



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 62-2887(c): Lot access: Except for a minor subdivision, all lot access is to be internal within the final plat boundary. The proposed lots have access directly from the right-of-way.

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

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. Due to the depth of the property being 101 feet, the 25 foot front building setback, and the 25 foot rear setback, the townhomes are allowed approximately 51 feet of buildable area in the center of the property. For townhomes, the only feasible way to access each unit is directly from the right-of-way.

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