



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)

Project Name

D R Horton INC

Property Owner

454 Houston Lane

Street

Merritt Island

City

FL

State

32953

Zip Code

Applicant Information:

Johnny Lynch

Applicant Name

DR Horton Inc

Company

1430 Culver Dr. NE

Street

Palm Bay

City

FL

State

32907

Zip Code

321-953-3132

Primary Phone

JTLynch@DRHorton.com

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

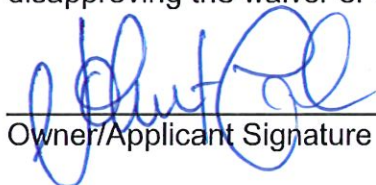
Secondary Phone

Email Address

Description of Waiver Request and Code Section:

The waiver is being requested for Brevard County Code Section 62-2802 Exhibit 16: There shall be a minimum of five feet, between any driveway and any side property line measured at the property line or at the edge of the paved road surface or curb, not including the driveway flares.
During Site Plan (24SP00039) review, Brevard County staff has requested a waiver from this code section for a 5-foot setback for driveway placement.

If you wish to appeal any decision made by County staff on the wavier, 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 (RU-2-15) allows for townhomes, and the proposed project includes 22 townhome units. There will be three buildings with 6 townhome units each and one building with 4 townhome units. Due to the townhome design with each unit being 20 feet wide, the driveway cannot be placed in the center of the townhome as this would leave a five foot strip inside the building on the east and west sides of the townhome, which is not usable space. The driveway must be placed on either the east or west side of the townhome, so there will not be 5 feet between the driveway and side property line.

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

The granting of this waiver will allow the lots to function in the same manor as the other properties in the surrounding area by having the driveways connect directly to the right-of-way. Additionally, Houston Lane is a minor local road (not a through street) with a speed of 15 miles per hour, and there are existing speed control humps. The vehicles backing into the Houston Lane right-of-way will not be injurious to the other 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. A majority of the parcels on Houston Lane are RU-1-7, which is single-family residential and have direct access to the Houston Lane right-of-way. The subject parcel has a similar depth as the surrounding RU-1-7 lots and functions in a similar way. Therefore, the conditions upon which a request for this waiver is based are particular to the property because of the depth of the property and assigned zoning.

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