



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2467, **Version:** 1

Subject:

Waiver of Subdivision Perimeter Buffer, Re: Melbourne Beach Homes (21WV00003) (District 3)
Developer: Oceanfront D & M, LLC.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The Board is requested to consider the applicant's waiver request to Section 62-2883(d) that requires a 15-foot perimeter buffer tract along the perimeter of a residential subdivision.

Summary Explanation and Background:

Section 62-2883(d) requires that subdivisions provide a minimum 15-foot perimeter buffer, undisturbed along all property boundaries, platted as a common tract separate from individual lots. It is intended to provide screening between the boundaries of residential developments. This project is on the east side of Highway A1A, across from Seaview Street and contains a four-unit townhome complex and private beach access easement on 1.55 acres. The perimeter buffer tract is required.

The applicant states that this is a redevelopment site which was previously developed with a duplex and does not possess an undisturbed perimeter buffer. There is a five-story condominium to the north, which the applicant notes as a more intense use than their proposed development. To the south is a six-foot private access for Seabreeze Subdivision. To the east and west there are no neighbors who will benefit from the perimeter buffer tract; to the east is the Atlantic Ocean and west is Highway A1A.

According to the site plan (19SP00020), the applicant has proposed a 27.50-foot private beach access easement along the north side of the project. This easement will be utilized by this development and the Harbor Island Beach Homes across Highway A1A. The area will contain sidewalks, a restroom/cabana building, and a gazebo, separated from the abutting condominium property by a 6' tall vinyl fence. The applicant will be required to meet landscaping requirements and the approved landscaping plan. All of the applicable County agencies have reviewed the request and did not identify any issues with granting this waiver.

Staff has not granted approval of waiver request 21WV00003, and pursuant to Section 62-3207 of the Code, requests that it be evaluated by the Board of County Commissioners. Board approval of this project does not relieve the developer from obtaining all other necessary jurisdictional permits.

Reference: 20WV00003, 20FM00011, 19SP00020

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