



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3415, Version: 1

Subject:

Waiver Request for Subdivision Sign, Re: Island Forest Preserve (District 2)
Developer: IFP Development, LLC

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The applicant requests a waiver of Section 62-2889(b)(5) of the subdivision sign requirements to allow a subdivision sign of approximately 168 square feet which exceeds 100 square feet maximum overall size.

Summary Explanation and Background:

Section 62-2889(b)(5) states that subdivision signs shall be no higher than four feet tall and cannot exceed 100 square feet in overall size. Additionally, subdivision signs, which are part of a wall or fence, shall not exceed eight feet in height. The developer is requesting a waiver to construct a subdivision sign that exceeds 100 square feet as part of the fence and entrance features at the Island Forest Preserve subdivision in Merritt Island. The subdivision fence and sign will meet the eight-foot height requirement as 7' 8" is the proposed high point. However, the attached monument sign exceeds 100 square feet overall at approximately 168 square feet.

Island Forest Preserve is a new subdivision located in Merritt Island on the north side of East Crisafulli Road, approximately 1.3 miles east of Judson Road. The subdivision contains 110 home sites on 110.34 acres. The proposed entry way and sign will be on Moonrise Drive at the intersection with East Crisafulli Road.

Pursuant to Section 62-3207, staff requests that waiver request #21WV00019 be evaluated by the Board of County Commissioners. Section 62-3207 outlines the criteria that the Board should consider (below). The applicant's response is shown in **bold** and staff observations are *italicized*:

Criteria 1: The particular physical condition, 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.

We already have all the plans done and paid for. The subdivision was approved and this just came up. We are very close to installing it. We are in the permit process.

The Board may find that the applicant's response for this criterion is not supportive nor responsive to the

physical conditions (topography etc.) to evaluate the undue hardship. The Board may consider that subdivision entry features such as signs, walls and fences are shown in subdivision plans for determining the location is consistent with the subdivision code requirements. The subdivision plan review and approval does not address the construction of the entrance sign beyond positioning of the sign. As such, subdivision signs require separate building permits where details such as height and overall size are verified, and structural design are reviewed. The subdivision sign for Island Forest Preserve will be located within a signage tract, approved as part of the subdivision plan, on the east side of the entrance at Moonrise Drive. Further, the review and approval of the subdivision plans in no way provides review, approval and permits for the entry feature shown on the subdivision plans. In this case the plans submitted during the subdivision did not indicated that the sign exceeded the maximum square footage allowed by Code. During review of the subdivision plans County staff called out that the sign required separate review and permit. As normally occurs, the applicant has now submitted a building permit to construct the entrance features, and the subdivision sign exceeds the 100 square feet overall allowed by Section 62-2889(b)(5). Since the sign details do not conform with the code, the permit review is on hold pending the outcome of this waiver application.

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

This sign will not cause harm to adjacent properties.

The Board may find the applicant's response for this criterion is not supportive nor responsive to the effects of the request to adjacent properties. The Board may wish to consider that Island Forest Preserve is located approximately 0.1 mile west of the end of East Crisafulli Road. There are two AU zoned properties on the north side of East Crisafulli Road, east of the Island Forest Preserve entrance. East of Island Forest Preserve, on the south side of East Crisafulli Road, is the Broad Acres subdivision, which is zoned RR-1. Property beyond the eastern end of East Crisafulli Road appears to be federally owned. To the west of Island Forest Preserve is a 70.73-acre vacant agricultural parcel on the north side of East Crisafulli Road and single-family residential development on varied lots zoned RR-1 and AU on the south side of East Crisafulli Road.

Criteria 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.

No response from applicant. *The applicant has provided no response to criteria 3. Staff defers to the Board of County Commissioners.*

Criteria 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.

No response from applicant. *The applicant has provided no response to criteria 4. Staff defers to the Board of County Commissioners.*

Criteria 5 & 6: Delays attributed to state or federal permits & natural disasters.

No response from applicant. *While the applicant has provided no response to criteria 5&6, the Board may consider staff's determination that the criterion is not applicable to this application, meaning there was no*

supporting information indicating delays associated with permitting or natural disasters that have any bearing on this matter.

Criteria 7: County land development engineer and affected agencies concur that undue hardship was placed on the applicant.

Staff has no basis upon which to support a decision that hardship or undue burden exists associated with this matter. Staff defers to the Board of County Commissioners.

Reference: 21WV00019, 19SD00010

Contact: Tania Ramos, Planner II Ext. 58278

Clerk to the Board Instructions: