



BOARD OF COUNTY COMMISSIONERS

**Planning and Development
Planning and Zoning**
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

LAND DEVELOPMENT WAIVER APPLICATION

This form should be used for all waiver requests or appeals associated with the Code of Ordinances, Section 62, as it relates to Subdivisions, Minor Subdivisions, and Site Plans. Fees for Waivers are \$775.00.

Application Type:

☐

Subdivision Waiver

☒

Site Plan Waiver

☐

Other

If other, please indicate

Tax Account Numbers:

2416989

Tax Account 1

Tax Account 2

Project Information and Site Address:

Banyan Cove (Houston Lane)

D R Horton INC

Project Name

Property Owner

454 Houston Lane

Merritt Island

FL

32953

Street

City

State

Zip Code

Applicant Information:

Johnny Lynch

DR Horton Inc

Applicant Name

Company

1430 Culver Dr. NE

Palm Bay

FL

32907

Street

City

State

Zip Code

321-953-3132

JTLynch@DRHorton.com

Primary Phone

Secondary Phone

Email Address

Engineer/Contractor (if different from applicant):

KYLE SHASTEEN

BOWMAN

Engineer or Project Manager

Company

4450 W Eau Gallie Boulevard

Melbourne

FL

32934

Street

City

State

Zip Code

(321) 270-8937

kshasteen@bowman.com

Primary Phone

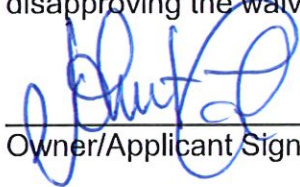
Secondary Phone

Email Address

Description of Waiver Request and Code Section:

The waiver is being requested for Brevard County Code Section 62-2883(d): Buffer requirements: In the design of a proposed residential subdivision, a minimum 15-foot perimeter buffer shall be required. Such buffer shall remain undisturbed along all property boundaries and shall be platted as a common tract, separate from individual lots. Landscape improvements may be constructed within said buffer tract subject to review and approval by the county. The buffer requirements described herein shall not apply to minor subdivisions. The zoning of this parcel allows for townhomes, and the proposed project includes 22 townhome units on 1.78 acres. There will be three buildings with 6 townhome units each and one building with 4 townhome units. Due to the townhome design, there are 22 driveways along the front of the property that are within the landscape buffer. However, there will be landscaping in the 15 foot landscape buffer behind the sidewalk on the west side of the property.

If you wish to appeal any decision made by County staff on the waiver, you may request that the Board of County Commissioners make a determination. The Board's decision approving or disapproving the waiver or interpretation is final.



Owner/Applicant Signature

JOHN T. LYNCH

Print Name

Land Development Application Document Submittal Requirements

Waivers for Site Plans or Subdivisions require an application, waiver criteria (listed below), an 8 ½-inch x 11 inch vicinity map, and a fee of \$775.00.

Waiver Criteria for Subdivisions and Site Plans

For a waiver to be considered and approved by staff, your request must comply with all of the following criteria. Please explain, in detail, how your request meets the following conditions.

1. The particular physical conditions, shape, or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out.

The zoning of this parcel allows for townhomes, and the proposed project includes 22 townhome units on 1.78 acres. There will be three buildings with 6 townhome units each and one building with 4 townhome units. Due to the townhome design, there are 22 driveways along the front of the property that are within the 15 foot landscape buffer on the south side of the property. The 15 foot landscape buffer will be provided behind the sidewalk.

2. The granting of the waiver will not be injurious to the other adjacent property.

The landscaping will be on the individual property and will not be injurious to the adjacent property.

3. The conditions, upon which a request for waivers are based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.

The zoning of this parcel is RU-2-15, which is a multi-family zoning and allows for townhomes. The proposed project includes 22 townhome units on 1.78 acres. Due to the townhome design, there are 22 driveways along the front of the property that are within the 15 foot landscape buffer on the south side of the property. However, the required landscaping will be provided in the 15 foot landscape buffer behind the sidewalk.

4. The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan, and the requirements of this article.

The zoning is RU-2-15 and the future land use is RES 15. The proposed use is consistent with the current zoning and future land use, and this waiver does not have an impact on the use of the property.

5. Delays attributed to state or federal permits.

N/A

6. Natural disasters.

N/A

7. County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)

Office Use Only

Request Date

Fees

Board Date

Original Project Number

Waiver Number

Coordinator Initials

Reference Files

County Manager/Designee Approval