

Meeting Date
October 7, 2014



AGENDA	
Section	CONSENT
Item No.	II.A.9

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Request for Waiver of Driveway Setback to Intersecting Right-of-Ways for 942 Jacaranda Drive, Barefoot Bay, FL 32976 Owner: Mr. and Mrs. Barbour District 3
DEPT/OFFICE:	Public Works Department / Engineering

Requested Action:

It is requested that the Board of County Commissioners review Mr. and Mrs. Barbour's request to allow them to keep the widened portion of their driveway that was constructed in the County right-of-way without a permit.

Summary Explanation & Background:

The Barefoot Bay Recreational District reported to the County on April 2, 2014 that a driveway was being widened without a driveway permit. Brevard County Code Enforcement investigated the matter and subsequently processed a notice of violation which was served to Mr. & Mrs. Barbour on April 26, 2014, requiring compliance within 30 days. May 1, 2014 the contractor submitted a permit application. Upon review of the application and supporting documents, Engineering staff discovered that the driveway extension did not meet the required Brevard County setback for intersecting roads. The County notified the contractor of this comment on May 5, 2014.

Mr. Barbour notified Code Enforcement that he would be seeking a variance from Engineering and met with Engineering staff on May 7, 2014. During this meeting, Mr. & Mrs. Barbour agreed that the portion of the concrete within the County right-of-way would be removed and replaced with sod and County staff agreed that a permit would not be required for this work. Based on this agreement, Code Enforcement extended their compliance date to June 8, 2014. As of July 16, 2014, one day prior to the scheduled Special Magistrate Hearing on the matter, Code Enforcement inspected the site, spoke with Mr. & Mrs. Barbour regarding the continued non-compliance, and informed them that they were taking photographs for the hearing the next day. The Special Magistrate ordered a compliance date of August 16, 2014 to either: 1) Remove the driveway; 2) Apply for a permit; or 3) Seek a waiver.

The Public Works Department and County Manager's Office have reviewed the request for waiver and determined that the waiver could not be supported due to the distance from the intersection and health and safety concerns with regard to the operation of the intersection.

Fiscal Impact: 2013/2014 No impact.
2014/2015 No impact.

Reference: 14WV-00730/14CE-00489 Contact: Richard B. Szyrka, P.E. / 321-637-5437 ext. 56524

Clerk to the Board instruction:
Notify the Public Works Department of the action taken by the Board.

Exhibits Attached: Summary Explanation & Background, Attachments 1-11

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

County Manager		Department Director / Extension	
Assistant County Manager	Mel Scott	John P. Denninghoff, / 57202	
Stockton Whitten			



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

October 8, 2014

MEMORANDUM

TO: John Denninghoff, Public Works Director Attn: Richard B. Szpyrka

RE: Item II.A.9., Request for Waiver for Driveway Setback of Intersecting Right-of-Ways for 942 Jacaranda Drive in Barefoot Bay

The Board of County Commissioners, in regular session on October 7, 2014, approved Mr. and Mrs. Barbour's request to allow them to keep the widened portion of their driveway that was constructed in the County right-of-way without a permit for property located at 942 Jacaranda Drive in Barefoot Bay.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

Summary Explanation & Background

On April 2, 2014, a complaint was called in by the Barefoot Bay Recreational District for the widening of a driveway without a permit and logged into the system (14CE-00489). The complaint was investigated by Code Enforcement on April 4, 2014. Code Enforcement spoke with the Barbour's and they informed him that they had hired Ed's Concrete to do the work and were told that everything was taken care of regarding permits.

On April 10, 2014, Code Enforcement met with Public Works Engineering to see if a permit had been obtained and was advised that no permit had been applied for. Public Works Engineering provided Code Enforcement with a package for the Owner or Contractor to apply for an after the fact permit. Also on April 10, 2014, Code Enforcement contacted Ed's Concrete, they said they would be applying for the permit and, it was agreed that the package would be left at the front desk for pick up.

On April 17, 2014, Code Enforcement inspected the property again and contacted Ed Carreiro of Ed's Concrete. He informed them that he just obtained the survey from the property owner and would be completing the paperwork to turn in for permitting. On April 22, 2014, Code Enforcement verified that no permit had been applied for and processed a Notice of Violation. The Violation gave a compliance date of the 30 days after receipt of the violation. (See Attached for continuation)

On April 26, 2014, Code Enforcement confirmed service of the Notice of Violation which resulted in a date of May 25, 2014 for the owners to come into compliance.

On May 1, 2014, a permit application, Owner's Authorization to Act as Applicant, and copy of the owner's survey with a hand drawn description (see Attachment 1) was dropped off for review by Mrs. Carreiro (owner of Ed's Concrete's wife). It was explained to her that we needed to review the information and that we would contact Mr. Carreiro once it was reviewed. Upon review of the survey, it was determined that the 9' extension did not meet the 40' setback for the intersecting roads as set forth in the Land Development Regulations (see Attachment 2 - Chapter 86-69 a & b, Chapter 62-2883 a, and County Land Development Exhibit 16). Mr. Carreiro was advised by phone on May 5, 2014 and he said that he would contact the owner (see Attachment 3).

On May 6, 2014, Mr. Barbour called and spoke with the Code Enforcement Officer and told him we had denied the driveway permit. The Code Enforcement Officer explained the Code Enforcement process to him and he indicated he is trying to avoid having to attend a hearing and will attempt to get a variance from Engineering if possible.

On May 7, 2014, the owners came to our office and met with Engineering Staff. We explained the 40' setback to them and it was agreed that the portion of concrete within the County right-of-way that was added would be removed and the area would be sodded. Once that was complete, the owners were to notify us and we would send an inspector out to verify. It was also discussed that because the owners would be removing the concrete and sodding the disturbed area, no permit would be required. An email was sent to Code Enforcement to notify them of what would be done (see Attachment 4). Also on May 7, 2014, the owners met with the Code Enforcement Officer after speaking with us, an extension date of June 8, 2014 to come into compliance was given (see Attachment 5).

Between May 7 and June 17, 2014, no action had been taken to remove the portion of the driveway as agreed. Mr. Barbour left staff a voicemail on May 21, 2014 asking for more information and received a

reply via email on May 22, 2014 (see Attachment 6). On June 17, 2014, Code Enforcement contacted Mr. Barbour (see Attachment 7).

On June 20, 2014, the case was scheduled for a Special Magistrate Hearing. The hearing date was for July 17, 2014.

On July 9, 2014, an inspection was performed by Code Enforcement. It was observed that the unpermitted driveway remained. Code Enforcement contacted Engineering staff and was advised that no permit had been issued.

On July 16, 2014, an inspection was performed by Code Enforcement. It was observed that the unpermitted driveway remained. Code Enforcement met with Mr. Barbour and advised they were taking photos for the hearing scheduled on July 17, 2014 at 8:55 am. Code Enforcement contacted Engineering staff and was advised that no permit had been issued.

On July 17, 2014, the Special Magistrate Hearing occurred. The Special Magistrate ordered the Respondent(s) be found in violation of Initial, Sections 86-101 and 246-3, Brevard County Code, and ordered a compliance date of 08/16/14 (30 days) to remove the driveway or apply for a permit or seek a waiver (see Attachment 8).

On July 29, 2014 at 10:00 am, Mr. Barbour contacted Code Enforcement requesting permit information and instructions and was directed to call Engineering. He then contacted Engineering and was sent information via email on the permitting process. He was asked in that email to await further instructions from our office prior to sending his application submittal. At 2:53 pm, I emailed Mr. Barbour and informed him that Public Works would not be issuing a permit for the portion of the driveway that was installed without a permit. I also informed that he may seek a waiver and provided the waiver application (see Attachment 9).

On August 11, 2014, Mr. Barbour's waiver request was entered into Accela for review and was reviewed by both the Public Works Director and the County Manager's office. It was determined that his request could not be supported for the following reasons:

1. The driveway does not meet the requirements of the current Brevard County Code of Ordinances for driveway distances from an intersection.
2. It is a health and safety issue with regards to the operation of the intersection.

Mr. Barbour was informed that if he would like to move forward in the waiver process to have the Board of County Commissioners review his waiver request, he would need to submit his written waiver request via email to Engineering (see Attachment 10).

On August 31, 2014, his request was received via email (see Attachment 11).

BREVARD COUNTY RIGHT-OF-WAY/EASEMENT PERMIT APPLICATION*To be completed by Public Works Engineering:*

Date Received: _____ Fee: _____ Reviewed by: _____

Concurrency Y/N (Initials) _____ Send to: ED RB ST TE TR _____ _____Review Days: 15 8 _____ Performance & Maintenance Bond be required Yes No Inspection fees due Yes No Approved for Permitting Permit # _____ Date Permitted: _____**Print clearly or type application****Property Owner / Franchise Owner Information:**Owner or Company Name: David Barbour Contact: 772-713-7713Address: 942 Jacaranda Apt. / Suite #: _____City: Barefoot Bay State: _____ Zip Code: 32976Phone Number: (772) 713-7713 Fax Number: (_____)**Contractor / Applicant Information (If other than owner):**Company Name: ED's Concrete + Stucco Inc Contact: ED CarreiraLicense # MC 15 Address: 5508 White Heron Lane Apt. / Suite #: _____City: McLoughne State: FL Zip Code: 32934Phone Number: (321) 508-0797 Fax Number: (_____)**Project Information:**City: Barefoot BayTax Acct. #: _____ Site Address: 942 Jacaranda Zip Code: 32976

Description of work to be done:

Driveway extension**SCHEDULE OF FEES REQUIRED AT THE TIME OF SUBMITTAL***Please make checks payable to: Brevard County Board of County Commissioners.*

QUANTITY	TYPE (Residential Improvements)	FEE	TOTAL
	Residential Driveway (Permanent & Temporary, per each connection)	\$ 90.00	\$ 90.00
	Revision Review to an approved driveway plan	\$ 15.00	
	Easement Encroachments (other than driveways)	\$ 90.00	
	Work Commencing without a permit	Double the permit fee	\$ 90.00
	Re-Inspection Fee	\$ 75.00	
Commercial Projects - Review and Inspection Fees for projects with construction costs below \$200,000.00 (not associated with a single family residence) *See page 2 for Fees for Commercial Projects above \$200,000.00.			
	Storm Sewer Construction	\$125.00	
	Stormwater Discharge	\$300.00	
	Sidewalk Construction	\$125.00	
	Commercial Driveway (Permanent & Temporary, per each connection)	\$500.00	
	Engineering Revision Review to an active permit	\$ 25.00	
	Paved Road Open Cut, per each cut	\$750.00	
	Jack & Bore/Directional Bore, per each (all approved tunneling methods)	\$375.00	
	Utility Open Pits including short side service connections	\$ 75.00	
	Roadway/Intersection improvements (turn lanes and signals, misc. median work), in addition to commercial driveway fee	\$500.00	
	Right-of-Way utilization fee (underground or aerial) -OR- Bus Shelter (There is no charge for linear footage.)	\$125.00 + \$.29 a foot	
	Residential or Commercial GRAND TOTAL		\$180.00

Commercial Projects - Review and Inspection Fees for projects with construction costs above \$200,000.00 (not associated with a single family residence)	
Permit application fees for right-of-way and/or easement improvement projects (requires engineer's certified cost estimate.	\$1,000.00
Inspection fees for projects are required prior to the issuance of the right-of-way easement permit. The fees are calculated as follows and are cumulative until the estimated cost is reached.	
Of the first (up to) \$500,000.00	2%
Of the next \$500,000.00	1.5%
Of the amount over \$1,000,000.00	1%

Checklist for Required Information and Exhibits

PRIVATE IMPROVEMENTS (SINGLE FAMILY RESIDENCES)

- 2 (two) copies of detailed drawings depicting the location of the proposed improvements within the Right-of-Way or Easement drawn and dimensioned on a survey or plot plan. When a culvert pipe is being installed or already exists then a certified survey or plot plan by a Certified Surveyor or Professional Engineer is required.
- Owner's Authorization to Act as Applicant form (if application is not signed by the Owner)
- When a culvert/drainage pipe is needed under the driveway, the following information **must** be shown on the certified survey/plot plan:
 - o Location, size, and material of the new culvert/drainage pipe and the proposed invert elevations
 - o Existing culvert sizes, pipe material, end treatment, and invert elevations of all driveways within 500' upstream and downstream of the proposed location of the new culvert/drainage pipe
 - o Distances from the existing adjacent culvert/drainage pipes to the proposed location of the new culvert/drainage pipe
 - o Centerline of swale elevations on each side of the driveway
- DRIVEWAY APRON WIDTH: _____ (12 Feet Minimum, 24 Feet Maximum)
- DRIVEWAY APRON PLACEMENT TO NEAREST PROPERTY LINE: 5 Feet (Minimum) Other _____
- DRIVEWAY APRON TO BE CONSTRUCTED OF: Marl / Shell (dirt road only) Asphalt
 Concrete Pavers

(Homeowner will be responsible for repair and maintenance of Driveway materials in the Right-of-Way and the sidewalk area within the driveway)

- DRAINAGE RUN-OFF IS BY: Curb/Gutter Ditch Swale Other _____

BUS SHELTER

- To be accompanied by documents as required per BCC-72 & AO-66, to include Right-of-Way Use Agreement.

COMMERCIAL IMPROVEMENTS AND INCORPORATED SUBDIVISIONS

- Proposed M.O.T. (Maintenance of Traffic attached to each set of plans)
- Five copies of detailed drawings depicting the location of the proposed improvements within the Right-of- Way or Easement drawn and dimensioned on a survey or plot plan by a Certified Surveyor or Professional Engineer
- Approved** Concurrency Form from Brevard County Planning and Zoning Office
- Owner's Authorization to Act as Applicant Form (if application is not signed by the Owner)
- 2 sets of Stormwater Calculations, if applicable N/A
- If property has been annexed within the past three years, provide copy of Recorded Annexation documents. N/A

Statement of Accuracy:

I hereby confirm that the above information is true and correct and I assume all responsibility for the truth and validity of this application and associated exhibits submitted herewith.



 Applicant's Signature

_____ **5/1/19**
 Authorized Representative (If applicable) Date



 Please Print Applicants or Authorized Representative's Name

AUTHORIZATION TO ACT ON BEHALF OF OWNER



BREVARD COUNTY PUBLIC WORKS ENGINEERING

I, DAVID BARBOUR (Print Name) being the owner of DRIVE WAY (Project Name)

authorize ED'S CONCRETE (ED) (Person and Company Name) to act on my

behalf in the submittal of the attached development plan.

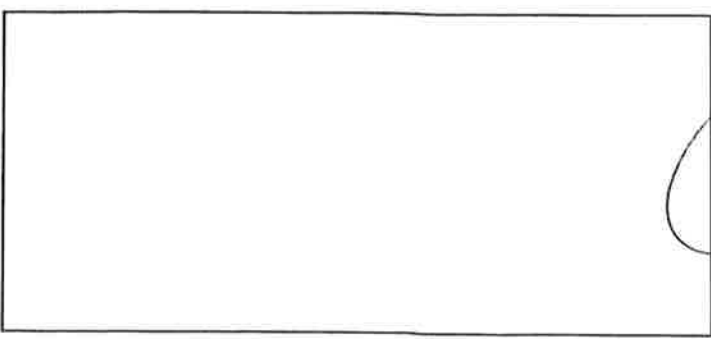
David Barbour
Signature

HOMEOWNER
Title

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 22 day of April, 20 14,

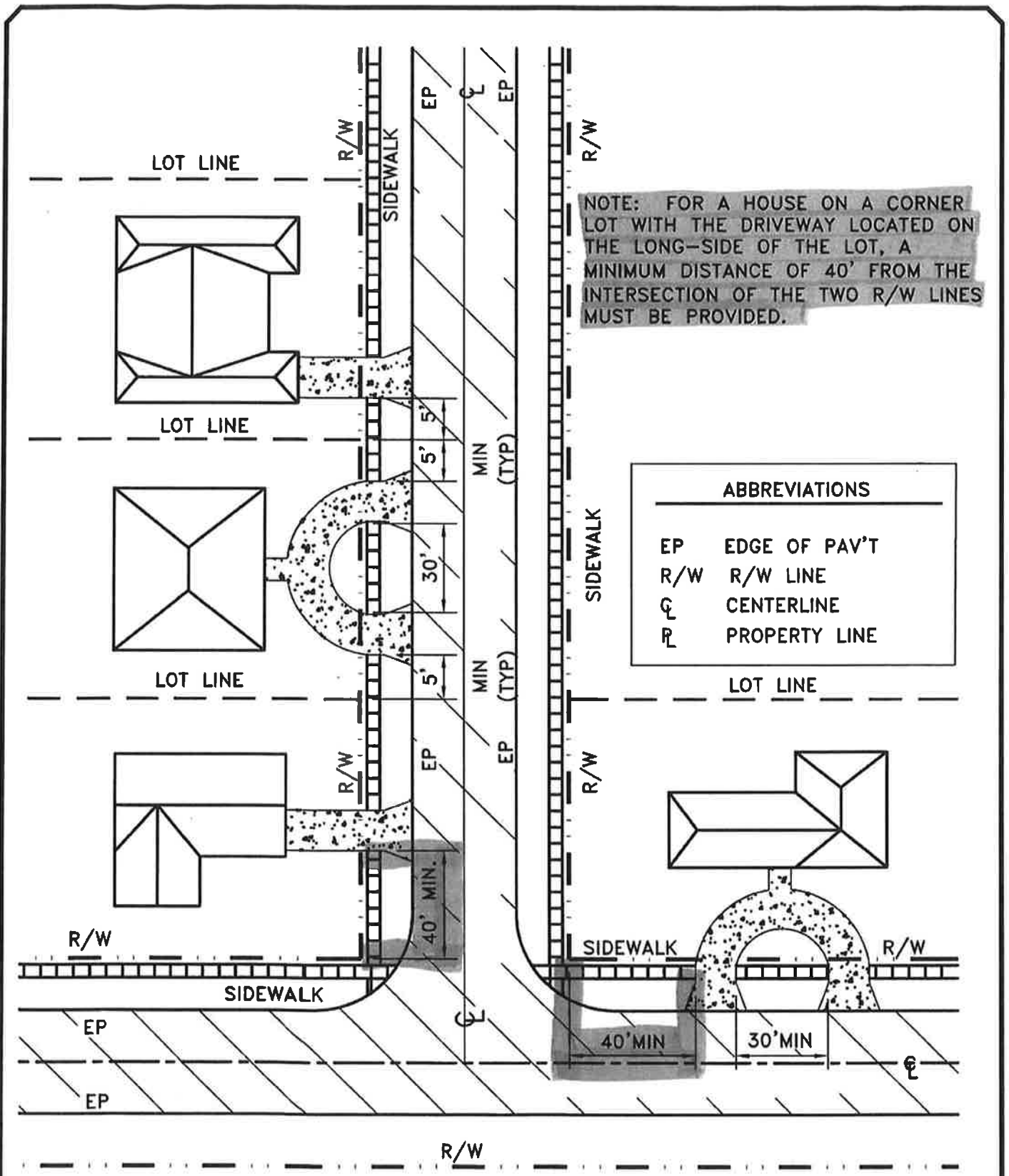
by _____ who is personally known to me or has produced _____ as identification and who did (did not) take an oath.



Judith A. Yarn
Signature of Notary Public



Please place Notary Seal in above box.



NOTE: FOR A HOUSE ON A CORNER LOT WITH THE DRIVEWAY LOCATED ON THE LONG-SIDE OF THE LOT, A MINIMUM DISTANCE OF 40' FROM THE INTERSECTION OF THE TWO R/W LINES MUST BE PROVIDED.

ABBREVIATIONS	
EP	EDGE OF PAV'T
R/W	R/W LINE
CL	CENTERLINE
PL	PROPERTY LINE

TYPICAL RESIDENTIAL DRIVEWAY SETBACKS

REV:	

BREVARD COUNTY LAND DEVELOPMENT
2725 JUDGE FRAN JAMIESON WAY, VIERA, FL 32940

EXHIBIT - 16

DATE: MAY-2008

Attachment 2

pg. 1 of 2

Sec. 86-69. Design and construction requirements.

(a)

All road and easement improvements shall comply to the applicable regulations of the county and state, including, but not limited to, articles VII and VIII of chapter 62, and article II, chapter 22 of this Code, FDOT standards and specifications and exhibits approved by the board of county commissioners.

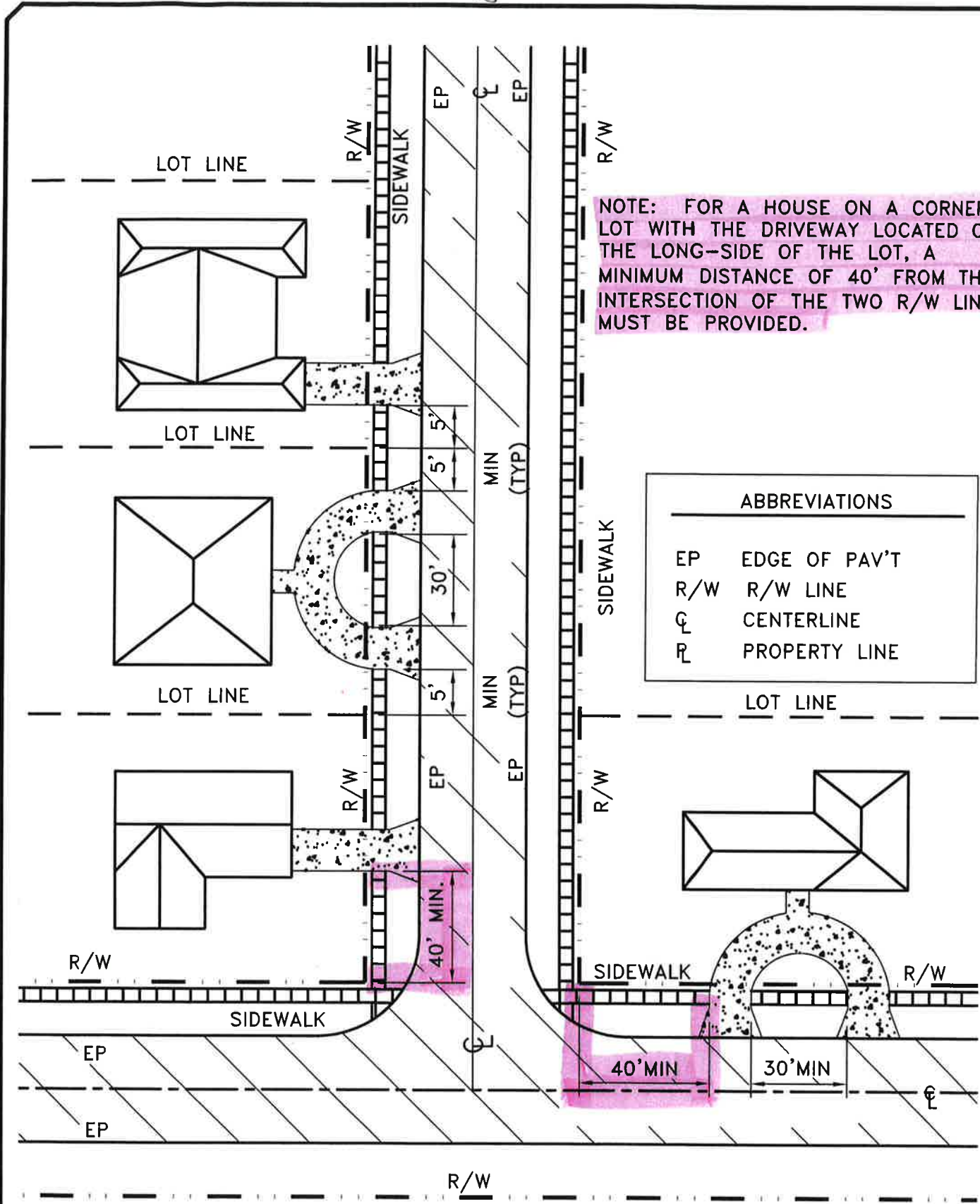
(b)

The location, manner, installation and adjustment of utilities on county roads shall be performed in accordance with the FDOT utility accommodation guide.

Sec. 62-2883. General design requirements and standards.

(a)

General design requirements and standards are indicated in article VII, division 4, Brevard County Engineering and Construction Standards, may periodically be amended by the county development engineer, except for road drawings (exhibit 1-9) and/or private use which has been built, inspected and construction approved and when appropriate maintained by the county.



NOTE: FOR A HOUSE ON A CORNER LOT WITH THE DRIVEWAY LOCATED ON THE LONG-SIDE OF THE LOT, A MINIMUM DISTANCE OF 40' FROM THE INTERSECTION OF THE TWO R/W LINES MUST BE PROVIDED.

ABBREVIATIONS	
EP	EDGE OF PAV'T
R/W	R/W LINE
CL	CENTERLINE
PL	PROPERTY LINE

TYPICAL RESIDENTIAL DRIVEWAY SETBACKS

REV.	

Attachment 3

Verrett, Christine N

From: Verrett, Christine N
Sent: Monday, May 05, 2014 3:01 PM
To: Engel, Mark
Cc: Szpyrka, Richard
Subject: 14CE-00489 - 942 Jacaranda Drive, Barefoot Bay

Hi, Mark.

We received a permit application for the above address last Thursday, May 1st. Ed's Concrete signed the application and provided an Owner's Authorization to Act as Applicant. Ed Carreiro (owner of Ed's Concrete) had his wife bring in the application. I told her that we needed to review the conditions and would contact Ed. After reviewing the survey, it has been determined that the apron located in the County right-of-way does not meet the 40 foot setback for the intersecting roads and will therefore be required to be removed. I discussed this with Ed today over the phone and he said that he will contact the owner. He stated that there are several driveways that don't meet the setback and he believes the owner will dispute it. I informed him that I would notify you of our conversation.

Christine Verrett

Brevard County Public Works Engineering
2725 Judge Fran Jamieson Way
Bldg. A, Room 204
Melbourne, FL 32940
321-637-5437 Option #3

Verrett, Christine N

From: Verrett, Christine N
Sent: Wednesday, May 07, 2014 12:16 PM
To: Engel, Mark
Cc: 'vipsatcom@gmail.com'; 'thelmagruseck@bbrd.org'; Szpyrka, Richard
Subject: 14CE-00489 - 942 Jacaranda Drive
Attachments: 942 Jacaranda Dr.pdf

Hi, Mark.

I just met with Mr. and Mrs. Barbour.

Per the attached, if the concrete is removed and the area sodded within the hatched area, no permit will be required. As far as the County is concerned, the concrete on the private property can remain as it is considered flatwork and does not require a permit. I did specify that flatwork means nothing structural will be attached to the concrete, it is merely the concrete alone.

Mr. and Mrs. Barbour:

Please be aware that what we discussed does not relieve you of any requirements with Barefoot Bay. You should double check with them to make sure that what you want to do on your property will be allowed. I've copied Thelma with Barefoot Bay on this email so she is aware of this as well.

Regards,

Christine Verrett

Brevard County Public Works Engineering
2725 Judge Fran Jamieson Way
Bldg. A, Room 204
Melbourne, FL 32940
321-637-5437 Option #3

Jacaranda 50'

S. Waterway 80'

L.M. 5/5 @
2:20 to please
call.

Spoke to ED w/
ED's concrete
-he will call owner to notify

Attachment 5

Application No	ME-3-H04 00489	Application Name	ME-3-H04	Opened	04/02/2014	Status	Draft	Business Name	942	Number	JACKRAIDA	Direction	DR	City	BASE	Type	DAVID	First Name	BARBOUR A.	Last Name	Respondent	Contact Type	Enforcement	Application Type
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Record ID: 14CE-00489

A notice was added to this record on 2016-12-01.
 Conditions (Work Summary: Notice
 Total conditions: 3 (Notice: 3)
[View notice](#)

Cancel Help

Go To Record Activities (0) Activity Summary (5) Address (1) Addit Info App Specific Info App Specific Info Tables (1) Application History (5) Assess Fee History (1) Calendar Comments (17) Conditions (3) Contacts (2)

Comment
 MEETING CEO Supplemental: On Wednesday, 5/7/14, at 12:40 p.m., I met with Mr. and Mrs. Barbour at our office. I was advised they met with Engineering and have come to a resolution to comply. The contractor will remove the concrete extension in the right-of-way which will leave the remaining concrete but that portion does not need to be permitted. I spoke to Manager Tammy Harris and she agreed to an extension of the compliance date to 6/8/14. I confirmed the corrective action plan with Christine Verrett in Engineering. Case pending.

Apply to Inspections
 No

MEETING CEO Supplemental: On Wednesday, 5/7/14, at 12:40 p.m., I met with Mr. and Mrs. Barbour at our office. I was advised they met with Engineering and have come to a resolution to comply. The contractor will remove the concrete extension in the right-of-way which will leave the remaining concrete but that portion does not need to be permitted. I spoke to Manager Tammy Harris and she agreed to an extension of the compliance date to 6/8/14. I confirmed the corrective action plan with Christine Verrett in Engineering. Case pending.

Verrett, Christine N

From: Verrett, Christine N
Sent: Thursday, May 22, 2014 11:08 AM
To: vipsatcom@gmail.com
Cc: Szpyrka, Richard; Engel, Mark
Subject: FW: 14CE-00489 - 942 Jacaranda Drive
Attachments: 942 Jacaranda Dr.pdf

Mr. Barbour,

I received your voicemail yesterday. I'm not sure what more I can provide? As stated below, you need to remove any concrete in the right-of-way (the area between the edge of road pavement and your property line). And, also as explained below, flat work does not require a permit...should you have further questions about doing something on your property, you should really contact the building department. Their number is 633-2072.

Regards,

Christine Verrett

Brevard County Public Works Engineering
2725 Judge Fran Jamieson Way
Bldg. A, Room 204
Melbourne, FL 32940
321-637-5437 Option #3

From: Verrett, Christine N
Sent: Wednesday, May 07, 2014 12:16 PM
To: Engel, Mark
Cc: 'vipsatcom@gmail.com'; 'thelmagruseck@bbrd.org'; Szpyrka, Richard
Subject: 14CE-00489 - 942 Jacaranda Drive

Hi, Mark.

I just met with Mr. and Mrs. Barbour.

Per the attached, if the concrete is removed and the area sodded within the hatched area, no permit will be required. As far as the County is concerned, the concrete on the private property can remain as it is considered flatwork and does not require a permit. I did specify that flatwork means nothing structural will be attached to the concrete, it is merely the concrete alone.

Mr. and Mrs. Barbour:

Please be aware that what we discussed does not relieve you of any requirements with Barefoot Bay. You should double check with them to make sure that what you want to do on your property will be allowed. I've copied Thelma with Barefoot Bay on this email so she is aware of this as well.

Regards,

Christine Verrett

Attachment 7

Record ID: 14CE-00489

A notice was added to this record on 2016-12-01.
Condition: VOPR Severity: Initial
Total conditions: 3 (Notice: 2)
[View notice](#)

Go To Record Activities (0) Activity Summary (5) Address (1) Addtl Info App Specific Info App Specific Info Tables (1) Application History (5) Assess Fee History (1) Calendar Comments (17) Conditions (3) Contacts (2)

Comment
PHONE CONTACT CEO Supplemental: On Tuesday, 6/17/14, at 11:20 a.m., I spoke to Mr. Barbour by phone. I was advised he has not removed any of the concrete or obtained a permit for the work done as of this date. I was advised he has left a couple of messages with the Building Department in an attempt to get a permit. I was asked by Mr. Barbour to contact Christine Verrett in an attempt to find out if a waiver or variance is allowed in this case. I advised Mr. Barbour that I am processing this case to be heard before the Special Magistrate at the next available hearing due to Non-Compliance. Case pending.

Apply to Inspections
No

PHONE CONTACT CEO Supplemental: On Tuesday, 6/17/14, at 11:20 a.m., I spoke to Mr. Barbour by phone. I was advised he has not removed any of the concrete or obtained a permit for the work done as of this date. I was advised he has left a couple of messages with the Building Department in an attempt to get a permit. I was asked by Mr. Barbour to contact Christine Verrett in an attempt to find out if a waiver or variance is allowed in this case. I advised Mr. Barbour that I am processing this case to be heard before the Special Magistrate at the next available hearing due to Non-Compliance. Case pending.

Attachment 8

Record ID: 14CE-00489

A notice was added to this record on 2010-12-01.
Condition: WOP Severity: Notice
Total conditions: 3 (Notice: 3)
[View notice](#)

Cancel Help

Go To < > Comments (17) Conditions (3) Contacts (2) Documents (0) Fee (1) Inspections (0) Meetings (0) Owner (1) Parcel (1) Payment (1) Payment History Professional

Comment
CSM 07/17/14 David & Donna Barbour, Respondents, were present. Respondents' exhibits A-J were entered into evidence. E-I shows other driveways in Barefoot Bay. Exhibit "J" show inconsistencies when the County says it's called a "hatched area." The driveway connects to 2 County roads. It is a circular driveway and on the right-of-way. There are 200 such driveways in Barefoot Bay. They did a satellite view on Google. Mark Engel, CEO, was present and stated the driveway was installed by a contractor without a permit. Ed's Concrete installed that. Inspector Engel spoke with Ed on the phone. A road and easement permit is required and the other violation is to disturb the right-of-way. Exhibits A-D were entered into evidence. The Special Magistrate ordered the Respondent(s) be found in violation of Initial, Sections 86-101 and 246-3, Brevard County Code, and ordered a compliance date of 08/16/14 (30 days) to remove the driveway or apply for a permit or seek a waiver. If permit or waiver is denied, then 30 days from date of denial for compliance. A fine to begin to accrue of \$25 per day, if not in compliance. Costs were assessed in the amount of \$550 and must be paid within 30 days of this hearing. Findings of Fact, Conclusions of Law and Order and Lien for Cost recorded in the official records of Brevard County, Book 7169, Pages 1092-1093.

Apply to Inspections

CSM 07/17/14 David & Donna Barbour, Respondents, were present. Respondents' exhibits A-J were entered into evidence. E-I shows other driveways in Barefoot Bay. Exhibit "J" show inconsistencies when the County says it's called a "hatched area." The driveway connects to 2 County roads. It is a circular driveway and on the right-of-way. There are 200 such driveways in Barefoot Bay. They did a satellite view on Google. Mark Engel, CEO, was present and stated the driveway was installed by a contractor without a permit. Ed's Concrete installed that. Inspector Engel spoke with Ed on the phone. A road and easement permit is required and the other violation is to disturb the right-of-way. Exhibits A-D were entered into evidence. The Special Magistrate ordered the Respondent(s) be found in violation of Initial, Sections 86-101 and 246-3, Brevard County Code, and ordered a compliance date of 08/16/14 (30 days) to remove the driveway or apply for a permit or seek a waiver. If permit or waiver is denied, then 30 days from date of denial for compliance. A fine to begin to accrue of \$25 per day if not in compliance. Costs were assessed in the amount of \$550 and must be paid within 30 days of this hearing. Findings of Fact, Conclusions of Law and Order and Lien for Cost recorded in the official records of Brevard County, Book 7169, Pages 1092-1093.

Verrett, Christine N

From: Szpyrka, Richard
Sent: Tuesday, July 29, 2014 2:53 PM
To: vipsatcom@gmail.com
Cc: Verrett, Christine N; Statlick, James S
Subject: RE: DRIVEWAY INFORMATION AND APPLICATION PACKAGE FOR 942 JACARANDA DR.
Attachments: land-development-waiver-form.pdf

Mr. Barbour,

Please be aware that Brevard County Public Works will not be issuing a permit for the portion of the driveway that was installed without a permit. The Special Magistrate has found that the driveway is not in compliance with the minimum separation distance as outlined in Brevard County Land Development Exhibit #16 and ordered the driveway to be brought into compliance. As we have informed you in the past, the driveway in the County right-of-way must be removed to the original configuration. No permit will be issued for the additional driveway.

You may seek a waiver to Exhibit #16, by submitting the attached waiver form and \$200.00 fee to Public Works Engineering for processing. Please be aware that Public Works Engineering will not support the waiver.

Regards,

Richard B. Szpyrka, P.E.
Engineer III
Brevard County Public Works

Phone: 321-637-5437

From: Statlick, James S
Sent: Tuesday, July 29, 2014 10:57 AM
To: vipsatcom@gmail.com
Cc: Statlick, James S; Szpyrka, Richard; Verrett, Christine N
Subject: DRIVEWAY INFORMATION AND APPLICATION PACKAGE FOR 942 JACARANDA DR.

Property Owner: David & Donnie Barbour
Property Address: 942 Jacaranda Dr., Barefoot Bay, 32976
Parcel ID: 30 3810JS 121. 41.
Tax ID: 3004182

David,

As requested, I've attached our Driveway Checklist, Permit Application, and Exhibits 16 & 18. The application fee is \$90.00 **plus additional \$90 for work commencing without a permit**. Please review the attached, once you have the necessary information, you can either come in to apply for the permit, mail it, or email it to us. If you'd like to apply via email, we will need **pdf's** and you can send the submittal to rowpermitting@brevardcounty.us . Payment can be made by cash, check, or credit card. We **only accept** MasterCard, Discover, and American Express for credit card payments. Please be advised, that the company we use to process payments will charge a fee should you decide to pay by credit card. If you will be applying via email and paying by Credit Card,

please let us know in the email, once we process the application, we will call you with payment information. Please, do not email us your credit card information.

Before making your submittal please wait for further instructions from our office. If you have any questions please send email or give us a call to discuss.

Regards,

Jim Statlick

Public Works Engineering
2725 Judge Jamieson Way, A-204
Melbourne, FL 32940

321-637-5437 ext. 6

jim.statlick@brevardcounty.us

Verrett, Christine N

From: Vip Executive <vipsatcom@gmail.com>
Sent: Sunday, August 31, 2014 3:37 PM
To: Verrett, Christine N
Subject: Re: 942 Jacaranda Drive, Barefoot Bay - Waiver Request for Driveway Setback Requirement (14WV-00730)

Dear Ms. Verrett:

I would like to move forward, in the Waiver Process, to have the Board of County Commissioners Review.

Can you please supply the place, where the meeting will be, and any other details concerning. Please respond that you have received this Email.

Thank You,

David and Donna Barbour

942 Jacaranda Drive

Barefoot Bay, FL 32976

vipsatcom@gmail.com

On Thu, Aug 14, 2014 at 8:16 AM, Verrett, Christine N <Christine.Verrett@brevardcounty.us> wrote:

Mr. Barbour:

Both the Public Works Director and the County Manager's Office have reviewed your waiver request and cannot support it for the following reasons:

1. The driveway does not meet the requirements of the current Brevard County Code of Ordinances for driveway distances from an intersection.
2. It is a health and safety issue with regards to the operation of the intersection.

If you would like to move forward in the waiver process to have the Board of County Commissioners review your waiver request, please let me know via email. I need to have your written request no later than September 1, 2014 in order to have it placed on the agenda for the next available meeting on September 16, 2014.

Verrett, Christine N

From: Verrett, Christine N
Sent: Tuesday, September 09, 2014 8:09 AM
To: 'Vip Executive'
Cc: Szpyrka, Richard; Engel, Mark
Subject: RE: 942 Jacaranda Drive, Barefoot Bay - Waiver Request for Driveway Setback Requirement (14WV-00730)

Mr. and Mrs. Barbour,

We have received your request to move forward in the Waiver process; however, due to the Labor Day Holiday and current workload, we were unable to place the waiver on the Agenda for the September 16th meeting.

We are in the process of preparing the Board Agenda Item and as soon as we have it on the Agenda, we will confirm the exact date with you.

The next meeting is Tuesday, October 7, 2014. All meetings are held here at the Government Center in Building C (the address is below my signature).

Please feel free to contact me should you have any further questions.

Regards,

Christine Verrett

Brevard County Public Works Engineering
2725 Judge Fran Jamieson Way
Bldg. A, Room 204
Melbourne, FL 32940
321-637-5437 Option #3

From: Vip Executive [<mailto:vipsatcom@gmail.com>]
Sent: Sunday, August 31, 2014 3:37 PM
To: Verrett, Christine N
Subject: Re: 942 Jacaranda Drive, Barefoot Bay - Waiver Request for Driveway Setback Requirement (14WV-00730)

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Please respond that you have received this Email.

Thank You,

David and Donna Barbour
942 Jacaranda Drive
Barefoot Bay, FL 32976
vipsatcom@gmail.com

On Thu, Aug 14, 2014 at 8:16 AM, Verrett, Christine N <Christine.Verrett@brevardcounty.us> wrote:

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 \$200.00 Board Date: _____
Original Project # _____	Waiver # <u>14WV-00730</u>
Coordinator Initials: _____	Reference Files: _____
County Manager/Designee approval _____	

Tax Parcel Identification: Twp. _____ Rng. _____ Sec. _____ S/D _____ Blk/Par 121 Lot(s) 41 (List all parcels)

Tax Account # (s): 3004182 (List all account numbers)

Project Name: DRIVEWAY Property Owner: DAVID L. BARBOUR

Site Address: 942 JACARANDA DRIVE, BAREFOOT BAY FL.

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: DAVID L. BARBOUR Company: _____

Address: 942 JACARANDA DRIVE E-Mail _____

City: BAREFOOT BAY State FL Zip 32976

Phone _____ Fax _____ Cell 772-713-7713

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: ED'S CONCRETE Eng. or Proj. Mgr.: ED

Address: _____ Ph # (381) 5080797 Fax () _____

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

DRIVEWAY

Owner/Applicant Signature: David L. Barbour Print Name: DAVID L. BARBOUR

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.

- The granting of the waiver will not be injurious to the other adjacent property.
CORNER LOT - NO ADJACENT PROPERTY
CONTRACTOR DID NOT OBTAIN PERMIT (ED'S CONCRETE)
THIS DRIVEWAY DOES ENHANCE PROPERTY VALUE

- 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 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.

- Delays attributed to state or federal permits.

- Natural disasters.

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

RECEIPT

BREVARD COUNTY
2725 JUDGE FRAN JAMIESON WAY
VIERA, FL 32940



Application: 14WV-00730
Application Type: Development/Waivers/General/NA
Address: 942 JACARANDA DR, BAREFOOT BAY, FL 32976

Receipt No.: 363512

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments
Cash		\$200.00	08/12/2014	LISA.SMITH	

Owner Info.: BARBOUR, DAVID L
942 JACARANDA DR
BAREFOOT BAY, FL 32976

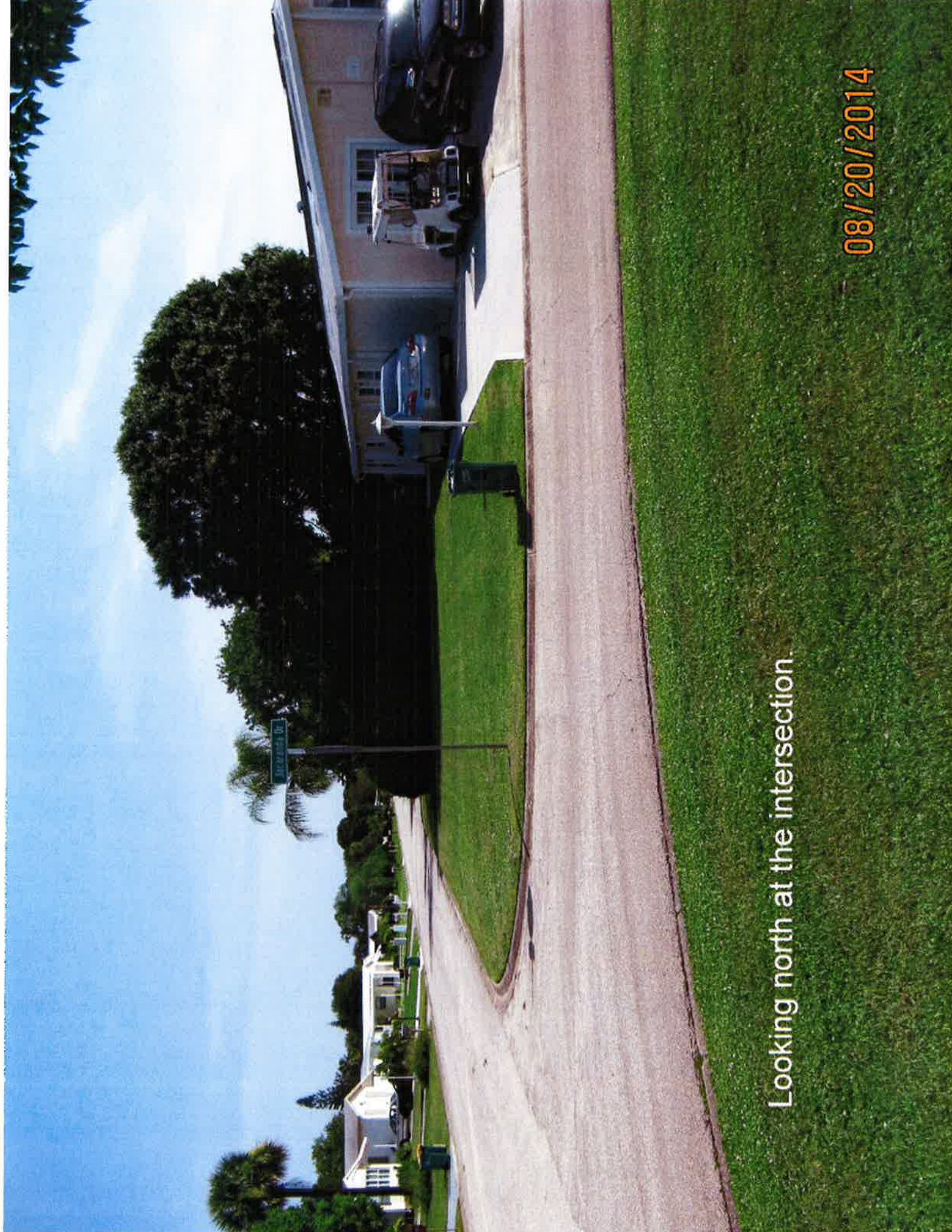
Work Description: Requesting waiver to Exhibit 16 - Corner Lot - 40 foot setback from the intersection of the two right-of-way lines.

Invoice #	Invoice Date	Period	Fee Item	Fee
371671	11-Aug-14	FINAL	Engineering Inspection	\$200.00
			Subtotal:	\$200.00
			Total Fee:	\$200.00

***Note: Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, or a Final Building Inspection. Please call the Central Cashier to verify.**

Contact Numbers

Building Dept. – 633-2072, Central Cashier – 633-2088, Code Enforcement – 633-2086,
Land Development – 633-2065, Licensing, Regulation, and Enforcement – 633-2058



Looking north at the intersection.

08/20/2014