



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Development and Environmental Services Group

J.2.

7/22/2025

Subject:

Waivers of Subdivision Requirements, Re: Sykes Landing at Winar Creek (24SP00026, 25WV00014, 25WV00015, 25WV00016, 25WV00017)

Condev Properties, LLC (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

In accordance with Section 62-2849(a), the applicant is requesting that the Board of County Commissioners grant four (4) waivers (24SP00026, 25WV00014, 25WV00015, 25WV00016, and 25WV00017) to different sections of the Brevard County Land Development Code to allow the development of a 158-unit single-family attached subdivision. Should the Board approve these waivers, it is requested that it do so contingent on them being implemented consistent with the attached Site Plan. Any deviation from these plans shall render the waivers voidable.

Summary Explanation and Background:

Planning and Development has received a site plan application for a 158-unit attached residential townhome development consisting of 27 townhome buildings and 5 amenity buildings. The plans were submitted with a preliminary plat with the intention of subdividing each unit for separate ownership. The applicant states that the physical conditions of the property cause an undue hardship to the applicant if the strict letter of the code is carried out, and that without the relief from code requirements granted by the waivers included in this application, the project will not be feasible.

25WV00014

The applicants request relief from the subdivision development standards provided in Section 62-2802, Exhibit 1 requiring a right-of-way width of 50 feet. The applicant proposes to reduce the right-of-way width to 37 feet. The applicant asserts that the lack of development standards for development of single-family attached subdivisions in the Brevard County Land Development Code leaves the property owner with few options to address access management issues. The applicant also states that the roads, sidewalks, utilities and drainage that are within the proposed reduced-width right-of-way will all be privately owned and maintained, and meet County standards except width.

25WV00015

The applicants request relief from the standards stipulated in Section 89-69(c) and Section 62-2802, Exhibit 16

requiring a minimum of five feet between any driveway and any side property line. The applicant states that sight-distance triangles, as derived from the FDOT Design Manual, Section 212.11.1 are not applied to or relevant to single-family parking spaces, only intersections. The applicant also states that the exhibits provided show that there is sufficient space for a parked car to back out and have a clear line-of-sight and be visible to traffic without entering the travel lane. The applicant asserts that being forced to comply with the five-foot minimum separation distance will cause an undue hardship on the property owner.

25WV00016

The applicants request a waiver to Section 62-2883(d) which states, “a minimum 15-foot perimeter buffer shall be required, and that buffer shall remain undisturbed along all property boundaries and shall be platted as a common tract, separate from individual lots.” The applicant requests to waive the buffer requirement and instead allow landscaping, grading and drainage improvements on the rear and two sides of the project. The applicant states that the design of the townhomes and driveways for each unit will make it impossible to maintain an undisturbed 15-foot perimeter buffer, and the requirement places an undue hardship to the applicant due to the physical limitations of the property.

25WV00017

Per Section 62-3206(b)(4), the parking for a project shall be designed so that the ingress/egress to and from the site provides for safe traffic flow on the site, and between the site and adjoining lands, including public rights-of-way. The parking for this project is designed so that vehicles will be backing into the private rights-of-way. The applicant asserts that passenger vehicles routinely back out of single-family residences into the public right-of-way, and that the roads within Sykes Landing will be privately maintained such that the low volume of traffic generated by the single-family attached homes will not be a safety concern.

The waiver application includes responses to staff comments in the form of updated applications and criteria dated June 19, 2025 from David Bassford, a Florida licensed professional engineer from MBV Engineering, Inc. He asserts the property is constricted by width and by existing topography and drainage patterns, and that maintaining the required county standards renders development of the property not feasible. The responses also included a typical right-of-way cross-section proposed on Sheet C-802, Figure 12, and that construction of all improvements will adhere to County standards with the exception of width.

Staff has not granted approval of the waiver requests stated above, and pursuant to Section 62-2849 of the Brevard County Land Development Code, requests that the Board of County Commissioners evaluate the applicant’s request to waive the aforementioned code sections. Board approval of these waivers does not relieve the developer from obtaining all other necessary jurisdictional permits.

Contact: Tim Craven, Senior Planner, 58266

Clerk to the Board Instructions:



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

July 23, 2025

M E M O R A N D U M

TO: Billy Prasad, Planning and Development Director Attn: Tim Craven

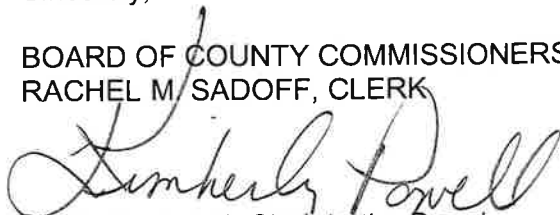
RE: Item J.2., Waivers of Subdivision Requirements for Sykes Landing at Winar Creek (24SP00026, 25WV00014, 25WV00015, 25WV00016, and 25WV00017) – Condev Properties, LLC

The Board of County Commissioners, in regular session on July 22, 2025, in accordance with Section 62-2849(a), granted four (4) waivers (24SP00026, 25WV00014, 25WV00015, 25WV00016, and 25WV00017) to different sections of the Brevard County Land Development Code to allow the development of a 158-unit single-family attached subdivision, Sykes Landing at Winar Creek, contingent upon the infrastructure staying privately maintained, the waivers being implemented be consistent with the site plan provided in the Agenda packet, and any deviation from these plans shall render the waivers voidable.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sj



BOARD OF COUNTY COMMISSIONERS

**Planning and Development
Planning and Zoning**
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

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 to Subdivisions, Minor Subdivisions, and Site Plans.

Application Type:

☐ Subdivision Waiver

☒ Site Plan Waiver

☐ Other

24SP00026

If other, please indicate

Tax Account Numbers:

2417286

Tax Account 1

2417287

Tax Account 2

Project Information and Site Address:

Sykes Landing at Winar Creek

Project Name

Thomas G Winar Trust

Property Owner

35 Winar Drive

Street

Merritt Island

City

FL

State

32953

Zip Code

Applicant Information:

David W. Bassford, P.E.

Applicant Name

MBV Engineering, Inc.

Company

1250 W. Eau Gallie Blvd, Ste H

Street

Melbourne,

City

FL

State

32935

Zip Code

321-253-1510

Primary Phone

davidb@mbveng.com

Email Address

Secondary Phone

Engineer/Contractor (if different from applicant):

Same as applicant

Engineer or Project Manager

Company

Street

City

State

Zip Code

Primary Phone

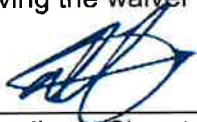
Secondary Phone

Email Address

Description of Waiver Request and Code Section:

62-2802 (Exhibit 1) - propose alternate local street section and right-of-way width.

If you wish to appeal any decision made by County staff on the waiver, you may request that the Board of County Commissioners make a determination. The Board's decision approving or disapproving the waiver or interpretation is final.



Owner/Applicant Signature

David W. Bassford, P.E.

Print Name

Land Development Application Document Submittal Requirements

Waivers for Site Plans or Subdivisions require an application, waiver criteria (listed below), and 8 ½-inch x 11 inch vicinity map.

Waiver Criteria for Subdivisions and 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.

The Brevard County code does not contemplate a typical layout design for townhome developments. As such, we are proposing a reduced right-of-way width that is conducive to a typical townhome layout.

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

The granting of these waivers does not affect the adjacent property owners. Additionally, the rights-of-way shall be privately maintained by the HOA.

3. The conditions, upon which a request for waivers 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 request is generally not applicable to other properties due to the redevelopment.

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 granting of these waivers is consistent with the intent and purpose of the County regulations, land use, and article requirements based on the lack of development standards specific to town home developments. The roads, sidewalk, utilities, and drainage within the proposed reduced width rights-of-way shall be privately owned and maintained.

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)

Office Use Only

| | | |
|----------------------------------|-----------------|------------|
| Request Date | Fees | Board Date |
| Original Project Number | Waiver Number | |
| Coordinator Initials | Reference Files | |
| County Manager/Designee Approval | | |



BOARD OF COUNTY COMMISSIONERS

Planning and Development
Planning and Zoning
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

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Application Type:

☐ Subdivision Waiver

☒ Site Plan Waiver

☐ Other

24SP00026

If other, please indicate

Tax Account Numbers:

2417286

Tax Account 1

2417287

Tax Account 2

Project Information and Site Address:

Sykes Landing at Winar Creek Thomas G Winar Trust

Project Name

Property Owner

35 Winar Drive

Merritt Island

FL

32953

Street

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State

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Applicant Information:

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Engineer or Project Manager

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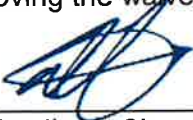
Secondary Phone

Email Address

Description of Waiver Request and Code Section:

62-2802 (Exhibit 16) - reduce the driveway spacing criteria from the interior side lot line units.

If you wish to appeal any decision made by County staff on the waiver, you may request that the Board of County Commissioners make a determination. The Board's decision approving or disapproving the waiver or interpretation is final.



Owner/Applicant Signature

David W. Bassford, P.E.

Print Name

Land Development Application Document Submittal Requirements

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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.

The Brevard County code does not contemplate a typical layout design for townhome developments. As such, we are proposing zero foot setback to the interior driveways that is conducive to a typical townhome layout.

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

The granting of these waivers does not affect the adjacent property owners.

3. The conditions, upon which a request for waivers 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 request is generally not applicable to other properties due to the redevelopment.

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 granting of these waivers is consistent with the intent and purpose of the County regulations, land use, and article requirements based on the lack of development standards specific to town home developments. Similar to Condominium, Apartment, and Commercial parking, sight triangles are not applicable to parking. As proposed and depicted, the driveways constitute parking spaces that similar to the visitor parking that backs into the right-of-way. Sight triangles, as derived from FDOT Design Manual Section 212.11.1 are not applied to parking spaces, only intersections. There is sufficient space (9 feet) for the parked car to back out and the sight line to be visible without entering the travel lane. The minimum distance to reveal 100% if the site triangle is 6 feet.

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)

Office Use Only

| | | |
|----------------------------------|-----------------|------------|
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Email Address

Engineer/Contractor (if different from applicant):

Same as applicant

Engineer or Project Manager

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Description of Waiver Request and Code Section:

62-2883 (d) - Encroachment into the 15 foot wide buffer.

If you wish to appeal any decision made by County staff on the waiver, you may request that the Board of County Commissioners make a determination. The Board's decision approving or disapproving the waiver or interpretation is final.



Owner/Applicant Signature

David W. Bassford, P.E.

Print Name

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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.

The existing project site is partially developed with several previous development improvements that extend into the required 15-foot buffer (including stormwater and impervious features). Most of the existing features need to be removed, in doing so, we propose to remove any impervious surfaces to construct a stormwater pond, landscaping, and/or fencing. As such, we are requesting to allow construction activities within the buffer.

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

The granting of these waivers does not affect the adjacent property owners, nor impede their drainage capability.

3. The conditions, upon which a request for waivers 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 request is generally not applicable to other properties due to the redevelopment.

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 granting of these waivers is consistent with the intent and purpose of the County regulations, land use, and article requirements based on the lack of development standards specific to town home developments.

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)

Office Use Only

Request Date Fees Board Date

Original Project Number Waiver Number

Coordinator Initials Reference Files

County Manager/Designee Approval



BOARD OF COUNTY COMMISSIONERS

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24SP00026

If other, please indicate

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Primary Phone

Secondary Phone

Email Address

Engineer/Contractor (if different from applicant):

Same as applicant

Engineer or Project Manager

Company

Street

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Zip Code

Primary Phone

Secondary Phone

Email Address

Description of Waiver Request and Code Section:

62-3206 (b)(4) - remove the requirement for vehicles backing into ROW for building with more than two units and for guest parking along the ROW.

If you wish to appeal any decision made by County staff on the waiver, you may request that the Board of County Commissioners make a determination. The Board's decision approving or disapproving the waiver or interpretation is final.



Owner/Applicant Signature

David W. Bassford, P.E.

Print Name

Land Development Application Document Submittal Requirements

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Waiver Criteria for Subdivisions and Site Plans

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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.

The Brevard County code does not contemplate a typical layout design for townhome developments. As such, we are proposing to remove the requirement for vehicles backing into right-of-ways for buildings with more than two units and for guest parking along the right-of-ways interior to the proposed project.

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

The granting of these waivers does not affect the adjacent property owner. Additionally, the rights-of-way shall be privately maintained by the HOA.

3. The conditions, upon which a request for waivers 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 request is generally not applicable to other properties due to the redevelopment.

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 granting of these waivers is consistent with the intent and purpose of the County regulations, land use, and article requirements based on the lack of development standards specific to town home developments. Passenger vehicles routinely back out of parking spaces into travel lanes. The requirement for prohibiting backing out into a right-of-way is based upon public rights-of-way where speed of travel and vehicular trips provide an increased risk for accidents. Since the rights-of-way internal to the project shall be privately owned and maintained, the project is more akin to an Apartment or Condominium type site plan layout. Due to the layout of the project site, the visitor and clubhouse parking spaces are similar to the town home driveways and have sufficient backing distance (six feet) to provide sight line visibility to potential oncoming traffic.

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)

Office Use Only

| | | |
|----------------------------------|-----------------|------------|
| Request Date | Fees | Board Date |
| Original Project Number | Waiver Number | |
| Coordinator Initials | Reference Files | |
| County Manager/Designee Approval | | |

C-205



SYKES LANDING
AT WINAR CREEK

BREVARD COUNTY
FLORIDA

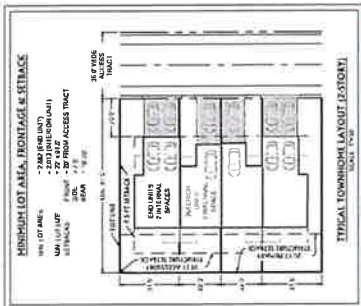
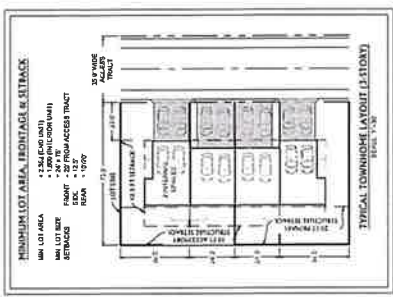
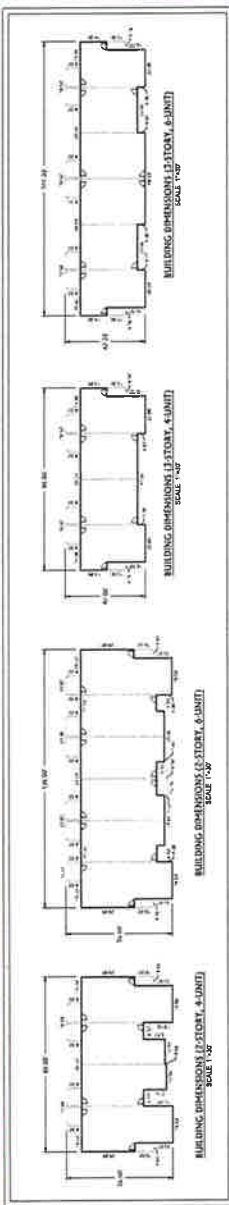
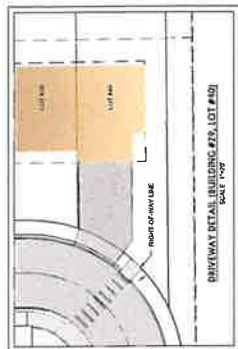
LOT AND BUILDING DETAILS



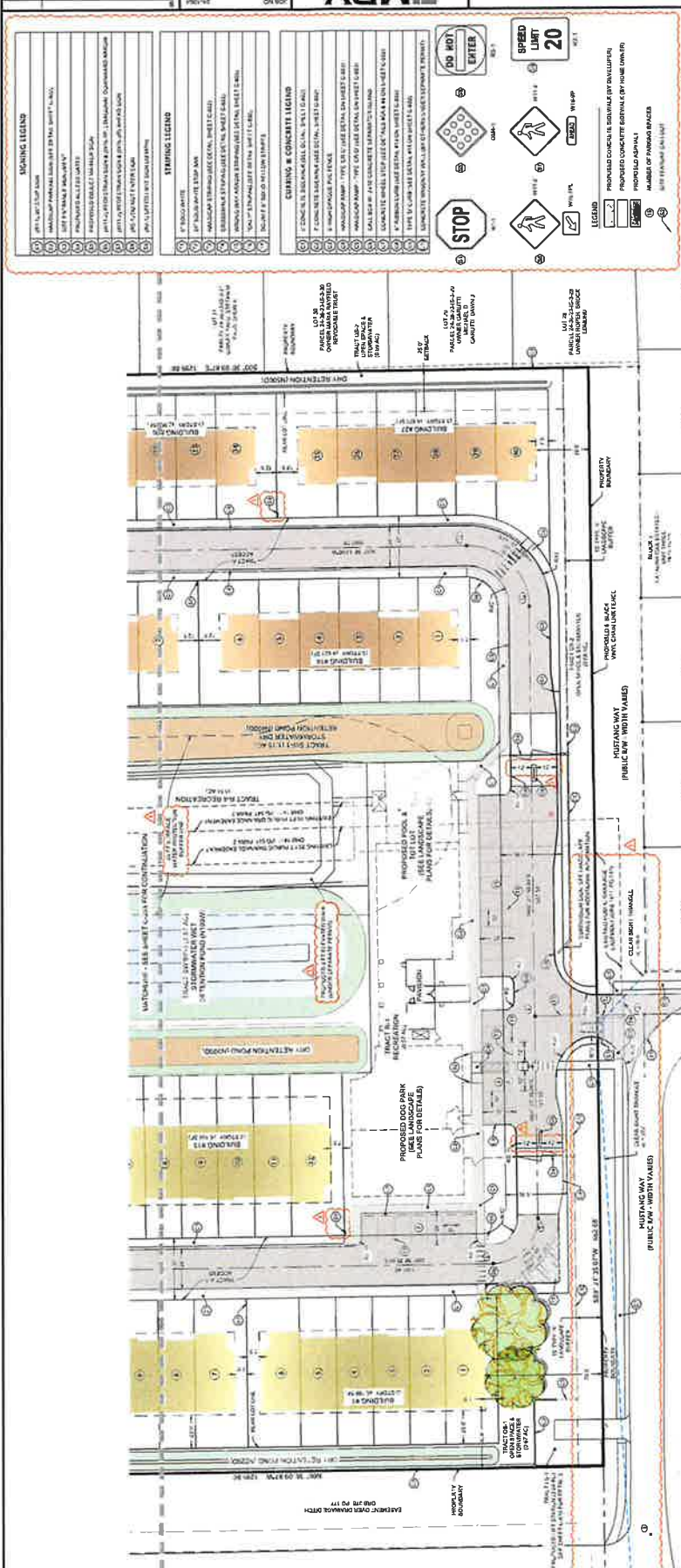
MBV
ENGINEERING, INC.
1000 W. UNIVERSITY BLVD., SUITE 100
DAVIE, FL 33317
TEL: 954-875-1100
WWW.MBV-ENG.COM

| | | | |
|-----------|-----------------------------|------|------------|
| DATE | 02/01/2024 | DATE | 02/01/2024 |
| REVISIONS | | DATE | 02/01/2024 |
| NO. | DESCRIPTION | DATE | 02/01/2024 |
| 1 | ISSUED FOR PERMITTING | DATE | 02/01/2024 |
| 2 | REVISED PER COUNTY COMMENTS | DATE | 02/01/2024 |
| 3 | REVISED PER COUNTY COMMENTS | DATE | 02/01/2024 |
| 4 | REVISED PER COUNTY COMMENTS | DATE | 02/01/2024 |
| 5 | REVISED PER COUNTY COMMENTS | DATE | 02/01/2024 |
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| 8 | REVISED PER COUNTY COMMENTS | DATE | 02/01/2024 |
| 9 | REVISED PER COUNTY COMMENTS | DATE | 02/01/2024 |
| 10 | REVISED PER COUNTY COMMENTS | DATE | 02/01/2024 |

MUNICIPAL APPROVAL STAMP



1. ALL BUILDINGS SHALL ADHERE TO THE DRIVEWAY ORIENTATION AND LOCATION INDICATED.
2. SEE LANDSCAPE PLANS FOR FENCE MATERIAL AND EXACT LOCATION.



C-802

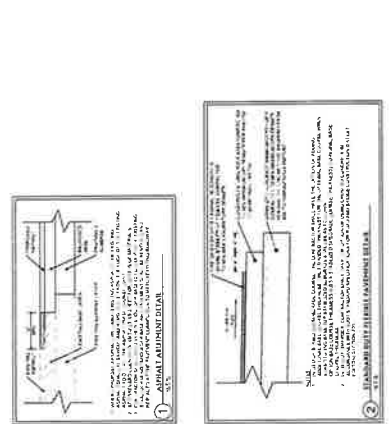
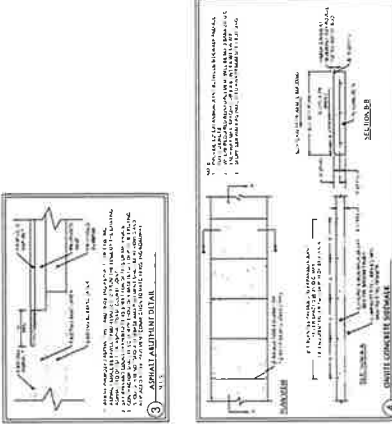
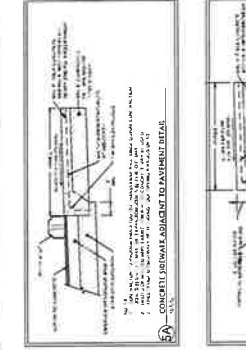
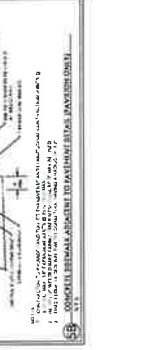
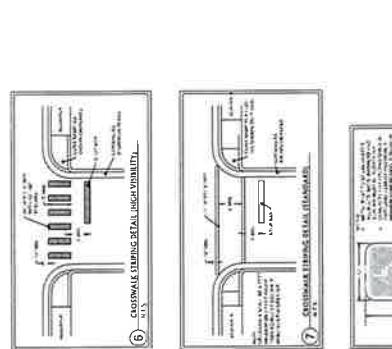
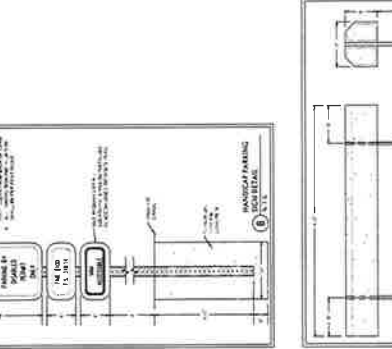
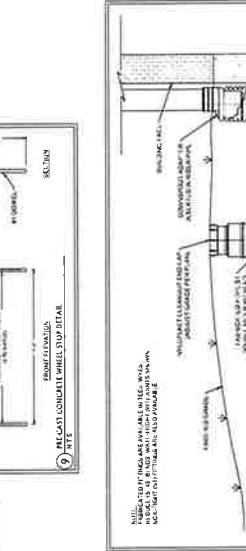
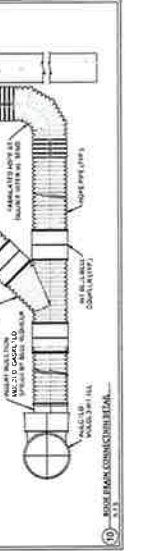
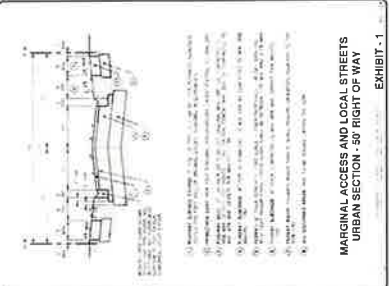
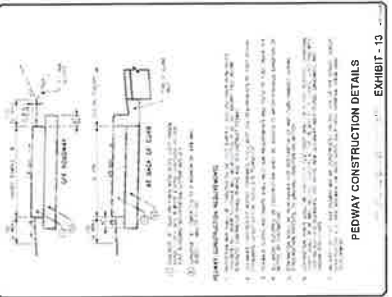
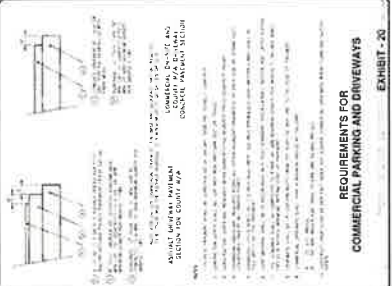
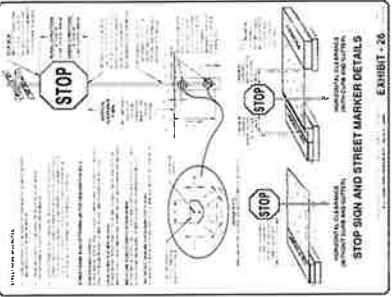
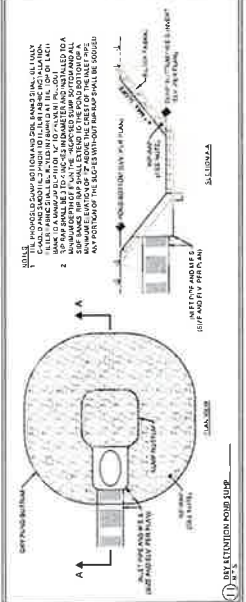
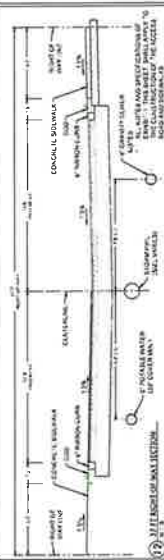


SYKES LANDING
AT WINAR CREEK

GENERAL SITE DETAILS



| DATE | REVISIONS |
|------------|---------------------|
| 12/15/2017 | 1. INITIAL DESIGN |
| 12/15/2017 | 2. REVISED DESIGN |
| 12/15/2017 | 3. REVISED DESIGN |
| 12/15/2017 | 4. REVISED DESIGN |
| 12/15/2017 | 5. REVISED DESIGN |
| 12/15/2017 | 6. REVISED DESIGN |
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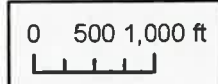
Location Map



Subject Property in Orange

Disclaimer: 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.

Scale: 1:18,000
1 inch equals 1,500 feet



Print Time: 7/16/2025 10:10 AM



1919

Board Meeting Date

7-22-25

Item Number: J.2.

Motion By: KR

Second By: KD

Nay By: _____

| Commissioner | DISTRICT | AYE | NAY |
|-----------------------|----------|-----|-----|
| Commissioner Delaney | 1 | ✓ | |
| Vice Chair Goodson | 2 | ✓ | |
| Commissioner Adkinson | 3 | ✓ | |
| Commissioner Altman | 5 | ✓ | |
| Chairman Feltner | 4 | ✓ | |