

Meeting Date
March 15, 2016



AGENDA	
Section	New Business
Item No.	V.L.A.1

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER REQUEST OF BLOCK WALL: NANA'S HOUSE THRIFT STORE DEVELOPER: MBV ENGINEERING, INC. DISTRICT 5 FISCAL IMPACT: NONE
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT/LAND DEVELOPMENT

Requested Action:

The applicant is asking for a waiver to Section 62-3202(h)(10) of the requirement to construct a six foot high masonry or solid wall along the north and west property lines which abut residentially zoned property. They are proposing a six foot high opaque wood and vinyl fence in lieu of the wall.

Summary Explanation & Background:

Section 62-3202(h)(10) of the code requires a six foot high masonry or solid wall, including but not limited to concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish when a site plan within BU-1, BU-2, or industrial zoning abuts a residential zoning classification as a condition of site plan approval. The adjacent properties are zoned RU-1-13 and are developed with single family residences. The developer wishes to install a six foot high opaque wood and vinyl fence. This property is owned by Brevard County Board of Commissioners and is currently zoned BU-1.

On December 3, 2013 the Board adopted Resolution Number 2013-221, and approved a Lease Agreement allowing the not-for-profit organization, Nana's House, the non-competitive lease of County property at 4090 Minton Road, for a children's group home. On December 16, 2014 the Board approved their request to waive the rezoning, Comprehensive Plan amendment, site plan, and building permit fees estimated at \$6700 in order to convert Nana's House to Nana's Thrift Cottage. The wall is required as a result of the conversion of the group home to a retail store.

Staff has not granted approval of this waiver request, and pursuant to Section 62-3207 of the Code, requests that it 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.

N/A

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

Waiving the requirement for a "hard" wall will not be injurious to adjacent properties as a 6' opaque wood/vinyl fence will be installed to prevent noise, trespassing, and visual disturbances. No wall or fence has existed in the past.

Staff finds the adjacent properties to the north and west are zoned RU-1-13 and improved with single family residences. The abutting property owners have been notified of this request.

Reference: 15SP00019

Contact: Tad Calkins

Phone: 321-633-2065

Clerk to the Board instruction:

Exhibits Attached: Waiver request, exhibit, location maps

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager

Stockton Whitten

Department Director / Extension
 Robin M. Sobrino, AICP
 Planning & Development Department Ext. 5-2069



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

March 16, 2016

MEMORANDUM

TO: Robin Sobrino, Planning and Development Department Director Attn: Tad Calkins

RE: Item VI.A.1., Waiver Request of Block Wall for Nana's House Thrift Store – MBV Engineering, Inc.

The Board of Commissioners, in regular session on March 15, 2016, granted waiver to Section 62-3202(h)(10) of the requirement to construct a six-foot masonry or solid wall along the north and west property lines which abut residentially zoned property; and approved the proposal for a six-foot high opaque wood and vinyl fence in lieu of the wall.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

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.

Requiring a wall would be particular to this property as all surrounding properties which front Minton Rd. do not have a wall.
Staff finds that this property was previously zoned GML, which did not require a wall under Section 62-3202(h)(10). The majority of properties in this area are zoned AU(Agricultural Residential), RP(Residential-Professional), and EU-1(Estate Use Residential). There is one additional property zoned BU-1, and it is developed with a daycare facility. The City of Palm Bay and the City of West Melbourne surround this enclave.

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.

The intent is to provide a visual barrier, which is what is proposed; therefore the intent and purpose of the regulation will be met.
Staff defers to the Board of County Commissioners.

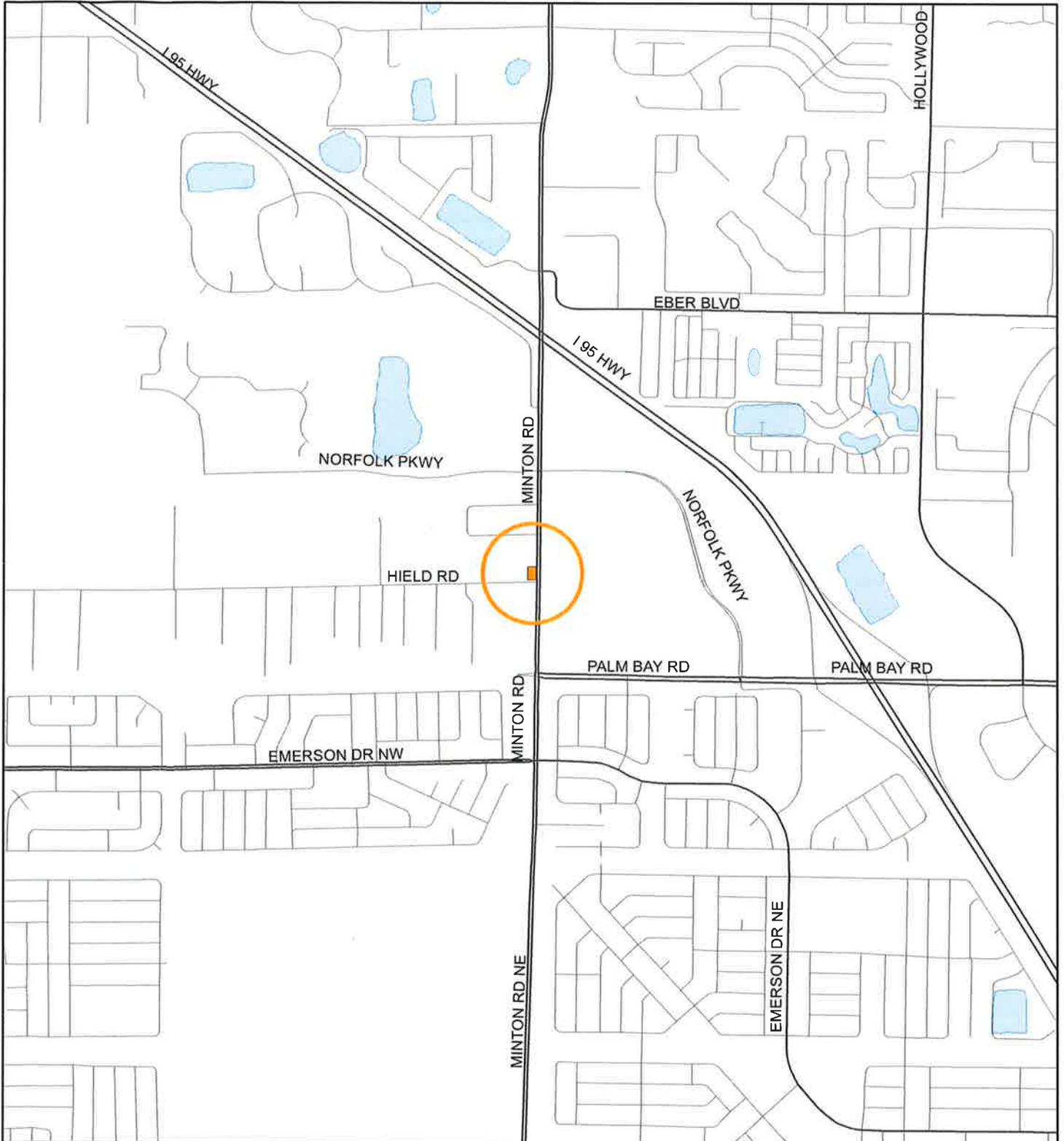
Criteria 5 & 6: Delays attributed to state or federal permits & natural disasters.

N/A

Criteria not applicable to this application.

Criteria 7: County land development engineer and affected agencies concur that undue hardship was placed on the applicant.
Staff defers to the Board of County Commissioners.

LOCATION MAP
NANA'S HOUSE THRIFT STORE
16WV00005



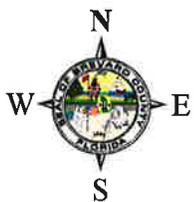
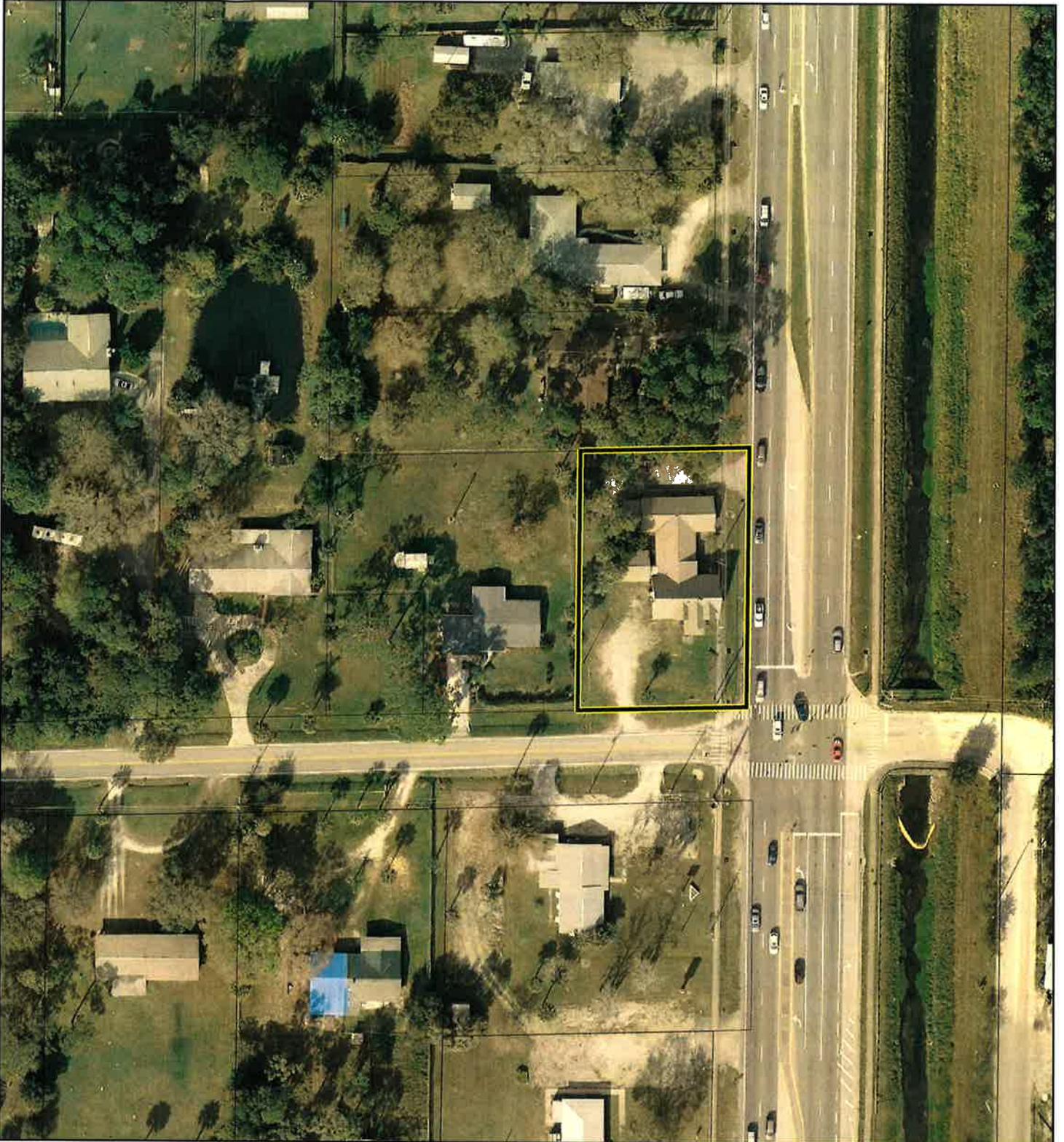
1:24,000 or 1 inch = 2,000 feet

 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 the Brevard County Planning and Zoning Office - GIS Section Date: 3/1/2016

AERIAL MAP
NANA'S HOUSE THRIFT STORE
16WV00005



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2015

 Subject Property

 Parcels

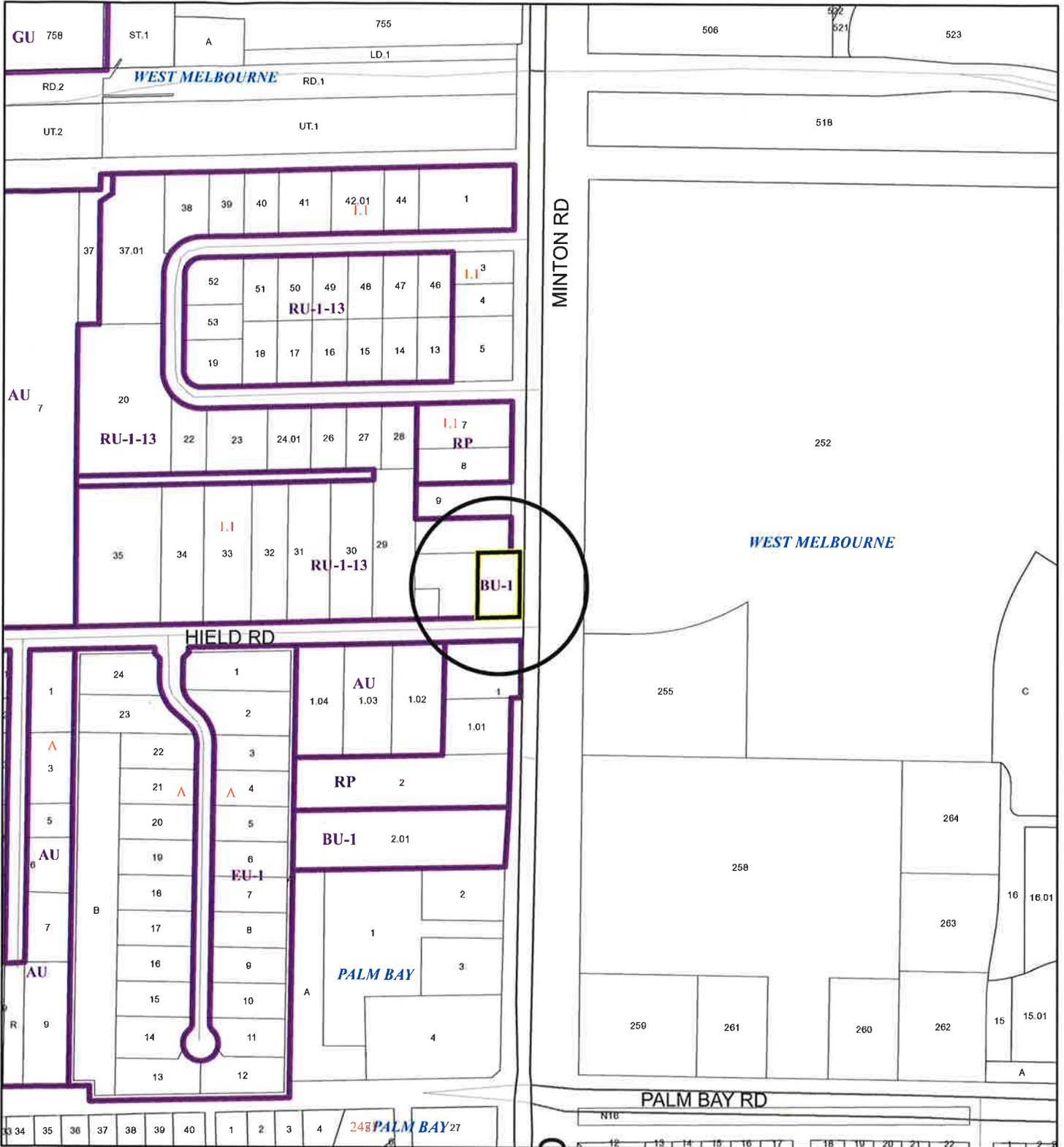
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 3/3/2016

ZONING MAP

NANA'S HOUSE THRIFT STORE

16WV00005



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

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.



CIVIL ■ STRUCTURAL ■ SURVEYING ■ ENVIRONMENTAL

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 Melbourne, Florida 32935
 321.253.1510 ■ Fax: 321.253.0911
 www.mbveng.com

CA#3728

LETTER OF SUBMISSION

DATE: February 26, 2015

PROJECT NUMBER: 15-1648

PROJECT NAME / DESCRIPTION:
Nana's House Thrift Store

TO: Ms. Tania Ramos-Miner
Brevard County

VIA:
 HAND DELIVERY
 OVERNIGHT
 U.S. MAIL
 PICK-UP

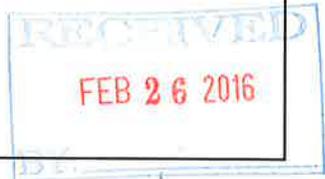
WE HEREBY SUBMIT THE FOLLOWING ITEMS:

COPIES	DESCRIPTION OF ATTACHED ITEMS
1	land development waiver application
1	copy of fee waiver memo

THE ENCLOSED ITEMS ARE:

FOR PERMITTING IN RESPONSE TO COMMENTS REVISIONS
 FOR COMPLIANCE DATED: _____

REMARKS / COMMENTS:



CC: _____

BRUCE MOIA, P.E.

 SIGNED

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.

APPLICATION TYPE

- SUBDIVISION/UNPAVED ROAD
 WAIVER SITE PLAN WAIVER
 OTHER

Land Development Use Only

Request Date: Feb. 26, 2016 Fees \$ N/A Board Date: _____
Original Project # 15SP00019 Waiver # 16WV00005
Coordinator Initials: TRM Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 28 Rng. 36 Sec. 24 S/D 01 Blk/Par 00000.0 Lot(s) 0011.02 (List all parcels)

Tax Account # ('s): 2806930 (List all account numbers)

Project Name: NANA'S HOUSE THRIFT STORE Property Owner: Brevard County c/o Asset Management

Site Address: 4090 Minton Rd. West Melbourne, FL

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Bruce Moja, P.E. Company: MBV Engineering, Inc.

Address: 1250 W. Eau Gallie Blvd., Suite L E-Mail brucem@mbveng.com

City: Melbourne State FL Zip 32935

Phone 321 253-1510 Fax 321 253-0911 Cell _____

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: MBV Engineering, Inc. Eng. or Proj. Mgr.: Bruce Moja, P.E.

Address: 1250 W. Eau Gallie Blvd., Suite L Melbourne, Ph # (321) 253-1510 Fax (321) 253-0911

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

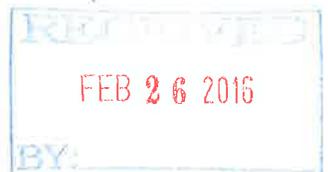
Sec. 62-3202(h)(10) Request a waiver of the 6' wall requirement such that a 6' opaque wood and vinyl fence can be used.

Owner/Applicant Signature: Kim Frodge Print Name: Kim Frodge

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.

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 ½ 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

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.

N/A

- The granting of the waiver will not be injurious to the other adjacent property.

Waiving the requirement for a "hard" wall will not be injurious to adjacent properties as a 6' opaque wood/vinyl fence will be installed to prevent noise, trespassing, and visual disturbances. No wall or fence has existed in the past.

- 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.

Requiring a wall would be particular to this property as all surrounding properties which front Minton Rd. do not have a wall.

- 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.

The intent is to provide a visual barrier, which is what is proposed, therefore the intent and purpose of the regulation will be met.

- Delays attributed to state or federal permits.

N/A

- Natural disasters.

N/A

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



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

January 5, 2015

MEMORANDUM

TO: Robin Sobrino, Planning and Development Director

RE: Item VI.F.1., Rezoning, Land Use Amendment, Site Plan, and Building Permit Process Fees Waived in Converting Nana's House Thrift Cottage

This is to correct the memorandum of December 17, 2014. The Board of County Commissioners, in regular session on December 16, 2014, approved waiving the rezoning, land use amendment, site plan, building permit process, review, and approval fees in converting Nana's House at 4090 Minton Road, West Melbourne, to Nana's House Thrift Cottage; **and approved exempting the request of the BCC-50 to waive fees up to \$6,700.**

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

cc: Finance
Budget