney
	Location:	7215 Sylvan Court
	Zoning:	R-1A (Lake Sylvan Estates)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant constructed a 12 feet x 18 feet (216 square feet) shed without a permit and within the setbacks.</li> <li>• The property's rear yard abuts a canal and the setback is measured from the mean high water line. This water line is the average of the all the high water line measurement.</li> <li>• The applicant received a code enforcement violation on March 2006 for the unpermitted construction of a shed.</li> <li>• There is no record of prior variances having been granted 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 applicant would still retain reasonable use of the land, building or structure without the granting of the variance.</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 existing 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></li></ul>



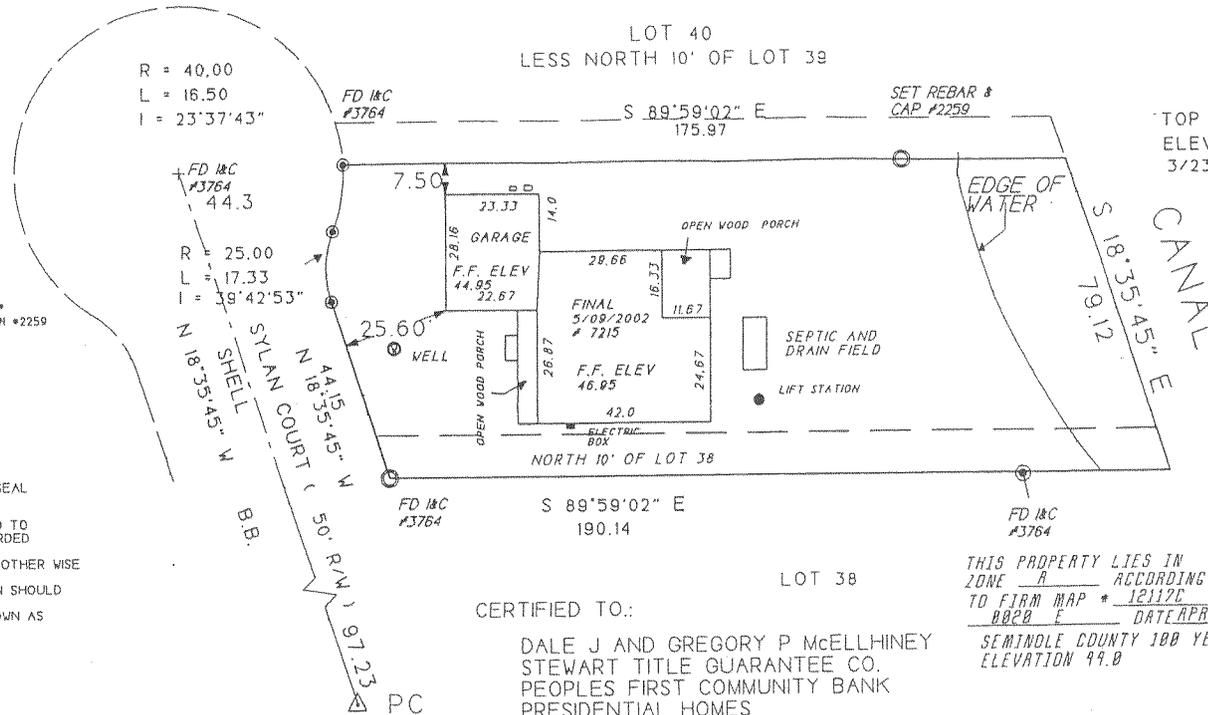
PLAT OF SURVEY

DESCRIPTION THE NORTH 10 FEET OF LOT 38, ALSO LOT 39 (LESS THE NORTH 10 FEET THEREOF) LAKE SYLVAN ESTATES AS RECORDED IN PLAT BOOK 12 PAGE(S) 13 - 14 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

LOT 40  
LESS NORTH 10' OF LOT 39

TOP OF WATER  
ELEVATION 37.2  
3/23/2000

- LEGEND:
- |                            |                             |                        |
|----------------------------|-----------------------------|------------------------|
| ELEV - ELEVATION           | N&D - NAIL AND DISK         | BLK - BLOCK            |
| FD - FOUND                 | POB - POINT OF BEGINNING    | ESMT - EASEMENT        |
| ESMT - EASEMENT            | POC - POINT OF COMMENCEMENT | IP - IRON PIPE         |
| STY - STORY                | CB - CHORD BEARING          | R - RADIUS             |
| CL - CENTERLINE            | R/W - RIGHT OF WAY          | Δ - DELTA              |
| X-X-X - FENCE              | PL - PROPERTY LINE          | C - CHORD              |
| RES - RESIDENCE            | PC - POINT OF CURVE         | L - LENGTH             |
| BLDG - BUILDING            | CONC - CONCRETE             | P - PLAT               |
| WD FRM - WOOD FRAME        | MON - MONUMENT              | # - NUMBER             |
| UTIL - UTILITY             | RD - ROAD                   | ■ - FD CONC MON #      |
| ⊙ - FD REBAR #             | ○ - SET REBAR #2259         | □ - SET CONC MON #2259 |
| TBM - TEMPORARY BENCH MARK |                             | INV - INVERT           |
| N.G. - NATURAL GROUND      | FF - FINISH FLOOR           | BH - BENCH MARK        |



NOTES:

- 1 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
- 2 THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR, THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
- 3 NO UNDER GROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHER WISE SHOWN
- 4 DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5 BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BASE BEARING (B.B.).
- 6 VERTICAL CONTROL (NATIONAL GEODETIC VERTICAL DATUM 1929)

CERTIFIED TO:

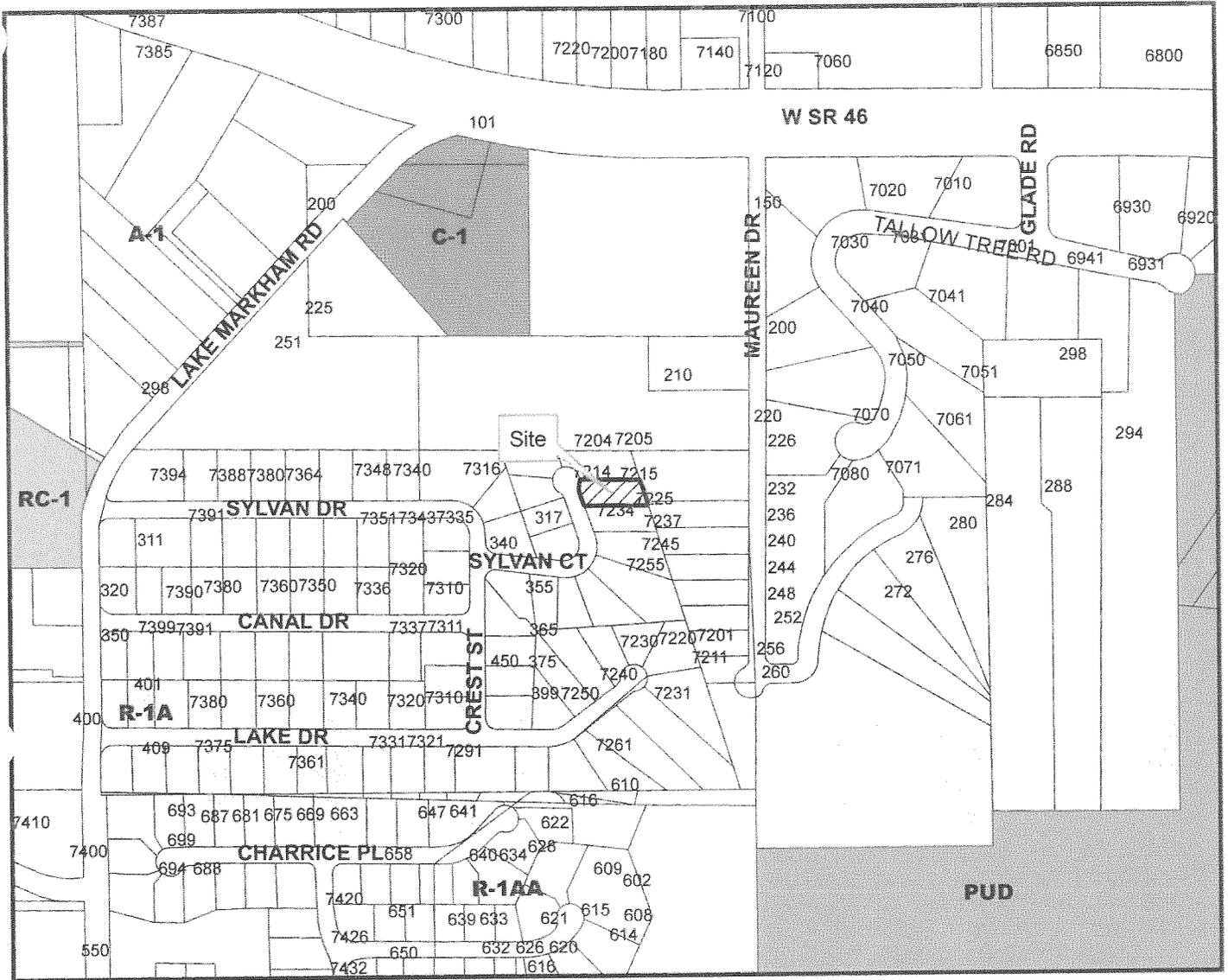
DALE J AND GREGORY P McELLHINEY  
STEWART TITLE GUARANTEE CO.  
PEOPLES FIRST COMMUNITY BANK  
PRESIDENTIAL HOMES  
SOUTHERN STUART TITLE

THIS PROPERTY LIES IN  
ZONE A ACCORDING  
TO FIRM MAP # 12112C  
8828 E DATE APRIL 17, 1995  
SEMINOLE COUNTY 100 YEAR FLOOD  
ELEVATION 49.0

TYPE SURVEY FINAL	DATE: 5/09/2002
SCALE 1" = 30'	DRAWING NO:
JOB NO:	SHEET: OF:

M. EDWARD GORDON SURVEYING  
*M. Edward Gordon*  
REGISTERED LAND SURVEYOR #2259  
PO Box 1557 SANFORD, FLORIDA 32772 PHONE 324 5720  
508 WEST 11 TH STREET SANFORD, FLORIDA

Dale & Gregory Mc Ellhiney  
 7215 Sylvan Ct  
 Sanford, FL 32771

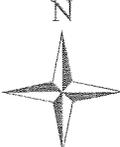


**Seminole County Board of Adjustment**  
**May 22, 2006**  
**Case: BV2006-055**  
**Parcel No: 26-19-29-503-0000-0390**

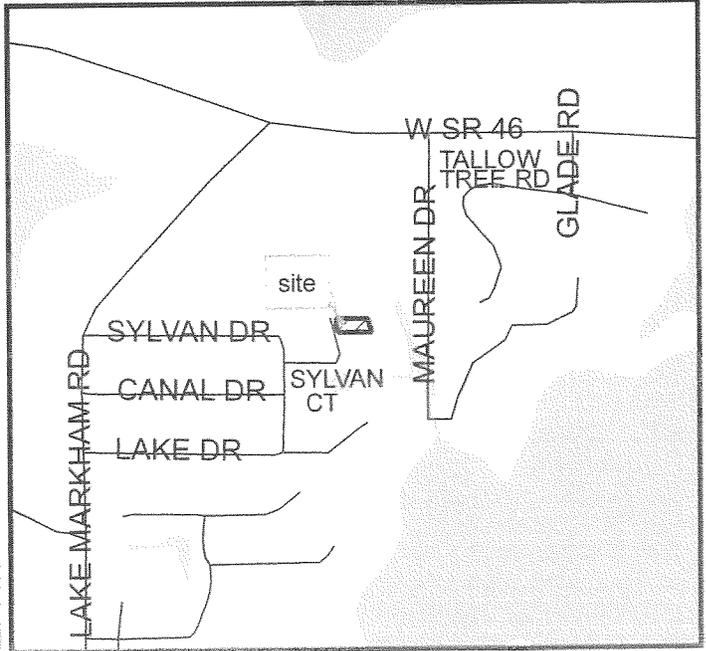
**Zoning**

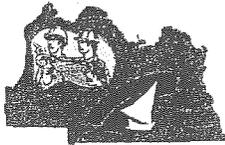
	BV2006-055		R-1A
	A-1		C-1
	RC-1		PUD
	R-1AA		

N



 Feet  
 087.575 350 525 700





SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET ROOM 2028  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX

**COPY**

RECEIVED MAR 23 2006 9:07 AM

APPL. NO. BV 2006-055

**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.

RECEIVED MAR 23 2006

**APPLICATION TYPE:**

- VARIANCE** REAR YARD SETBACK VARIANCE FROM 30 FT. TO 15 FT. FOR AN EXISTING SHED
- 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**

RECEIVED MAR 23 2006

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	GREGOR DALE McELLINEY	OWNERS
ADDRESS	7215 SYLVAN CT. SANFORD, FL 32771	
PHONE 1	407-330-3961	
PHONE 2	407-463-1002	
E-MAIL	DaleM@JNRFlorida.com	

PROJECT NAME: McELLINEY RESIDENCE SHED  
 SITE ADDRESS: 7215 SYLVAN CT. SANFORD, FL 32771  
 CURRENT USE OF PROPERTY: RESIDENCE  
 LEGAL DESCRIPTION: 26-19-29-503-0000-0390  
~~ZONE A, MAP # 12117C (LEG N 10 FT OF LOT 38 & LOT 39 (LESS N 10 FT) LAKE SYLVAN ESTATES~~  
 SIZE OF PROPERTY: APPROX. 1/3 acre(s) PARCEL I.D. \_\_\_\_\_  
 UTILITIES:  WATER  WELL  SEWER  SEPTIC TANK  OTHER \_\_\_\_\_  
 KNOWN CODE ENFORCEMENT VIOLATIONS OBTAIN PERMIT

LAKE SYLVAN ESTATES  
 PB 12  
 PG 13

IS PROPERTY ACCESSIBLE FOR INSPECTION  YES  NO

This request will be considered at the Board of Adjustment regular meeting on 5/22/06 (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.

Dale McElhiney 3/9/06  
 SIGNATURE OF OWNER OR AGENT\* DATE

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

**ADDITIONAL VARIANCES**

VARIANCE 2:

side yard setback variance from 7.5 ft.  
to 3 ft for an existing shed.

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): 200.00 COMMISSION DISTRICT \_\_\_\_\_ FLU / ZONING R-1A / LOR

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

LOCATION FURTHER DESCRIBED AS \_\_\_\_\_

PLANNING ADVISOR \_\_\_\_\_ DATE \_\_\_\_\_

SUFFICIENCY COMMENTS \_\_\_\_\_

<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 407-665-7506</p>																																					
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 26-19-29-503-0000-0390</p> <p>Owner: MC ELLHINEY GREGORY P &amp; DALE J</p> <p>Mailing Address: 7215 SYLVAN CT</p> <p>City, State, Zip Code: SANFORD FL 32771</p> <p>Property Address: 7215 SYLVAN CT SANFORD 32771</p> <p>Subdivision Name: LAKE SYLVAN ESTATES</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD</p> <p>Dor: 01-SINGLE FAMILY</p>		<p><b>2006 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$232,306</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$43,260</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$275,566</p> <p>Assessed Value (SOH): \$194,352</p> <p>Exempt Value: \$25,000</p> <p>Taxable Value: \$169,352</p> <p>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>09/1995</td> <td>02965</td> <td>0640</td> <td>\$27,500</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>04/1988</td> <td>01948</td> <td>1114</td> <td>\$18,000</td> <td>Vacant</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1975</td> <td>01042</td> <td>0224</td> <td>\$10,000</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1975</td> <td>01040</td> <td>1351</td> <td>\$30,000</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	09/1995	02965	0640	\$27,500	Vacant	Yes	WARRANTY DEED	04/1988	01948	1114	\$18,000	Vacant	Yes	WARRANTY DEED	01/1975	01042	0224	\$10,000	Vacant	No	WARRANTY DEED	01/1975	01040	1351	\$30,000	Vacant	No	<p><b>2005 VALUE SUMMARY</b></p> <p>Tax Value (without SOH): \$3,367</p> <p>2005 Tax Bill Amount: \$2,682</p> <p>Save Our Homes (SOH) Savings: \$685</p> <p>2005 Taxable Value: \$163,691</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>
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Gregory and Dale McElhiney  
7215 Sylvan Court  
Sanford, FL 32771  
Phone: 407-330-3961  
Cell: 407-463-1002

3/13/06

The above named person's hereby takes up formal petition for the shed located on the above stated property in it's current size and placement.

Legal Signature

Address

<u>7215 Sylvan Ct</u>	<u>7214 Sylvan Ct.</u>
<u>Dale McElhiney</u>	<u>7245 Sylvan Ct.</u>
<u>Gregory McElhiney</u>	<u>7237 Sylvan Ct.</u>
<u>James Dutilleul</u>	<u>7225 Sylvan Ct.</u>
<u>Ray Marshall</u>	<u>7255 Sylvan Ct.</u>
<u>Wendell Snodgrass</u>	<u>317 Crest St.</u>
<u>Bob [unclear]</u>	<u>7285 Sylvan Ct.</u>
<u>[unclear]</u>	<u>7275 Sylvan Ct.</u>
<u>Mike [unclear]</u>	<u>7205 Sylvan Ct.</u>
<u>Pat [unclear]</u>	<u>7225 Sylvan Ct.</u>
<u>Carl [unclear]</u>	<u>7224 Sylvan Ct.</u>
<u>Henry [unclear]</u>	<u>226 Mackeet Dr</u>
<u> </u>	<u> </u>

# NOTICE OF CODE VIOLATION

**LOCATION OF VIOLATION:** 7215 Sylvan Ct Sanford FL 32771

IN ACCORDANCE WITH SEMINOLE COUNTY CODES YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF Florida Building Code CHAPTER/ARTICLE 1 SECTION 105.11

**DESCRIPTION OF VIOLATION:** Installation of shed without permit

**CORRECTIVE ACTION:** Obtain Permit within 14 days

**THE ABOVE CORRECTIVE MEASURES MUST BE TAKEN BY** 3/20/16

FAILURE TO CORRECT THE ABOVE VIOLATION WILL RESULT IN THE MATTER BEING TURNED OVER TO THE CODE ENFORCEMENT BOARD FOR FURTHER ACTION. THE CODE ENFORCEMENT BOARD HAS THE AUTHORITY TO LEVY FINES UP TO \$250.00 A DAY FOR EVERY DAY THE VIOLATION EXISTS.

IF CHECKED, A LICENSE REVOCATION HEARING WILL BE SCHEDULED FOR APPLICABLE CONTRACTOR VIOLATIONS.



**For further information contact:**  
Building and Fire Inspection Division  
Seminole County Services Building  
1101 East First Street, Room 1020  
Sanford, FL 32771  
PHONE: (407) 665-7338 OR (407) 665-7423

*TONIA*  
*Tom*

**DATE:** 3/15/16 **INSPECTOR:** [Signature]

**CASE NO:** 16-00000

Item # 14

FROM :

PHONE NO. :

May. 05 2006 07:32AM P2

To: Board of Adjustment, Seminole County.

407-665-7385

Re: 7215 Sylvan Ct. Sanford, FL

I disagree With THE VARIANCE - PLEASE REJECT IT.  
BECAUSE:

1. 7215 IS In Violation of all codes for Seminole County. He Wants To Break The Same rules we all follow!
2. This Shed, Sits in Water. When Sylvan Lake's Water is up. Chemicals from his Shed. Pollute our water and Damages, our Fish and Water Fowl, and Could Endanger our Health, As Well.. If not already??  
This is a Health Hazard To Sylvan Lake Community.  
He Should Be Forced To Follow all Set Backs, per code.
3. Some Shed is an eye sore from Lake Side, AS well AS Street Side.  
The rest of us try To Keep our neighborhood Beautiful.
4. I Have A Shed 8 1/2 feet from a Vacant Lot (Field) - Which no one can see - I need To be 10 feet - AS Shed Has Been There 5 years, Before I purchased - Now, I will Relocate my shed, Because. Some Neighbor - Thinks it doesn't look good.  
But I am not, With a Shed, Feeding Chemicals in our Lake. When Lake Water Rises...
5. We Have Beautiful Water Fowl and Wild life on our Lake. In order To Keep Them safe, if 7215 Has To Move his Shed - It is Seminole County's way of life.  
So Be it. . . .

Please Reject this request For Variance !!!  
And Have 7215 To Follow Same Set Backs, as others in this Area.

I Strongly Oppose This Variance... In Response  
7215 Sylvan Ct.  
Sanford, FL 32771

Sincerely

Brenda Carter

May 5, 2006

(My Shed) Lot 39-A. Cutler.

VARIA<sup>His</sup>nce Request NOT TO move his Shed Mc/ell H.

DAVID JOHNSON, CFA, ASA  
**PROPERTY APPRAISER**  
SEMINOLE COUNTY FL.  
1101 E. FIRST ST  
SANFORD, FL 32771-1468  
407-865-7506

**GENERAL**

Parcel Id: 26-18-29-503-0000-0390  
 Owner: MC ELLHINEY GREGORY P & DALE J  
 Mailing Address: 7215 SYLVAN CT  
 City,State,ZipCode: SANFORD FL 32771  
 Property Address: 7215 SYLVAN CT SANFORD 32771  
 Subdivision Name: LAKE SYLVAN ESTATES  
 Tax District: 01-COUNTY-TX DIST 1  
 Exemptions: 00-HOMESTEAD  
 Dor: 01-SINGLE FAMILY

**2006 WORKING VALUE SUMMARY**

Value Method:	Market
Number of Buildings:	1
Depreciated Bldg Value:	\$232,306
Depreciated EXFT Value:	\$0
Land Value (Market):	\$43,260
Land Value Ag:	\$0
Just/Market Value:	\$275,566
Assessed Value (SOH):	\$194,352
Exempt Value:	\$25,000
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Tax Estimator

**SALES**

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Find Comparable Sales within this Subdivision

**2005 VALUE SUMMARY**

Tax Value(without SOH):	\$3,367
2005 Tax Bill Amount:	\$2,682
Save Our Homes (SOH) Savings:	\$685
2005 Taxable Value:	\$163,691

DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS

**LAND**

Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value
FRONT FOOT & DEPTH	75	150	.000	560.00	\$43,260

**LEGAL DESCRIPTION**

PLATS:

LEG N 10 FT OF LOT 38 & LOT 39 (LESS N 10 FT) LAKE SYLVAN ESTATES  
PB 12 PG 13

**BUILDING INFORMATION**

Bld Num	Bld Type	Year Bld	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New
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