

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

**SUBJECT:** 604 Weybridge Court – Scott Milsom, applicant; Request for a side street (north) setback variance from 20 feet to 3.9 feet for a privacy fence in PUD (Planned Unit Development) district.

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

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

**Agenda Date** 4/27/09 **Regular**  **Consent**  **Public Hearing – 6:00**

**MOTION/RECOMMENDATION:**

1. **Deny** the request for a side street (north) setback variance from 20 feet to 3.9 feet for a privacy fence in PUD (Planned Unit Development) district; or
2. **Approve** the request for a side street (north) setback variance from 20 feet to 3.9 feet for a privacy fence in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

<b>GENERAL INFORMATION</b>	<p>Applicant: Scott Milsom                  Location: 604 Weybridge Court                  Zoning: PUD (Planned Unit Development)                  Subdivision: Greenwood Lakes Unit D-3A</p>
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• The applicant is requesting a side street variance for an existing privacy fence located 3.9 feet from the property line.</li> <li>• In January of 2009, the applicant was issued a notice of code violation for the un-permitted construction of the fence.</li> <li>• In July of 1990, the previous owner received a side street (north) setback variance from 20 feet to 10 feet for a privacy fence.</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</li> </ul>

Reviewed by: \_\_\_\_\_  
 Co Atty: JK  
 Pln Mgr: \_\_\_\_\_

	<p>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.</p> <ul style="list-style-type: none"><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>
<p><b>STAFF RECOMMENDATION</b></p>	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. 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 side street (north) setback for a privacy fence 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

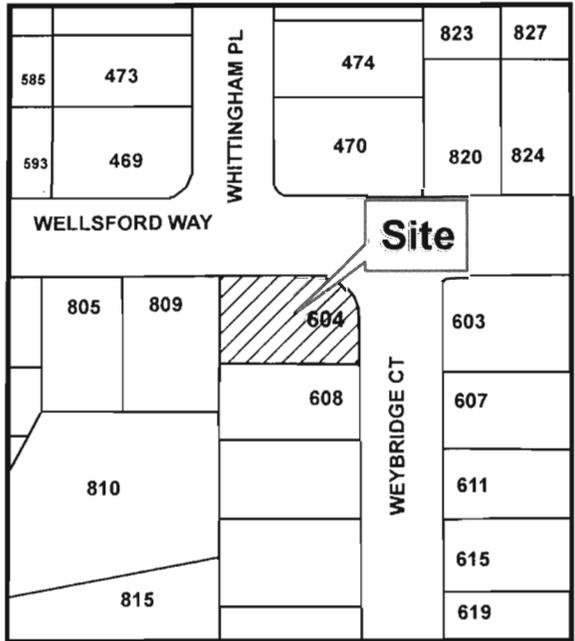
Scott Milson  
 604 Weybridge Court  
 Lake Mary, Florida 32746



Seminole County Board of Adjustment  
 April 27, 2009  
 Case: BV2009-18 (Map 3103 Grid C4)  
 Parcel No: 19-20-30-507-0200-0180

Zoning

-  BV2009-18
-  PUD



**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: SCOTT MILSON  
 Address: 604 Weybridge Ct. City: Lake Mary Zip code: 32746  
 Project Address: 604 Weybridge Ct. City: Lake Mary Zip code: 32746  
 Tax Parcel number: 19-20-30-507-0200-0180  
 Contact number(s): (407) 688-2532  
 Email address: smilson@cpl.RR.com

**COPY**

Is the property available for inspection without an appointment?

Yes  No If gated please provide a gate code to staff.

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input checked="" type="checkbox"/> Fence	Please describe: <u>white PVC - solid + lattice 6' Ht.</u>
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:

RECEIVED MAR 02 2009

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:	Proposed setback:	<u>3.9ft</u>
<input type="checkbox"/> Rear yard setback	Required setback:	Proposed setback:	
<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:	

20ft.

3.9ft

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:

Total number of variances requested 1

Signed: Scott H. Milson

Date: 3/2/09

**FOR OFFICE USE ONLY**

Date Submitted: 3-2-09  
 Zoning/FLU PUD/ PD

Reviewed By: P. Johnson

- 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!*

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

<p><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></p>	
	1. Completed application.
	2. Ownership Disclosure Form (Seminole County Application & Affidavit).
	3. Owner's authorization letter (if needed). 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>
	4. 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>
	<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, drain field 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 (ex: water, sewer, well or septic)
	5. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

# SWERDLOFF & HENRY SURVEYING, INC.

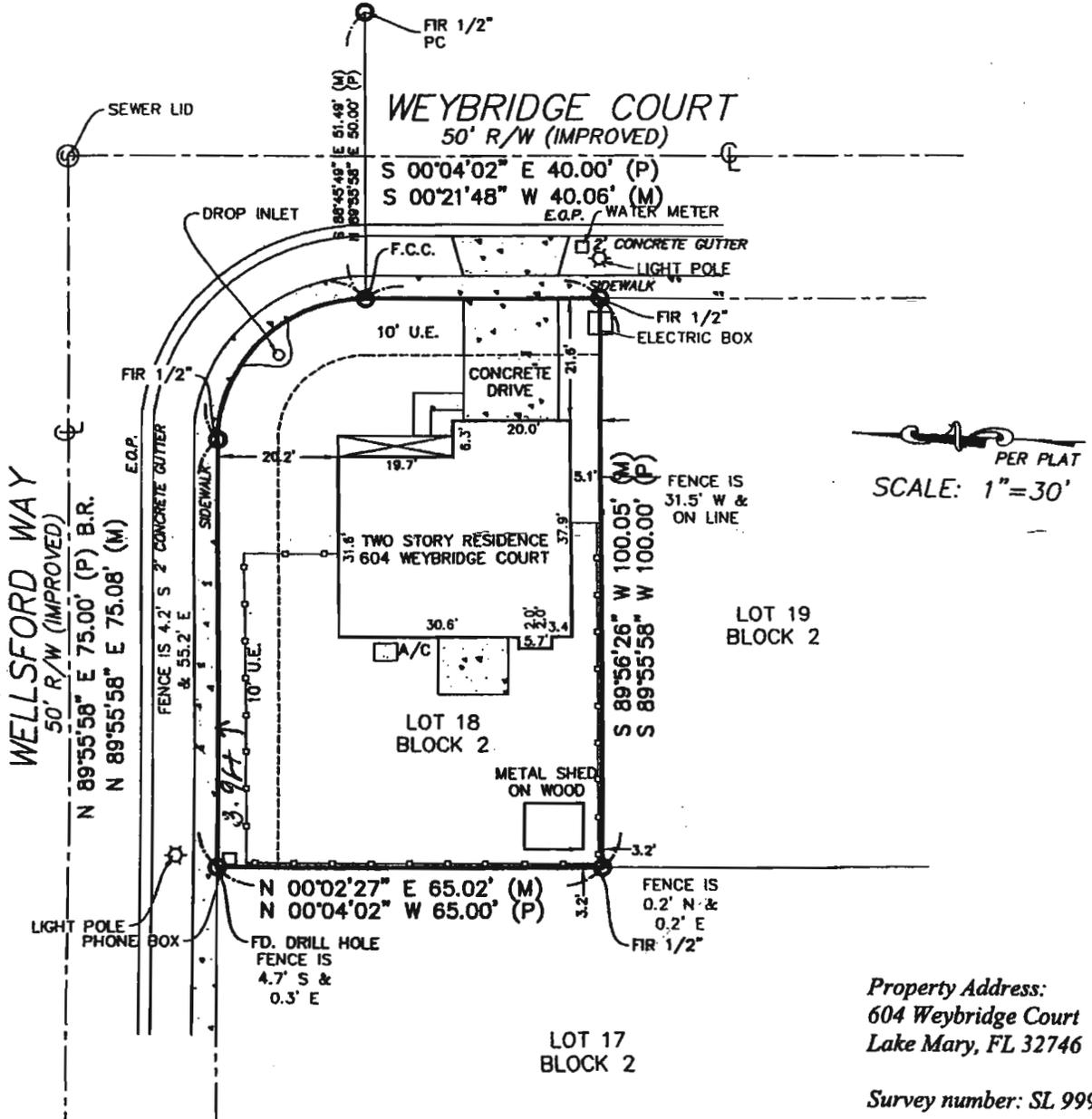
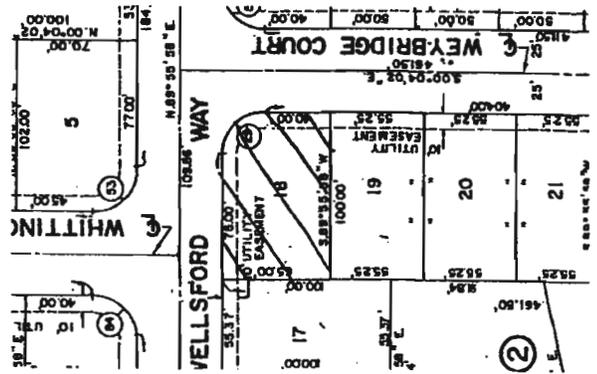
70 Waymont Court · Lake Mary, FL 32746 · Voice 407.688.7631 · Fax 407.688.7691

## Legal Description

Lot 18, Block 2, **GREENWOOD LAKES UNIT D-3 'A'**, according to the plat thereof, as recorded in Plat Book 36, Page(s) 18 through 22, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0155  
 Suffix: F F.I.R.M. Date: 9/28/2008 Flood Zone: X  
 Date of field work: 9/30/2008 Completion Date: 10/14/2008

Certified to:  
 Scott H. Milsom; Brokers Title of Longwood I, LLC; Commonwealth Land Title Insurance Company; Contemporary Mortgage Services, its' successors and/or assigns.





<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 407-665-7505</p>																																			
<p style="text-align: center;"><b>GENERAL</b></p> <p>Parcel Id: 19-20-30-507-0200-0180</p> <p>Owner: MILSOM SCOTT H</p> <p>Mailing Address: 604 WEYBRIDGE CT</p> <p>City,State,ZipCode: LAKE MARY FL 32746</p> <p>Property Address: 604 WEYBRIDGE CT LAKE MARY 32746</p> <p>Subdivision Name: GREENWOOD LAKES UNIT D-3A</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions: 00-HOMESTEAD (2009)</p> <p>Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;"><b>VALUE SUMMARY</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td style="text-align: center;">Cost/Market</td> <td style="text-align: center;">Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td style="text-align: right;">\$147,268</td> <td style="text-align: right;">\$162,818</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td style="text-align: right;">\$713</td> <td style="text-align: right;">\$750</td> </tr> <tr> <td>Land Value (Market)</td> <td style="text-align: right;">\$40,000</td> <td style="text-align: right;">\$40,000</td> </tr> <tr> <td>Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td><b>Just/Market Value</b></td> <td style="text-align: right;"><b>\$187,981</b></td> <td style="text-align: right;"><b>\$203,568</b></td> </tr> <tr> <td>Portability Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td><b>Assessed Value (SOH)</b></td> <td style="text-align: right;"><b>\$187,981</b></td> <td style="text-align: right;"><b>\$203,568</b></td> </tr> </tbody> </table> <p style="text-align: right;"><b>Tax Estimator</b></p>	VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$147,268	\$162,818	Depreciated EXFT Value	\$713	\$750	Land Value (Market)	\$40,000	\$40,000	Land Value Ag	\$0	\$0	<b>Just/Market Value</b>	<b>\$187,981</b>	<b>\$203,568</b>	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	<b>Assessed Value (SOH)</b>	<b>\$187,981</b>	<b>\$203,568</b>
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<b>Taxing Authority</b>	<b>Assessment Value</b>	<b>Exempt Values</b>	<b>Taxable Value</b>																																
County General Fund	\$187,981	\$50,000	\$137,981																																
Schools	\$187,981	\$25,000	\$162,981																																
Fire	\$187,981	\$50,000	\$137,981																																
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SJWM(Saint Johns Water Management)	\$187,981	\$50,000	\$137,981																																
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The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.																																			
<b>SALES</b>		<b>2008 VALUE SUMMARY</b>																																	
Deed	Date	Book Page	Amount Vac/Imp Qualified																																
WARRANTY DEED	10/2008	<u>07089</u> <u>1958</u>	\$100 Improved No																																
CORRECTIVE DEED	11/2008	<u>07089</u> <u>1957</u>	\$100 Improved No																																
QUIT CLAIM DEED	03/2005	<u>05654</u> <u>0406</u>	\$100 improved No																																
WARRANTY DEED	04/2000	<u>03849</u> <u>1087</u>	\$95,000 Improved Yes																																
WARRANTY DEED	07/1992	<u>02458</u> <u>1675</u>	\$95,000 Improved Yes																																
WARRANTY DEED	09/1990	<u>02221</u> <u>1888</u>	\$102,000 Improved Yes																																
WARRANTY DEED	05/1988	<u>01963</u> <u>0255</u>	\$86,300 Improved Yes																																
WARRANTY DEED	11/1986	<u>01800</u> <u>1650</u>	\$935,000 Vacant No																																
Find Comparable Sales within this Subdivision																																			
<b>LAND</b>		<b>LEGAL DESCRIPTION</b>																																	
Land Assess Method	Frontage	Depth	Land Units Unit Price Land Value																																
LOT	0	0	1.000 40,000.00 \$40,000																																
		PLATS: <input type="text" value="Pick..."/>																																	
LEG LOT 18 BLK 2 GREENWOOD LAKES UNIT D-3A PB 36 PGS 18 TO 22																																			
<b>BUILDING INFORMATION</b>																																			
Bld Num	Bld Type	Year Blt	Fixtures	Base SF	Gross SF	Living SF	Ext Wall	Bld Value	Est. Cost New																										
1	SINGLE FAMILY	1988	9	940	2,140	1,640	SIDING AVG	\$147,268	\$160,074																										
Appendage / Sqft		GARAGE FINISHED / 420																																	
Appendage / Sqft		OPEN PORCH FINISHED / 80																																	
Appendage / Sqft		UPPER STORY FINISHED / 700																																	
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																																			

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

**Ownership Disclosure Form**

The owner of the real property associated with this application is a (check one)

- Individual                       Corporation                       Land Trust  
 Limited Liability Company     Partnership  
 Other (describe): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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	ADDRESS	PHONE NUMBER
SCOTT MILSON	604 Weybridge Ct.	(407) 688-2532

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(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 and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: \_\_\_\_\_

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY  
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: \_\_\_\_\_

NAME	ADDRESS	% OF INTEREST

Date of Contract: \_\_\_\_\_

Please specify any contingency clause related to the outcome of the consideration of the application.

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.

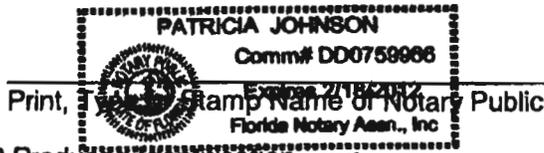
Date 3/2/09

Scott M. Boy  
Owner, Agent, Applicant Signature

STATE OF FLORIDA  
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 2nd day of MARCH, 2009 by Scott Milsom

Patricia Johnson  
Signature of Notary Public



Personally Known \_\_\_\_\_ OR Produced Identification

Type of Identification Produced M425-789-59-450-0

<b>For Use by Planning &amp; Development Staff</b>	
Date: _____	Application Number: _____

**SEMINOLE COUNTY DENIAL DEVELOPMENT  
ORDER**

On April 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 18 BLK 2  
GREENWOOD LAKES UNIT D-3A PB 36 PGS 18 TO 22

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

**FINDINGS OF FACT**

**Property Owner:** Scott Milson  
604 Weybridge Ct  
Lake Mary, FL 32746

**Project Name:** Weybridge Court (604)

**Requested Variance:**

Side street (north) setback variance from 20 feet to 3.9 feet for a privacy fence in PUD (Planned Unit Development) district.

Approval was sought to bring into compliance an existing privacy fence. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. 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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On April 27, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 18 BLK 2  
GREENWOOD LAKES UNIT D-3A PB 36 PGS 18 TO 22

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

### FINDINGS OF FACT

**Property Owner:** Scott Milson  
604 Weybridge Ct  
Lake Mary, FL 32746

**Project Name:** Weybridge Court (604)

**Variance Approval:**

Side street (north) setback variance from 20 feet to 3.9 feet for a privacy fence in PUD (Planned Unit Development) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

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 side street (north) setback for a privacy fence 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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

# SWERDLOFF & FERRY

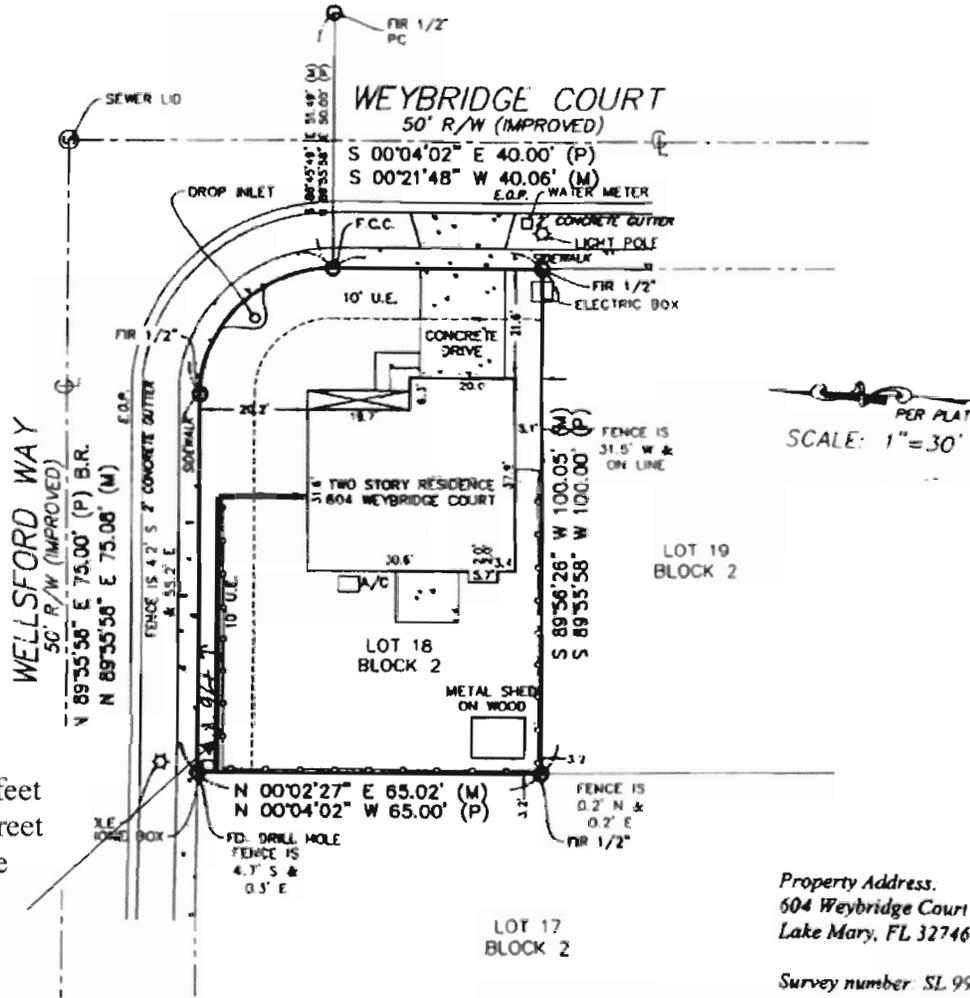
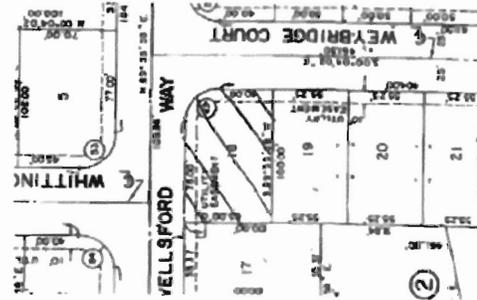
70 Waymont Court · Lake Mary, FL 32746 · Voice 407.688.7631 · Fax 407.688.7691

### Legal Description

Lot 18, Block 2, **GREENWOOD LAKES UNIT D-3 'A'**, according to the plat thereof, as recorded in Plat Book 36, Page(s) 18 through 22, of the Public Records of Seminole County, FL.

Community number: 120289 Panel: 0155  
Suffix: F.F.I.R.M. Date: 9/28/2008 Flood Zone: X  
Date of field work: 9/30/2008 Completion Date: 10/14/2008

Certified to:  
Scott H. Milsom, Brokers Title of Longwood I, LLC; Commonwealth Land Title Insurance Company; Contemporary Mortgage Services, its successors and/or assigns.



Fence line located 3.9 feet from side street property line

Property Address:  
604 Weybridge Court  
Lake Mary, FL 32746

Survey number: SL 99916

LEGEND

GENERAL NOTES