

BREVARD COUNTY 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 specifically to Unpaved Roads, Subdivisions, Minor Subdivisions, and Site Plans.

APPLICATION TYPE

- ☒ SUBDIVISION WAIVER
☐ UNPAVED ROAD WAIVER
☐ SITE PLAN WAIVER
☐ OTHER

Land Development Use Only

Request Date: 1/9/2020 Fees \$ 775.00 Board Date: _____
Original Project # 18SD00017 Waiver # 20WV00007
Coordinator Initials: TR Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 25 Rng. 36 Sec. 24 S/D 00 Blk/Par 3/4 Lot(s) _____ (west of S. Courtenay Pkwy.) (List all parcels)

Tax Account # ('s): 2511421, 2511419, _____ (List all account numbers)

Project Name: Georgiana Reserve Property Owner: Georgiana Community Developers, LLC

Site Address: 3301 S. Courtenay Parkway

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Brian J Bussen Company: Georgiana Community Developers, LLC
Address: 4885 N. Wickham Rd. E-Mail: pelandbuss@aol.com
City: Melbourne State FL Zip 32940
Phone 321 610-3924 Fax _____ Cell 321 543-5732

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: Bussen-Mayer Engineering Group, Inc. Eng. or Proj. Mgr.: Joseph W. Mayer, P.E.
Address: 100 Parnell Street Ph # (321) 453-0010 Fax (321) 454-6885

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

We respectfully request a partial waiver of the 15' perimeter buffer requirement as per Article 7, Division 3, Section 62-2889(d), for the south and west property lines of the project only. Note that plans have been approved and construction is on-going. This modification would be reflected on the final plat. This waiver also includes a request to extend fencing thru the proposed buffer at the NE corner of the site, in order to allow encroaching landscaping from the adjacent subdivision to the north to remain.

Owner/Applicant Signature: [Signature] Print Name: Brian J Bussen

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

Fees for Waivers are \$775.

APPLICATION FEES: A schedule of fees and charges for review is established and adopted by the Board of County Commissioners of Brevard County, Florida, and may, from time to time, be amended.

PLEASE MAKE CHECKS PAYABLE TO: THE BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT APPLICATIONS – DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Waiver Criteria below	Alternative Plan Design				8 1/2 x 11 vicinity map		Fees
Waiver - Site Plan	1	Y	-		-	-	1	-	Y
Waiver - Subdivision	1	Y	-				1		Y

WAIVER CRITERIA (SUBDIVISION, UNPAVED ROADS & 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.
 This single family subdivision is being constructed between two existing subdivisions and existing homes fronting S. Tropical Trail with the same zoning classification (EU) and very similar lot sizes. The 15' buffer requirement along the north property line is appropriate given the subdivision roadway design. However, the buffer along the south and west lines will create a 15' wide tunnel between the existing adjacent parcel fences and the fences for the new homes. There is no existing or proposed vegetation within this buffer. Over the course of time, it will become difficult to maintain this fenced 15' wide "tunnel" area. It is not aesthetically pleasing and serves no purpose to provide a buffer in these areas.
2. The granting of the waiver will not be injurious to the other adjacent property.
 The waiver will not impact existing lot owners as the new lots will extend thru the 15' area and connect with the common property line, just the same as their lots. A 15.0 ft wide drainage easement will be established over the proposed swale area.
3. The conditions, upon which a request for waiver 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 described condition is particular to the south and west lines of the subdivision only. The lack of any vegetation is due to the fact this site was formally an operating orange grove.
4. The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan of the county and the requirements of this article.
 We believe this waiver is consistent with the intent and purposes of County Zoning regulations, and that strict application of the buffer requirement at the specified location will actually cause a hardship for existing lot owners, proposed lot owners, and the HOA.
5. Delays attributed to state or federal permits.
 Not applicable.
6. Natural disasters.
 Not applicable.
7. County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)