



AGENDA REPORT
July 24, 2018

**Waiver of Subdivision Perimeter Buffer Re: Abacos Townhomes – (District
5) 18SP00015/18WW00014**

SUBJECT:

Waiver of Subdivision Perimeter Buffer Re: Abacos Townhomes –
18SP00015/18WW00014

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.

ATTACHMENTS:

Description

- ▣ **Aerial**
- ▣ **Location Map**
- ▣ **Site Plan**
- ▣ **Plat Page**
- ▣ **Staff Comments**



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July 25, 2018

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item F.4., Waiver of Subdivision Perimeter Buffer for Abacos Townhomes –
18SP00015/18WV00014

The Board of County Commissioners, in regular session on July 24, 2018, tabled consideration for a waiver of Section 62-2883(d) to a subdivision perimeter that requires a 15 foot buffer for Abacos Townhomes 18SP00015/18WV00014 – Bruce Moia to the August 14, 2018, Board meeting. .

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

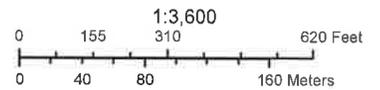
Tammy Rowe, Deputy Clerk

/ds

cc: County Manager



Abacos Townhomes

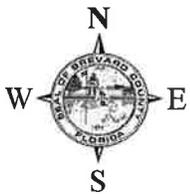
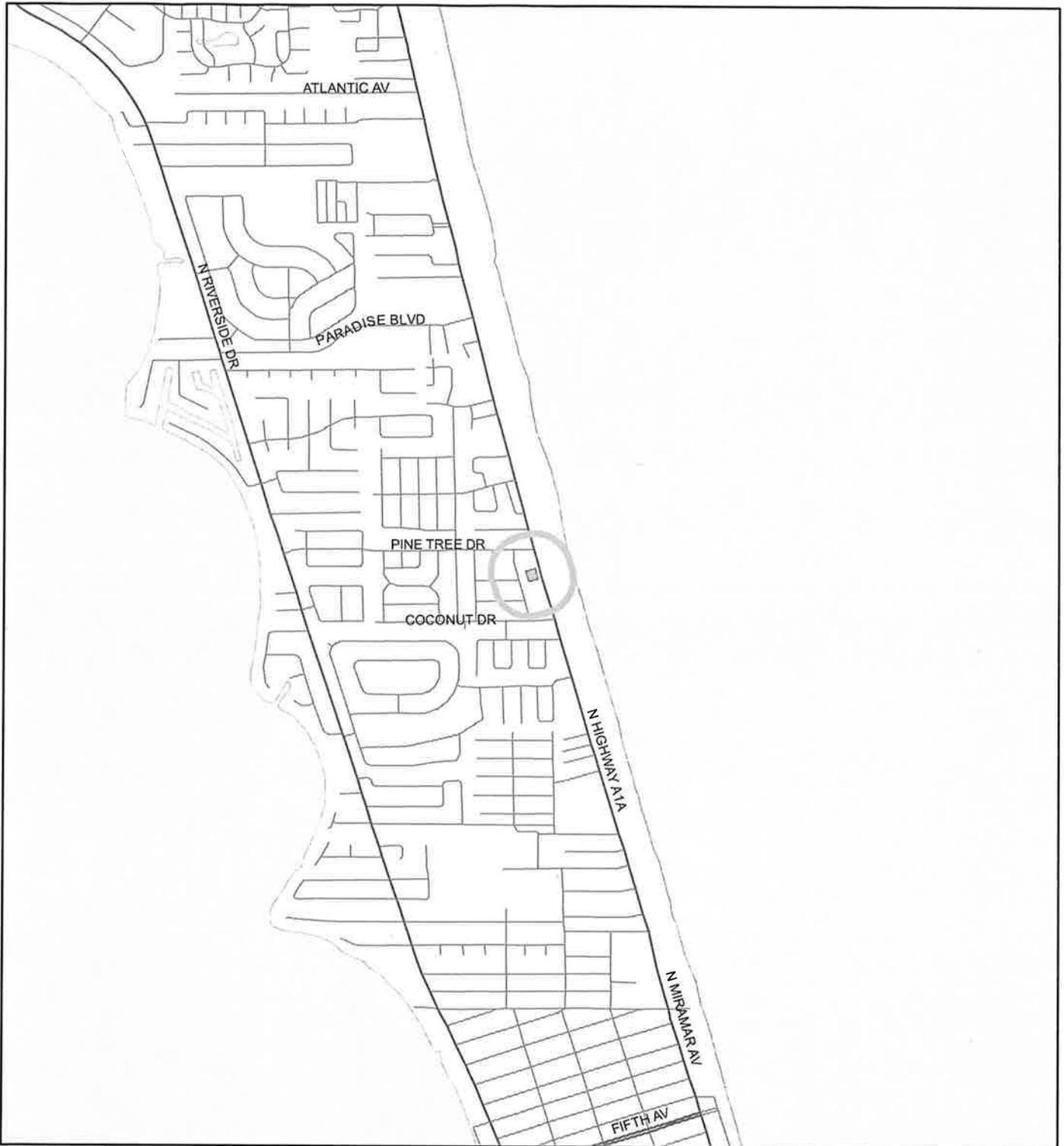


July 6, 2018

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

PRELIMINARY PLAT OF ABACOS TOWNHOMES

BLING A REPLAT OF LOTS 4 AND 5, BLOCK 3,
 OCEAN VILLAGE PLAT OF 240 GALLIE 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.



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LEGEND
 --- PROPERTY BOUNDARY
 --- EASEMENT BOUNDARY
 --- EASEMENT
 --- EASEMENT
 --- EASEMENT

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.