



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

2/25/2020

Subject:

Waiver of Subdivision Perimeter Buffer, Re: Georgiana Reserve Subdivision (20WV00002)
Developer: Georgiana Community Developers, LLC District 2

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The applicant is seeking a waiver to Section 62-2883(d), which requires a 15-foot perimeter buffer, platted as a common tract separate from the individual lots, to allow for a 15-foot drainage easement along the south and west property boundaries.

Summary Explanation and Background:

Section 62-2883(d) requires that subdivisions provide a minimum 15-foot buffer, undisturbed along all property boundaries, platted as a common tract separate and screening between the boundaries of residential in a natural and undisturbed state, or landscaping with county approval. They are proposing to utilize this area as a 15-foot private drainage easement with no landscape improvements.

Georgiana Reserve subdivision is a new subdivision proposed south of Guy Island Drive and South Courtenay Parkway, containing 35 single family lots on 21.97 acres. South of the proposed subdivision is the Twin Rivers Subdivision which was platted in 1989, prior to adoption of the buffer requirement. Lots in Twin Rivers Subdivision have a 20-foot public utilities and drainage easement along the rear lot lines. To the west are four unplatted lots with existing homes.

The Board may wish to consider the following observations in granting this waiver:

- Setbacks are established from lot lines, the 15-foot easement will allow structure to be closer to adjacent properties. Thereby reducing the separation between developments.
- Existing homes adjacent to this area were built prior to the requirement of Section 62-2883(d), and do not benefit from their own buffer tract.
- Removal of the buffer tract would result in the drainage area being included within the rear of each lot. Maintenance of the intended flow of drainage in the easement area would be more difficult and grading could be compromised with individual homeowner responsibility of this area.

The Board's approval is subject to the following conditions offered by the applicant to mitigate the waiver:

- Regular maintenance of the rear yard drainage will be provided in perpetuity by the HOA and/or

individual lot owners and recorded as such in the covenants and Restrictions.

- The plat for the subdivision will stipulate the 15-foot drainage easement will be free of obstructions, structures, landscaping, etc. and maintained by the HOA or individual property owners.
- Provisions of a deed restriction indicating no vegetation, grading changes, or improvements of any kind that would impair damage.
- Provision of a deed restriction imposing a 35' rear lot setback for all structures (except pools and fences).

Reference: 20WV00002, 18SD00017

Contact: Rebecca Ragain, Assistant Director



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

February 26, 2020

MEMORANDUM

TO: Tad Calkins, Planning and Development Director Attn: Rebecca Ragain

RE: Item F.1., Waiver of Subdivision Perimeter Buffer for Georgiana Reserve Subdivision (20WV00002) – Georgiana Community Developers, LLC

The Board of County Commissioners, in regular session on February 25, 2020, waived Section 62-2883(d), which requires a 15-foot perimeter buffer, platted as a common tract separate from the individual lots, to allow for a 15-foot drainage easement along the south and west property boundaries for Georgiana Reserve Subdivision (20WV00002), as requested by the applicant Georgiana Community Developers, LLC.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

BREVARD COUNTY LAND DEVELOPMENT WAIVER APPLICATION

This form should be used for all waiver requests or appeals associated with the Code of Ordinances, Section 62 as it relates specifically to Unpaved Roads, Subdivisions, Minor Subdivisions, and Site Plans.

APPLICATION TYPE

- SUBDIVISION WAIVER
 UNPAVED ROAD WAIVER
 SITE PLAN WAIVER
 OTHER

Land Development Use Only

Request Date: 1/9/2020 Fees \$ 775.00 Board Date: _____
Original Project # 18SD00017 Waiver # 20WV00002
Coordinator Initials: TR Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 25 Rng. 36 Sec. 24 S/D 00 Blk/Par 3/4 Lot(s) _____ (west of S. Courtenay Pkwy.) (List all parcels)

Tax Account # ('s): 2511421, 2511419, _____ (List all account numbers)

Project Name: Georgiana Reserve Property Owner: Georgiana Community Developers, LLC

Site Address: 3301 S. Courtenay Parkway

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Brian J Bussen Company: Georgiana Community Developers, LLC

Address: 4885 N. Wickham Rd. E-Mail pelandbuss@aol.com

City: Melbourne State FL Zip 32940

Phone 321 610-3924 Fax _____ Cell 321 543-5732

ENGINEER/CONTRACTOR (if different from applicant):

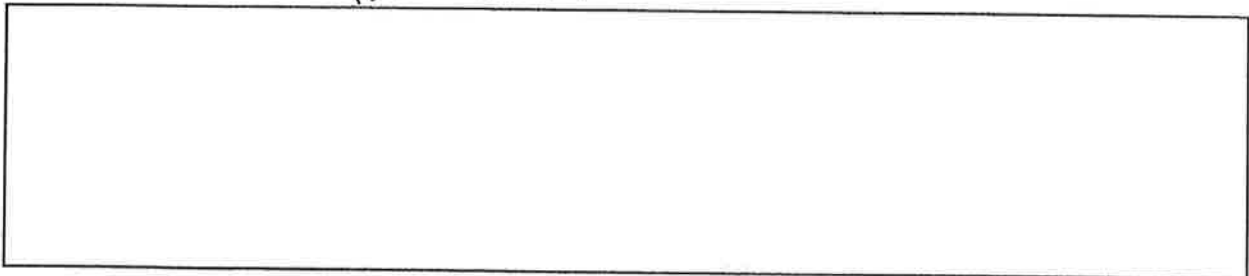
Company Name: Bussen-Mayer Engineering Group, Inc. Eng. or Proj. Mgr.: Joseph W. Mayer, P.E.

Address: 100 Parnell Street Ph # (321) 453-0010 Fax (321) 454-6885

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

We respectfully request a partial waiver of the 15' perimeter buffer requirement as per Article 7, Division 3, Section 62-2889(d), for the south and west property lines of the project only. Note that plans have been approved and construction is on-going. This modification would be reflected on the final plat. This waiver also includes a request to extend fencing thru the proposed buffer at the NE corner of the site, in order to allow encroaching landscaping from the adjacent subdivision to the north to remain.

Owner/Applicant Signature:  Print Name: Brian J Bussen



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. Their decision approving or disapproving the waiver or interpretation is final.

Fees for Waivers are \$775.

APPLICATION FEES: A schedule of fees and charges for review is established and adopted by the Board of County Commissioners of Brevard County, Florida, and may, from time to time, be amended.

PLEASE MAKE CHECKS PAYABLE TO: THE BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT APPLICATIONS – DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Waiver Criteria below	Alternative Plan Design				8 1/2 x 11 vicinity map		Fees
Waiver - Site Plan	1	Y	-		-	-	1	-	Y
Waiver - Subdivision	1	Y	-				1		Y

WAIVER CRITERIA (SUBDIVISION, UNPAVED ROADS & 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:

- 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 single family subdivision is being constructed between two existing subdivisions and existing homes fronting S. Tropical Trail with the same zoning classification (EU) and very similar lot sizes. The 15' buffer requirement along the north property line is appropriate given the subdivision roadway design. However, the buffer along the south and west lines will create a 15' wide tunnel between the existing adjacent parcel fences and the fences for the new homes. There is no existing or proposed vegetation within this buffer. Over the course of time, it will become difficult to maintain this fenced 15' wide "tunnel" area. It is not aesthetically pleasing and serves no purpose to provide a buffer in these areas.
- The granting of the waiver will not be injurious to the other adjacent property.

The waiver will not impact existing lot owners as the new lots will extend thru the 15' area and connect with the common property line, just the same as their lots. A 15.0 ft wide drainage easement will be established over the proposed swale area.
- 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.

The described condition is particular to the south and west lines of the subdivision only. The lack of any vegetation is due to the fact this site was formally an operating orange grove.
- The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan of the county and the requirements of this article.

We believe this waiver is consistent with the intent and purposes of County Zoning regulations, and that strict application of the buffer requirement at the specified location will actually cause a hardship for existing lot owners, proposed lot owners, and the HOA.
- Delays attributed to state or federal permits.

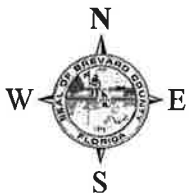
Not applicable.
- Natural disasters.

Not applicable.

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

LOCATION MAP

Georgiana Reserve Subdivision
20WV00002

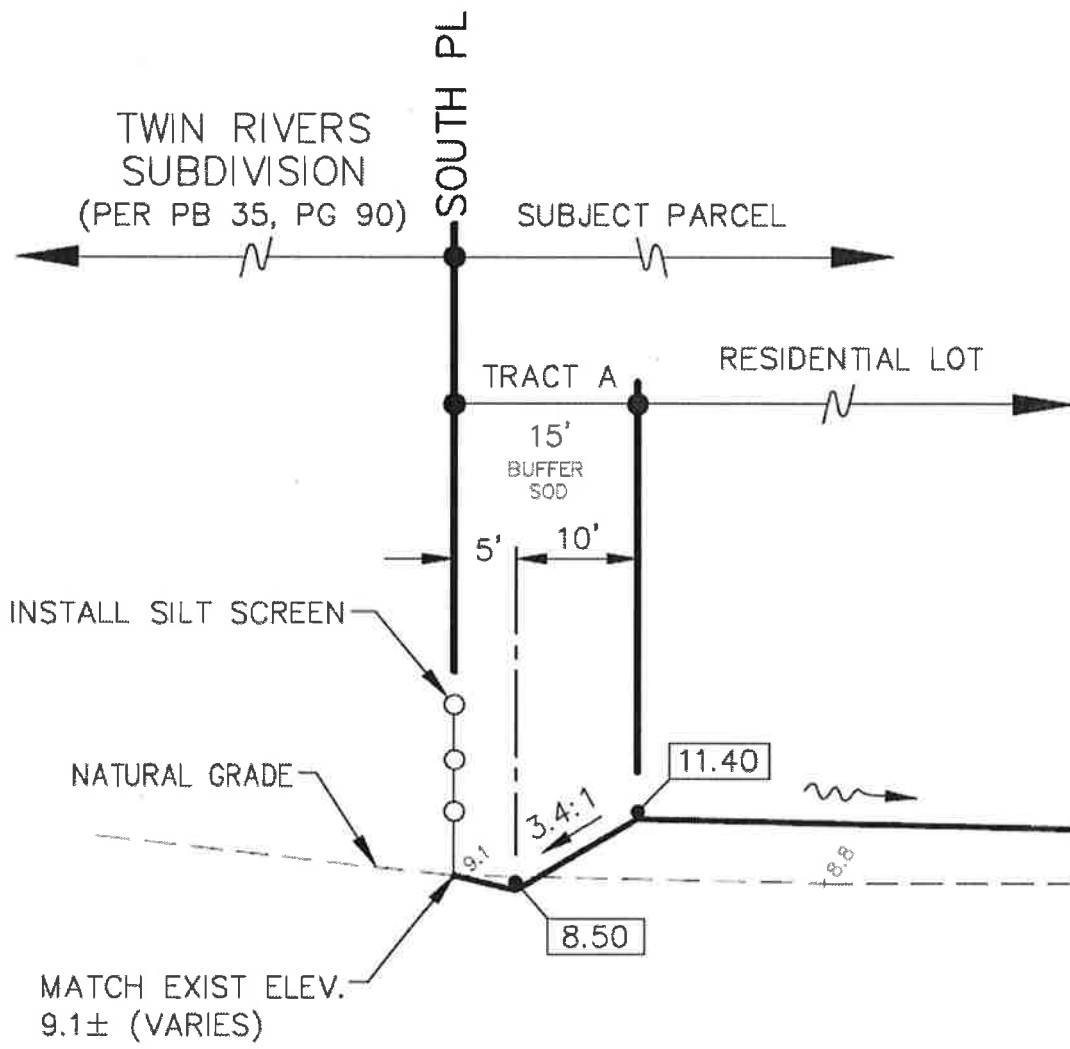


1:24,000 or 1 inch = 2,000 feet

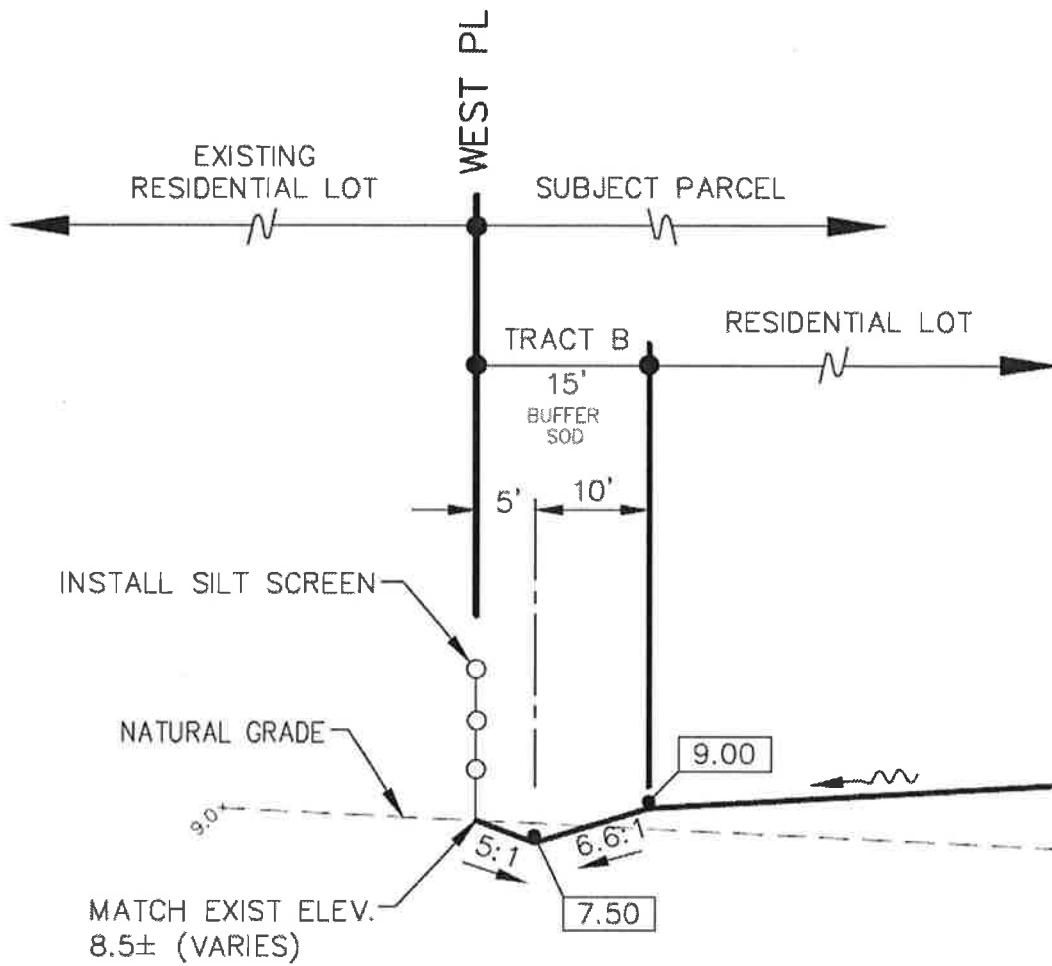
 Subject Property

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

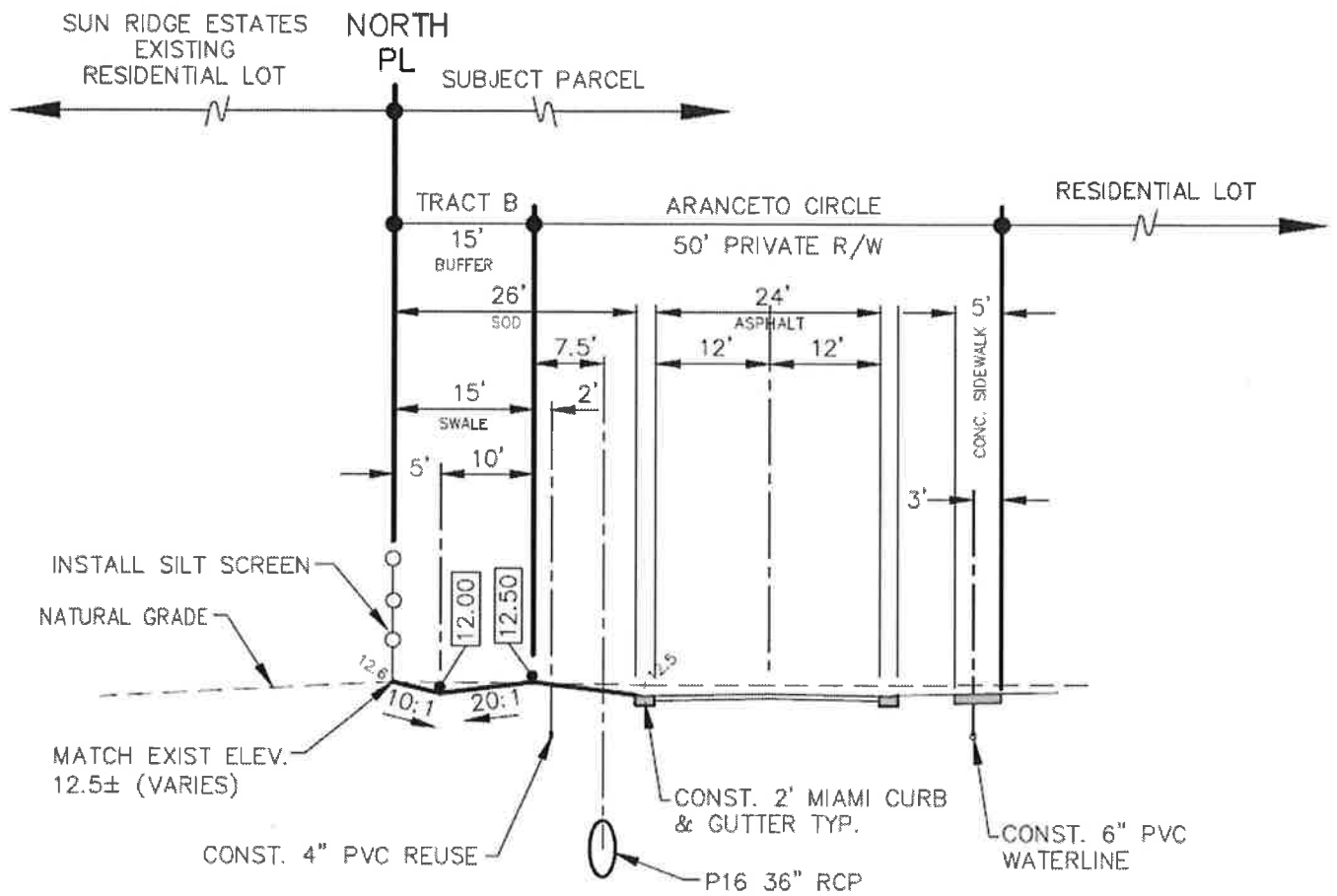
Produced by BoCC - GIS Date: 1/31/2020



SECTION 'H'



SECTION 'J'



SECTION 'K'

From: [Ragain, Rebecca](#)
To: [Jones, Jennifer](#)
Subject: FW: Waiver
Date: Tuesday, February 18, 2020 10:32:32 AM
Attachments: [Georgiana \(1\).docx](#)

From: Joe Mayer <joe@bmeg.net>
Sent: Tuesday, February 18, 2020 6:38 AM
To: Ramos, Tania <Tania.Ramos@brevardfl.gov>
Cc: pelandbuss@aol.com; Ragain, Rebecca <Rebecca.Ragain@brevardfl.gov>
Subject: RE: Waiver

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Tania and Rebecca,

The applicant agrees with the proposed conditions, and has gone a step farther. See proposed adjusted conditions attached. We are proposing to restrict the lots affected with a 35' rear setback, so that the houses are no closer to the adjacent subdivision than they would be with the buffer. We would provide the required deed restrictions and conditions with the HOA docs to be submitted with the plat, so that you can confirm compliance. If this is acceptable we request placement on the next available consent agenda. Thank you.

joe

The applicant has offered the following conditions of approval to mitigate the waiver:

- Regular maintenance of the rear yard drainage will be provided in perpetuity by the HOA and/or individual lot owners and recorded as such in the covenants and Restrictions.
- The plat for the subdivision will stipulate the 15-foot drainage easement will be free of obstructions, structures, landscaping, etc. and maintained by the HOA or individual property owners.
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