



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.

Application Type:

☐ Subdivision Waiver

☒ Site Plan Waiver

☐ Other

24SP00026

If other, please indicate

Tax Account Numbers:

2417286

Tax Account 1

2417287

Tax Account 2

Project Information and Site Address:

Sykes Landing at Winar Creek Thomas G Winar Trust

Project Name

Property Owner

35 Winar Drive

Merritt Island

FL

32953

Street

City

State

Zip Code

Applicant Information:

David W. Bassford, P.E.

Applicant Name

MBV Engineering, Inc.

Company

1250 W. Eau Gallie Blvd, Ste H

Melbourne,

FL

32935

Street

City

State

Zip Code

321-253-1510

Primary Phone

Secondary Phone

davidb@mbveng.com

Email Address

Engineer/Contractor (if different from applicant):

Same as applicant

Engineer or Project Manager

Company

Street

City

State

Zip Code

Primary Phone

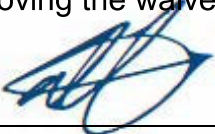
Secondary Phone

Email Address

Description of Waiver Request and Code Section:

62-3206 (b)(4) - remove the requirement for vehicles backing into ROW for building with more than two units and for guest parking along the ROW.

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

David W. Bassford, P.E.

Print Name

Land Development Application Document Submittal Requirements

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

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 Brevard County code does not contemplate a typical layout design for townhome developments. As such, we are proposing to remove the requirement for vehicles backing into right-of-ways for buildings with more than two units and for guest parking along the right-of-ways interior to the proposed project.

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

The granting of these waivers does not affect the adjacent property owner. Additionally, the rights-of-way shall be privately maintained by the HOA.

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.

This request is generally not applicable to other properties due to the redevelopment.

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 granting of these waivers is consistent with the intent and purpose of the County regulations, land use, and article requirements based on the lack of development standards specific to town home developments. Passenger vehicles routinely back out of parking spaces into travel lanes. The requirement for prohibiting backing out into a right-of-way is based upon public rights-of-way where speed of travel and vehicular trips provide an increased risk for accidents. Since the rights-of-way internal to the project shall be privately owned and maintained, the project is more akin to an Apartment or Condominium type site plan layout. Due to the layout of the project site, the visitor and clubhouse parking spaces are similar to the town home driveways and have sufficient backing distance (six feet) to provide sight line visibility to potential oncoming traffic.

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		