

**F. Consent Agenda - Planning and Development
ITEM 4.**



**AGENDA REPORT
January 22, 2019**

**Waiver Request Subdivision Perimeter Buffer, Re: Silver Horseshoe
(18WV00025) (District 2)**

SUBJECT:

Waiver Request Subdivision Perimeter Buffer, Re: Silver Horseshoe (18WV00025)
Developer: Silver Horseshoe, LLC. District 2

FISCAL IMPACT:

None

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

The applicant is requesting a waiver of Section 62-2883(d) of the subdivision requirements to allow existing wetlands and proposed stormwater ponds in place of the 15' perimeter buffer.

SUMMARY EXPLANATION and BACKGROUND:

Section 62-2883(d) requires that subdivisions provide a minimum 15' buffer along all property boundaries, platted as a common tract separate from individual lots. The developer of Silver Horseshoe subdivision is requesting a waiver of the 15' perimeter buffer tract, due to the location of wetlands and proposed stormwater ponds along the perimeter of the subdivision.

Staff has not granted approval of waiver request, and pursuant to Section 62-3207 of the Code, and requests that it be evaluated by the Board of County Commissioners. The waiver application is attached which outlines the criteria that the Board should consider along with the applicant's response. The applicant states that 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 because the majority of the project's perimeter consists of existing wetland areas and proposed stormwater ponds, providing a buffer from adjacent properties. The applicant contends that approval of 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, stating that the location of the existing wetlands and the proposed stormwater ponds exceed the 15' buffer requirement.

The adjacent property to the west is owned by the St. Johns River Water Management District. The property to the east is a 30 acre vacant parcel, zoned AU. The property to the south was recently rezoned to RR-1. The Silver Horseshoe subdivision proposes two lots on the south portion of the property that are not buffered by the wetlands or stormwater ponds, however the 15' trail easement is located along the southerly boundary and is to be granted on the plat, should the Board approve the waiver.

The proposed Silver Horseshoe subdivision is located on the south side of Pine Island Road, west of Patti Drive, containing 29 single family lots on 69.6 acres.

Reference: 18SD00012, 18WV00025

Contact: Rebecca Ragain, Assistant Director

Ext. 5-2362

ATTACHMENTS:

Description

- ▯ **Waiver application**
- ▯ **Subdivision layout**
- ▯ **Location Map**



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January 22, 2019

M E M O R A N D U M

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

RE: Item F.4., Waiver Request Subdivision Perimeter Buffer for Silver Horseshoe
(18WV00025)

The Board of County Commissioners, in regular session on January 22, 2019, approved waiver request of Section 62-2883(d) of the subdivision requirements to allow existing wetlands and proposed stormwater ponds in place of the 15' perimeter buffer, for Silver Horseshoe Subdivision (18WV00025) – Silver Horseshoe, 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, 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: Dec. 5, 2018 Fees \$ 775.00 Board Date: _____
Original Project # 18SD00012 Waiver # 18WV00025
Coordinator Initials: TR Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 23 Rng. 36 Sec. 15 S/D _____ Blk/Par 250 Lot(s) _____ (List all parcels)

Tax Account # (s): 2315492 _____ (List all account numbers)

Project Name: Silver Horseshoe, LLC Property Owner: Silver Horseshoe, LLC - c/o Yane Zana

Site Address: W. of Preserve Pointe Dr., S. of Pine Island Rd., N. of N. Tropical Trail, E. of Indian River

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Scott M. Glaubitz, P.E., P.L.S. Company: BSE Consultants, Inc.
Address: 312 South Harbor City Blvd. #4 E-Mail: info@bseconsult.com
City: Melbourne State FL Zip 32901
Phone 321 725-3674 Fax 321 723-1159 Cell _____

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: _____ Eng. or Proj. Mgr.: _____
Address: _____ Ph # (____) _____ Fax (____) _____

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Section 62-2883(d) -- Waiver of the 15' perimeter buffer where existing wetlands and proposed stormwater ponds are located.

Owner/Applicant Signature:  Print Name: Scott M. Glaubitz, P.E., P.L.S.

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:

- 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.

A majority of the project's perimeter consists of existing wetland areas and proposed stormwater ponds which already create and provide the buffer the code seeks to require.

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

No adjacent property is affected by granting this waiver as the "buffer" is inherently provided via the existing wetlands and/or proposed stormwater ponds. Additionally, the wetland areas will be encumbered with a conservation easement which further secures their existence.

- 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 wetlands are existing and the stormwater ponds locations are required to support the hydrology of the wetlands. Further, the SJRWMD does not support additional encumbrances on their wetland conservation easements.

- 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 and purpose of the County regulation is to provide a 15' perimeter buffer; the existing wetlands and proposed stormwater ponds provide over and above the 15' buffer requirement.

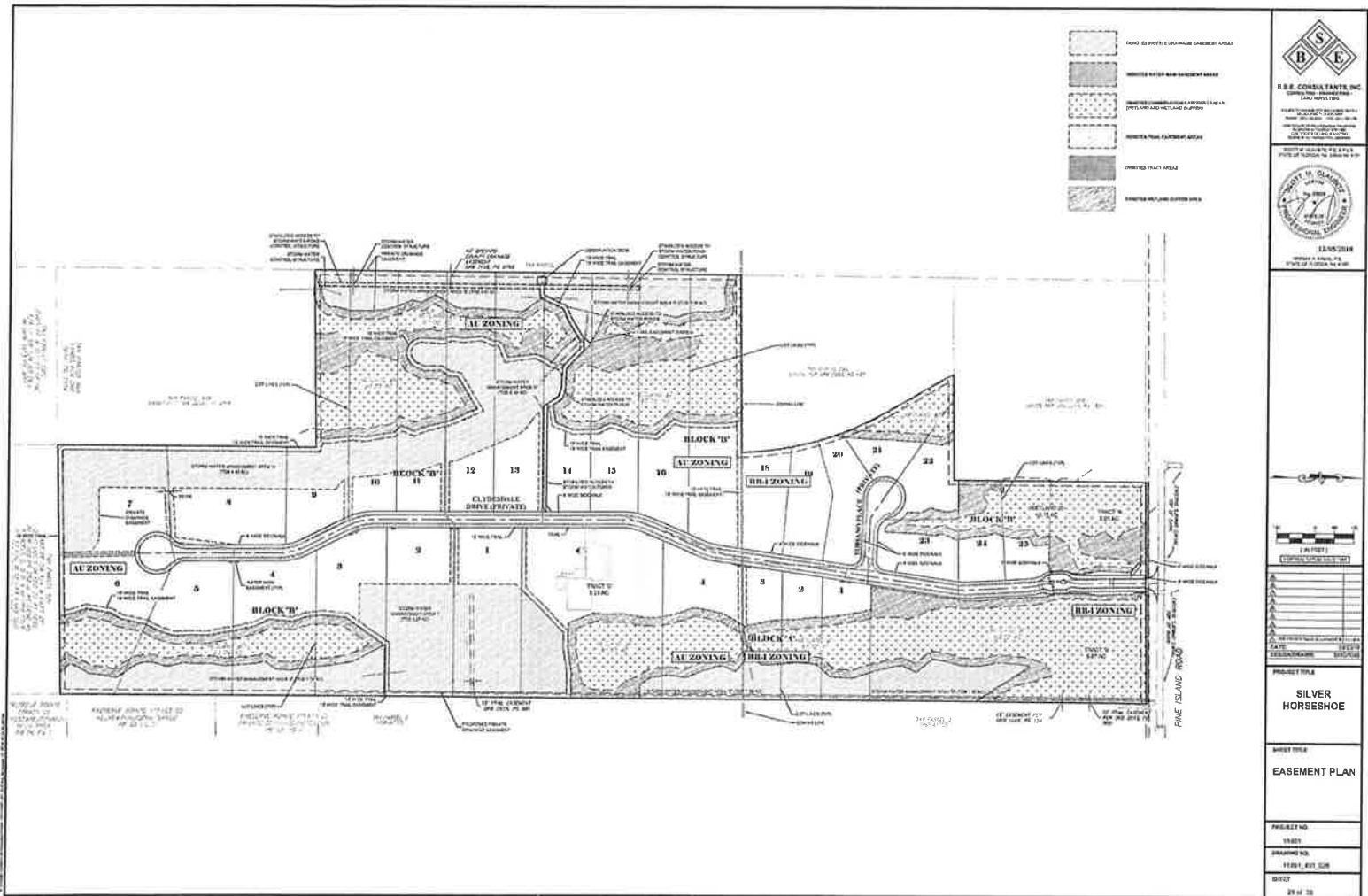
- Delays attributed to state or federal permits.

N/A

- Natural disasters.

N/A

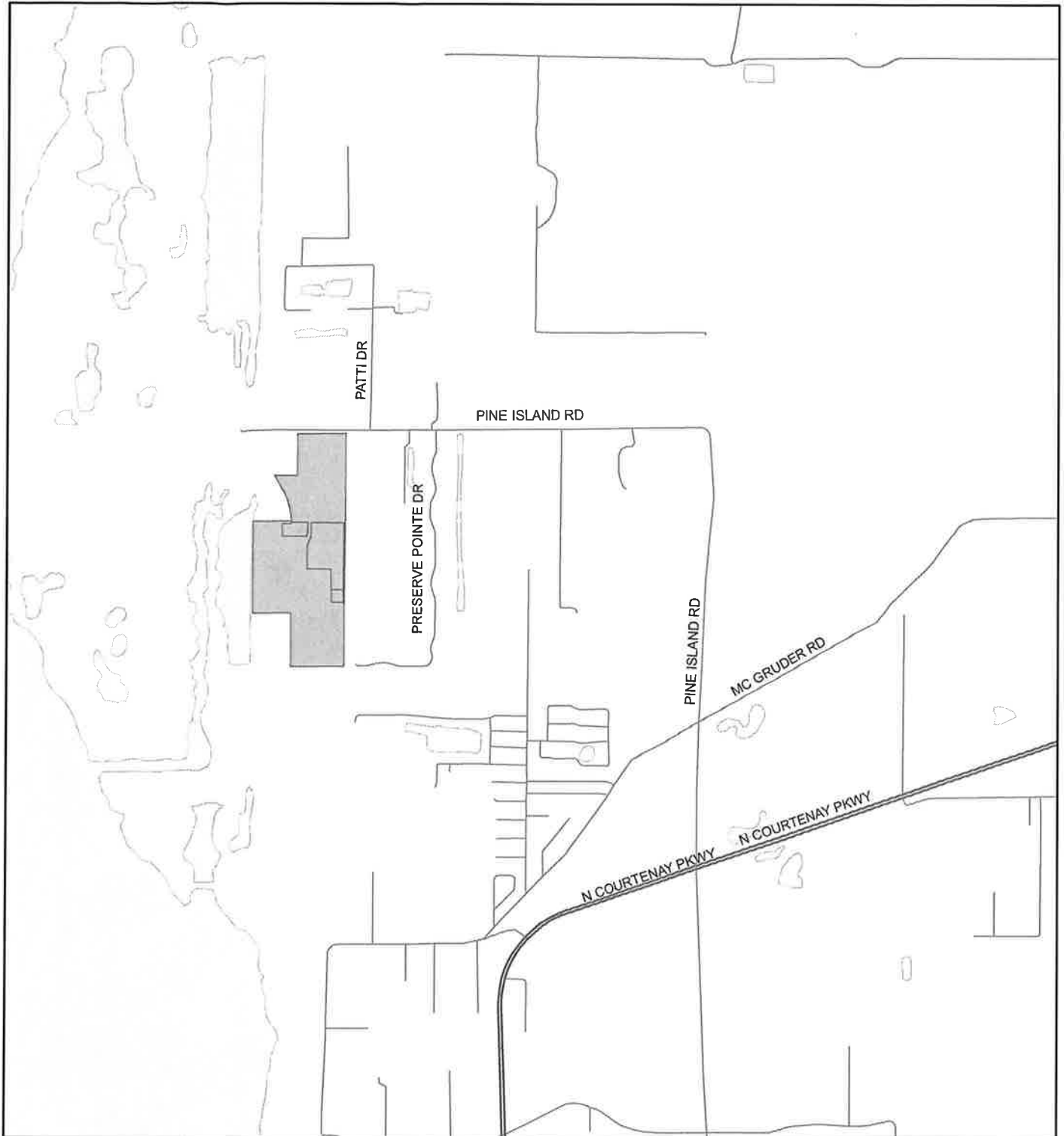
- County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)



LOCATION MAP

SILVER HORSESHOE

18VV00025



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: 12/21/2018