



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Development and Environmental Services Group

J.1.

7/20/2021

### Subject:

Waiver of Subdivision Perimeter Buffer, Re: Ivey Cove (21WV00008) (District 1)  
Developer: Ivey Cove, LLC.

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

The Board is requested to consider the applicant's waiver request to Section 62-2883(d) that requires an undisturbed 15-foot perimeter buffer tract along all boundaries of a residential subdivision.

### Summary Explanation and Background:

Section 62-2883(d) requires that subdivisions provide a minimum 15-foot perimeter buffer, undisturbed along all property boundaries, platted as a common tract separate from individual lots. It is intended to provide screening between the boundaries of residential developments. This project is on the north side of Highway 520, approximately half a mile west of the intersection with Highway 524, and contains 104 home sites on 52 acres. The perimeter buffer tract is included, but may not remain undisturbed as required.

The applicant states that the unique size, shape, and topography of the site necessitate the waiver application. There is a County maintained canal to the west of the property, a County owned solid waste site to the north, and an existing horse ranch to the east. On the south side is Highway 520.

According to the subdivision plan, the 15-foot perimeter buffer tract has been provided for the entire subdivision. However, portions of the proposed buffer tracts are encumbered by existing FPL and utility easements which cannot be vacated. These easement areas may require future maintenance, and therefore would not remain undisturbed. There will also be drainage pipes and outfall culverts passing through some buffer tracts to allow offsite drainage to pass through this site to the canal. All of the applicable County agencies have reviewed the request and did not identify any issues should the waiver be granted. To accommodate landscaping requirements, tree preservation and plantings will only be in tracts where they will be protected.

Staff has not granted approval of waiver request 21WV00008, and pursuant to Section 62-3207 of the Code, requests that it be evaluated by the Board of County Commissioners. Board approval of this project does not relieve the developer from obtaining all other necessary jurisdictional permits.

Reference: 21WV00008, 20SD00008

Contact: Amanda Elmore, Assistant Director, Ext. 58996



July 21, 2021

**MEMORANDUM**

**TO:** Tad Calkins, Planning and Development Director      Attn: Amanda Elmore

**RE:** Item J.1., Waiver of Subdivision Perimeter Buffer for Ivey Cove (21WV00008) –  
Developer: Ivey Cove, LLC

The Board of County Commissioners, in regular session on July 20, 2021, approved the waiver request of Section 62-2883(d) that requires an undisturbed 15-foot perimeter buffer tract along all boundaries of a residential subdivision for Ivey Cove by Ivey Cove, LLC.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".  
Kimberly Powell, Clerk to the Board



BOARD OF COUNTY COMMISSIONERS

Planning and Development  
Planning and Zoning  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
(321) 633-2070 Phone

### 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 to Subdivisions, Minor Subdivisions, and Site Plans. Fees for Waivers are \$775.00.

#### Office Use Only

Request Date \_\_\_\_\_ Fees \_\_\_\_\_ Board Date \_\_\_\_\_

Original Project Number \_\_\_\_\_ Waiver Number \_\_\_\_\_

Coordinator Initials \_\_\_\_\_ Reference Files \_\_\_\_\_

County Manager/Designee Approval \_\_\_\_\_

**APPLICATION TYPE:** ☒ Subdivision Waiver ☐ Site Plan Waiver ☐ Other

\_\_\_\_\_  
If other, please indicate

#### Tax Parcel Identification:

24 35 21 501  
Township Range Section Subdivision Block/Parcel Lot

**Tax Account Numbers** (list all) 2441237 \_\_\_\_\_

IVEY COVE

Project Name

IVEY COVE, LLC

Property Owner

**Site Address:**

6500 Hwy 520	Cocoa	Fl	32926
Street	City	State	Zip Code

**CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THE ADDRESS BELOW:**

Chad Genoni	Ivey Cove, LLC		
Applicant Name	Company		
4760 N us Hwy1	Melbourne	Fl	32935
Street	City	State	Zip Code
	321 508 5052		chad@gendev.us
Phone Number	Cell Phone Number	Fax Number	Email Address

**ENGINEER/CONTRACTOR (if different from applicant)**

RK Engineering	Richard Kern PE		
Company	Engineer or Project Manager		
3206 S. Hopkins Ave	Titusville	Fl	32780
Street	City	State	Zip Code
	321-544-7466		rick@rkcivildesign.com
Phone Number	Cell Phone Number	Fax Number	Email Address

**DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:**

See attached waiver description from Sec. 62-2883(d).



Owner/Applicant Signature

Chad Genoni

Print Name

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. The Board's decision approving or disapproving the waiver or interpretation is final.

## **LAND DEVELOPMENT APPLICATION DOCUMENT SUBMITTAL REQUIREMENTS**

Waivers for Site Plans or Subdivisions require an application, waiver criteria (listed below), an 8 ½-inch x 11 inch vicinity map, and a fee of \$775.00.

### **WAIVER CRITERIA FOR SUBDIVISIONS AN 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.

1. 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.

SEE ATTACHED

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

SEE ATTACHED

3. The conditions, upon which a request for waivers 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.

SEE ATTACHED

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.

SEE ATTACHED

5. Delays attributed to state or federal permits.

NONE

6. Natural disasters.

NONE

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

**R.K. ENGINEERING AND ASSOCIATES OF BREVARD, INC.**

3206 S. Hopkins Ave, Unit 70, Titusville, Florida 32780

321-544-7466 Email: rick@rkcivildesign.com

April 2, 2021

Ms. Tania Ramos  
Brevard County Land Development  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

**RE: IVEY COVE, PERIMETER BUFFER WAIVER**

Dear Tania:

This is a request for a waiver from the Brevard County Land Development code which requires a 15 foot undisturbed perimeter buffer tract along all property boundaries, per Sec. 62-2883(d). The 15 foot perimeter buffer tract is provided along the entire perimeter of the project. The waiver requested is to allow existing utility easements and existing utility power poles and overhead electric and drainage culverts to overlap it.

**1. The particular physical conditions, shape, or topography of the specific property involved causes and undue hardship to the applicant if the strict letter of the code is carried out.**

The purpose of this letter is to request a waiver from section 62-2883(d) of the land development code. The waiver is sought from the requirement that the 15 foot perimeter buffer tract remain undisturbed.

The proposed subdivision's shape is very unusual in that it is 6,830 lf long x 330 lf wide. Its total perimeter is 14,320 lf, almost 3 miles, for a 52 acre tract of land.

The proposed subdivisions entire west side, 6,830 lf is adjacent to a large county maintained canal. There are no existing buildings along the entire west side.

The north side is vacant and close to the county sewer plant.

The south side is all SR 520

The east side is a horse stable ranch.

Even with the excessive amount of perimeter on this subdivision, the 15 feet wide buffer tract is provided around the entire perimeter per code. However there are existing FPL, and utility easements running along almost the entire west side of the project. These overlap perimeter buffer tracts L-2, L-3, L-4, L-6 and L-7, as well as Tract L-12 on the east side. These are existing and cannot be vacated.

Since the drainage outfall for this project is the canal on the west side, there are several proposed drainage outfall culverts that must pass through the buffer tract in order to discharge to the canal.

Tract L-13 collects a significant amount of offsite runoff on the east boundary, and pipes it to the canal on the west side.



**2. Granting the waiver will not be injurious to the other adjacent property.**

Granting the waiver will actually be a benefit to the adjacent property. It will allow the proposed Ivey Cove to collect runoff coming from the adjacent site and not block it.

**3. The conditions, upon which a request for waivers 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.**

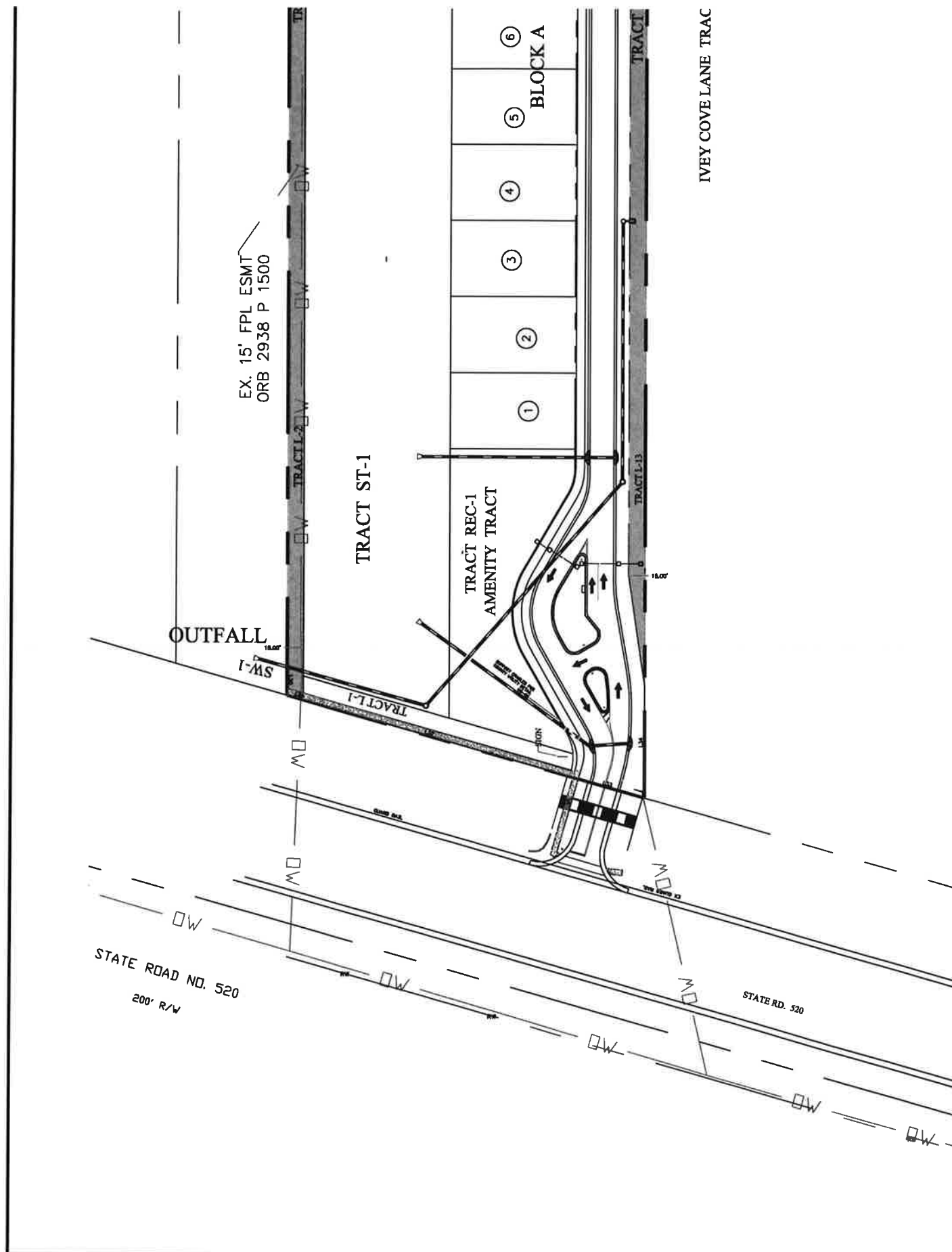
It is the unique size and shape and topography of this site that causes the need for a waiver. The project is 6,830 lf long x 330 lf wide. The project needs to allow offsite drainage to pass through the perimeter buffers to reach the canal on the west side. The existing FPL and perimeter utility easements cannot be vacated and need to be left in place inside the perimeter buffer tracts. With the exception of the high voltage 230 foot wide FPL easement passing through the site, the rest of the perimeter existing easements are already heavily vegetated and should remain that way even with the existing easements in place.

**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 proposed waiver is consistent the with county zoning and land use regulations and the land development code.

Sincerely,

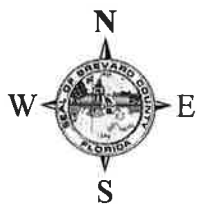
Richard J. Kern PE  
R.K. ENGINEERING AND ASSOC. OF BREVARD, INC.



# LOCATION MAP

IVEY COVE SUBDIVISION

21WV00008



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

 Subject Property

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: 4/29/2021