

ATTACHMENT 1 - TENTATIVE SETTLEMENT AGREEMENT

10-11-2024 10:11:11

TENTATIVE SETTLEMENT AGREEMENT

On August 7, 2024, pursuant to the Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA), the parties hereto attended a public mediation/hearing facilitated by Special Magistrate James Stokes, and reached the following tentative agreement, subject to the approval of the Board of County Commissioners, which shall be in its sole discretion and at a publicly advertised meeting.

Joseph Traska, represented by legal counsel, and Brevard County, hereby agree to the following terms regarding the shipping container accessory structure located at 134 Diane Circle, Indialantic, Florida (the "Property"):

1. Within 60 days of the date of this Agreement, Mr. Traska shall submit a request to revise Brevard County Building Permit ID 22BC20772. The submittal shall:
 - a. address the difference between the approved construction plans and the actual configuration of the shipping containers;
 - b. include a certified survey, signed by a Professional Engineer or Professional Land Surveyor, confirming that the Property is at least one-half (0.5) acre in size;
 - c. provide for exterior balcony/deck area(s) to be enclosed on the accessory structure's East and South-facing sides with an opaque barrier sufficient to shield view of neighboring properties;
 - d. include exterior renderings and details of the exterior façade, to include materials, demonstrating that the industrial appearance of the shipping containers has been mitigated and conforming to the single-family residential appearance of the area surrounding the Property; and
 - e. include a landscape plan with sight triangle depicting vegetative buffer sufficient for visual screening between open exterior balcony/deck area(s) and neighboring residences along the south property line (may include existing vegetation).
 2. The County shall review the requested revisions for compliance with the Florida Building Code and this Agreement.
 3. If the requested revisions, identified in Section 1, are found to be compliant with the requirements of the Florida Building Code and the terms of this Agreement, then consideration of this Agreement shall be scheduled for the next available meeting of the Board of County Commissioners. The County shall provide notice of such meeting to all property owners within 500 feet of the Property.
 4. If the Board of County Commissioners approves this Agreement, the County shall reopen and revise Brevard County Building Permit ID 22BC20772 to conform with the submittal approved by County staff.
 5. If the Board of County Commissioners approves this Agreement, the approved rendering of the accessory structure and landscape plan shall be incorporated in a development order to be recorded and run with the Property.
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6. The parties agree to the following terms regarding the use of the accessory structure:
 - a. The accessory structure shall not be used as living quarters.
 - b. The accessory structure shall not be rented, in whole or in part, for any purpose.
 - c. The accessory structure shall not contain a kitchen.
 - d. The accessory structure shall not be used for any purpose other than storage between the hours of 10:00 PM and 6:00 AM.

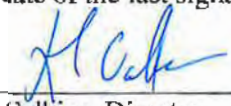
If the Board of County Commissioners approves this Agreement, the foregoing terms shall be incorporated in a development order to be recorded and run with the Property.

7. Each party shall bear their own respective fees and costs related to the FLUEDRA proceeding. The cost of the special magistrate shall be split equally.
8. This Agreement is binding upon Mr. Traska and shall become final if approved by the Board of County Commissioners within 120 days of the date hereof.
9. Upon approval of this Agreement by the Board of County Commissioners, the County shall abate the accrual of additional fines in relation to Code Enforcement Case No. 23CE-01219. Once the above-referenced modifications have been completed and all necessary inspections have been passed, the Board of County Commissioners shall waive any accrued fines and costs in relation to Code Enforcement Case No. 23CE-01219 and shall release any associated lien.
10. The parties agree to execute any and all documents necessary to carry out the spirit and intent of this Agreement, including a development order to be recorded and run with the Property.
11. This Agreement shall be effective as of the date of the last signature below.


Joseph Traska, Petitioner

Date

10-14-24

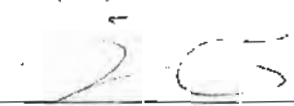

Tad Calkins, Director

Planning and Development Department

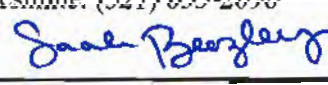
Date

10/14/2024

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