



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 5426, **Version:** 1

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### **Subject:**

Plat Modification and Waiver, Re: Rambling Acres West Addition (District 1)  
Developers: Church Street Realty, LLC; W. Kelly McLendon, Trustee; and Hunter's Brooke Titusville, LLC.

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

The Board is requested to consider the applicants' request for modifications to an approved final plat per Section 62-2897 and a request to replat under Section 62-2805(d); waiving the flood zone limitations and postponing the lot grading plan, drainage plan and compensatory storage calculations until a request for land alteration or building permit is submitted.

### **Summary Explanation and Background:**

Section 62-2897 states that a platted property shall only be developed for the purpose shown on the plat unless a modification is approved by the Board. Church Street Realty, LLC.; W. Kelly McLendon, Trustee; and Hunter's Brook Titusville, LLC.; would like to modify the plat for Rambling Acres West to incorporate additional property and reconfigure existing lots to create two residential lots (7.58 acres & 6.34 acres) and a preservation tract. Pursuant to Section 62-2897, the owners in the affected subdivision have been notified in writing of this requested action and a copy of their letter is attached. If approved by the Board, the final plat will be applied for through Planning and Development and reviewed by appropriate agencies.

Section 62-2805(d) allows for re-platting under a one-step process when new streets are not being created and the property is not located in a flood zone. The applicants are requesting a waiver since the property is located in a flood zone. Granting the waiver will allow the applicant to defer the required lot grading plan, drainage plan and compensatory storage calculations until they submit a building permit or other development that necessitates a land alteration permit. Deferring the requirement allows the applicants to account for specific areas impacted which may reduce the impacts to the flood zone.

Planning & Development, Public Works, and Natural Resources Management Departments are in support of granting the waiver of Section 62-2805(d) to allow the replat subject to the following conditions:

1. The proposed plat shall be limited to re-platting lots 44 and 25 of Rambling Acres West into proposed lots 1 and 2, and a conservation / preservation tract(s) as depicted on Map of Legal Descriptions dated July 12, 2021.

2. The development of proposed lots 1 and 2 shall be limited to one single family dwelling each, and the accessory structures permitted within the zoning classification.
3. Compensatory storage calculations and demonstration of no adverse impacts shall be provided at the time of any land alteration and/or building permit.
4. The Existing Private Easement ORB 6520, PG 1096 is not included in the approval nor is the easement being accepted by the Board.

Board approval of this project is subject to aforementioned conditions and does not relieve the developer from obtaining all other necessary jurisdictional permits.

Reference: 21WV00015

### **Clerk to the Board Instructions:**