



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2274, **Version:** 1

Subject:

Variance Request for Crossover Width at Canova Beach Dog Friendly Park (District 5)

Fiscal Impact:

No fiscal impact for the requested action. This \$30,400 project is already approved within the Parks and Recreation Department budget.

Dept/Office:

Natural Resources Management Department (NRM)

Requested Action:

Staff requests that the Board approve a variance to Chapter 62, Article XII, Section 62-4213(a)(4) of the County's Coastal Setback and Control Lines ordinance for crossover width at Canova Beach Dog Friendly Park. The proposed project is consistent with all variance criteria in Section 62-4209(5)c.

Summary Explanation and Background:

Canova Beach Park, located at 3299 North Highway A1A, Indian Harbour Beach, is home to the only Brevard County-operated dog friendly beach. On May 14, 2013, the Board of County Commissioners (Board) approved using the existing six-foot wide crossover at the south end of Canova Beach Park to provide access to the dog friendly beach. Concerns have been raised consistently from both patrons and law enforcement regarding the width of the crossover. The tight proximity of dog owners passing each other on the crossover lends to aggressive behavior by the dogs and inhibits the enjoyment for patrons.

The existing six-foot wide crossover is scheduled for repair and maintenance in FY20/21. Stairs, stringers, stair treads, decking, and railings will be replaced. To address public concerns, the Parks and Recreation Department also proposes widening of the crossover from six feet to twelve feet. The existing pilings will remain in their original locations. Six additional pilings will be placed six feet north of the existing ones to create the additional decking/stairs area needed for patrons to more safely pass in opposite directions.

Parks and Recreation staff investigated the possibility of installing a second crossover to establish separate one-way entry and exit paths. However, the Florida Department of Environmental Protection (FDEP) required one larger crossover, as it causes the least amount of impact to the existing dune line. The proposed design also addresses mitigation and replanting of any disturbed vegetation. The engineered plans prepared by Infrastructure Solution Services, the FDEP permit, and a letter of support from Sheriff Wayne Ivey for this proposal are attached.

The proposed new design width of 12 feet exceeds the standard dimensions established in Section 62-4213(a)

(4) of the County's Coastal Setback and Control Lines ordinance:

Section 62-4213. Permitted structures seaward of coastal setback line.

(a) All minor structures shall meet the following standards:

(4) Boardwalks, walkways, stairways or other minor structures designed to provide access to the beach shall not exceed five (5) feet in width.

Therefore, Parks and Recreation requests a variance to this criterion in accordance with Section 62-4209, entitled Variances:

Variances from the provisions of the sections specified herein may be granted by the board of county commissioners, after public hearing, pursuant to the following criteria and procedures:

(5) The board of county commissioners may grant the requested variance, after public hearing, in those cases where the facts presented at the public hearing evidence that the project meets the conditions outlined in a, b, or c of this subsection:

c. Variances from the provisions of sections 62-4207; 62-4212(b), (c); and 62-4213(a)(3)-(6) may be granted if the subject property meets the definition of a water dependent or water enhanced land use as defined in the Comprehensive Plan, and meets the following criteria and such reasonable conditions as the board deems necessary to maintain the purpose and intent of this article:

- 1. The facility is open to the public;*
- 2. The structure is integral to the operation of the facility;*
- 3. The granting of the variance shall not be injurious to adjacent properties, or contrary to the public interest; and*
- 4. The facility shall assume responsibility of maintaining the dune profile at the property by submitting a perpetual dune maintenance plan sealed by a professional engineer and submitted to the county for review. The plan shall establish the minimum necessary sand requirements so as to:*
 - a. Minimize adverse impacts to the naturally functioning beach and dune system,*
 - b. Minimize adverse impacts to adjacent properties,*
 - c. Be designed so as to not impede public access to or along the shore,*
 - d. Avoid any adverse impact to marine turtles or their nesting habitat, and*

- e. Provide appropriate monitoring to ensure compliance with the dune maintenance plan.*

Failure of the property owner to maintain the dune in accordance with the approved plan shall constitute a violation of this article.

The proposed project is consistent with all criteria of Section 62-4209(5)c. Perpetual dune maintenance required under Section 62-4209(5)c.4 is accomplished through Brevard County's ongoing U.S. Army Corps of Engineer Federal shore protection project. The Board agreed to a long-term beach/dune maintenance agreement for the mid-reach (including Canova Beach Park) with ACOE on July 12, 2016. Initial project construction took place in late 2019/early 2020 and will continue for the next 50 years. Therefore, staff requests approval of the variance to allow Parks and Recreation to move forward with the project as described

Clerk to the Board Instructions:

None