

Meeting Date
May 12, 2015



AGENDA	
Section	Consent
Item No.	II.D.G.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER RE: ANGLERS SUBDIVISION – 15WV00005 <i>RA</i> DEVELOPER: JM BROTHERS, LLC FISCAL IMPACT: NONE	DISTRICT 1
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT	

Requested Action:

The applicant is asking for a waiver to Section 62-2809(c) to extend the time limit of a construction permit for a subdivision.

Summary Explanation & Background:

Section 62-2809(c) of the code provides for a 36 month time limit of a construction permit and requires the subdivision plat to be recorded within the 36 month time frame. The preliminary plat and final engineering plans for Anglers subdivision was approved by the Board on January 22, 2008. The Anglers subdivision infrastructure was constructed in 2008 to 2009 but did not receive a certificate of completion and was left vacant for some time. Subsequently, they requested two Florida Senate Bill extensions from staff who granted the project an additional four years to complete and extended the expiration date to May 22, 2015. The current property owner acquired the property in June 2013 and is attempting to complete the project. The infrastructure has been re-inspected to verify compliance with maintenance standards for acceptance by the County, and the applicant has been notified of the deficiencies that must be corrected.

Although staff's review on the final plat was completed in 2008, it was not forwarded to the Board for approval because the owner did not submit the required mylar for Board signature. Due to the subsequent change in ownership and project surveyor, the plat documentation must be updated and the plat revised. The applicant is seeking an additional 12 months to satisfy code requirements. Approval of the waiver per Section 62-2809(c) for the extension of time on the construction plans would allow the additional time for the plat review to be completed.

This request is a companion application to the adjacent subdivision know as Meadow Lakes subdivision, also owned by this property owner.

The applicant's response below is in **bold** and staff's comments 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,

NA

Staff has not made a finding of undue hardship and defers to the Board of County Commissioners.

Clerk to the Board instruction:

Exhibits Attached: Location maps, waiver application

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager Stockton Whitten	Assistant County Manager Mel Scott	Department Director / Extension Robin M. Sobrino, AICP Planning & Development Department Ext. 5-2069
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Criteria 2: The granting of the waiver will not be injurious to the other adjacent property,

Just need to extend permit time on existing permit

Staff finds the property adjacent to the subject property to the south is vacant and zoned AU. The property to the north is zoned RU-2-10. The property adjacent to Highway 1 on the north and south is zoned BU-1. The property to the west is owned by this property owner and is a proposed subdivision known as Meadow Lakes.

Criteria 3: The conditions upon which a request for waiver are based, are peculiar to the property and do not result from actions of the applicant,

Need time to get FPL easement in place for overhead power lines.

Staff finds there are title issues that must be addressed and corrections to the plat prior to approval of the plat for recordation.

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 section,

Yes

Staff recognizes that the code does not make provisions for administrative extensions of time in instances where the final plat has not recorded. Staff has not made a finding of undue hardship and defers to the Board of County Commissioners.

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

No

Criteria not applicable to this application.

Criteria 7: The county land development division and affected agencies concur that undue hardship was placed on the applicant.

No

Staff defers to the Board of County Commissioners.



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

May 13, 2015

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director

RE: Item II.A.6., Waiver of Anglers Subdivision – 15WV00005 – JM Brothers, LLC

The Board of County Commissioners, in regular session on May 12, 2015, approved the waiver of Section 62-2809(c) to extend the time limit of a construction permit for Anglers Subdivision.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

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, Easements, and Site Plans; or pursuant to Section 22-48 (b), waiver request of the requirement for the lowest floor elevation of 12 inches above the crown grade of the abutting thoroughfare.

APPLICATION TYPE

- FINISHED FLOOR ELEVATION WAIVER
- SUBDIVISION/UNPAVED ROAD WAIVER
- SITE PLAN WAIVER
- OTHER

Land Development Use Only

Request Date: _____ Fees \$ 500 Board Date: _____
Original Project # _____ Waiver # 15 CUV 00005
Coordinator Initials: PA Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 21S Rng. 35E Sec. 7 S/D _____ Blk/Par _____ Lot(s) _____ (List all parcels)

Tax Account # (s): _____ (List all account numbers)

Project Name: ANGLERS SUBDIVISION Property Owner: JM BROTHERS REALTY

Site Address: _____

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: HERB FLACK Company: SOUTHERN HERITAGE CONST CORP
Address: 1236 S HOPKINS AVE E-Mail: HERB@SOUTHERNHERITAGECC.COM
City: TITUSVILLE State: FL Zip: 32780
Phone: 321-268-3151 Fax: (321)268-0067 Cell: (321)759-4285

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: CCEI Eng. or Proj. Mgr.: Z. SID CHEHAYEB PE
Address: 3650 BOBBI LN TITUSVILLE FL Ph # (321) 269 9930 Fax () _____
32780

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

EXTENSION OF TIME TO COMPLETE FINAL PLAT. PERMIT EXPIRES
MAY 22, 2015

Owner/Applicant Signature: John Martini Print Name: JOHN MARTINS

Finished Floor Elevation Waiver - Site information: (for office use only)	
Site Address _____	City _____
Parcel Id: _____	Subdivision _____ Flood Zone _____
Public Thoroughfare Name _____	
Proposed Finished Floor Elevation _____	Crown of Road Elevation _____
Approved Finished Floor Elevation _____	Date of approval _____

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 \$500, except for Site Plans which are \$200, and residential Finished Floors elevation waivers which are \$115.

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	Letter of Intent	Survey with structure location, topo, elevation of c/l of road, legal desc, and any adjacent water body elevation.	Floor Plans (if sunken floor or basement)	Health Dept. Report or soil boring analysis	8 1/2 x 11 vicinity map	After the fact (FFEW) Engineer's report of 25 year, 24 hr. rainfall	Fees
Waiver - Site Plan	1	Y	-	-	-	-	1	-	Y
Waiver - Subdivision	1	Y	-	-	-	-	1	-	Y
Finished Floor Elev. Waiver	1	N	1	1	1	1	-	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:

1. 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.
N/A
2. The granting of the waiver will not be injurious to the other adjacent property.
JUST NEED TO EXTEND PERMIT TIME ON EXISTING PERMIT.
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.
NEED TIME TO GET FPL EASEMENT IN PLACE FOR OVERHEAD POWER LINES
4. 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.
YES
5. Delays attributed to state or federal permits.
NO
6. Natural disasters.
NO
7. County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)

Exhibit "A"

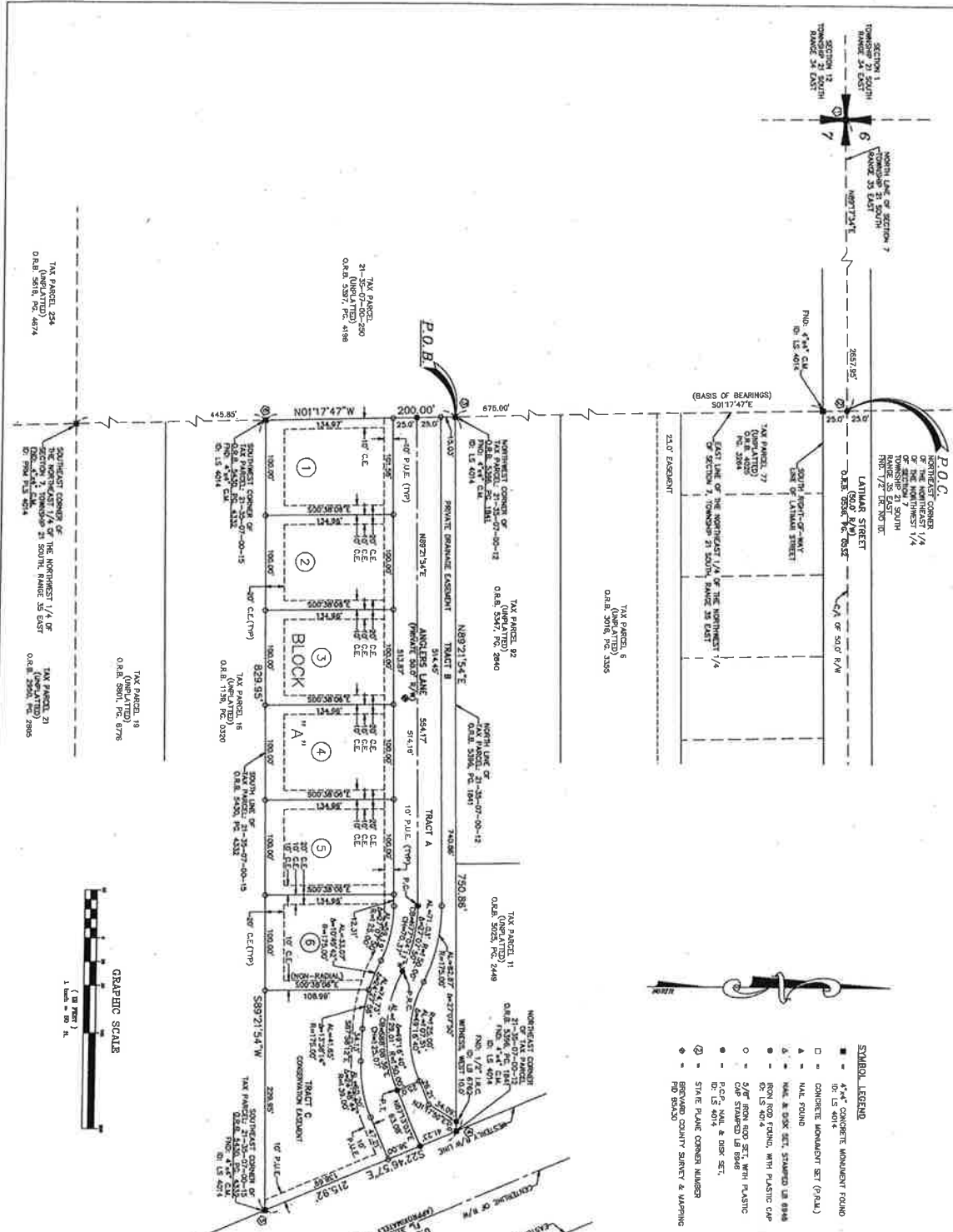
A parcel of land described in Official Records Book 5396 page 1841 and Official Records Book 5430 page 4332 of the Public Records of Brevard County, Florida, said parcel being described as follows:

Commencing at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 21 South, Range 35 East, Brevard County, Florida; thence S 01° 17'47" E, along the East line of said Northeast 1/4 of the Northwest 1/4 of said Section 7, a distance of 25.00 feet to a point lying on the South Right of Way line of Latimar Street; thence continue S 01° 17'47" E, along said East line of Northeast 1/4 of the Northwest 1/4 of Section 7, a distance of 675.00 feet to the Point of Beginning of the parcel of land herein described; thence run N 89° 21'54" E, along the North line of said land described in Official Records Book 5396 page 1841, a distance of 750.86 feet to a point lying on the Westerly Right of Way line of U. S. Highway No. 1; thence S 22° 46'57" E along the Westerly Right of Way line of U. S. Highway No. 1, a distance of 215.92 feet to the Southeast corner of the Parcel of land described in said official Records Book 5430 page 4332; thence S 89° 21'54" W, along the South line of said parcel, 829.95 feet to the Southwest corner thereof; thence N 01° 17'47" W, along the aforesaid East line on the Northeast 1/4 of the Northwest 1/4 of Section 7 and the West line of said parcels of land described in said Official Records Book 5396 page 1841 and Official Records Book 5430 page 4332, a distance of 200.00 feet to the Point of Beginning

ANGLERS SUBDIVISION

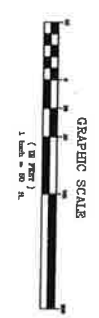
A SUBDIVISION LYING IN THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA.

PLAT BOOK _____ PAGE _____
 SHEET 2 OF 2
 SECTION 7 TWP. 21 S. RANGE 35 E.



- SYMBOL LEGEND**
- 4" x 4" CONCRETE MONUMENT FOUND
 - 12" x 12" CONCRETE MONUMENT FOUND
 - CONCRETE MONUMENT SET (P.C.A.)
 - ▲ NAIL FOUND
 - △ NAIL & DISK SET, STAMPED LN 8948
 - IRON ROD FOUND, WITH PLASTIC CAP
 - 5/8" IRON ROD SET, WITH PLASTIC CAP
 - 5/8" STAMPED LN 8948
 - P.C.T. 5" NAIL & DISK SET.
 - STEEL PLANE CORNER MARKER
 - ◆ BREVARD COUNTY SURVEY & MAPPING
 - ◆ IRON ROD

- LEGEND**
- AC ARC LENGTH
 - AS AREA
 - CB CURVED BOUNDARY
 - CD CURVED
 - CE CONTIGUOUS
 - CH CHAIN
 - CI CURVE
 - CL CURVE
 - CM CURVE
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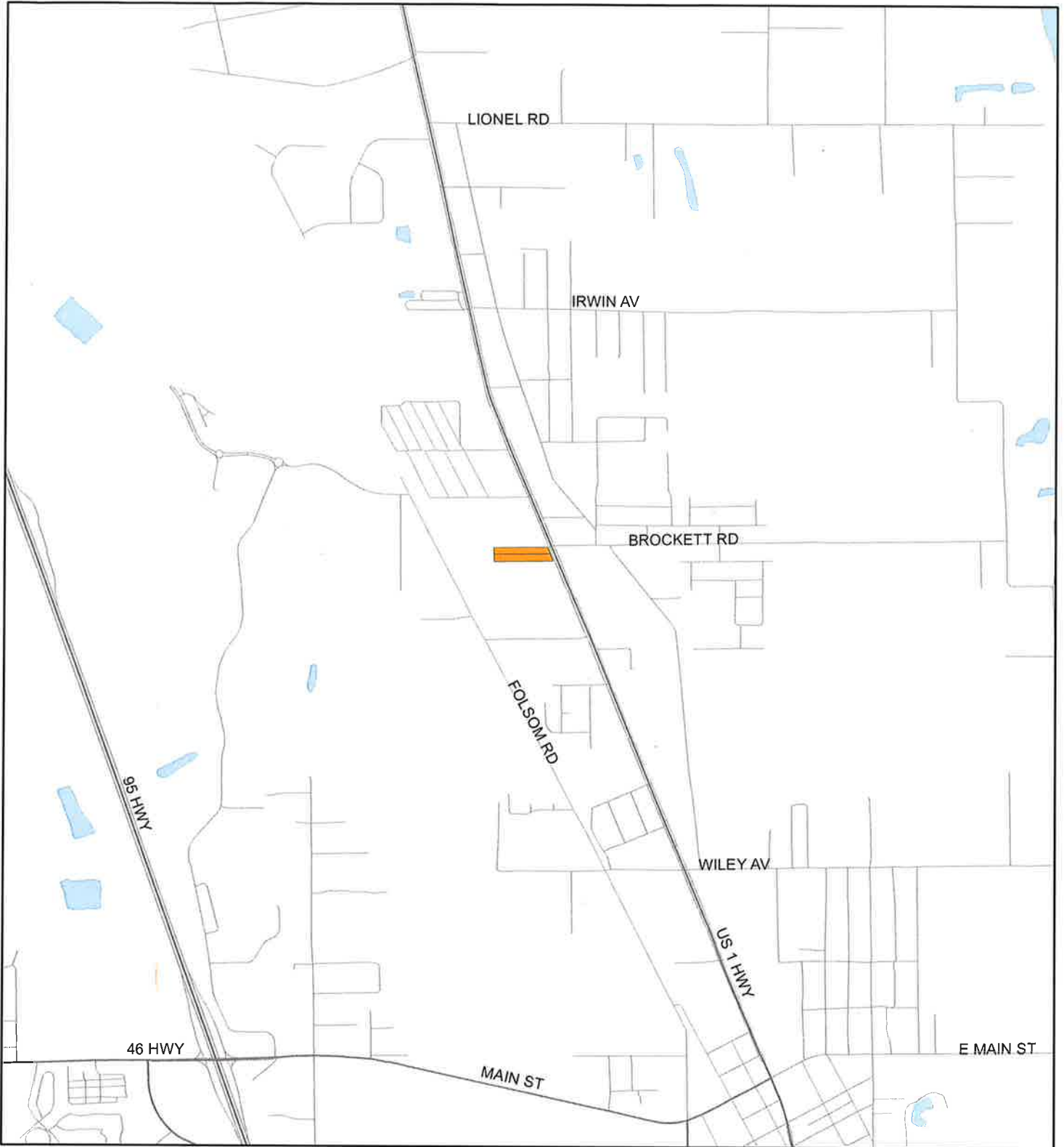


Eric Nielsen Land Surveying, Inc.
 1701 S. US HIGHWAY NO. 1
 SUITE 200
 COOK, FL 32922

LOCATION MAP

ANGLERS SUBDIVISION

SD0703002



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 herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 4/27/2015