

Meeting Date
<b>February 21, 2017</b>



AGENDA	
Section	New Business
Item No.	<i>III.A.1</i>

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	WAIVER REQUEST OF BLOCK WALL: HEADRICK TIRE AND MOTORSPORTS DEVELOPER: STEPHEN M. SZABO, P.E. FISCAL IMPACT: NONE DISTRICT 1
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT/LAND DEVELOPMENT

*Staff*

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 northern and western property lines which abut residentially zoned properties and provide a landscaping buffer in lieu of the wall.

Summary Explanation & Background:  
 The developer requests a waiver of the requirement to construct a six foot high masonry or solid wall along the northern and western property lines, and wishes to rely on the required 'Type A Landscape Buffer' and a stand of existing trees to buffer the development from the residential homes. 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. In addition, Section 62-4342(1) requires a 20 foot landscape buffer which shall be completely opaque from the ground to a height of at least six feet separating commercial developments from residential uses. The Headrick Tire and Motorsports property is currently commercially zoned BU-1. The adjacent properties to the north and west are residentially zoned RU-1-7, and are developed with single family residences.

The currently proposed development plan for the 0.51 acre Headrick Tire and Motorsports site contains a 2,200sf building located at the northwest corner of Taylor Street and Davis Street, in a commercial corridor just off of Highway 1 in Mims. The proposed building will be angled to gain the most visibility from Highway 1 and to preserve trees along the northern and western property lines. The applicant has provided signed statements in support of this waiver request from the adjacent residential property owners.

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.  
**The project abuts several residential properties to the north and west. There are large oaks that would need to be removed to build a wall. The residents have requested in writing to waive the wall requirement. See attached letters and photos.**  
*Staff defers to the Board of County Commissioners.*

Reference: 17SP00004

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	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager <i>[Signature]</i> Stockton Whitten	Department Director / Extension Robin M. DiFabio, AICP Planning & Development Department Ext. 5-2069 <i>[Signature]</i>
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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 22, 2017

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director      Attn: Tad Calkins  
RE: Item VI.A.1., Waiver Request for Block Wall at Headrick Tire and Motorsports – Stephen M. Szabo, P.E.

The Board of County Commissioners, in regular session on February 21, 2017, granted approval of a waiver request for a block wall at Headrick Tire and Motorsports by Stephen M. Szabo, P.E.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

cc: County Manager

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

**The adjacent property owners request that the wall not be built to save large oak trees as well as other trees. See attached letters and photos.**

*Staff finds the adjacent properties to the north and the west are zoned RU-1-7 and improved with single family residences. The applicant has provided photos of the site and letters from the abutting property owners. Staff has also notified the abutting property owners of this request.*

**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.

**The site has numerous oaks and other trees along the north and west boundaries, adjacent to residential properties.**

*Staff defers to the Board of County Commissioners.*

**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 of the code is to screen commercial development from residential properties. The existing trees provide partial screening already. County codes also required establishment of Type A landscape buffers which will provide additional screening. Natural Resources Management staff has completed a site visit and is working with the applicant to approve A Type landscaping hedge.**

**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.*

# 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: Nov. 30, 2016 Fees \$ 200.00 Board Date: \_\_\_\_\_  
Original Project # 16SP00031 17SP00004 Waiver # 16WV00018  
Coordinator Initials: TRM Reference Files: \_\_\_\_\_  
County Manager/Designee approval \_\_\_\_\_

Tax Parcel Identification: Twp. 21 Rng. 35 Sec. 17 S/D 51 Blk/Par 00000.0 Lot(s) 0074/00 (List all parcels)

Tax Account # ('s): 2103777 (List all account numbers)

Project Name: Headrick Tire and Motorsports Property Owner: Headrick Tires and Motorsports, Inc.

Site Address: NW corner of Davis and Taylor Streets Mims, FL32754

### ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Alex Headrick Company: Headrick Tire & Motorsports, Inc.

Address: 7410 State Rd 46 E-Mail innovativehay@aol.com

City: Mims State FL Zip 32754

Phone 321 427-3745 Fax N/A Cell 321 427-3745

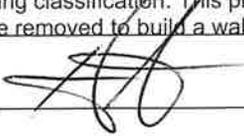
### ENGINEER/CONTRACTOR (if different from applicant):

Company Name: Stephen M. Szabo, P.E. Eng. or Proj. Mgr.: Stephen M. Szabo, P.E.

Address: 1401 Cape Sable Drive Ph # (321) 961-0868 Fax (    ) N/A

### DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

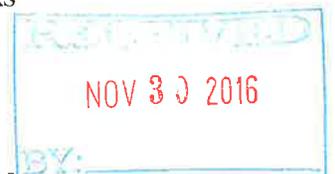
Requesting a waiver from Sec. 62-3202(h)(10) which requires construction of a six-foot high masonry or solid surface wall when the property abuts a residential zoning classification. This project abuts several residential properties to the north and west. There are large oaks that would need to be removed to build a wall. The residents have requested in writing to waive the wall requirement.

Owner/Applicant Signature:  Print Name: Alex Headrick

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



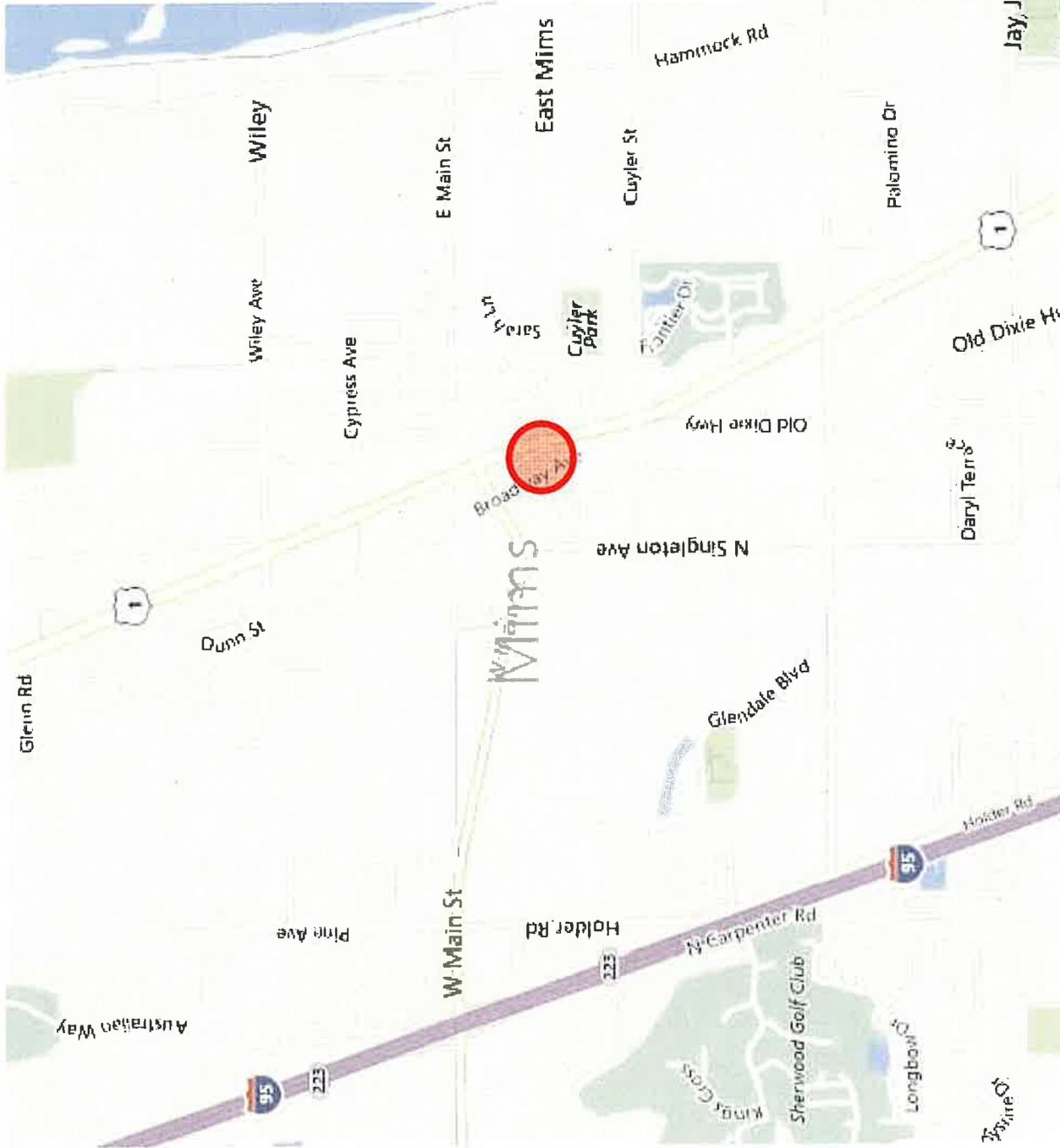
## LAND DEVELOPMENT APPLICATIONS – DOCUMENT SUBMITTAL REQUIREMENTS

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:

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.  
This project abuts several residential properties to the north and west. There are large oaks that would need to be removed to build a wall. The residents have requested in writing to waive the wall requirement. See attached letters and photos.
  
2. The granting of the waiver will not be injurious to the other adjacent property.  
The adjacent property owners request that the wall not be built to save large oak trees as well as other trees. See attached letters and photos.
  
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.  
This site has numerous oaks and other trees along the north and west boundaries, adjacent to residential properties.
  
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.  
The intent of the code is to screen commercial development from residential properties. The existing trees provide partial screening already. County codes also required establishment of Type A landscape buffers which will provide additional screening.
  
5. Delays attributed to state or federal permits.  
N/A
  
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)



**VICINITY MAP**  
(NTS)



**HEADRICK TIRE & MOTORSPORTS**

PRELIMINARY – NOT FOR CONSTRUCTION

BREVARD COUNTY WAIVER SUBMITTAL  
NOVEMBER 2016

Engineer: Stephen M. Szabo, P.E. #58777  
Client: BellCon (BC) & Headrick Tire and Motorsports





US Hwy 1

Taylor Street

Davis Street

Parcel 64  
RU-1-7

Parcel  
21-35-17-51-00000.0-0074.00  
0.51 Acres  
BU-1

Parcel 1  
RU-1-7

Parcel 3  
RU-1-7

HEADRICK TIRE & MOTORSPORTS

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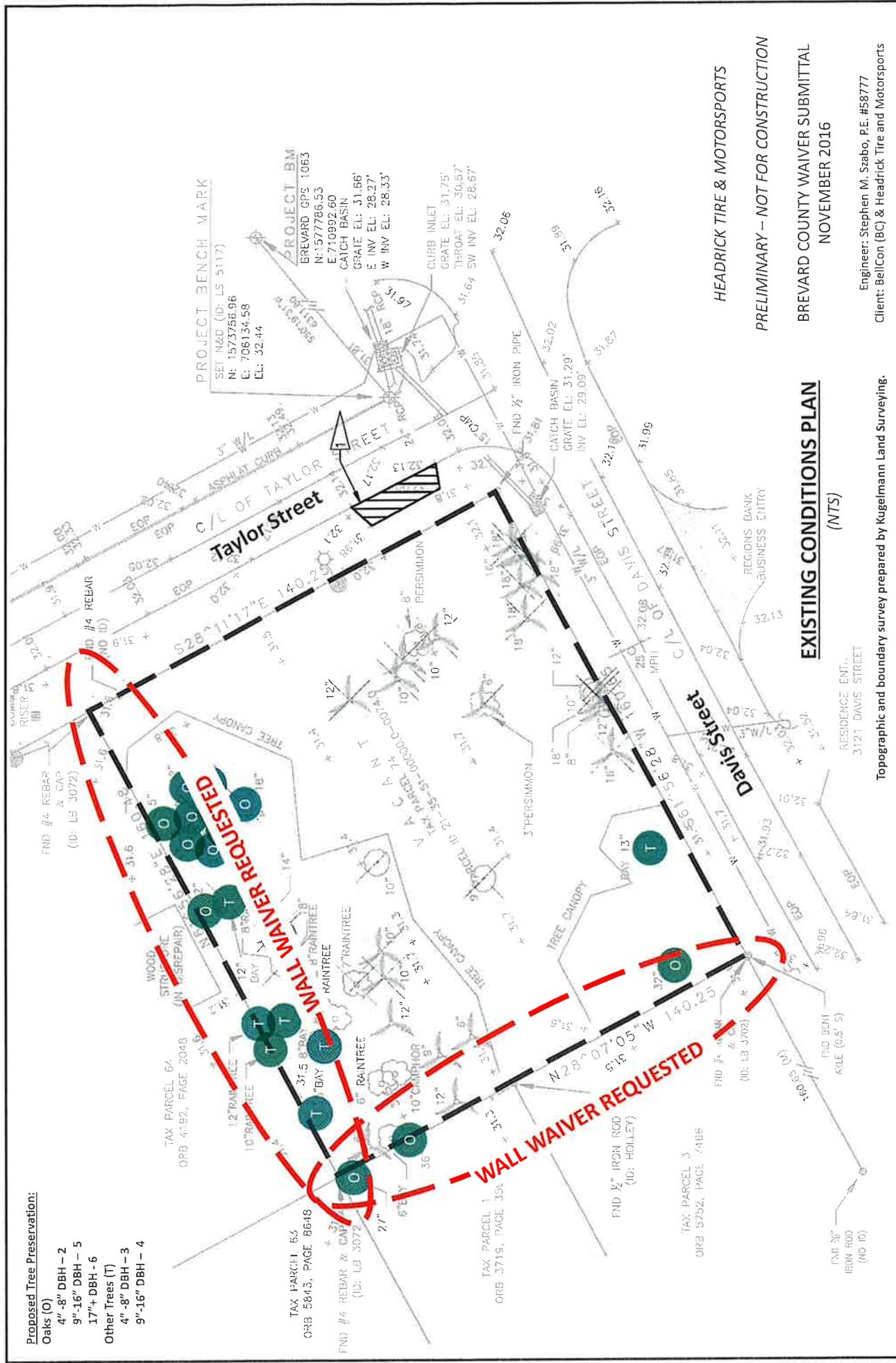
Client: BellCon (BC) & Headrick Tire and Motorsports

LOCATION MAP

(NTS)

**Proposed Tree Preservation:**

- Oaks (O)
- 4" - 8" DBH - 2
- 9" - 16" DBH - 5
- 17" + DBH - 6
- Other Trees (T)
- 4" - 8" DBH - 3
- 9" - 16" DBH - 4



HEADRICK TIRE & MOTORSPORTS

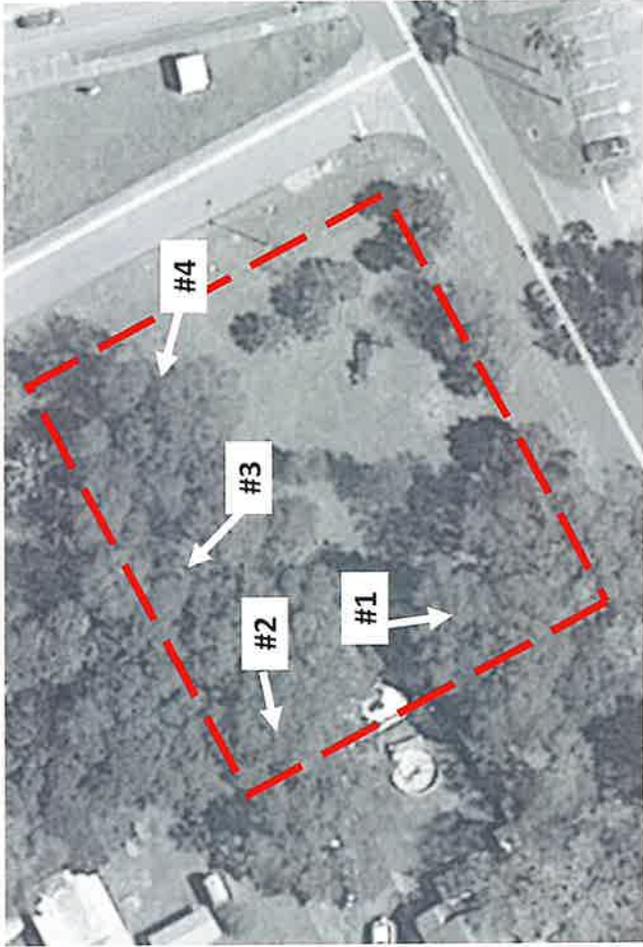
PRELIMINARY – NOT FOR CONSTRUCTION  
 BREVARD COUNTY WAIVER SUBMITTAL  
 NOVEMBER 2016

Engineer: Stephen M. Szabo, P.E. #58777  
 Client: BellCon (BC) & Headrick Tire and Motorsports

**EXISTING CONDITIONS PLAN**

(NTS)

Topographic and boundary survey prepared by Kugelmann Land Surveying.



**SITE PHOTOS**

*(Arrow indicates direction taken)*

HEADRICK TIRE & MOTORSPORTS

PRELIMINARY – NOT FOR CONSTRUCTION

BREVARD COUNTY WAIVER SUBMITTAL

NOVEMBER 2016

Engineer: Stephen M. Szabo, P.E. #58777

Client: BellCon (BC) & Headrick Tire and Motorsports

To whom it may concern:

I the undersigned own the property at 2392 Taylor St., Mims, FL 32754 (Parcel ID 21-35-17-51-\*-64) and waive the county's requirement for a solid fence or block wall to divide my property from the adjacent property. I also am agreeable to the county waiving or reducing the standard setback requirements to the bare minimum on the developed property.

I understand the adjacent property is to be developed by ALEX HEADRICK owner of HEADRICK TIRES AND MOTORSPORTS to create a commercial business to operate as a tire installation and repair facility with associated automotive activities. The address for the developed property is 2350 US 1, Mims, FL 32754 (Parcel ID 21-35-17-51-\*-74)

YVONNE RODENBAUGH

Print Name

Yvonne Rodenbaugh

Signature

5-31-14

Date

To whom it may concern:

I the undersigned own the property at 3187 Jefferson St., Mims, FL 32754 (Parcel ID 21-35-17-51-\*-63) and waive the county's requirement for a solid fence or block wall to divide my property from the adjacent property. I also am agreeable to the county waiving or reducing the standard setback requirements to the bare minimum on the developed property.

I understand the adjacent property is to be developed by ALEX HEADRICK owner of HEADRICK TIRES AND MOTORSPORTS to create a commercial business to operate as a tire installation and repair facility with associated automotive activities. The address for the developed property is 2350 US 1, Mims, FL 32754 (Parcel ID 21-35-17-51-\*-74)

Hoyt MACK

Print Name

Hoyt Mack

Signature

6/1/16

Date

To whom it may concern:

I the undersigned own the property at 2373 Broadway Ave., Mims, FL 32754 (Parcel ID 21-35-17-54-A-1 & 21-35-17-54-A-3) and waive the county's requirement for a solid fence or block wall to divide my property from the adjacent property. I also am agreeable to the county waiving or reducing the standard setback requirements to the bare minimum on the developed property.

I understand the adjacent property is to be developed by ALEX HEADRICK owner of HEADRICK TIRES AND MOTORSPORTS to create a commercial business to operate as a tire installation and repair facility with associated automotive activities. The address for the developed property is 2350 US 1, Mims, FL 32754 (Parcel ID 21-35-17-51-\*-74)

Debra S. Denman

Print Name

Debra S. Denman

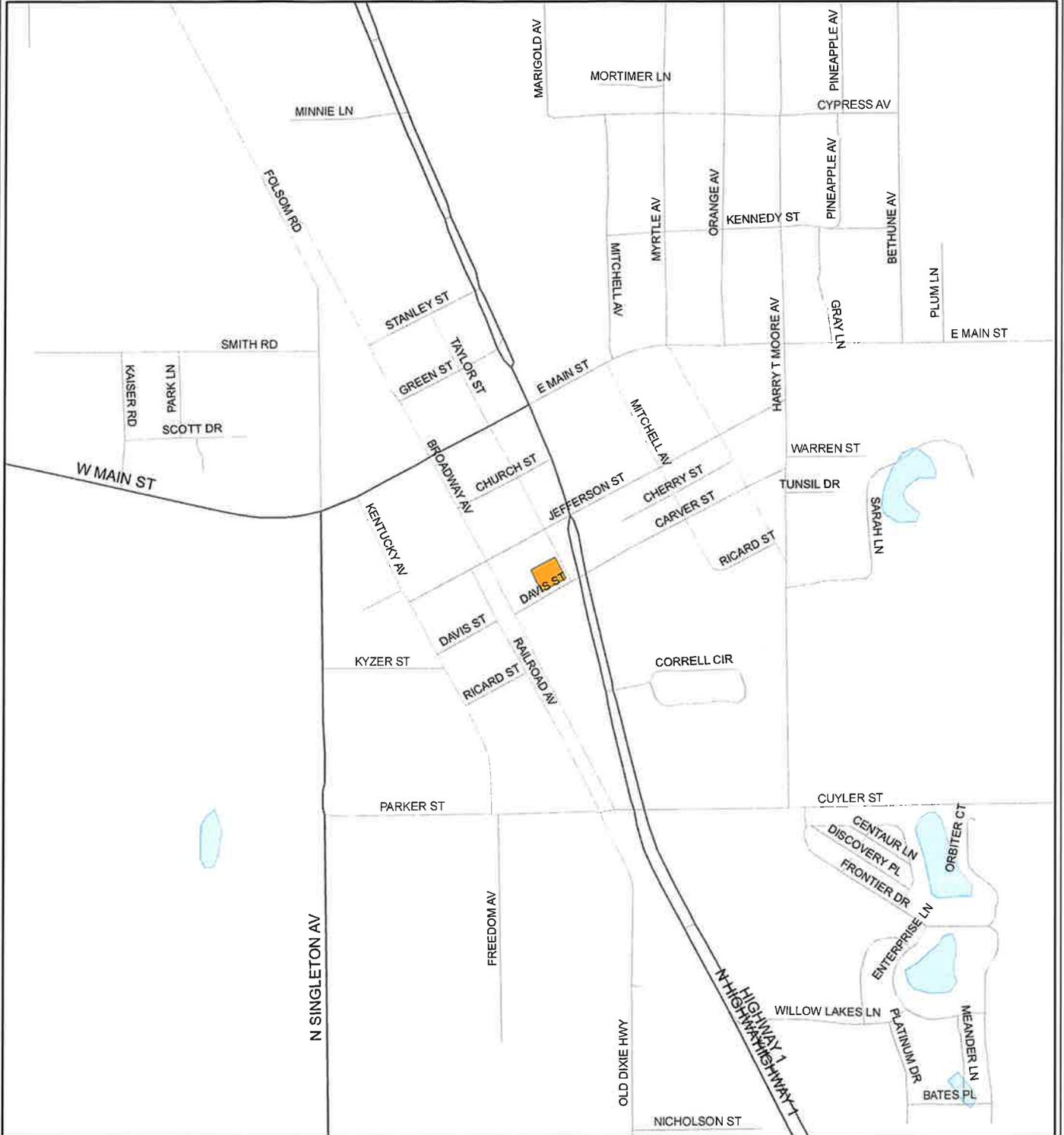
Signature

5/31/16

Date

# LOCATION MAP

Headrick Tire and Motorsports 17SP00004  
Waiver Request for Block Wall 16WW00018



1:9,600 or 1 inch = 800 feet

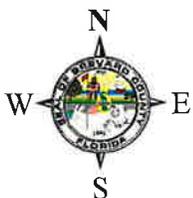
 Subject Property

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: 1/27/2017

# AERIAL MAP

Headrick Tire and Motorsports 17SP00004  
Waiver Request for Block Wall 16WW00018



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2016

 Subject Property

 Parcels

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Produced by the Brevard County Planning and Zoning Office - GIS Section Date: 1/31/2017