

R.K. ENGINEERING AND ASSOCIATES OF BREVARD, INC.

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April 2, 2021

Ms. Tania Ramos
Brevard County Land Development
2725 Judge Fran Jamieson Way
Viera, FL 32940

RE: IVEY COVE, PERIMETER BUFFER WAIVER

Dear Tania:

This is a request for a waiver from the Brevard County Land Development code which requires a 15 foot undisturbed perimeter buffer tract along all property boundaries, per Sec. 62-2883(d). The 15 foot perimeter buffer tract is provided along the entire perimeter of the project. The waiver requested is to allow existing utility easements and existing utility power poles and overhead electric and drainage culverts to overlap it.

1. The particular physical conditions, shape, or topography of the specific property involved causes and undue hardship to the applicant if the strict letter of the code is carried out.

The purpose of this letter is to request a waiver from section 62-2883(d) of the land development code. The waiver is sought from the requirement that the 15 foot perimeter buffer tract remain undisturbed.

The proposed subdivision's shape is very unusual in that it is 6,830 lf long x 330 lf wide. Its total perimeter is 14,320 lf, almost 3 miles, for a 52 acre tract of land.

The proposed subdivision's entire west side, 6,830 lf is adjacent to a large county maintained canal. There are no existing buildings along the entire west side.

The north side is vacant and close to the county sewer plant.

The south side is all SR 520

The east side is a horse stable ranch.

Even with the excessive amount of perimeter on this subdivision, the 15 feet wide buffer tract is provided around the entire perimeter per code. However there are existing FPL, and utility easements running along almost the entire west side of the project. These overlap perimeter buffer tracts L-2, L-3, L-4, L-6 and L-7, as well as Tract L-12 on the east side. These are existing and cannot be vacated.

Since the drainage outfall for this project is the canal on the west side, there are several proposed drainage outfall culverts that must pass through the buffer tract in order to discharge to the canal.

Tract L-13 collects a significant amount of offsite runoff on the east boundary, and pipes it to the canal on the west side.

2. Granting the waiver will not be injurious to the other adjacent property.

Granting the waiver will actually be a benefit to the adjacent property. It will allow the proposed Ivey Cove to collect runoff coming from the adjacent site and not block it.

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.

It is the unique size and shape and topography of this site that causes the need for a waiver. The project is 6,830 lf long x 330 lf wide. The project needs to allow offsite drainage to pass through the perimeter buffers to reach the canal on the west side. The existing FPL and perimeter utility easements cannot be vacated and need to be left in place inside the perimeter buffer tracts. With the exception of the high voltage 230 feet wide FPL easement passing through the site, the rest of the perimeter existing easements are already heavily vegetated and should remain that way even with the existing easements in place.

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 proposed waiver is consistent the with county zoning and land use regulations and the land development code.

Sincerely,

Richard J. Kern PE
R.K. ENGINEERING AND ASSOC. OF BREVARD, INC.