

# 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.*

**PLEASE COPY ENGINEER ON ALL CORRESPONDENCE AT: [jeffrey.lucas@atkinsglobal.com](mailto:jeffrey.lucas@atkinsglobal.com)**

## APPLICATION TYPE

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

### Land Development Use Only

Request Date: \_\_\_\_\_ Fees \$ \_\_\_\_\_ Board Date: \_\_\_\_\_  
Original Project # \_\_\_\_\_ Waiver # \_\_\_\_\_  
Coordinator Initials: \_\_\_\_\_ Reference Files: \_\_\_\_\_  
County Manager/Designee approval \_\_\_\_\_

**Tax Parcel Identification:** **SEE TAX ACCOUNT #'s**

(List all parcels)

**Tax Account # ('s):** 2849283, 2849284, \_\_\_\_\_ (List all account numbers)

**Project Name:** Harbor Island Beach Club **Property Owner:** Phoenix Park Fund V, LP

**Site Address:** 110 Versailles Drive

### ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:


Name: Dan Winkler Company: Phoenix Park Fund V, LP  
Address: 119 Signature Drive E-Mail: dan@buildwithphoenixpark.com  
City: Melbourne Beach State FL Zip 32951  
Phone 321 302-1047 Fax \_\_\_\_\_ Cell \_\_\_\_\_

### ENGINEER/CONTRACTOR (if different from applicant):

Company Name: ATKINS Eng. or Proj. Mgr.: Jeffrey Lucas  
Address: 7175 Murrell Road Melbourne, FL 32940 Ph # ( 321 ) 775-6647 Fax ( \_\_\_\_\_ ) \_\_\_\_\_

### DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Section 62-2883(d) - Request Waiver for disturbances of 15 foot perimeter residential subdivision buffer

**Owner/Applicant Signature:**  **Print Name:** Dan Winkler Dan Winkler Managing F  
Phoenix Park LLC

**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.

The Code required 15 foot perimeter for undisturbed vegetation ( Excerpt 62-2883(d) - "a minimum 15-foot perimeter buffer shall be required. Such buffer shall remain undisturbed along all property boundaries") is not applicable, and thus an undue hardship to comply with, for this property since it is a redevelopment of an existing 256 unit apartment complex that has, and still does, rely upon utility easements/connections through the property to adjoining properties and existing swales that will need to be maintained to ensure their proper function. Further, being a redeveloped property, the vegetation is unremarkable and/or invasive.

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

The waiver request is self-contained to within the property limits allowing for constructed landscaping and swales within the north and south buffer areas. The adjacent property owners to the north and south are also separated by a 6 foot fence. The western boundary is the Indian River Lagoon and the eastern boundary is SR A1A.

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.

Yes, SEE ATTACHED EXPLANATION.

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.

The waiver is consistent with the intent and the purpose of the County zoning regulations, County land use plan and requirements of this article as the redeveloped site will improve the function of the buffer, improve stormwater treatment and ensure the proper function and maintenance of utilities that are located within it.

5. Delays attributed to state or federal permits.

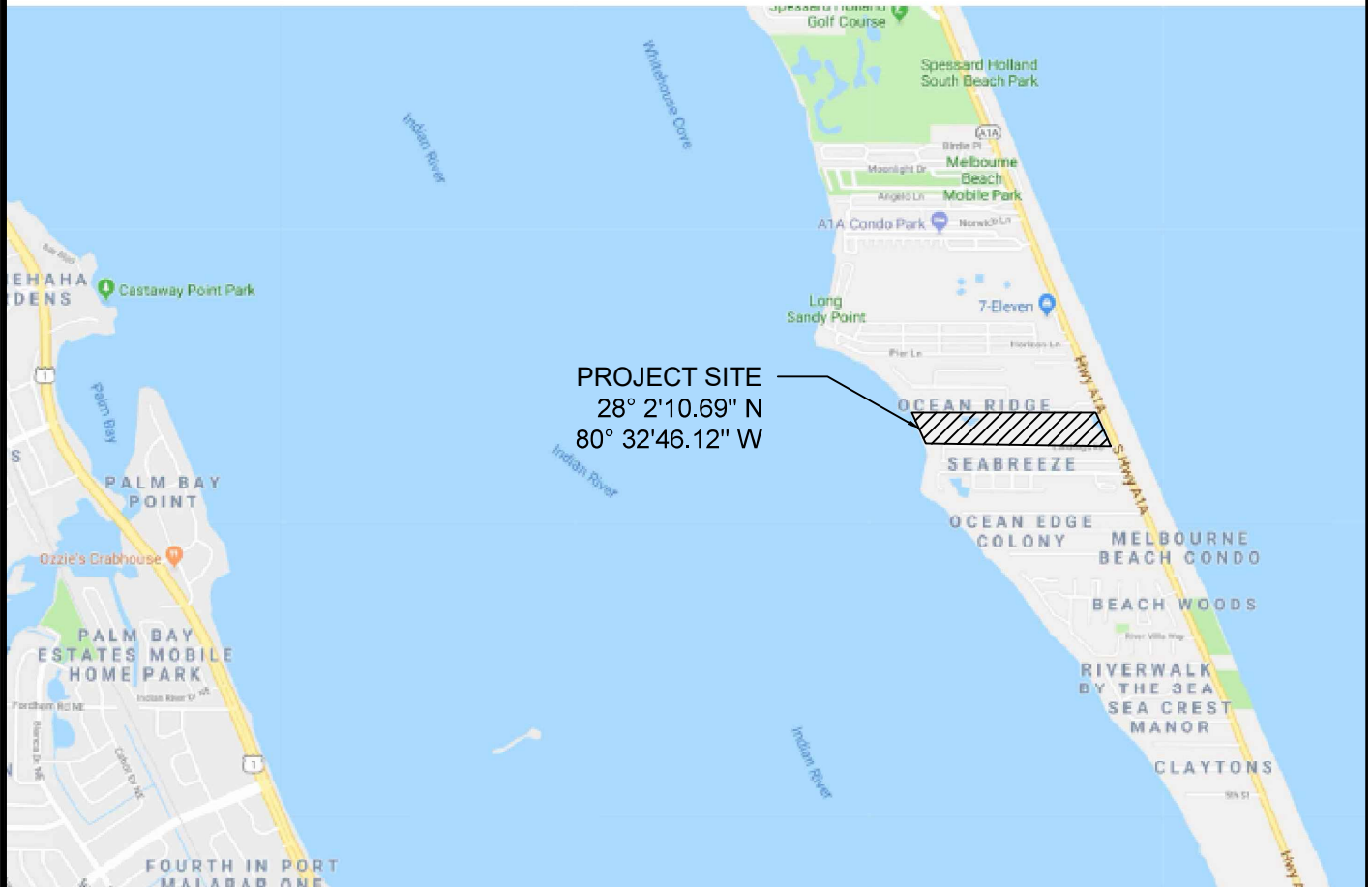
Project Certification with the Water Management District will not be possible should the waiver request be denied as perimeter swales are already constructed - approved during the site plan process.

6. Natural disasters.

The property in question was severely affected by the 2004 hurricane season rendering the buildings on it uninhabitable. This subdivision waiver is a function of redevelopment of said property.

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

PLOT DATE: Mar 27, 2018 - 9:32am  
 FILE NAME: G:\PROJECTS\100056195 - Hampton Apt Redevelopment\10 CAD\09- EXHIBITS\2018-03-23 Drainage Report Exhibits\Harbor Island Beach Club-EXHIBITS.dwg



Map data ©2018 Google 1000 ft

PARCEL IDs:  
 28-38-20-00-5  
 28-38-20-00-6



# ATKINS

CORPORATE OFFICE:  
 4030 W. BOY SCOUT  
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 AUTHORIZATION NO.24

LOCAL OFFICE:  
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LOCATION MAP  
 EXHIBIT

Job nos. 100056195		Refer to Sheet No. N/A	
Sketch Date 03/23/2018		Add./ Rev.	RFI N/A
Scale NTS		LOCATION MAP MAP	
Dr JTF	Ck JAL		