



LAND DEVELOPMENT WAIVER APPLICATION

Office Use Only

County Manager/Designee Approval

www.brevardfl.gov/PlanningDev/PlanningAndZoning

Site Address:N/A

Street

City

State

Zip Code

CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THE ADDRESS BELOW:Mr. Mark KippKipp's Commercial Property, LLC

Applicant Name

Company

12736 79th AvenueSebastianFL32958

Street

City

State

Zip Code

607-725-3135

Phone Number

Cell Phone Number

Fax Number

Email Address

ENGINEER/CONTRACTOR (if different from applicant)MBV Engineering, Inc.Ms. Rebecca Grohall, AICP

Company

Engineer or Project Manager

1835 20th StreetVero BeachFL32960

Street

City

State

Zip Code

772-569-0035rebeccag@mbveng.com

Phone Number

Cell Phone Number

Fax Number

Email Address

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

We are seeking a waiver from Section 62-3202(h)(10) requiring a 6 foot tall masonry wall adjacent to residential zoning classification (which is the property that is to the east, which currently houses the FPL electric transformer substation).



Owner/Applicant Signature

Mr. Mark Kipp

Print Name

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. The Board's decision approving or disapproving the waiver or interpretation is final.

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 AN 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 site has the unique physical condition of being owned by Florida Power and Light Company (FPL) and operated as an electric transformer substation. This site contains improvements of an outbuilding, fence, stabilized and paved surfaces and numerous electrical transformers. It's use according to the Property Appraiser is 9120- Utility (Electric) Company Improved (Account 3006388). The structure proposed to be built is 172 feet away from the property line.

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

The granting of this waiver will not be injurious to other adjacent property as the waiver is requested for the parcel boundary that is shared entirely between the applicant and FPL. The parcel immediately to the east of the FPL station and Ron Beatty Boulevard is zoned Industrial, the property to the north of the FPL site is home to a variety of offices.

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 waiver is solely for the eastern edge of the applicant's parcel and seeks a waiver from the 6 foot opaque fence requirement of being adjacent to a residentially zoned parcel, which is being utilized as an electrical substation.

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 waiver is consistent with the intent and purpose of the zoning regulations as well as the County's Comprehensive Plan to buffer any externalities of a commercial use from a residential use. In this case, the property may have an underlying agricultural residential (AU) zoning classification but is being used for non-residential use. It is unlikely that FPL would vacate that parcel anytime in the future, and given that the properties that adjoin it to the north and west are zoned commercial and the properties to the east are zoned for industrial, the highest and best use of that property is not residential.

5. Delays attributed to state or federal permits.

None.

6. Natural disasters.

None. Although, there is an on going state of emergency due to COVID-19.

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