

Meeting Date
May 12, 2015



AGENDA	
Section	Consent
Item No.	II.A.5.

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER RE: MEADOW LAKES ESTATES SUBDIVISION – 15WV00004 <i>AR</i> DEVELOPER: JM BROTHERS, LLC DISTRICT 1 FISCAL IMPACT: NONE
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 Meadow Lakes Estates subdivision was approved by the Board on January 22, 2008. The Meadow Lakes Estates 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 January 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.

The final plat for Meadow Lakes Estates Phase 1 was submitted in 2008, but the review was not completed. 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 Anglers 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,
No problems with topography
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"/>
------------------------------------	-----------------------------	-----	--------------------------	----	--------------------------	----	--------------------------

County Manager Stockton Whitten	Assistant County Manager Mel Scott	Department Director / Extension Robin M. Sobrino, AICP Planning & Development Department Ext. 5-2069
--	---	---

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

Just want to extend expired permit. All work completed for final plat & infrastructure.

Staff finds the surrounding properties with a mix of uses. The property to the west of Folsom Road is vacant land and zoned AU. The property to the north is zoned TR-1. The property adjacent to Highway 1 to the east is zoned RU-2-10, TR-1, AU and TR-3. 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,

Time ran out. We purchased property a little over a year ago and has taken time to get final plat work completed. Power/water bonds are in place.

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.

Delays attributed to economy. We purchased land/project 14 months ago.

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.5., Waiver of Meadow Lakes Estates Subdivision – 15WV00004 – 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 Meadow Lakes Estates Subdivision.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

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 # 15NV00004
 Coordinator Initials: RR Reference Files: _____
 County Manager/Designee approval _____

Tax Parcel Identification: Twp. 215 Rng. 35E Sec. 7 S/D _____ Blk/Par _____ Lot(s) _____ (List all parcels)

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

Project Name: MEADOW LAKES **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 CHENAYEB PE.
 Address: 3650 BOBBIE LN STE 119 Ph # (321) 269-9930 Fax () _____
TITUSVILLE, FL 32780

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

PERMITS EXPIRED, WORK IS COMPLETE JUST NEED PERMIT EXTENDED TO FINISH RECORDING FINAL PLAT / SITE PLAN / SUBDIVISION

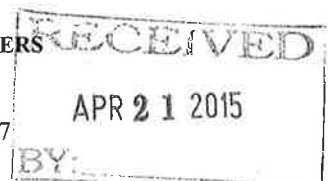
Owner/Applicant Signature: John Martins **Print Name:** JOHN MARTINS

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

NO PROBLEMS WITH TOPOGRAPHY

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

JUST WANT TO EXTEND EXPIRED PERMIT, ALL WORK COMPLETED FOR FINAL PLAT & INFRASTRUCTURE

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.

TIME RAN OUT, WE PURCHASED PROPERTY A LITTLE OVER A YEAR AGO AND HAS TAKEN TIME TO GET FINAL PLAT WORK COMPLETED. POWER/WATER BONDS ARE IN PLACE

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.

DELAYS ATTRIBUTED TO ECONOMY, WE PURCHASED LAND/PROJECT 14 MONTHS AGO.

6. Natural disasters.

N/A

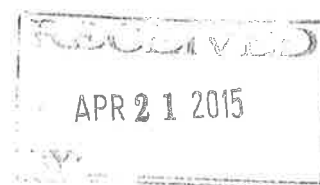
7. County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)

RECEIVED

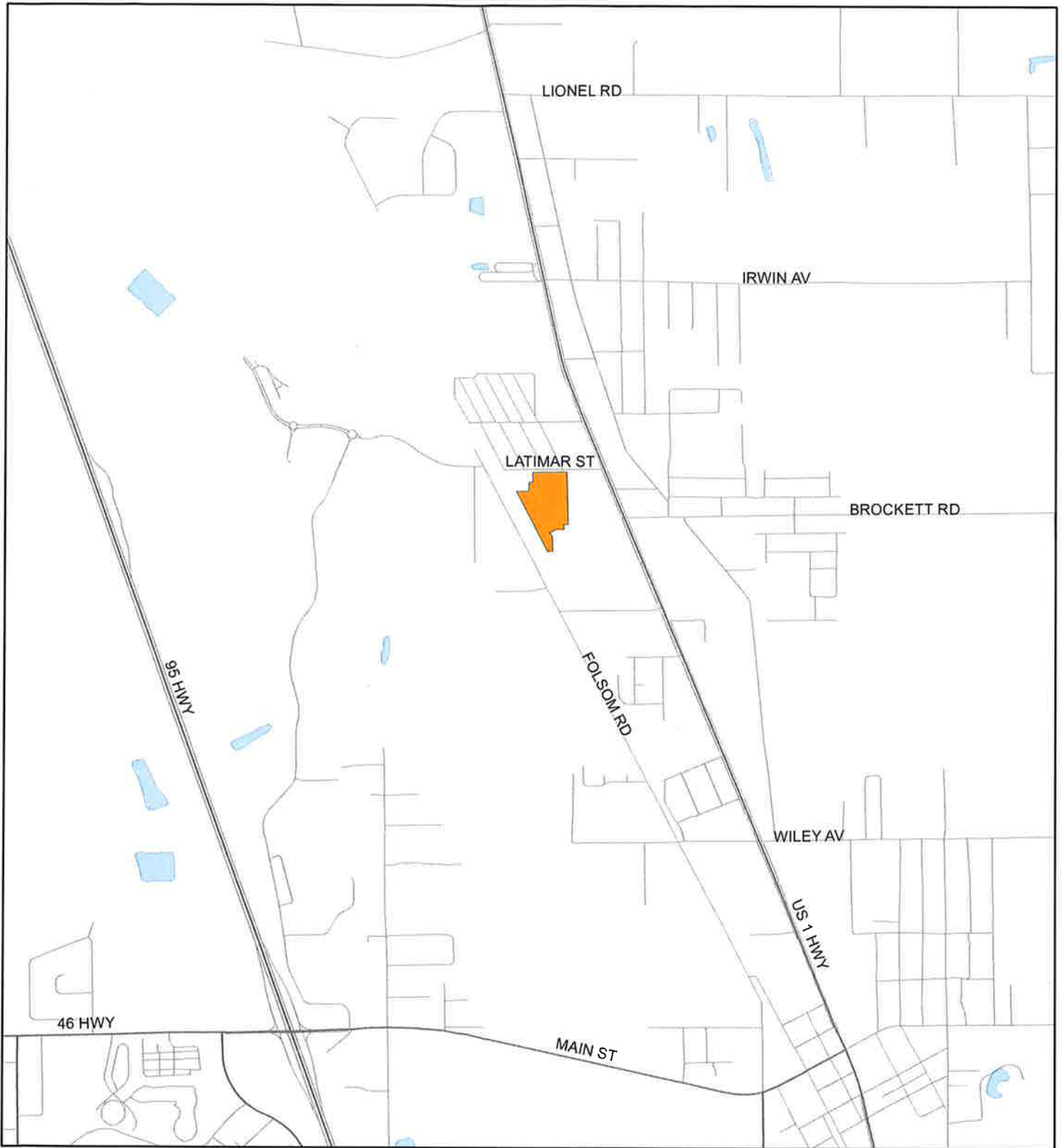
Exhibit "A"

A parcel of land being a portion of the part of the Northeast 1/4 of the Northwest 1/4 of Section 7, Township 21 South, Range 35 East lying South of the South Right of Way line of Latimar Street and East of the Easterly Right of Way line of the Florida East Coast Railway Company Right of Way, the Perimeter of 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 and said point being the Point of Beginning of the parcel of land herein described; thence continue S 01° 17'47" E along said line, 752.12 feet; thence S 78° 21'13" W 66.08 feet; thence S 01° 17'45" E, 78.48 feet; thence S 88° 42'15" W, 100.00 feet; thence S 48° 06'34" W, 116.70 feet; thence S 41° 53'26" E, 31.69 feet; thence S 01° 17'45" E, 195.35 feet; thence S 89° 33'35" W, 73.32 feet; thence N 27° 57'33" W 960.99 feet; thence N 89° 17'34" E, 115.03 feet; thence N 75° 48'41" E 42.90 feet; thence N 00° 42'26" W, 110.50 feet; thence N 89° 17'34" E, 75.03 feet; thence N 00° 42'26" W, 165.00 feet to a point lying on the aforesaid South Right of Way line of Latimar Street; thence N 89° 17'34" E, along said Right of Way line, 502.89 feet to the Point of Beginning



LOCATION MAP
MEADOW LAKES ESTATES PHASE ONE
15WV00004



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: 4/27/2015