

Meeting Date
March 6, 2018



AGENDA	
Section	Consent
Item No.	II.A.2

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	BOARD POLICY REVIEW RE: BCC-40, WAIVER OF BOARD OF ADJUSTMENT APPLICATION FEES PR
DEPT/OFFICE:	PLANNING & DEVELOPMENT DEPARTMENT

Requested Action:
It is requested that the Board of County Commissioners continue Board Policy BCC-40, Waiver of Board of Adjustment Application Fees.

Summary Explanation & Background:

Pursuant to BCC-31 (Sunset Review of Programs, Services, Ordinances, Policies, & Administrative Orders) staff has reviewed BCC-40 and requests that the Board continue the policy to March 6, 2021. BCC-31 requires the review a Board Policies every three (3) years to determine if a policy is relevant. BCC-40 is relevant in that it provides a mechanism for the County Manager or designee to waive fees for variances when the necessity for the variance was caused by the action of a local, state, federal, or regional governmental agency. For example, the Board changes the zoning classification of an adjacent property which inadvertently increases the setback for existing buildings on the subject property, thus causing the building to become non-conforming. The policy provides a remedy with no application cost for the owner of the subject building.

No substantial changes to the policy were identified during the review of BCC-40.

BCC-40 provides the County Manager or designee the authority to grant waivers of application fees for the Board of Adjustments in the following circumstances:

1. The nonconformity for which the variance is requested was created due to a physical or material change in the property caused by an action of the Board of County Commissioners, or an action as directed by the Board of County Commissioners; or
2. The nonconformity for which the variance is requested was created due to a physical or material change in the property caused by an action of a Federal, State or Regional governmental agency based upon a request by the Board of County Commissioners; or
3. The structure for which the variance is requested has been demonstrated to be in existence for a period of ten (10) years prior to determination that the structure does not meet zoning code requirements.

Fiscal Impact: Board of Adjustment application fee is \$598 & \$182 for each additional variance request. The fee defrays the cost of advertising, mailing notifications, and processing the application.

Contact: Rebecca Ragain, Assistant Director 321-633-2072 Ext. 5-2362

Clerk to the Board Instructions: Send signed original to County Manager's Office

Exhibits Attached: Proposed Board Policy BCC-40, strike-through/underline copy and original, Sunset review form

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager John Denninghoff					Department Director / Extension Tad Calkins Planning & Development Department Ext. 5-2069	
Frank Abbate	Interim Assistant County Manager Jim Liesenfelt						



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

March 7, 2018

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item II.A.2., Board Policy Review for BCC-40, Waiver of Board of Adjustment Application Fees

The Board of County Commissioners, in regular session on March 6, 2018, executed and continued Board Policy BCC-40, Waiver of Board of Adjustment application fees. Enclosed is original Policy for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Planning and Development Director

CLEAN COPY



POLICY

BOARD OF COUNTY COMMISSIONERS

TITLE:	Waiver of Board of Adjustment Application Fees	NUMBER:	BCC-40
		CANCELS	April 20, 2010
		APPROVED:	March 6, 2018
		ORIGINATOR:	Planning & Development
		REVIEW:	March 6, 2021

I. OBJECTIVE:

To provide for the administrative waiver by the County Manager, or designee, of application fees for the Board of Adjustment under certain circumstances.

II. REFERENCES

- A. Application Fees for the Board of Adjustment – The application fee for consideration for an item by the Board of Adjustment, as established by resolution by the Board of County Commissioners.
- B. Board of Adjustment – As established by Chapter 62, Division 4, Section 62-211 of the Code of Ordinances of Brevard County, Florida.
- C. Variance – As established by Chapter 62, Division 5, Section 62-251 of the Code of Ordinances of Brevard County, Florida.

III. DIRECTIVES

- A. The County Manager, or designee, is hereby authorized to grant waivers of application fees for the Board of Adjustment as defined above, in the following circumstances:
 - 1. The nonconformity for which the variance is requested was created due to a physical or material change in the property caused by an action of the Board of County Commissioners, or an action as directed by the Board of County Commissioners; or
 - 2. The nonconformity for which the variance is requested was created due to a physical or material change in the property caused by an action of a Federal, State or regional governmental agency based upon a request by the Board of County Commissioners; or
 - 3. The structure for which the variance is requested has been demonstrated to be in existence for a period of ten (10) years prior to determination that the structure does not meet zoning code requirements.
- B. Any request for a waiver which is denied by the County Manager, or designee, may appeal that decision to the Brevard County Board of County Commissioners within 30 days after the date of the decision, but not thereafter.

IV. RESERVATION OF AUTHORITY

The authority to issue or revise this Policy is reserved to the Board of County Commissioners

Attest:



Scott Ellis, Clerk



Rita Pritchett, Chair
Board of County Commissioners
Brevard County, Florida

As approved by the Board on March 6, 2018.