



**PLANNING AND ZONING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, MARCH 26, 2008
7:30 PM
MALABAR COUNCIL CHAMBER
2725 MALABAR ROAD
MALABAR, FLORIDA**

AGENDA

- A. CALL TO ORDER, PRAYER AND PLEDGE**

- B. ROLL CALL**

- C. ADDITIONS/DELETIONS/CHANGES**

- D. CONSENT AGENDA**
 - 1. Approval of Minutes**
Regular Planning and Zoning Meeting – March 12, 2008
Exhibit: Agenda Report No. 1
Recommendation: Motion to approve

- E. PUBLIC HEARING**

- F. ACTION**

- G. DISCUSSION ITEMS – General Items**
 - 2. Access Road Across from Foundation Park Blvd.**

- H. OLD BUSINESS/NEW BUSINESS**

- I. ADJOURN**

If an individual decides to appeal any decision made by this board with respect to any matter considered at this meeting, a verbatim transcript may be required, and the individual may need to insure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105). The Town does not provide this service.

In compliance with the Americans With Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

TOWN OF MALABAR – PLANNING & ZONING ADVISORY BOARD

3/26/08 MEETING MINUTES

This meeting of the Malabar Planning and Zoning Board was held at Town Hall at 2725 Malabar Road.

A. CALL TO ORDER, PRAYER AND PLEDGE

Meeting called to order at 7:30 pm. Prayer and Pledge led by V-Chair Patrick Reilly

B. ROLL CALL

Bob Wilbur, Chair

Michele Kelly, Secretary

Patrick Reilly, V-Chair

Richard Cameron, excused

Don Krieger

Bud Ryan

Cindy Zindel, Alt. #2, excused

C. ADDITIONS/DELETIONS/CHANGES – Corrections to year on agenda - should be 2008 at 7:30 – not as posted 2007 and 5:30

D. CONSENT AGENDA

1. Approval of Minutes

Regular Planning and Zoning Meeting – 3/12/08

Exhibit: Agenda Report No. 1

Recommendation: Motion to approve

MOTION: Krieger / Ryan to approve P&Z minutes of 3-12-08 as corrected:

Kreiger noted pg 1 states "...E.A.R. motion would not be recommend to Council" should be '...would not be recommended.' And page 3, second sentence, "...being moved ahead and is being sent to another committee" should be '...sent to the REAC Committee.'

Vote: All Ayes

E. PUBLIC HEARING: None

F. ACTION: None

G. DISCUSSION ITEMS – General Items

2. Access Road Across from Foundation Park Blvd.

Wilbur was informed that the SJRWMD maps did not include this section of the Town. Wilbur requests the TOM purchase/obtain SJRWMD map of this area.

Wilbur drove to the area and did not see any wetlands but believes there may be wetlands East of Knights Of Columbus. The zoning of area under discussion is "CL" & "CG" and a road in this location would allow access to the properties without consistent commercial traffic near residential properties. Ryan asked the footage requirements for a road in this area which would ultimately be required from the properties/land opposite Foundation Park Blvd. The response was that it could be possibly up to 80 feet total, but it would depend on staff evaluation. Reilly agreed the idea is good in order to 'open the land.' Wilbur would like to propose that Council look at this for their opinion, as well as, the Town Council and Planner for direction for future discussion and/or planning.

Krieger likes the theory, however, does not believe the Town should pay for the purchase of the property or the road development. Would like to see research into an 80 foot ROW and then propose this to the four property owners whose land would be use for that ROW.

Ryan stated that it must be acknowledged that at this point Lett Ln. does not extend to the discussed potential access road. Wilbur stated that at least four (4) requests have been made to develop the area yet residences have disputed the idea. An access road would alleviate residents' traffic concerns. Also, there would be water & sewer hook-up in the area and with the current economy being down it would be a good time to begin discussing the concept.

Request that staff obtain more information from St. Johns Water Management regarding wetland status. Wilbur would like to propose that Council look at this for their opinion, as well as, the Town Council and Planner for direction for future discussion and/or planning.

MOTION: Krieger / Ryan to explore the possibility and give direction to the Planning and Zoning advisory board for an appropriate mechanism to create a ROW from Babcock Street at the intersection of Foundation Park Blvd. East to the Lett Ln. ROW.

Vote: All Ayes

H. OLD BUSINESS/NEW BUSINESS:

#1

Wilbur noted that the local section of the Florida Today newspaper lists current/upcoming events; he believes it is a good idea to post P&Z agendas in the paper, especially for non-general agendas, to obtain community interest and involvement. P&Z would like to recommend other Boards' agendas be posted as well. Per newspaper clipping, there is no cost. E-mail address: eventscafe@floridatoday.com, address: FLORIDA TODAY Date Desk, P.O. Box 419000, Melbourne, FL 32940.

Action item from Reilly is to ask the Town Administrator if it is allowable to post Town agendas. Request that staff check on the time frame required to post.

#2

Ryan raised the issue of current 'fences' that exceed the height limitation in Malabar. Mayor Eschenberg had questions regarding the fence ordinance when a section of the 'fence' is not really a 'fence' but more of a 'gateway' or 'entryway.' He suggested possibly make changes to the fence ordinances especially if the structure is well within the owner's property and does not impede view of the road or cause a blockage of the road when the individual is pulling into one's own driveway.

Ryan believes that this can lead to future problems or issues with heights and believes that some gateways are just extensions of fences and therefore violates the ordinance. He believes that the ordinance could be reviewed, looked at, and changed but not just to accommodate those 'fences' that have already been built.

Wilbur and Reilly views these 'gateways' as acceptable with the acknowledgement that there needs to be regulations to maintain views and roads clear for safety.

Krieger stated each member of the board has a good point. Each 'special' fence case should be reviewed by P&Z.

Request that staff put fence ordinance on next agenda as a discussion item.

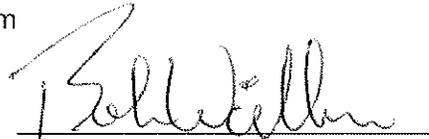
I. ADJOURN:

Motion: Ryan / Wilbur to adjourn at 8:40pm

Vote: All Ayes



Michele Kelly, Secretary



Bob Wilbur, Chairman

4-9-08

Date Approved

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO:

Meeting Date: March 26, 2008

Prepared By: Michele Kelly, Secretary to P&Z

SUBJECT: Approval of P&Z Minutes

BACKGROUND/HISTORY:

Attached are the summary minutes for the following meeting:
Regular P&Z Meeting for March 12, 2008

ATTACHMENTS:

- o Minutes from Planning and Zoning Regular Meeting March 12, 2008

ACTION OPTIONS:

Motion to Approve

TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 2

Meeting Date: March 26, 2008

Prepared By: Michele Kelly, Administrative Assistant to the Building Official, Secretary to P&Z

SUBJECT: Access Road Across from Foundation Park Blvd.

BACKGROUND/HISTORY:

At the March 12, 2008 meeting P&Z requested information on the Malabar properties directly across from Foundation Park Blvd. This information was requested to determine if it would be economically sound to create an access road for the commercial properties in that area therefore relieving traffic issues for residences utilizing Booth Road.

ATTACHMENTS:

- Portion of Plat Map Section 10
- Arial Map of Area
- Property Map from Brevard Property Appraiser's site
- Property Information from Brevard Property Appraiser's site for Columbus Club of Palm Bay, Inc.
- 2 Arial Property Maps of Columbus Club of Palm Bay, Inc Property
- 2 Property Information from Brevard Property Appraiser's site for Brodsky Construction, Inc. (Property Lot 294 & 265)
- 1 Arial Property Maps of Brodsky Construction, Inc.
- Copy of old Violation Letter sent 9/24/07.
- Property Information from Brevard Property Appraiser's site for Donald Barker
- Property Information from Brevard Property Appraiser's site for Lyle & Patricia Fetting
- 3 Aerials of Land across from Foundation Park Blvd.

ACTION OPTIONS:

Discussion and direction on the matter.

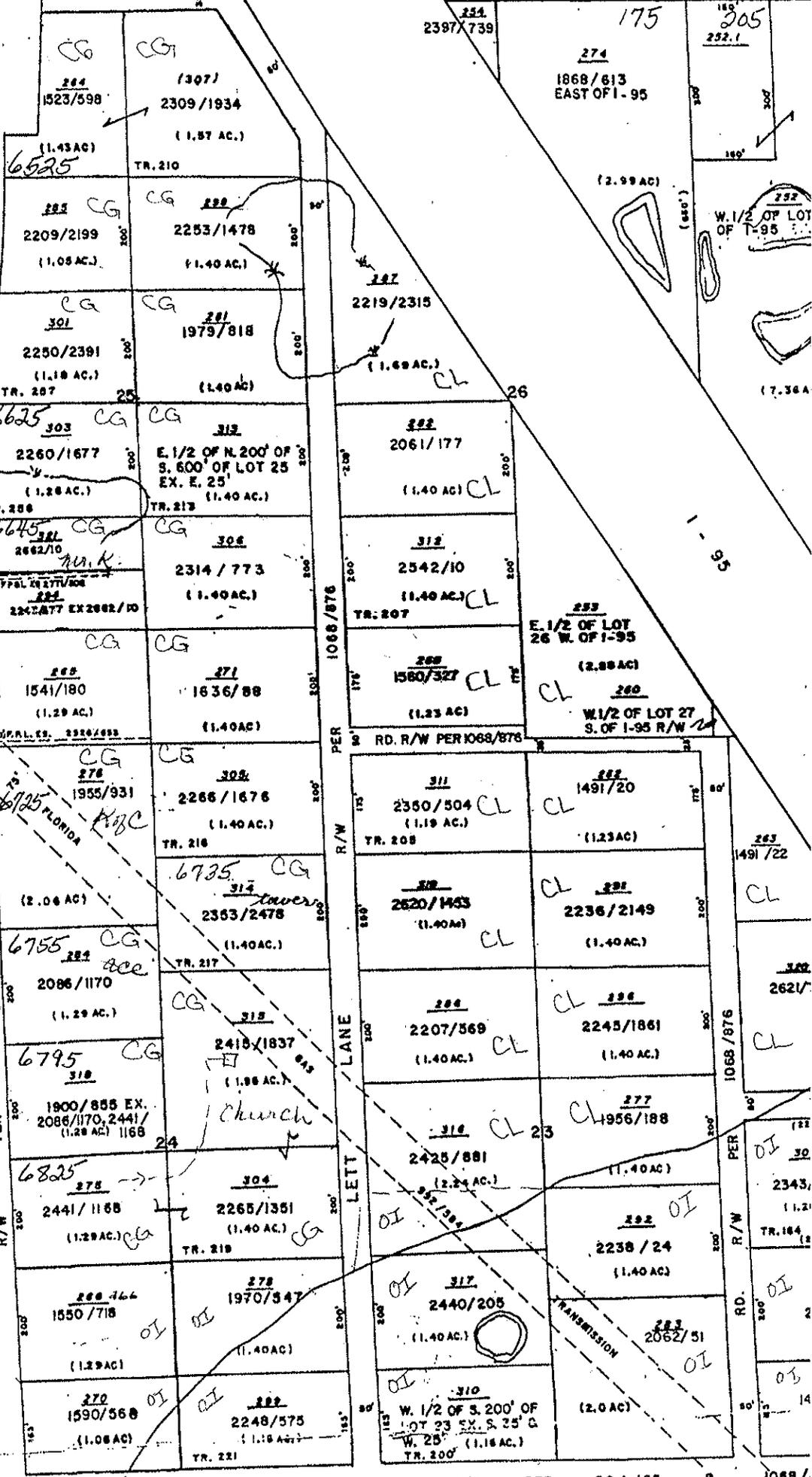
BABCOCK OVERPASS

R/W PER 423/234

R/W PER 423/240

R/W PER 423/234

APPROX
BOUND
PARCEL
BLVD



BOOTH ROAD

R/W PER RB.1-165

1068/

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75

175

200

122

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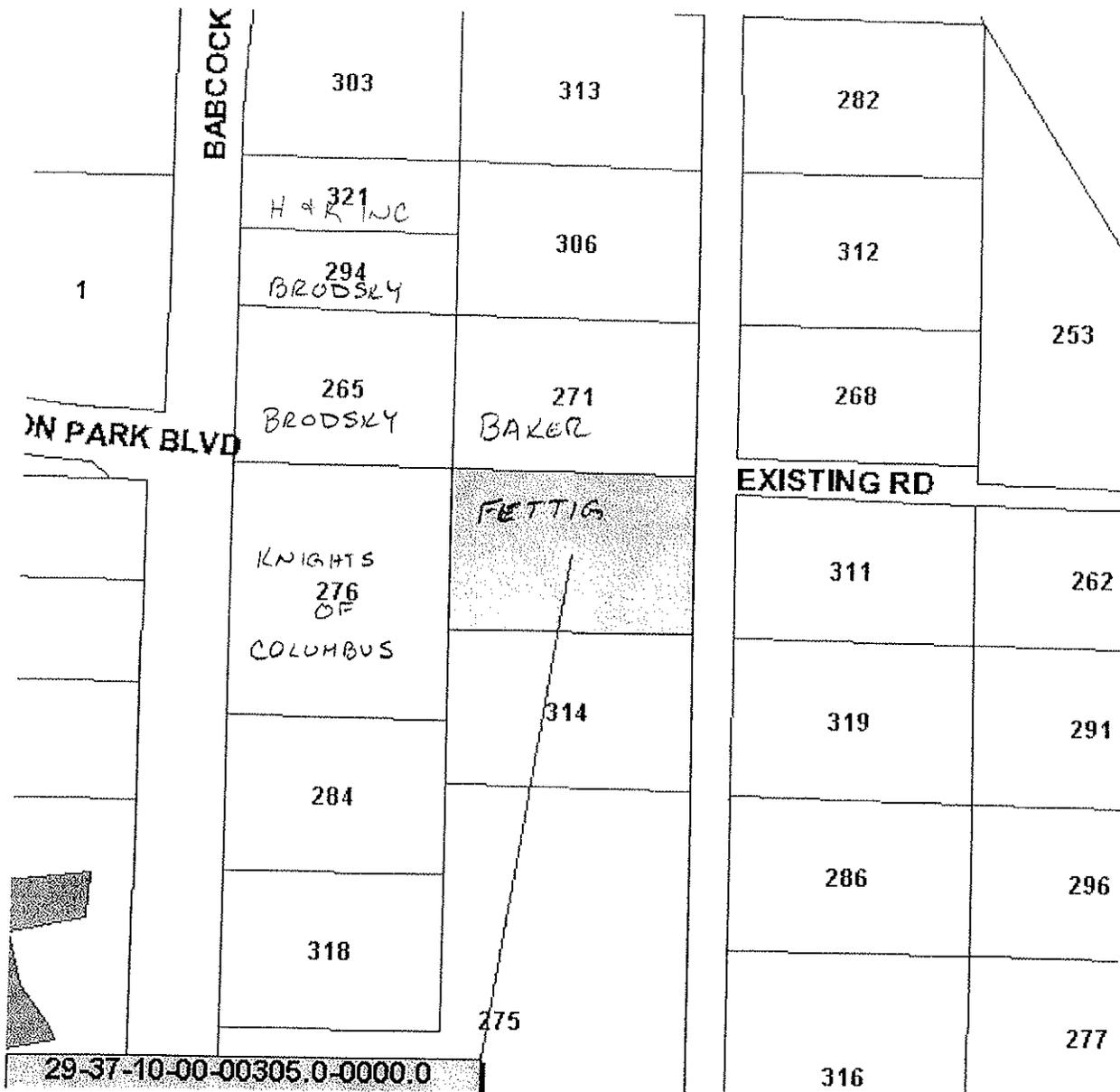
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2007 MAP

Jim Ford, C.F.A.
Property Appraiser
Brevard County, FL



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General Parcel Information for 29-37-10-00-00276.0-0000.00

Parcel Id:	29-37-10-00-00276.0-0000.00	Map	Millage Code:	34Z0	Exemption:	K	Use Code:	7700
* Site Address:	6725 BABCOCK ST , MALABAR, FL 32950						Tax Account:	2931324

* Site address information is assigned by the Brevard County Address Assignment Office for E9-1-1 purposes; this information may not reflect community location of property.

Tax information is available at the [Brevard County Tax Collector's web site](#)
 (Select the back button to return to the Property Appraiser's web site)

Owner Information

Owner Name:	COLUMBUS CLUB OF PALM BAY INC
Second Name:	
Third Name:	
Mailing Address:	P O BOX 060778
City, State, Zipcode:	PALM BAY, FL 32906

Legal Description

Sub Name:	W 1/2 EX S 1000 FT & EX W 50 FT OF LOT 24 OF PB 1 PG 165 AS DES IN ORB 1955 PG 931
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Value Summary for 2007

** Market Value:	\$430,000
Agricultural Assessment:	\$0
Assessed Value:	\$430,000
*** Homestead Exemption:	\$0
*** Other Exemptions:	\$430,000
Taxable Value:	\$0

Land Information

Acres:	2.06
Site Code:	320

** This is the value established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

*** Exemptions as reflected on the Value Summary table are applicable for the year shown and may or may not be applicable if an owner change has occurred.

Sales Information

OR Book/Page	Sale Date	Sale Amount	Deed Type	*** Sales Screening Code	*** Sales Screening Source	Vacant/Improved
2415/0511	2/1983	\$19,900	WD			

1955/0931	10/1978	\$8,800				
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*** Sales Screening Codes and Sources are from analysis by the Property Appraiser's staff. They have no bearing on the prior or potential marketability of the property.

Building Information Building Photos

PDC #	Use Code	Year Built	Story Height	Exterior Code	Interior Code	Roof Type	Roof Mater.	Floors Code	Ceiling Code
1	7700	1988	14	14	03	13	11	03	04

Building Area Information

PDC #	Base Area	Garage Area	Open Porches	Car Port	Screened Porches	Utility Rooms	Enclosed Porch	Basements	Attics	Total Base Area
1	6000	0	0	0	0	0	0	0	0	6000

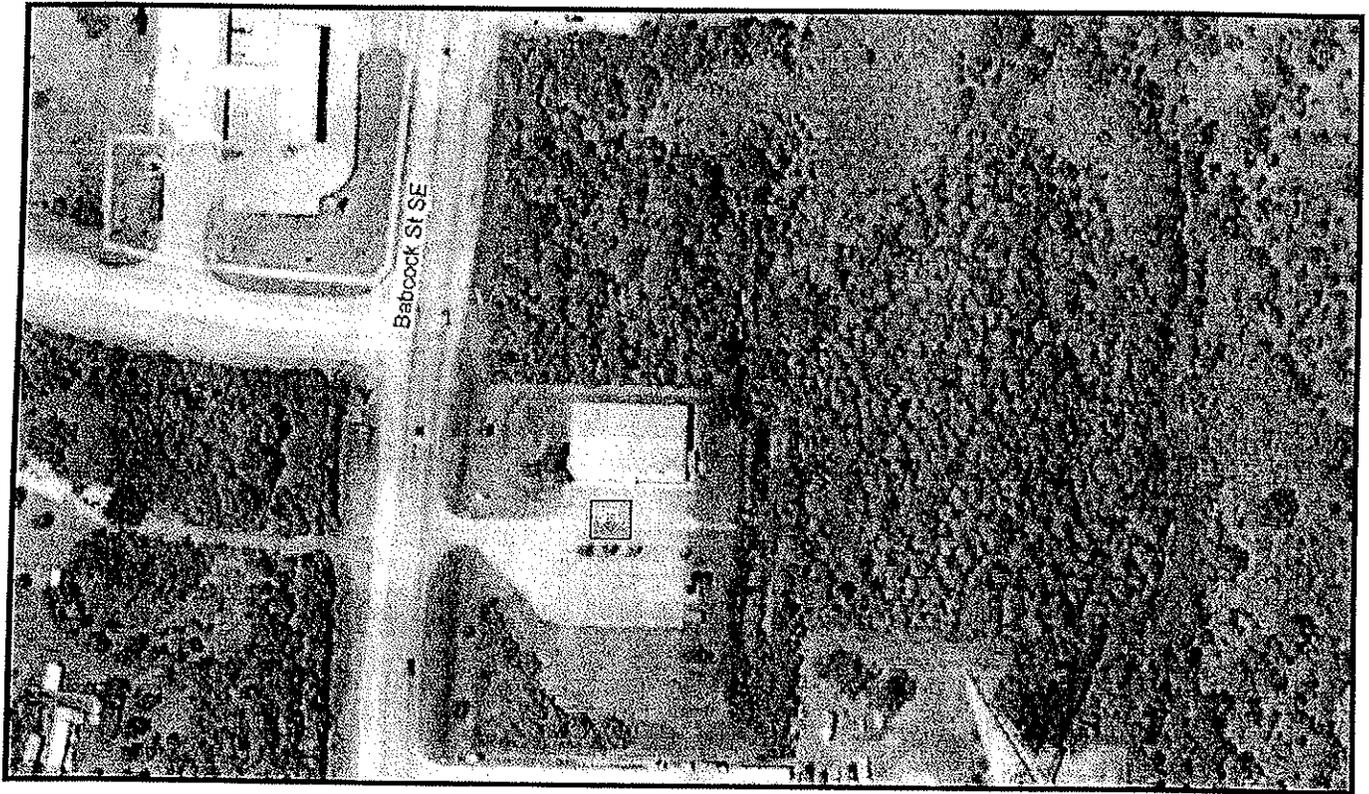
Extra Feature Information

Extra Feature Description	Units
LIGHT POLES	2
OUTBUILDING	49
OUTBUILDING	112
COVERED PATIO	70
PAVING	12650
PAVING	330

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Live Maps



LIVE MAPS

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Property Appraiser
Brevard County, FL



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General Parcel Information for 29-37-10-00-00294.0-0000.00

Parcel Id:	29-37-10-00-00294.0-0000.00	Map	Millage Code:	34Z0	Exemption:	Use Code:	1000
* Site Address:						Tax Account:	2931342

* Site address information is assigned by the Brevard County Address Assignment Office for E9-1-1 purposes; this information may not reflect community location of property.

Tax information is available at the Brevard County Tax Collector's web site
 (Select the back button to return to the Property Appraiser's web site)

Owner Information

Owner Name:	BRODSKY, DENNIS C
Second Name:	
Third Name:	
Mailing Address:	2506 2ND AVE NE
City, State, Zipcode:	PALM BAY, FL 32905

Legal Description

Sub Name:	W 1/2 OF N 100 FT OF S 300 FT OF LOT 25 OF PB 1 PG 165 EX W 50 FT AS DES IN ORB 2243 PG 1177
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Value Summary for 2007

** Market Value:	\$69,700
Agricultural Assessment:	\$0
Assessed Value:	\$69,700
*** Homestead Exemption:	\$0
*** Other Exemptions:	\$0
Taxable Value:	\$69,700

Land Information

Acres:	0.64
Site Code:	320
Land Value:	\$69,700

** This is the value established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

*** Exemptions as reflected on the Value Summary table are applicable for the year shown and may or may not be applicable if an owner change has occurred.

Sales Information

OR Book/Page	Sale Date	Sale Amount	Deed Type	*** Sales Screening Code	*** Sales Screening Source	Vacant/Improved
5670/3294	2/2006	\$100	QC			V
3987/1545	3/1999	\$12,000	WD			V
2816/1456	6/1987	\$62,000	WD			
2761/1272	12/1986	\$100,000	PT			

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Jim Ford, C.F.A.
Property Appraiser
Brevard County, FL



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General Parcel Information for 29-37-10-00-00265.0-0000.00

Parcel Id:	29-37-10-00-00265.0-0000.00	Map	Millage Code:	34Z0	Exemption:	Use Code:	1000
* Site Address:						Tax Account:	2931313

* Site address information is assigned by the Brevard County Address Assignment Office for E9-1-1 purposes; this information may not reflect community location of property.

Tax information is available at the [Brevard County Tax Collector's web site](#)
 (Select the back button to return to the Property Appraiser's web site)

Owner Information

Owner Name:	BRODSKY CONSTR INC
Second Name:	
Third Name:	
Mailing Address:	P O BOX 500214
City, State, Zipcode:	MALABAR, FL 32950

Legal Description

Sub Name:	W 1/2 OF S 200 FT OF LOT 25 EX W 50 FT AS DES IN ORB 1541 PG 180
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Value Summary for 2007

** Market Value:	\$137,000
Agricultural Assessment:	\$0
Assessed Value:	\$137,000
*** Homestead Exemption:	\$0
*** Other Exemptions:	\$0
Taxable Value:	\$137,000

Land Information

Acres:	1.26
Site Code:	320
Land Value:	\$137,000

** This is the value established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

*** Exemptions as reflected on the Value Summary table are applicable for the year shown and may or may not be applicable if an owner change has occurred.

Sales Information

OR Book/Page	Sale Date	Sale Amount	Deed Type	*** Sales Screening Code	*** Sales Screening Source	Vacant/Improved
2442/0126	7/1983	\$20,000	WD			
2400/0731	12/1982	\$500	CA			
2229/1830	4/1980	\$10,500				

*** Sales Screening Codes and Sources are from analysis by the Property

Appraiser's staff. They have no bearing on the prior or potential marketability of the property.

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NOTHING IN PERMANENT RECORDS



1 - BROOKLYN

TOWN OF MALABAR

NOTICE TO OWNER: DENNIS C BRODSKY
Shown as legal owner of the below referenced property

This property, to wit:

Vacant land identified as Parcel ID 29-37-10-00-00294.0-0000.00, abutting Babcock Street, Malabar, Florida

The side property line shall be kept clear of weeds, noxious vegetation or grass with a height of more than sixteen (16) inches for a minimum distance of 25 feet and the area abutting Babcock Street shall be kept clear for a minimum distance of 15 feet from the right-of-way line.

and being in violation of Chapter 11 of the Code of Ordinances of the Town of Malabar; this Notice shall provide that the violation must be corrected within ten (10) calendar of the date of this Notice, and if such correction is not made, a Hearing shall be held at Town Hall to determine if the violation should be corrected by the Town. You or your representative may appear and be heard at such Hearing, and notice that if no one appears at the Hearing the Town will take action based upon all available information. The Hearing Officer may fine the owner of the property up to fifty dollars (\$50.00) per day for such violation and/or the Hearing Officer shall have the power to order the violation to be corrected by the Town. If the violation is corrected by the Town, the costs of such correction will be charged to the owner of such property, and a lien will be recorded against the property in the Public Records of Brevard County in the amount of such costs. If the lien remains unpaid, the lien may be foreclosed by the Town against the property for the amount of the unpaid lien, interest, legal costs and attorney's fees.

Dated this 9/24/07

Signed: Bonilyn W. Wankel
(Code Officer)

2725 Malabar Road
Malabar, FL 32950
321.727.7764 ext. 14

TOWN OF MALABAR

CITIZEN CONTACT FORM

Date: 9/24/07

Time: est 10:30am **CONTACT NO:** 07-CC-092

Citizen's Name: Owner of Mr. K.

Address: 6645 E. Babcock St., Malabar, FL 32950

Phone: (321) 952-7014

Email: Unknown

Type of Problem/Location of Problem:

On September 24, 2007, the owner of Mr. K's called asking about action on his complaint initiated near the end of August 2007, concerning the overgrowth on the vacant property to the south of his store.

An Undeveloped Land Over-Growth letter was prepared. Upon review of the undeveloped landowners file no Citizen Contact Form was located upon which Bonilyn Willbanks-Free, the Town of Malabar Administer, requested this Citizen Contact Form be completed, prior to the Over-Growth letter being sent out.

Type of Call: Inquiry Complaint Service Request

How Received: Phone Mail In Person

Received By: Call on Sept 24, 2007: Michele Kelly

Remarks:

Referred to:

Date:

Copies to:

Action Taken:

Jim Ford, C.F.A.
Property Appraiser
Brevard County, FL



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General Parcel Information for 29-37-10-00-00271.0-0000.00

Parcel Id:	29-37-10-00-00271.0-0000.00	Map	Millage Code:	34Z0	Exemption:	Use Code:	1000
* Site Address:						Tax Account:	2931319

* Site address information is assigned by the Brevard County Address Assignment Office for E9-1-1 purposes; this information may not reflect community location of property.

Tax information is available at the [Brevard County Tax Collector's web site](#)
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Owner Information

Owner Name:	BARKER, DONALD W
Second Name:	
Third Name:	
Mailing Address:	575 CHARLES DR
City, State, Zipcode:	MELBOURNE, FL 32935

Legal Description

Sub Name:	E 1/2 OF S 200 FT OF LOT 25 EX E 25 FT AS DES IN ORB 1636 PG 88
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Value Summary for 2007

** Market Value:	\$11,200
Agricultural Assessment:	\$0
Assessed Value:	\$11,200
*** Homestead Exemption:	\$0
*** Other Exemptions:	\$0
Taxable Value:	\$11,200

Land Information

Acres:	1.4
Site Code:	0
Land Value:	\$11,200

** This is the value established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

*** Exemptions as reflected on the Value Summary table are applicable for the year shown and may or may not be applicable if an owner change has occurred.

Sales Information

OR Book/Page	Sale Date	Sale Amount	Deed Type	*** Sales Screening Code	*** Sales Screening Source	Vacant/Improved
5268/0645	4/2004	\$13,000	WD			V
3857/0674	5/1998	\$100	QC			V
2549/2895	10/1984	\$9,000	WD			
1636/0088	6/1976	\$4,800				

*** Sales Screening Codes and Sources are from analysis by the Property Appraiser's staff. They have no bearing on the prior or potential marketability of the property.

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Jim Ford, C.F.A.
Property Appraiser
Brevard County, FL



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General Parcel Information for 29-37-10-00-00305.0-0000.00

Parcel Id:	29-37-10-00-00305.0-0000.00	Map	Millage Code:	34Z0	Exemption:	Use Code:	1000
* Site Address:						Tax Account:	2931352

* Site address information is assigned by the Brevard County Address Assignment Office for E9-1-1 purposes; this information may not reflect community location of property.

Tax information is available at the Brevard County Tax Collector's web site
 (Select the back button to return to the Property Appraiser's web site)

Owner Information

Owner Name:	FETTIG, LYLE P
Second Name:	FETTIG, PATRICIA E H/W
Third Name:	
Mailing Address:	204 ARBOURS DR
City, State, Zipcode:	SAVOY, IL 61874

Legal Description

Sub Name:	E 1/2 OF N 200 FT OF LOT 24 OF PB 1 PG 165 EX E 25 FT AS DES IN ORB 2266 PG 1676
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Value Summary for 2007

** Market Value:	\$11,200
Agricultural Assessment:	\$0
Assessed Value:	\$11,200
*** Homestead Exemption:	\$0
*** Other Exemptions:	\$0
Taxable Value:	\$11,200

Land Information

Acres:	1.4
Site Code:	0
Land Value:	\$11,200

** This is the value established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

*** Exemptions as reflected on the Value Summary table are applicable for the year shown and may or may not be applicable if an owner change has occurred.

Sales Information

OR Book/Page	Sale Date	Sale Amount	Deed Type	*** Sales Screening Code	*** Sales Screening Source	Vacant/Improved
3447/1681	1/1995	\$100	QC			V
2266/1676	11/1980	\$7,000				

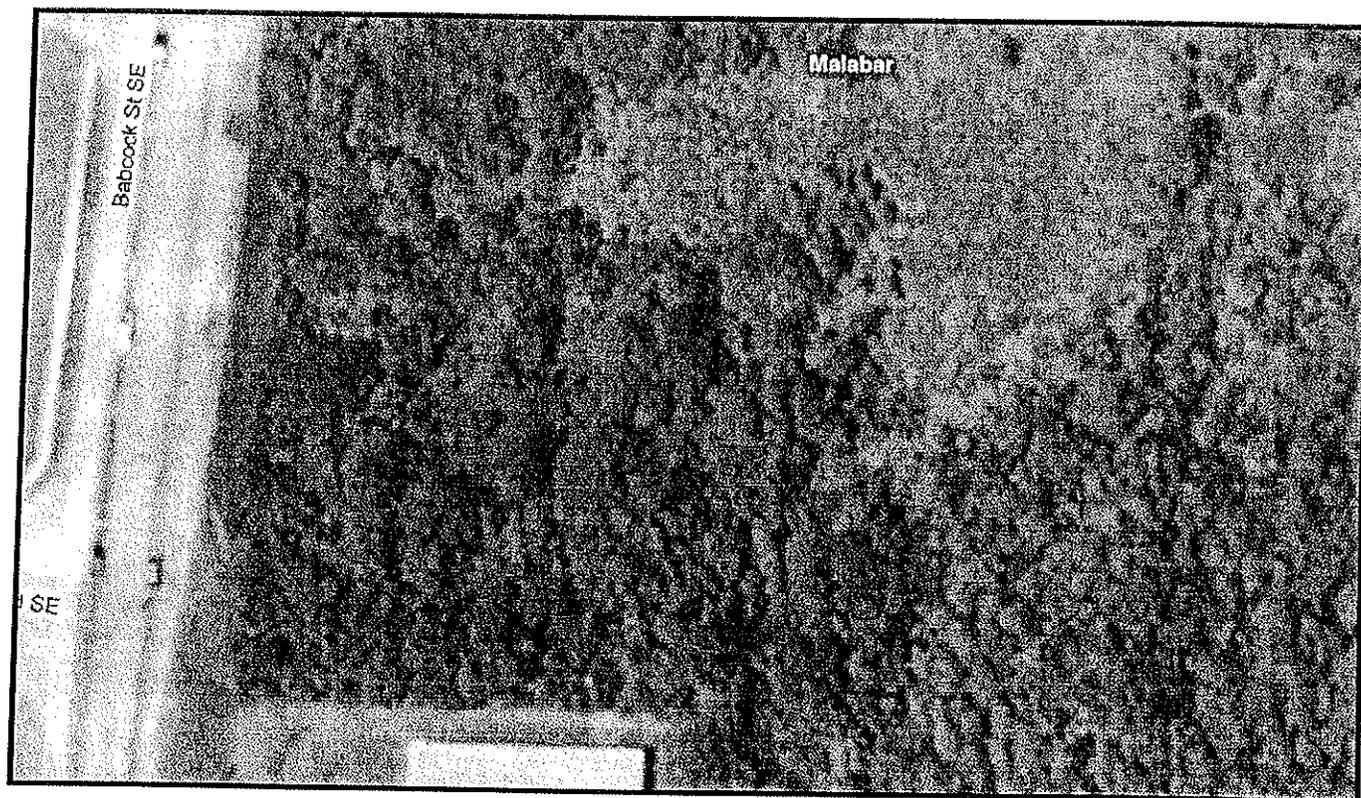
*** Sales Screening Codes and Sources are from analysis by the Property Appraiser's staff. They have no bearing on the prior or potential marketability of the property.

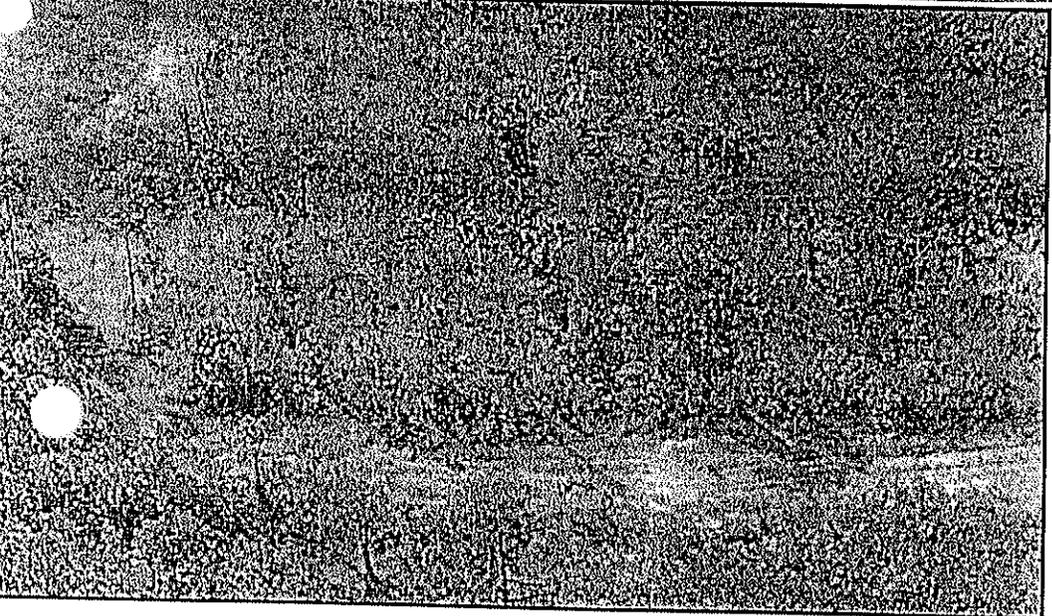
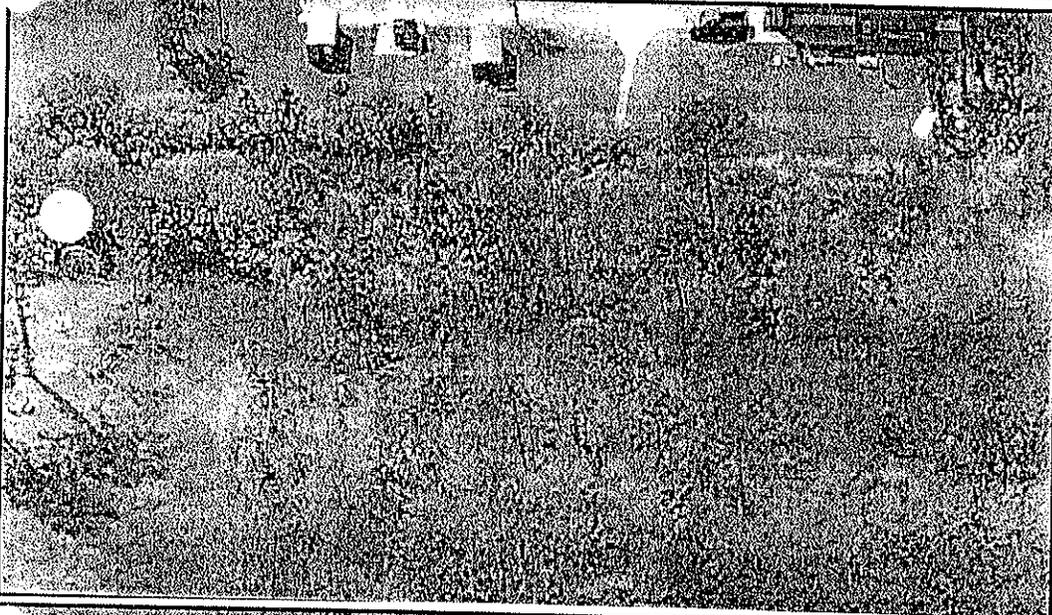
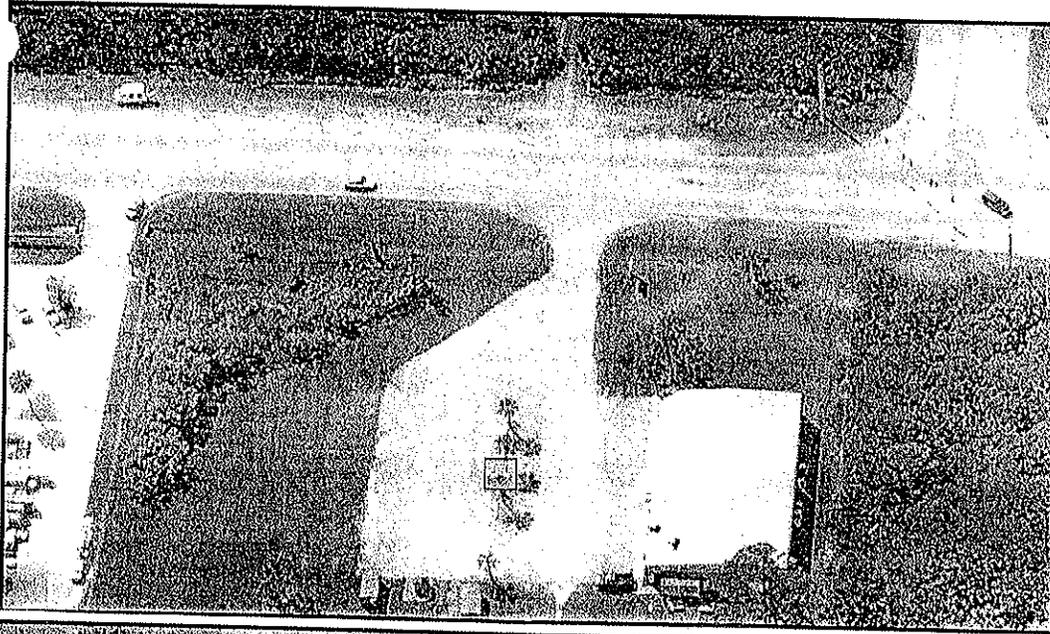
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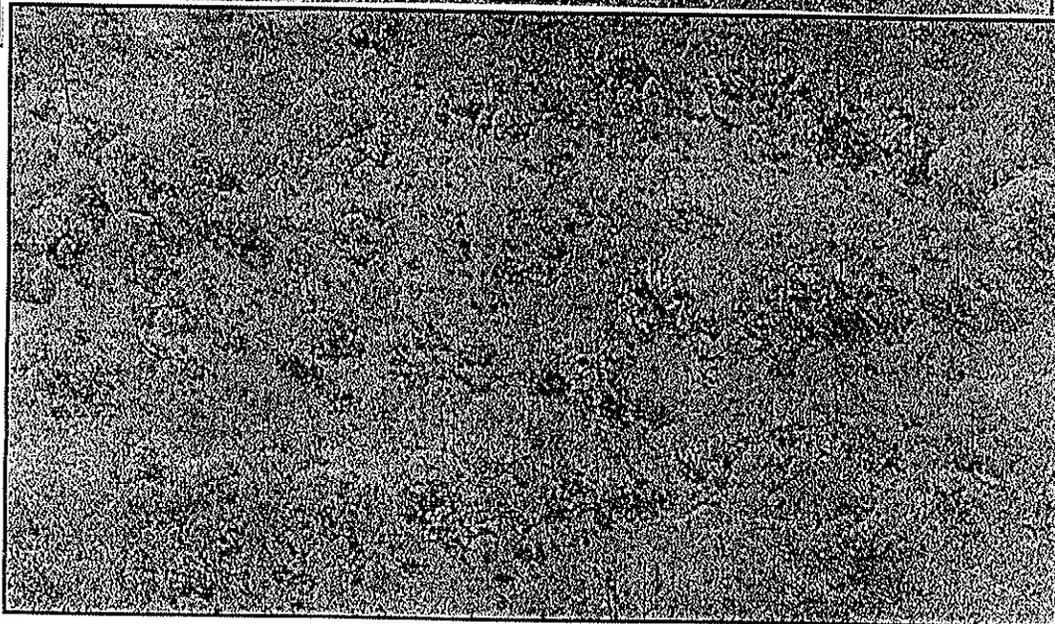
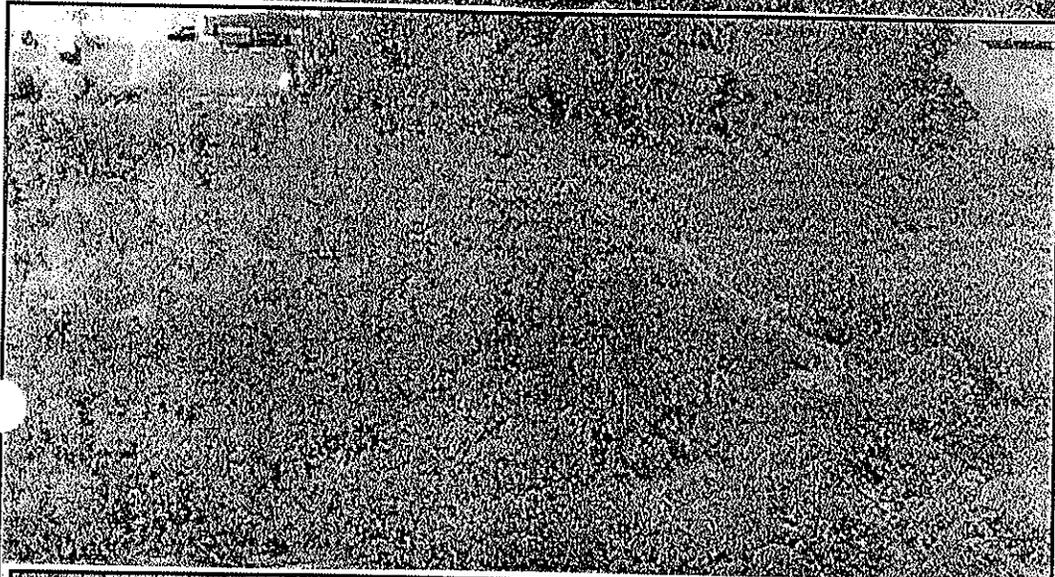
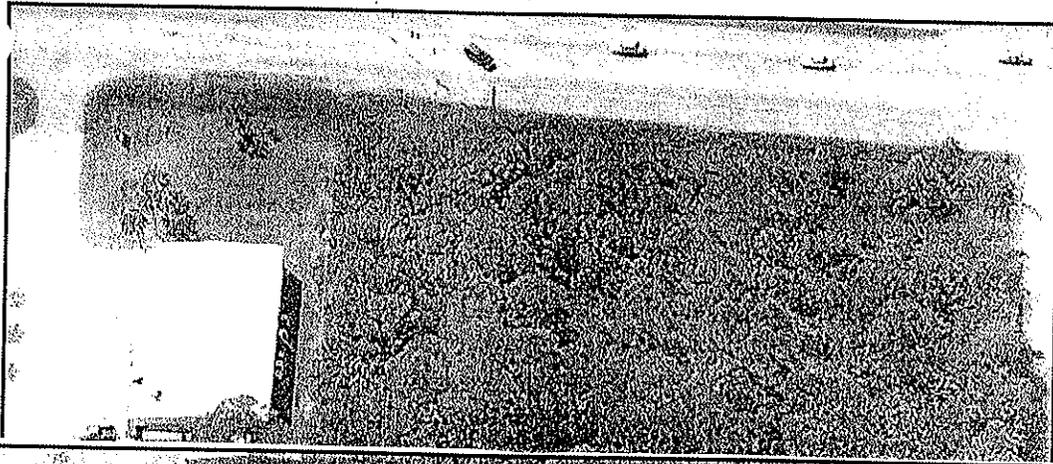
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