



AGENDA REPORT  
August 14, 2018

**Waiver of Subdivision Perimeter Buffer Re: Abacos Townhomes – (District 5) 18SP00015/18WV00014**

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**SUBJECT:**

Waiver of Subdivision Perimeter Buffer Re: Abacos Townhomes –  
18SP00015/18WV00014

Developer: Bruce Moia

District 5

**FISCAL IMPACT:**

None

**DEPT/OFFICE:**

Planning and Development

**REQUESTED ACTION:**

The applicant is seeking a waiver to Section 62-2883(d) that requires a 15 foot perimeter buffer tract along the perimeter of a residential subdivision.

**SUMMARY EXPLANATION and BACKGROUND:**

The applicant is requesting that the Board approve a waiver to Section 62-2883(d) of the required 15 foot perimeter natural buffer tract along the perimeter of a plat boundary. The buffer tract requirement is intended to provide screening between the boundaries of residential developments. In this case, the buffer tract would be between this proposed two story townhome subdivision and one story individual residential properties located on the west, and south sides. Granting the waiver will allow the townhomes to be built 15 feet closer to the existing homes. The proposed site plan and preliminary plat Abacos Townhomes is the first step in the process before the Final Plat process. The current design consists of a new 8,000 square foot townhome building complex consisting of five (5) attached units with garages and accessory parking.

In addition, the buffer requirement does not apply to Minor Subdivision which may play into the applicant's justification that this provision is intended for larger developments. However, Minor Subdivisions are only for single family detached home, not attached townhomes. In this case the applicant is proposing attached townhomes; therefore the buffer tract would be required.

Granting the requested items allows the applicant to complete the design for the Preliminary Plat and Site Plan application. The Final Plat application will require Board

approval at a later date.

The project is located west of Highway A1A approximately 1.80 miles south of Eau Gallie Blvd., containing a five unit townhome complex on 0.514 acres.

This item was tabled from the July 24, 2018 Board of County Commissioners meeting to the August 14, 2018 meeting to notify property owners within a 200 foot radius.

**ATTACHMENTS:**

**Description**

- ▢ **Aerial**
- ▢ **Location Map**
- ▢ **Site Plan**
- ▢ **Plat Page**
- ▢ **Staff Comments**
- ▢ **Radius Map and Notification Letter**
- ▢ **Public Comment**



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

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Tammy.Rowe@brevardclerk.us

August 15, 2018

**MEMORANDUM**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item I.1., Waiver of Subdivision Perimeter Buffer for Abacos Townhomes – 18SP00015/19WV00014

The Board of County Commissioners, in regular session on August 14, 2018, granted a waiver to Section 62-2883(d) that requires a 15-foot perimeter buffer tract along the perimeter of a residential subdivision for Abacos Townhomes – 18SP00015/10WV00014.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

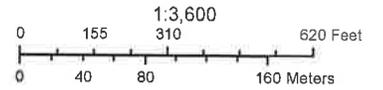
*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/ds



# Abacos Townhomes

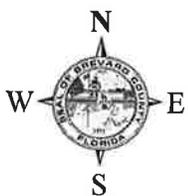
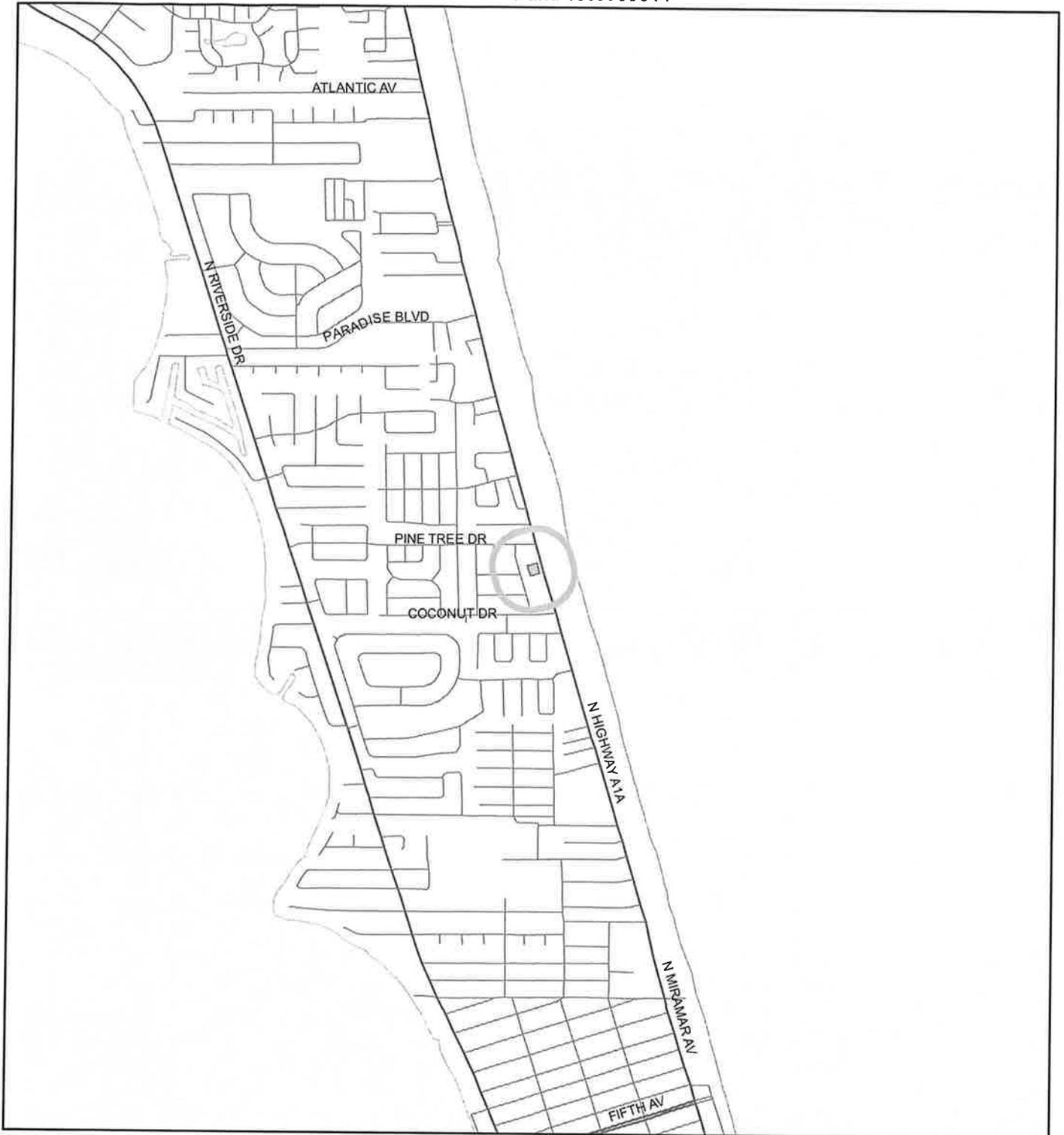


July 6, 2018

Prepared by: Brevard County BOCC GIS  
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# LOCATION MAP

ABACOS TOWNHOMES  
18SP00015 and 18WW00014



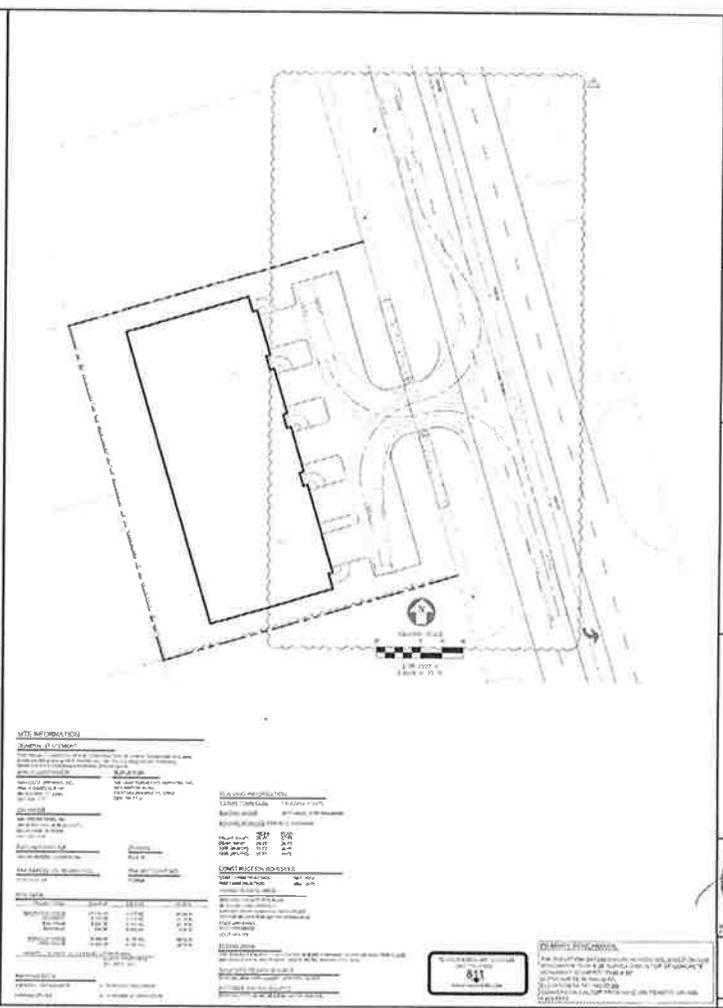
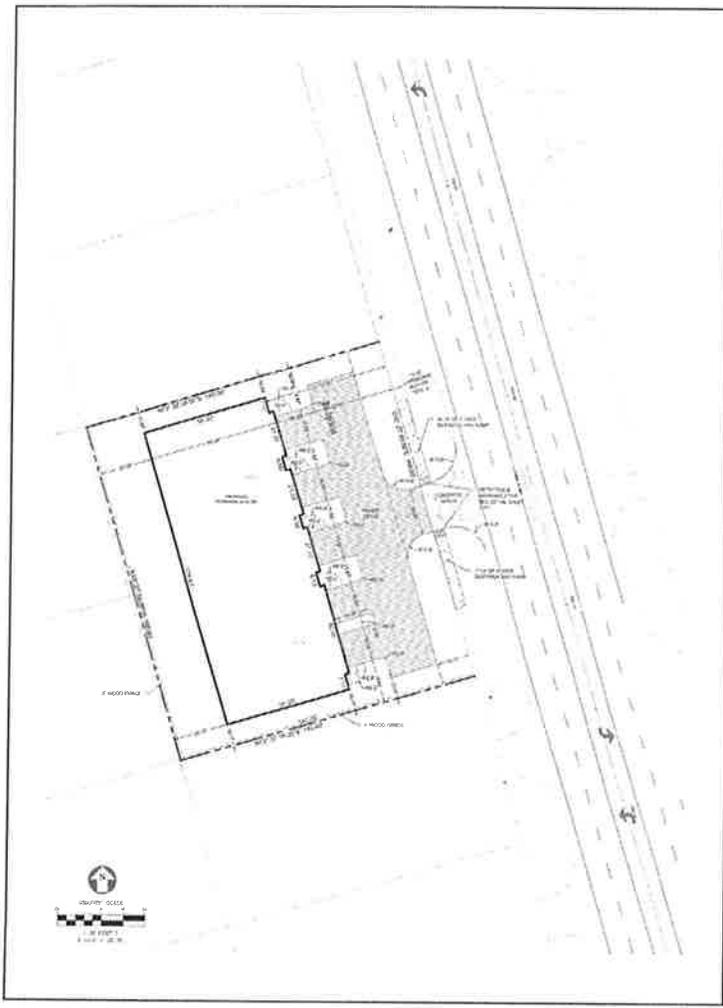
1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

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.

 Subject Property

Produced by BoCC - GIS Date: 7/2/2018



**SITE INFORMATION**

**Project Name:** Abacos Townhomes

**Client:** Abacos Development, Inc.

**Site Address:** 10000 Pines Blvd, Abaco, Bahamas

**Site Area:** 10,000 sq. ft.

**Site Zoning:** Residential Medium Density

**Site Orientation:** North

**Site Elevation:** 10 feet above sea level

**Site Slope:** 0%

**Site Soil Type:** Sand

**Site Water Table:** 5 feet below ground surface

**Site Wind Direction:** North East

**Site Wind Speed:** 100 mph

**Site Rainfall:** 60 inches per year

**Site Temperature:** 80 degrees Fahrenheit

**Site Humidity:** 75%

**Site Air Quality:** Good

**Site Noise Level:** 55 dBA

**Site Seismicity:** Low

**Site Geology:** Sand

**Site Topography:** Flat

**Site Vegetation:** Sparse

**Site Utilities:** Water, Sewer, Gas, Electricity

**Site Access:** 10000 Pines Blvd

**Site Parking:** 100 spaces

**Site Landscaping:** Minimal

**Site Security:** Minimal

**Site Safety:** Minimal

**Site Compliance:** All applicable codes and regulations

**DESIGN INFORMATION**

**Design Team:** MBV Engineering, Inc.

**Design Lead:** [Name]

**Design Date:** [Date]

**Design Scale:** 1/8" = 1'-0"

**Design Standards:** All applicable codes and regulations

**Design Assumptions:** All applicable codes and regulations

**Design Notes:** All applicable codes and regulations

**Design Revisions:** All applicable codes and regulations

**Design Approval:** [Signature]

**811**

**DISCLAIMER**

This document is the property of MBV Engineering, Inc. and is intended for the use of the client. It is not to be used for any other purpose without the written consent of MBV Engineering, Inc. The client is responsible for obtaining all necessary permits and approvals for this project. MBV Engineering, Inc. is not responsible for any errors or omissions in this document.

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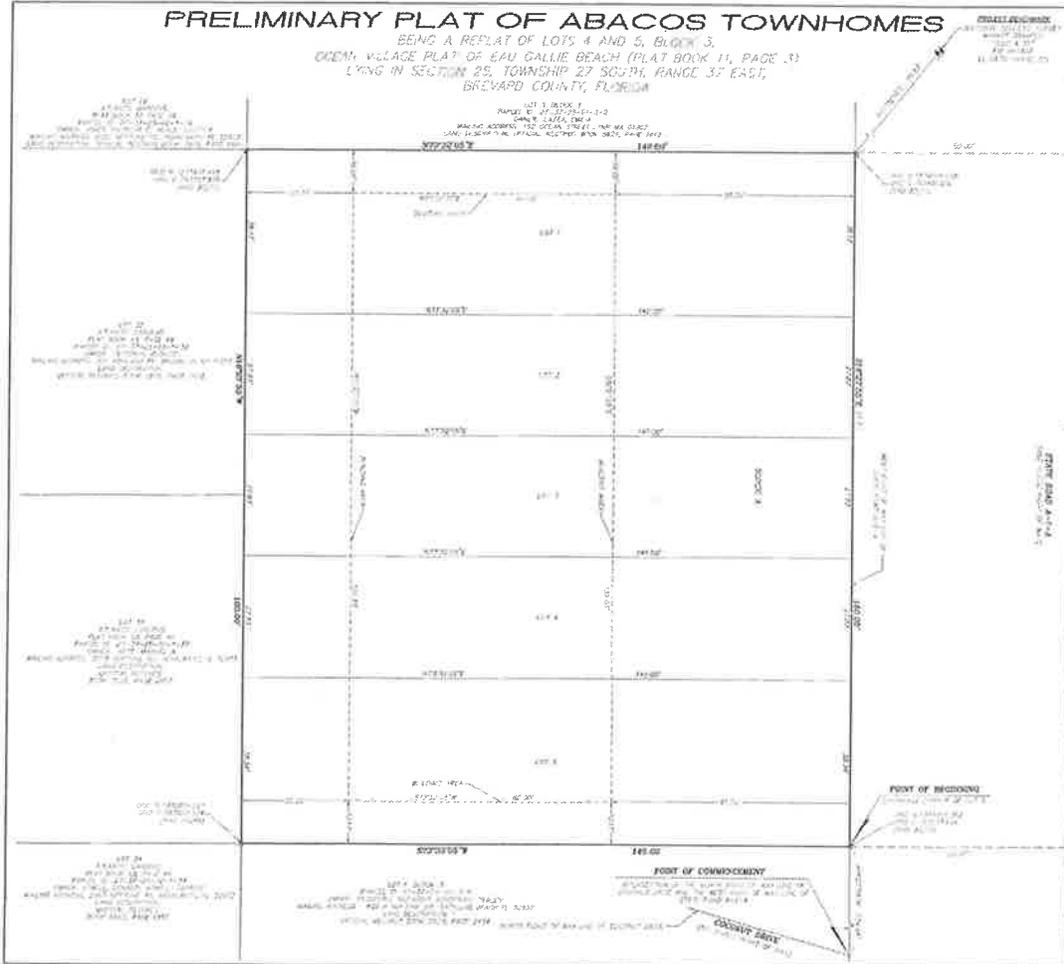
**PROJECT INFORMATION**

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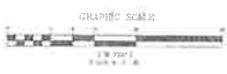
# PRELIMINARY PLAT OF ABACOS TOWNHOMES

BEING A REPLAT OF LOTS 4 AND 5, BLOCK 3,  
 OCEAN VILLAGE PLAT OF EAU GALLE BEACH (PLAT BOOK 11, PAGE 3)  
 LYING IN SECTION 25, TOWNSHIP 27 SOUTH, RANGE 37 EAST,  
 BREVARD COUNTY, FLORIDA

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 SHEET 2 OF 2  
 SECTION 25 TOWNSHIP 27 S., RANGE 37 E.



WALTER H. HARRIS, JR.  
 AND DAVID S. HARRIS, JR. ENGINEERS AND SURVEYORS  
 1001 W. PALM BEACH BLVD.  
 WEST PALM BEACH, FLORIDA 33411  
 (772) 833-8888



NOTES:  
 1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL BEARINGS ARE TRUE BEARINGS.  
 3. THE AREA OF THIS PLAT IS APPROXIMATELY 50,000 SQUARE FEET.  
 4. THE TOTAL AREA OF THIS PLAT IS APPROXIMATELY 50,000 SQUARE FEET.  
 5. THE TOTAL AREA OF THIS PLAT IS APPROXIMATELY 50,000 SQUARE FEET.

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 site is only 0.514 acres in size. The required 15' buffer tract would take up so much of the site; it would not be feasible to develop it.**

*Staff has not made a finding of undue hardship and defers to the Board of County Commissioners.*

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

**It would not be injurious in any way to the adjacent properties to waive the buffer tract.**

*Staff finds the adjacent properties to the west is zoned RU-1-9 and improved with single family residences. The lot to the south is zoned RU-2-10 and improved with a single family residences. The lot to the north is zoned RU-2-10 and currently vacant. Granting the waiver would allow two story townhomes to be built 15 feet closer to the developed lots.*

**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 required buffer was intended for very large parts of vacant land, that would be proposed to develop as subdivisions, adjacent to existing residential lots. The tract is very small and was not intended to be imparted by this regulation.**

*Staff finds the conditions are based on the applicant's preference of design.*

**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 request is consistent as waivers have been granted previously on small subdivisions.**

*Staff does not find the request consistent with the purpose of the Land Development Regulation and defers to the Board of County Commissioners.*

**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.*



Planning & Development Department  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

August 1, 2018

Dear Property Owner:

This courtesy notice is being sent to inform you that your property is within 200 feet of the following request to be considered by the Board of County Commissioners:

**(18SP00015 & 18WV00014) – Waiver of Subdivision Perimeter Buffer for Abacos Townhomes –**  
The applicant is requesting that the Board of County Commissioners approve a waiver to Section 62-2883(d) of the required 15-foot perimeter natural buffer tract along the perimeter of a plat boundary. The buffer tract requirement is intended to provide screening between the boundaries of residential developments. The current design consists of a new 8,000 square-foot townhome building complex consisting of five (5) attached units with garages and accessory parking.

The project is located west of Highway A1A, approximately 1.80 miles south of Eau Gallie Boulevard, containing a five-unit townhome complex on 0.51 acres.

The Board of County Commissioners will hear the request on **TUESDAY, AUGUST 14, 2018, at 5:00 p.m.** at the Brevard County Government Center, Building C, First Floor, 2725 Judge Fran Jamieson Way, Viera Florida, 32940. You are invited to attend this public hearing to voice any comments you may have, or you may write to the address shown on this notice.

For further information, you may visit our internet site at the address shown at the bottom of this notice, or you may call the Planning & Development Department at (321) 633-2069. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this proceeding should contact the Planning and Development Department, at (321) 633-2069, no later than five (5) business days prior to the meeting.

Sincerely,



Jim Mann,  
Planner I  
Planning & Development Department

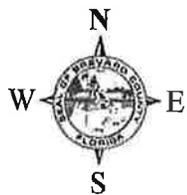
Phone (321) 633-2069 • Fax (321) 633-2074

Jennifer.jones@brevardfl.gov

Website: [www.brevardcounty.us/PlanningDev/Home](http://www.brevardcounty.us/PlanningDev/Home)

# RADIUS MAP

ABACOS TOWNHOMES  
18SP00015 and 18WV00014



1:4,800 or 1 inch = 400 feet

Buffer Distance: 200 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 7/24/2018

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

**Scott P. Werle**  
**2120 Neptune Road**  
**Indialantic, FL 32903**  
**Mobile: 321-480-2139**

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8 August 2018

Mr. Jim Mann, Planner  
Planning & Development Department  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940

Reference: Waiver of Subdivision Perimeter Buffer for Abacos Townhomes  
(18SP00015 & 18WV00014)

Attention: Mr. Mann

Recently we received a notice that the builder of Abacos Townhomes has requested a waiver to the required 15-foot perimeter natural buffer tract as described in Section 62-2883(d).

My wife and I recently began construction on our own home at 2120 Neptune Road, Indialantic. During our design, planning, and permitting process all required perimeters were considered and followed. However, a waiver for Abacos Townhomes (which will be behind our property) will negatively affect the enjoyment and privacy of our backyard living space which is intended as a family gathering area and outdoor kitchen. The buffer tract requirement is intended to provide screening between the boundaries of residential developments – which we will lose if section 62-2883(d) is not enforced.

We respectfully request that the Board of County Commissioners reject this waiver and honor the 15-foot perimeter natural buffer requirement.

Sincerely,



Scott P. Werle  
2120 Neptune Rd.  
Indialantic, FL 32903



Planning & Development Department  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940

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