

tabled

2725 Judge Fran Jamieson
Way
Viera, FL 32940



Agenda Report

Consent

F.4.

7/12/2022

Subject:

Plat Modification and Waiver, Re: Rambling Acres West Addition (District 1)

Developers: Church Street Realty, LLC; W. Kelly McLendon, Trustee; and Hunter's Brooke Titusville, LLC.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The Board is requested to consider the applicants' request for modifications to an approved final plat per Section 62-2897 and a request to replat under Section 62-2805(d); waiving the flood zone limitations and postponing the lot grading plan, drainage plan and compensatory storage calculations until a request for land alteration or building permit is submitted.

Summary Explanation and Background:

Section 62-2897 states that a platted property shall only be developed for the purpose shown on the plat unless a modification is approved by the Board. Church Street Realty, LLC.; W. Kelly McLendon, Trustee; and Hunter's Brook Titusville, LLC.; would like to modify the plat for Rambling Acres West to incorporate additional property and reconfigure existing lots to create two residential lots (7.58 acres & 6.34 acres) and a preservation tract. Pursuant to Section 62-2897, the owners in the affected subdivision have been notified in writing of this requested action and a copy of their letter is attached. If approved by the Board, the final plat will be applied for through Planning and Development and reviewed by appropriate agencies.

Section 62-2805(d) allows for re-platting under a one-step process when new streets are not being created and the property is not located in a flood zone. The applicants are requesting a waiver since the property is located in a flood zone. Granting the waiver will allow the applicant to defer the required lot grading plan, drainage plan and compensatory storage calculations until they submit a building permit or other development that necessitates a land alteration permit. Deferring the requirement allows the applicants to account for specific areas impacted which may reduce the impacts to the flood zone.

Planning & Development, Public Works, and Natural Resources Management Departments are in support of granting the waiver of Section 62-2805(d) to allow the replat subject to the following conditions:

1. The proposed plat shall be limited to re-platting lots 44 and 25 of Rambling Acres West into proposed lots 1 and 2, and a conservation / preservation tract(s) as depicted on Map of Legal Descriptions dated July 12, 2021.

2. The development of proposed lots 1 and 2 shall be limited to one single family dwelling each, and the accessory structures permitted within the zoning classification.
3. Compensatory storage calculations and demonstration of no adverse impacts shall be provided at the time of any land alteration and/or building permit.
4. The Existing Private Easement ORB 6520, PG 1096 is not included in the approval nor is the easement being accepted by the Board.

Board approval of this project is subject to aforementioned conditions and does not relieve the developer from obtaining all other necessary jurisdictional permits.

Reference: 21WV00015

Clerk to the Board Instructions:



July 13, 2022

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item F.4., Plat Modification and Waiver for Rambling Acres West Addition, Developers: Church Street Realty, LLC; W. Kelly McLendon, Trustee; and Hunter's Brooke Titusville, LLC

The Board of County Commissioners, in regular session on July 12, 2022, reached consensus to table consideration of applicants' request for modification to an approved final plat per Section 62-2897 and a request to replat under Section 62-2805(d), waiving the flood zone limitations and postponing the lot grading plan, drainage plan, and compensatory storage calculations until a request for land alternation or building permit is submitted, to the July 19, 2022, Regular meeting.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/tr

cc: County Manager
Natural Resources Management
Public Works

[illegible]

See also <http://www.1911forum.com> for more information on the 1911 Forum.

It is also important to note that the results presented in this paper are based on a sample of 1000 respondents, which may not be representative of the entire population of the United States. Therefore, the results should be interpreted with caution.

- [illegible]

Bearing and Line used for the basis of Bearings indicated by the "X" symbol
Refer to Official Records Book 6520, Page 1036 for Declaration of Covenants,
Conditions and Restrictions.
There may be additional matters of record affecting these lands not shown
hereon.

— — — — — indicates Limits of Jurisdictional Wetlands

MAP OF LEGAL DESCRIPTION

RAMBLING ACRES WEST ANNEX

Situated in San Juan Co., N.M.; of B. & W. Co. County, P.O. Co.
County, N.M.

Tract No. 100-01
Section 10, T. 1N, R. 1E, S. 1W



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

June 27, 2022

Re: Plat Modification and Waiver to the Rambling Acres West Addition Subdivision

Dear Property Owner:

On **July 12, 2022**, beginning at **5:00 p.m.**, the Board of County Commissioners will consider a request for modifications to an approved final plat, per Section 62-2897, and a request to replat under Section 62-2805(d); and waiver of the flood zone limitations, postponing the lot grading plan, drainage plan, and compensatory storage calculations until a request for land alteration or building permit is submitted.

The meeting will be held at the Brevard County Government Center, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940. You are invited to attend the meeting and address the Board concerning this issue.

If you are unable to attend the meeting but would like to submit comments in writing prior to the meeting, please mail them to Jennifer Jones, Planning and Development, Room 114, 2725 Judge Fran Jamieson Way, Viera, Florida, 32940. You can also email comments to jennifer.jones@brevardfl.gov. All received comments will be forwarded to the Board prior to the meeting.

Sincerely,

Jones, Jennifer

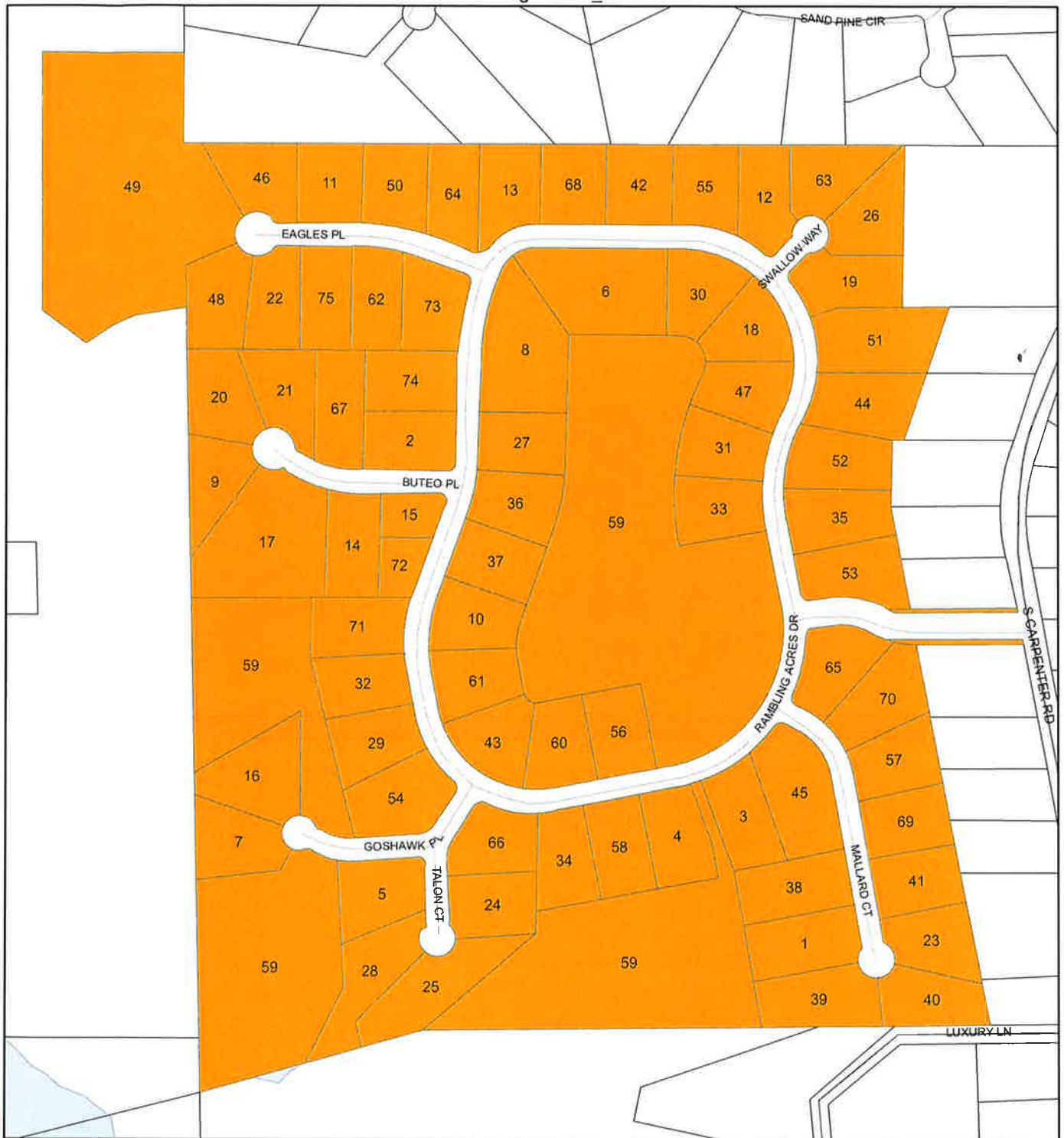
Digitally signed by Jones,
Jennifer
Date: 2022.06.15 08:59:57 -04'00'

Special Projects Coordinator
Planning and Development Department

RADIUS MAP

RAMBLING ACRES WEST

ramblingacresw_10



1:4,800 or 1 inch = 400 feet

Buffer Distance: -10 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: 5/5/2022

- Buffer
- Subject Property
- Notify Property
- Parcels

BUFF_ID | TAXID | PARCELID | OWNER1 | OWNER2 | MAIL1 | MAIL2 | CITY | STATE | ZIP5 | ZIP4
 1 | 2203137 | 22 3507-25-* -13 | AKIN, GREGORY K | AKIN, SHARON A | 1534 MALLARD COURT | | TITUSVILLE FL 32796-
 2 | 2203162 | 22 3507-25-* -38 | ALEXANDER, ERROL | ALEXANDER, PATRICIA A | 3880 BUTEO PL | | TITUSVILLE FL 32796-
 3 | 2203140 | 22 3507-25-* -16 | BLANKENSHIP, JOHN K | BLANKENSHIP, DAMN | 3948 RAMBLING ACRES DR | | TITUSVILLE FL 32796-
 4 | 2203141 | 22 3507-25-* -17 | CALLIGAN, HEATHER TRUSTEE | | 3942 RAMBLING ACRES DR | | TITUSVILLE FL 32796-
 5 | 2203148 | 22 3507-25-* -24 | CAMPBELL FAMILY TRUST | | 3887 GOSHAWK PL | | TITUSVILLE FL 32796-3651
 6 | 2203187 | 22 3507-25-* -63 | CARRILLO, CARLOS A DR | CARRILLO, CHRISTINE R | 3857 RAMBLING ACRES DR | | TITUSVILLE FL
 32796-
 7 | 2203149 | 22 3507-25-* -25 | CHURCH STREET REALTY LLC | | 10644 CRYSTAL SPRINGS CT | | ORLANDO FL 32825-8503
 8 | 2203189 | 22 3507-25-* -65 | COLEMAN, RANDALL T | COLEMAN, MARY T | 3869 RAMBLING ACRES DRIVE | | TITUSVILLE FL 32796-
 9 | 2203158 | 22 3507-25-* -34 | COLLINS, GARY E | COLLINS, MARJORIE M | 3897 BUTEO PLACE | | TITUSVILLE FL 32796-
 10 | 2203194 | 22 3507-25-* -70 | COVINGTON, JAMES JEFFREY | COVINGTON, DARCY | 3901 RAMBLING ACRES DR | | TITUSVILLE FL
 32796-3647
 11 | 2203171 | 22 3507-25-* -47 | DANIEL, STEVEN A | DANIEL, MARGARET A | LIFE EST | 3882 EAGLE'S PLACE | | TITUSVILLE FL
 32796-
 12 | 2203178 | 22 3507-25-* -54 | DOBBS, RICHARD ALLEN | DOBBS, LISA GUTHRIE | 1620 BANANA DRIVE | | TITUSVILLE FL
 32780-3821
 13 | 2203174 | 22 3507-25-* -50 | DONALD R LANGLEY & THERESA | M LANGLEY LIVING TRUST | | 3860 RAMBLING ACRES
 DR | | TITUSVILLE FL 32796-3641
 14 | 2203156 | 22 3507-25-* -32 | DYBER, JOHN | | 3885 BUTEO PL | | TITUSVILLE FL 32796-3650
 15 | 2203155 | 22 3507-25-* -31 | DYBER, JOHN | | 3885 BUTEO PL | | TITUSVILLE FL 32796-3650
 16 | 2203150 | 22 3507-25-* -26 | FIRST OMNI SERVICE CORP | PO BOX 321368 | COCOA BCH FL 32932-1368
 17 | 2203157 | 22 3507-25-* -33 | FIRST OMNI SERVICE CORPORATION | PO BOX 321368 | COCOA BCH FL 32932-1368
 18 | 2203185 | 22 3507-25-* -61 | FORTIN, PAUL M | FORTIN, JEANNINE Y | 132 CATRIONA DRIVE | | DAYTONA FL 32124-
 19 | 2203181 | 22 3507-25-* -57 | FOSTER, HENRY L | FOSTER, ROSALIE M | 3830 RAMBLING ACRES DR | | TITUSVILLE FL 32796-
 20 | 2203159 | 22 3507-25-* -35 | FREDERICKS, MICHAEL C | FREDERICKS, KELLY A | 3898 BUTEO PL | | TITUSVILLE FL 32796-3650
 21 | 2203160 | 22 3507-25-* -36 | FRY, DANIEL E | FRY, MARY W | LIFE ESTATE | 3892 BUTEO PLACE | | TITUSVILLE FL 32796-
 22 | 2203167 | 22 3507-25-* -43 | FRY, DANIEL E | FRY, MARY W | TRUSTEES | 3892 BUTEO PLACE | | TITUSVILLE FL 32796-
 23 | 2203134 | 22 3507-25-* -10 | GAETJENS, B W | GAETJENS, TERRY M | 1535 MALLARD COURT | | TITUSVILLE FL 32796-
 24 | 2203145 | 22 3507-25-* -21 | GARCIA, ORLANDO, JR | GARCIA, ROSALIND | 1501 TALON CT | | TITUSVILLE FL 32796-3652
 25 | 2203146 | 22 3507-25-* -22 | GEORGE R HAMILTON & PAMELIA | C HAMILTON REVOCABLE TRUST | | 1507 TALON
 CT | | TITUSVILLE FL 32796-3652
 26 | 2203180 | 22 3507-25-* -56 | GRAVELINE, ROBERT P | | 1301 SWALLOW WAY | | TITUSVILLE FL 32796-3648
 27 | 2203191 | 22 3507-25-* -67 | HAMMOND, CLYDE J | HAMMOND, JEAN C | 3883 RAMBLING ACRES DR | | TITUSVILLE FL 32796-3646
 28 | 2203147 | 22 3507-25-* -23 | HARRINGTON, DAVID E | HARRINGTON, KATERI HORNER | 1506 TALON CT | | TITUSVILLE FL
 32796-3652
 29 | 2203152 | 22 3507-25-* -28 | HEATHER CALLIGAN TRUST | | 3942 RAMBLING ACRES DR | | TITUSVILLE FL 32796-3644
 30 | 2203186 | 22 3507-25-* -62 | HEATHER CALLIGAN TRUST | | 3942 RAMBLING ACRES DR | | TITUSVILLE FL 32796-3644

31|2203183|22 3507-25-*59|HEATHER CALLIGAN TRUST||3942 RAMBLING ACRES DR||TITUSVILLE FL 32796-3644
32|2203153|22 3507-25-*29|HEATHER CALLIGAN TRUST||3942 RAMBLING ACRES DR||TITUSVILLE FL 32796-3644
33|2203182|22 3507-25-*58|HOLLAND FAMILY TRUST||3807 RAMBLING ACRES DR||TITUSVILLE FL 32796-3646
34|2203143|22 3507-25-*19|HUMAN, CLAYTON|HUMAN, MICHELLE|3930 RAMBLING ACRES DR||TITUSVILLE FL 32796-
35|2203127|22 3507-25-*3|JANCZEWSKI, WILLIAM G,II|JANCZEWSKI, JESSICA M|3806 RAMBLING ACRES DR||TITUSVILLE
FL 32796-3640
36|2203192|22 3507-25-*68|JONES, BRIAN M|JONES, DENISE R|3895 RAMBLING ACRES DR||TITUSVILLE FL 32796-
37|2203193|22 3507-25-*69|JONES, BRIAN M|JONES, DENISE R|3895 RAMBLING ACRES DRIVE||TITUSVILLE FL 32796-
38|2203138|22 3507-25-*14|KARAVAS, GEORGE A|KARAVAS, CAROL R|1528 MALLARD COURT||TITUSVILLE FL 32796-
39|2203136|22 3507-25-*12|LEE, ROGER D|LEE, LINDA D TRUSTEES|1540 MALLARD CT||TITUSVILLE FL 32796-3653
40|2203135|22 3507-25-*11|LEE, ROGER D|LEE, LINDA D TRUSTEES|1540 MALLARD CT||TITUSVILLE FL 32796-3653
41|2203133|22 3507-25-*9|LEFTIN, LAWRENCE J||240 WILSON AVE||SATELLITE BCH FL 32937-
42|2203176|22 3507-25-*52|LIEBSCH, CARL J|LIEBSCH, CATHY J|3848 RAMBLING ACRES DR||TITUSVILLE FL 32796-3641
43|2203196|22 3507-25-*72|LUHMANN, GREGG C|LUHMANN, THRESEA J|3919 RAMBLING ACRES DR||TITUSVILLE FL
32796-3647
44|2203125|22 3507-25-*1|MACCIONE, DOMENICO M|MACCIONE, JEAN TERESA|3818 RAMBLING ACRES DR||TITUSVILLE FL
32796-3640
45|2203139|22 3507-25-*15|MAHASE ENTERPRISES INC||8750 STATE ROAD 46||MIMS FL 32754-6013
46|2203170|22 3507-25-*46|MARTIN, MARY J||3888 EAGLE'S PLACE||TITUSVILLE FL 32796-
47|2203184|22 3507-25-*60|MC CLELLAN, REGINALD L|MC CLELLAN, CAROLYN J|3819 RAMBLING ACRES DR||TITUSVILLE
FL 32796-3646
48|2203168|22 3507-25-*44|MC LENDON, W KELLY TRUSTEE||3894 EAGLE'S PLACE||TITUSVILLE FL 32796-
49|2203169|22 3507-25-*45|MC LENDON, W KELLY TRUSTEE||3894 EAGLE'S PLACE||TITUSVILLE FL 32796-
50|2203172|22 3507-25-*48|MC MILLAN, ROSALIA ANN||551 LOXLEY CT||TITUSVILLE FL 32780-3226
51|2203200|22 3507-25-G|MCARDLE FAMILY TRUST||3826 RAMBLING ACRES DR||TITUSVILLE FL 32796-3640
52|2203126|22 3507-25-*2|MOLINA, GILBERT A||3474 STARBIRD DRIVE||OCOE FL 34761-
53|2203128|22 3507-25-*4|MULLIGAN, MARY J||3794 RAMBLING ACRES DR||TITUSVILLE FL 32796-
54|2203151|22 3507-25-*27|NIX, MICAH|NIX, SUMMER|3884 GOSHAWK PL||TITUSVILLE FL 32796-3651
55|2203177|22 3507-25-*53|PATEL, RAMESH|PATEL, NILAM|3842 RAMBLING ACRES DR||TITUSVILLE FL 32796-3641
56|2203198|22 3507-25-*74|POFF, MARK|POFF, PATRICIA|4917 CARODOC CIR||TITUSVILLE FL 32796-1472
57|2203131|22 3507-25-*7|POORAN, RONALD|POORAN, SAVI|1688 PARK AVE S||TITUSVILLE FL 32780-
58|2203142|22 3507-25-*18|POWERS, WILLIAM A|POWERS, KAREN M|3936 RAMBLING ACRES DR||TITUSVILLE FL
32796-3644
59|2203199|22 3507-25-A|RAMBLING ACRES WEST HOMEOWNERS|ASSOCIATION INC|PO BOX 132||TITUSVILLE FL 32781-0132
60|2203197|22 3507-25-*73|REID, BRIAN||3925 RAMBLING ACRES DR||TITUSVILLE FL 32796-
61|2203195|22 3507-25-*71|REITH, TIMOTHY W|REITH, MELISSA A|3907 RAMBLING ACRES DR||TITUSVILLE FL
32796-3647
62|2203165|22 3507-25-*41|RIVERA FAMILY TRUST||3877 EAGLES PL||TITUSVILLE FL 32796-3649

63|2203179|22 3507-25-*--55|ROBINSON, RONALD G|ROBINSON, JANET R|1300 SWALLOW WAY||TITUSVILLE FL 32796-
64|2203173|22 3507-25-*--49|SALAZAR, PATRICIA||3870 EAGLE'S PLACE||TITUSVILLE FL 32796-
65|2203129|22 3507-25-*--5|SALIA, QAZIM||1985 MCGIRTS POINT BLVD||JACKSONVILLE FL 32221-8077
66|2203144|22 3507-25-*--20|SMITH, JOEL DERAL,JR|SMITH, VALARIE LYNN|3924 RAMBLING ACRES DR||TITUSVILLE FL
32796-3644
67|2203161|22 3507-25-*--37|STEFANOVIC, MILIVOJE|STEFANOVIC, TERRY ANN|3886 BUTEO PL||TITUSVILLE FL 32796-
68|2203175|22 3507-25-*--51|STOCKTON, JOHN RICHARD|STOCKTON, KRISTINA DEEANN MADISON|3854 RAMBLING ACRES
DR||TITUSVILLE FL 32796-3641
69|2203132|22 3507-25-*--8|STRATFORD, SIMON M|STRATFORD, KARRE L|1523 MALLARD COURT||TITUSVILLE FL 32796-
70|2203130|22 3507-25-*--6|SWANSON, RONALD|SWANSON, MARGARET|1511 MALLARD CT||TITUSVILLE FL 32796-3653
71|2203154|22 3507-25-*--30|THIBEAU, JUSTIN|THIBEAU, CAMILLA|845 CRESTWOOD AVE||TITUSVILLE FL 32796-2265
72|3019511|22 3507-25-*--31.01|THIBEAU, JUSTIN|THIBEAU, CAMILLA|105 GREENWING TRL||TITUSVILLE FL 32780-2315
73|2203164|22 3507-25-*--40|TODD, ADELINE|TODD, HAROLD|3868 RAMBLING ACRES DR||TITUSVILLE FL 32796-
74|2203163|22 3507-25-*--39|VANTO, THUY CHUNG|DOAN, NG THI|114 N DIXIE AVE||TITUSVILLE FL 32796-
75|2203166|22 3507-25-*--42|WHEELER, ALAN J|WHEELER, TRICIA LEIGH|3883 EAGLES PL||TITUSVILLE FL 32796-3649



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July 01, 2022

Board of County Commissioners
Brevard County, Florida
c/o Jennifer Jones
Planning and Development Department

Re: Plat Modification and Waiver to the Rambling Acres West Addition Subdivision

Dear Ms. Jones:

We received and reviewed the Plat Modification and Waiver concerning the vacation and replatting of two lots in the Rambling Acres West Plat (Plat Book 30, Page 24, Public Records of Brevard County, Florida) ("**Plat**"), (a copy of which is attached for your reference). Specifically, the application is for the vacation and replatting of Lots 44 and 25 ("**Lots**") as shown on the Plat.

The Lots are subject to that certain Declaration of Covenants, Conditions, and Restrictions recorded December 30, 1983, in Official Records Book 2478, Page 2028, Public Records of Brevard County, Florida, as subsequently amended ("**HOA Declaration**").

The proposed replatting violates the express terms and conditions of the Declaration. Specifically, Section 3 of the Declaration provides as follows:

Lots Shall Not Be Subdivided. No Lot shall be subdivided or reduced in size nor shall any Lot be combined with another without the written consent of the AEC, and approval of the appropriate governmental authority.

The proposed replatting does not reflect the drainage easements in the favor of and benefitting the Rambling Acres Homeowners Association ("**HOA**"), and each owner of a Lot in Rambling Acres West. Specifically, Section 8 of the Declaration provides:

Lot Drainage. No Lot Owner shall be permitted to plant any landscaping or build any structures on areas within seven and one-half (7½) feet of their side and rear lot lines, so that proper drainage can be accomplished. The Association shall have the right to remove any such materials, if the Owner fails to do so after fifteen (15) days

written notice to do so. Any expenses incurred by the Association shall be a lien against the property upon filing of a Notice of Lien in the Public Records of Brevard County, Florida.

In addition, Section 11 of the Declaration provides:

Easements to be Unrestricted. No right-of-way or easement of any kind may be made use of by a Lot Owner in such a manner as to restrict or prevent the intended use or enjoyment of said right-of-way or easement.

The proposed replatting vacates existing drainage and utility easements granted and conveyed pursuant to the Plat.

The proposed replatting appears to be an incremental step to facilitate a future subdivision of the proposed re-platted Lots, circumvention of the terms and restrictions of the Declaration, and elimination of the rights and interests of the HOA and the other owners.

The application is inconsistent with Brevard County code requirements and should be denied.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Brian M. Jones", is positioned above the printed name.

Brian M. Jones

CC: Commissioner Nicole Wilson (district1@ocfl.net)