



CITY OF TITUSVILLE

BOARD OF ADJUSTMENTS AND APPEALS

AGENDA

Regular Meeting

December 5, 2024 - 6:00 PM

Council Chamber at City Hall

555 South Washington Avenue, Titusville, FL 32796

Any person who decides to appeal any decision of the Board of Adjustments and Appeals, with respect to any matter considered at this meeting, will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should at least 48 hours prior to the meeting, submit a written request to the chairperson of the meeting that the physically handicapped person desires to attend.

Notice

All persons who anticipate speaking on any Public Hearing item must fill out an Oath Card to be heard on that agenda item and sign the oath contained thereon. These cards are located on the table near the entrance to the Council Chamber or may be obtained from the Recording Secretary. This meeting will be conducted in accordance to the procedures adopted in Resolution No. 24-1997.

Those speaking in favor of a request will be heard first, those opposed will be heard second, and those who wish to make a public comment on the item will speak third. The applicant may make a brief rebuttal if necessary. A representative from either side, for or against, may cross-examine a witness.

Anyone who speaks is considered a witness. If you have photographs, sketches, or documents that you desire for the Commission to consider, they must be submitted into evidence and will be retained by the City. Please submit such exhibits to the Recording Secretary.

Applicants for land use and zoning related items are advised that the resumes of staff members who prepare applicable staff reports are on file in the City Clerk's Office.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL AND DETERMINATION OF A QUORUM**
- 4. APPROVAL OF MINUTES**
 - A. October 23, 2024 Minutes**
Approve Minutes
- 5. QUASI-JUDICIAL CONFIRMATION PROCEDURES**
 - A. Verify all persons wishing to speak before the committee has signed an Oath Card.**
 - B. Chairman confirms that all agenda items have been properly advertised.**
 - C. Member's statements if they have visited any of the sites or spoken to any members of the public regarding an item to be reviewed today.**
- 6. CONSENT AGENDA**
- 7. OLD BUSINESS**
 - A. Variance 21-2024 - Motion of Clarification**
Provide clarification on the motion to approve Variance No. 21-2024
- 8. NEW BUSINESS**
 - A. Variance 22-2024 - 1018 & 1020 Orange Street**
Consider the requested variance to Section 28-317(c) to allow a rear yard setback of zero (0) feet for a primary structure instead of the required minimum of twenty (20) feet for property located at 1018 Orange Street and 1020 Orange Street.
 - B. Variance 23-2024 - 3125 Columbia Blvd**
Consider the variance to Section 32-10(a)(2) to allow one (1) additional wall sign for a building that has only one (1) street frontage (on an existing paved ROW) for a property located at 3125 Columbia Blvd.
 - C. Variance 24-2024 - 1793 Crossbill Drive**
Consider the variance to Section 30-321(f) to allow the use of prohibited material in the form of artificial turf, for a property located at 1793 Crossbill Dr.
- 9. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT**
- 10. REPORTS**

11. ADJOURNMENT

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Board of Adjustments and Appeals
From: Kim Amick, Sr. Administrative Assistant
Subject: **October 23, 2024 Minutes**
Department/Office: Community Development

Recommended Action:

Approve Minutes

Summary Explanation & Background:

Alternatives:

Modify the Minutes.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. BAA 10.23.24

DRAFT

Board of Adjustments and Appeals

Regular Meeting

October 23, 2024

The Board of Adjustments and Appeals (BAA) of the City of Titusville, Florida, met in regular session in Council Chambers, on Wednesday, October 23, 2024

XXX

Chairman Thomas Taylor called the meeting to order at 6:10 p.m. and asked the assembly to recite the Pledge of Allegiance to the Flag.

XXX

Present were Chairman Thomas Taylor, Vice-Chairwoman Margaret Van Deven, Member Smith-Rodriguez, Member Richard Wheelus and Alternate Member John Greene. Also, in attendance were Planner Tabitha Armstrong, Assistant City Attorney Chelsea Farrell, City Engineer Ashleigh Smith, Principal Planner Eddy Galindo and Administrative Assistant Kim Amick. It was determined that a quorum was present.

XXX

Member Smith-Rodriguez made a motion to approve the minutes for September 25, 2024. Member Wheelus seconded. All in attendance voted to approve the minutes.

XXX

Chairman Thomas Taylor confirmed the quasi-judicial procedures verifying that all persons wishing to speak before the board has signed an oath card.

XXX

Tabith Armstrong confirmed that all agenda items had been properly advertised.

XXX

Chairman Thomas Taylor called for members' statements if they had visited any of the sites.

Chairman Taylor stated that he was at a forum put on by the owner of the Titusville location and was asked when was the next Board of Adjustments and Appeals meeting, he answered the question, but that was the end of the discussion.

XXX

Consent Agenda Items

DRAFT

None

XXX

Old Business

None.

XXX

New Business

Variance 21-2024 – 3550 S. Washington Avenue

Tabitha Armstrong reviewed the staff report explained what the applicant was requesting.

Chelsea Anderson, 1530 US 1, Rockledge, Florida, spoke in favor of the item.

Discussion followed.

Jesse Wright, 3550 S. Washington Avenue, Titusville, Florida, spoke in favor of the item.

Discussion followed.

Alternate Member Greene made a motion to approve, Variance 21-2024, to allow the qualification of nonresidential minor division without meeting the condition that the water, sewer and reuse be provided by the addition of a service lateral only for each lot being proposed (no main extension required) for property located in the Urban Village zoning district.

Chairman Taylor asked council if the motion met the requirements.

Assistant City Attorney Farrell stated it responds to the applicant's request, but she believes there are some current concerns of the City that are not addressed by the motion. She stated one being as the applicant proposed a potential lot merger condition, number two a timeline and number three easements granted to the City that would be necessary to maintain the property.

Member Smith-Rodriguez stated she was going to make that amendment accepting the applicant's proposal of six (6) months and council's proposal to do a land merger if there is a failure to comply as well as the easements to the City.

Assistant City Attorney Farrell asked Ms. Smith if she needed any specific language on the easements for the condition to the approval if it is granted. Ms. Smith stated no, just that the City's typical easement language is included.

Assistant City Attorney Farrell stated so easements granted in the form acceptable to the City.

DRAFT

Member Smith-Rodriguez asked Chelsea Anderson if she had any issues. Ms. Anderson stated no. She stated she has a form from Ms. Smith, and she can work with her on acceptable language.

Member Smith-Rodriguez asked if they are fine to use the six (6) month language from the date this order is signed or does there need to be a hard date.

Member Smith-Rodriguez seconded.

Member Wheelus stated there were some specific discussions regarding the acceptance of easement only over an as-built condition and that would not be in anyone's favor. Ms. Smith stated it would have to be an easement over the proposed center line of the pipe that is not installed so there is the potential there might need to be an amendment in the future if it is installed differently than the plan, but it would at least supply an easement based on the current site plan.

Chairman Taylor stated such an amendment would not require coming back to this board to move it six (6) inches or three (3) feet because of something unexpected that is already in the ground. Assistant City Attorney Farrell stated no it would not come back to this board, but the acceptance and/or amendment of any easement goes to City Council.

Chairman Taylor asked Mr. Greene if his motion still held.

Chairman Taylor stated they need to understand exactly.

Member Smith-Rodriguez stated with specificity that it's the easements pursuant to the location of the proposed water main on the approved Site Plan. Ms. Smith stated yes.

Member Wheelus asked if they wanted to define any timeline specifically.

Member Smith-Rodriguez stated Mr. Wright said six (6) months.

Member Wheelus asked if they wanted to make that a condition.

Member Smith-Rodriguez stated she did in her amendment.

Roll call was as follows:

Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Smith-Rodriguez	Yes
Member Wheelus	Yes
Alternate Member Greene	Yes

Motion passed.

DRAFT

XXX

Reports

Staff – None.

Chairman – Chairman Taylor asked if there was a date set for the next meeting. Ms. Armstrong stated December 5, but there are no applications at this time.

City Attorney – None.

Members – None.

Adjournment was at 7:39 p.m.

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Board of Adjustments and Appeals
From: Brad Parrish, Community Development Director
Subject: **Variance 21-2024 - Motion of Clarification**
Department/Office: Development Services

Recommended Action:

Provide clarification on the motion to approve Variance No. 21-2024

Summary Explanation & Background:

The staff requests clarification on the motion to approve Variance No. 21-2024.
Enclosed for the Board's deliberation is a letter from City Engineer, Ashleigh Smith.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Variance 21-2024 clarification letter signed
2. Draft Development Order 21-2024
3. BAA 10.23.24 Minutes
4. BAA 10.23.24 Verbatim



PUBLIC WORKS DEPARTMENT
2910 GARDEN STREET
TITUSVILLE, FLORIDA 32796



ENGINEERING
(321)-567-3859
Fax (321)-383-5653
www.titusville.com

November 4, 2024

Motion of Clarification- Variance No. 21-2024

Dear Chairman Taylor and Board of Adjustment and Appeals,

Staff requests some clarifications on Variance No. 21-2024. Attached you will find draft minutes from the meeting on October 23, 2024, and a draft development order following the motion made for this Variance request. The following clarifications are requested:

- In the variance application, the applicant's request was to allow six (6) months for all utilities to be installed from the date of the five parcel separation. The condition listed for the development order reflected the motion amendment, such that the six months is from the date of the order. Staff is seeking clarification on which date to use to measure the six months time frame.
- In the variance application, the applicant's request was to allow six months for the utilities to be installed from the five parcel separation. Staff is seeking clarification that utilities means both water and sewer.
- In the variance application, the applicant's request for variance to Section 34-128(a)(1)(a), is to allow for a period of six months to provide the utilities for the five parcel separation. Staff seeks clarification that utilities shall be constructed for all main extensions for all five (5) lots to be installed within six (6) months. The applicant has indicated their intent is to only install utilities in Phase 1 utility plan within six (6) months. If the desire is to follow the applicant's desire, staff would like clarification of what, if any, portion of the property is excluded from the variance request. Parcel 3 would not meet Section 34-128(a)(1)(a) as there are proposed water and sewer extensions proposed as Phase 2 utility plan.
- In the draft development order, the condition for approval includes all necessary easements based on the approved site plan. The applicant has indicated providing only a portion of the required easements. Staff is seeking clarification if the easements are to be for the whole site plan (for all parcels created) or only Phase 1.

Sincerely,

Ashleigh Smith, PE
City Engineer

CITY OF TITUSVILLE
BOARD OF ADJUSTMENTS AND APPEALS
DEVELOPMENT ORDER

APPROVAL OF VARIANCE #21-2024

That based on the information and evidence presented to the Board of Adjustments and Appeals and in accordance with the City Charter of the City of Titusville, Resolution #24-1997, the Code of Ordinances & Land Development Regulations of the City of Titusville, and the Adopted Comprehensive Plan, the Board of Adjustments and Appeals hereby:

Approves

Approves with Condition **X**

Denies

Variance No. 21-2024 by a vote of 5 to 0 on the date of October 23, 2024. The applicant requested a variance to LDR Chapter 34, Section 34-128(a)(1)(a) to allow the qualification of a nonresidential minor division without meeting the condition that the water, sewer and reuse be provided by the addition of a service lateral only for each lot being proposed (no main extension required) for property located at 3550 S. Washington Avenue and to allow a period of six (6) months from the date of the five (5) parcel separation.

The variance is approved with the following conditions:

1. Qualification for this minor division is subject to the City receiving all necessary easements which are proposed to provide utility access to the proposed utility mains on the approved Site Plan, in a form acceptable to the City. Easements shall be subject to amendments for consistency with as-built construction.
2. In the event that the Code requirements of Section 34-128(a)(1)(a) are not met within six (6) months from the date of this Order, then the property owner shall be required to record a lot merger of all separated lots that are created by the minor division of this parcel.

The Board of Adjustments and Appeals finds that the applicant has met its burden of proof in providing competent substantial evidence in support of the Variance requested.

The Board of Adjustments and Appeals finds that the Variance requested does meet the requirements of Section 34-226 of the Land Development Regulations and does meet the criteria set forth therein.

Based on the aforementioned finding, the variance is approved. The decision of the Board of Adjustments and Appeals is a final order. In the event you desire to challenge this decision, you must file an appropriate action within 30 days or take such action as authorized by law.

Issued on _____.

BOARD OF ADJUSTMENTS AND APPEALS

BY: _____
Thomas A. Taylor, Chairman

Filed in the City Clerk's Office this _____ day of _____.

(Signature)

Issuance of a development permit by the City of Titusville does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Titusville for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal law. All other applicable state or federal permits shall be obtained before commencement of the development.

DRAFT

Board of Adjustments and Appeals

Regular Meeting

October 23, 2024

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Present were Chairman Thomas Taylor, Vice-Chairwoman Margaret Van Deven, Member Smith-Rodriguez, Member Richard Wheelus and Alternate Member John Greene. Also, in attendance were Planner Tabitha Armstrong, Assistant City Attorney Chelsea Farrell, City Engineer Ashleigh Smith, Principal Planner Eddy Galindo and Administrative Assistant Kim Amick. It was determined that a quorum was present.

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Member Smith-Rodriguez made a motion to approve the minutes for September 25, 2024. Member Wheelus seconded. All in attendance voted to approve the minutes.

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Consent Agenda Items

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None

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Old Business

None.

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New Business

Variance 21-2024 – 3550 S. Washington Avenue

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Chelsea Anderson, 1530 US 1, Rockledge, Florida, spoke in favor of the item.

Discussion followed.

Jesse Wright, 3550 S. Washington Avenue, Titusville, Florida, spoke in favor of the item.

Discussion followed.

Alternate Member Greene made a motion to approve, Variance 21-2024, to allow the qualification of nonresidential minor division without meeting the condition that the water, sewer and reuse be provided by the addition of a service lateral only for each lot being proposed (no main extension required) for property located in the Urban Village zoning district.

Chairman Taylor asked council if the motion met the requirements.

Assistant City Attorney Farrell stated it responds to the applicant's request, but she believes there are some current concerns of the City that are not addressed by the motion. She stated one being as the applicant proposed a potential lot merger condition, number two a timeline and number three easements granted to the City that would be necessary to maintain the property.

Member Smith-Rodriguez stated she was going to make that amendment accepting the applicant's proposal of six (6) months and council's proposal to do a land merger if there is a failure to comply as well as the easements to the City.

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Member Smith-Rodriguez asked if they are fine to use the six (6) month language from the date this order is signed or does there need to be a hard date.

Member Smith-Rodriguez seconded.

Member Wheelus stated there were some specific discussions regarding the acceptance of easement only over an as-built condition and that would not be in anyone's favor. Ms. Smith stated it would have to be an easement over the proposed center line of the pipe that is not installed so there is the potential there might need to be an amendment in the future if it is installed differently than the plan, but it would at least supply an easement based on the current site plan.

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Member Wheelus asked if they wanted to make that a condition.

Member Smith-Rodriguez stated she did in her amendment.

Roll call was as follows:

Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Smith-Rodriguez	Yes
Member Wheelus	Yes
Alternate Member Greene	Yes

Motion passed.

DRAFT

XXX

Reports

Staff – None.

Chairman – Chairman Taylor asked if there was a date set for the next meeting. Ms. Armstrong stated December 5, but there are no applications at this time.

City Attorney – None.

Members – None.

Adjournment was at 7:39 p.m.

DRAFT

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XXX

Verbatim minutes from meeting start time 01:30:32 to 1:40:00

Chairman Taylor – I personally see and understand the timeline with financing the different things of that nature if this was a quote unquote vacant piece of property, I could see the utilities being put in and being in place and being subdivided and sold etc. etc. but this is again just I don't think we've had a code for something like this before and I don't see that we can follow conventional guidelines that were drawn before this project came on from a being stand point as far as that goes.

Member Smith-Rodriguez – I reviewed the all the paperwork the PDF sent in advance and I was expecting to hear sufficient evidence to outright deny the request because the code is pretty clear and pretty simple but having heard having reviewed the LDR sections in its entirety pertaining to this issue and then hearing that there was at least one application 2022 that went unanswered and I know this is quais judicial so I know we are not getting copies of everything I think there might be special circumstances that now have resulted from the actions of the city not the actions of the applicant which created a whole reaction down the line regarding financing and manpower and whatever else. To Mr. Wright's comment about putting our trust in him and he promises he will get it done, I'm not inclined to put any trust in him on a personal level as I don't know him and reading the emails that he's put together here where he's interested in calling out members of the city and placing a banner on a structure and kind of stooping to such low level means does not evoke trust as a person as a business person who has hired the attorney to go through the process it doesn't seem that they have faulted themselves.

DRAFT

Chairman Taylor – Are there anybody else like to make a comment

Vice Chairwoman Van Deven – Its almost like a domino effect. All the intentions were well to begin with because of that missing piece and the fifteen-day administrative, no action on that within the time limit as created a mess down the line. I think it needs to be rectified. I don't think that the owner had dirty hands in this or did anything that was that he wasn't supposed to do that's just my opinion

Chairman Taylor – Sir do you have an opinion or comment

Member Wheelus – The timely processing of site plan and land development requests have inevitably been a problem with developers over the years and this is probably the worst case that I've seen. We need to do everything we can to move this project forward whatever the legal requirement is.

Chairman Taylor – Do you have a comment sir

Member Greene - I go by this site everyday there is a lot of equipment out there moving it's a big process once it gets started you do not want to stop it big picture the city needs this project to move forward we need assisted living facilities we need restaurants we need it all. This developer is asking for six months and at this stage with the evidence provided tonight I don't believe that is a bad thing I don't see where we can lose as a city so with that I would propose approving Variance # 21-2024 to allow the qualification of non-residential minor division without meeting the condition that the water sewer and reuse be provided by the addition of a service lateral only for each lot being proposed no main extension required for property located in Urban Village zoning district

Chairman Taylor – Thank you, does that meet the requirement staff, lawyer, counsel

Assistant City Attorney Farrell – I believe that it responds to the applicants request but I do believe that there are some current concerns of the city that are not addressed by the motion one being as the applicant proposed potential lot merger condition, number two timeline and number three easements granted to the city that would be necessary to maintain the property.

Member Smith-Rodriguez – I was going to make that friendly amendment accepting the applicant's proposal six months and counsels' proposal to do a land merger if there is a failure to comply as well as the easements to the city.

Member Greene – Well as long as it is friendly

Assistant City Attorney Farrell – Ashleigh do you need any specific language on the easements for the conditions the approval that is granted

City Engineer Ashleigh Smith - No, just that the city's typical easement language is included

Assistant City Attorney Farrell – So easements granted in the form acceptable to the city

DRAFT

Member Smith-Rodriguez – Counsel any issue

Attorney Chelsea Anderson – No, I believe I have a form that you sent me before I can work with you on acceptable language

Member Smith-Rodriguez – Are we fine to use the phrase six months from the date that this order is signed or does there need to be a hard date in there, anybody, no no, that's what I'm saying we are putting six months in there or we are putting a date because I don't think our language is going to include Acts of God or National Weather Service

Chairman Taylor – Do I have a second, we can have discussion if I have a second

Member Smith-Rodriguez – I'll second it

Chairman Taylor – alright we have a second, more discussion

Member Wheelus – Yes, there was some specific discussion in regarding the acceptance of the easement only over an as-built condition that would probably not lend itself to anyone's favor there

City Engineer Ashley Smith – No it would have to be in the easement over the proposed center line of the pipe that is not installed there's the potential there might need to be an amendment in the future if it is installed differently than the plan, but it would supply at least an easement based on the current site plan

Member Wheelus – Okay, thank you

Chairman Taylor – But such an amendment wouldn't require coming back before us to move it six inches or three feet because of something unexpected that is already in the ground, is that correct

Assistant City Attorney Farrell – No it wouldn't come before this body but the acceptance and or amendment of any easement goes to City Council.

Chairman Taylor – It would go before City Council, okay

Chairman Taylor – We need to understand exactly

Member Smith-Rodriguez – I think with the specificity that it's the easements pursuant to the location of the

City Engineer Ashleigh Smith – The proposed water main on the approved site plan

Chairman Taylor – I just want to be clear and that you are okay with the language, she's making notes, and she says she's okay with it, right, good

DRAFT

Member Wheelus – One comment, do we want to define any timeline specifically

Member Smith-Rodriguez – Well, Mr. Wright stood up and said six months and he was quite adamant about that

Member Wheelus – Do we want to make that a condition

Member Smith-Rodriguez – I did in my friendly amendment, yes

Chairman Taylor – Do you accept it

Member Greene – I accept it

Chairman Taylor – Alright, any further discussion, seeing none

Chairman Taylor – We'll have a roll call please

Recording Secretary Kim Amick – Chairman Taylor

Chairman Taylor – yes

Recording Secretary Kim Amick- Vice Chairwoman Van Deven

Vice Chairwoman Van Deven - yes

Recording Secretary Kim Amick - Member Smith Rodriguez

Member Smith Rodriguez – yes

Recording Secretary Kim Amick - Member Wheelus

Member Wheelus – yes

Recording Secretary Kim Amick – Alternate Member Greene

Alternate Member Greene – yes

Chairman Taylor – Very good, you have a five-o decision on that congratulations

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Board of Adjustments and Appeals
From: Brad Parrish, Community Development Director
Subject: **Variance 22-2024 - 1018 & 1020 Orange Street**
Department/Office: Community Development

Recommended Action:

Consider the requested variance to Section 28-317(c) to allow a rear yard setback of zero (0) feet for a primary structure instead of the required minimum of twenty (20) feet for property located at 1018 Orange Street and 1020 Orange Street.

Summary Explanation & Background:

The applicant is requesting a variance to the Land Development Regulations (LDR), Chapter 28; specifically, the Light Industrial Services and Warehousing regulations in Section 28-317(c) to allow a rear yard setback of zero (0) feet for a primary structure instead of the required minimum of twenty (20) feet for property located in the Light Industrial Services and Warehousing (M-1) zoning district at 1018 Orange Street and 1020 Orange Street, as submitted by, Bruce A. Moia, P.E., MBV Engineering, authorized agent for Michael and Rosa Graue, Owners.

Alternatives:

1. Approve the variance.
2. Approve the variance with conditions.
3. Deny the variance.

Item Budgeted:

N/A

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Variance 22-2024 Staff Report
2. Revised Application 11-14-2024
3. Variance Exhibit-Revised
4. Survey
5. Code
6. Sec._34_344.____Nonconforming_structures_In_general.
7. All Maps



City of Titusville Community Development

1 BOARD OF ADJUSTMENTS AND APPEALS

2 Variance (VAR) No. 22-2024, 1018 Orange Street and 1020 Orange Street

3 **Meeting Date:** December 5, 2024

4 **Prepared By:** Tabitha Armstrong, Planner

5 **Applicant:** Bruce A. Moia, P.E., MBV Engineering, authorized agent for Michael and
6 Rosa Graue, Owners

7 Background

8 (a) Variance request: The applicant is requesting a variance to the Land Development
9 Regulations (LDR), Chapter 28, Section 28-317. Light Industrial Services and
10 Warehousing. Section 28-317(c) - To allow a rear yard setback of zero (0) feet for
11 a primary structure instead of the required minimum of twenty (20) feet (plus one
12 (1) foot for each foot of building height over thirty-five (35) feet), for properties
13 located in the Light Industrial Services and Warehousing (M-1) zoning district, at
14 1018 Orange Street and 1020 Orange Street, Titusville, FL 32796, as submitted by,
15 Bruce A. Moia, P.E., MBV Engineering, registered agent for Michael and Rosa
16 Graue, Owners.

17 (b) Location: 1018 Orange Street and 1020 Orange Street, Titusville, FL. Tax No.
18 2201152. Parcel I.D. 22-35-04-AU-34-3

19 (c) Land Description: PARK ADDN TO TITUSVILLE LOTS 3 TO 5 BLK 34 EXC
20 ORB 2394 PG 2718 & RD R/W IN 1491 PG 807

21 (d) Future Land Use: Downtown Mixed-Use

22 (e) Zoning: Light Industrial Services and Warehousing (M-1)

23 (f) Surrounding Zoning Districts.

24 1. North: Community Commercial (CC)

25 2. South: Light Industrial Services and Warehousing (M-1)

Board of Adjustments and Appeals: Variance No. 22-2024

1 3. East: Single Family High Density (R-1C)

2 4. West: Community Commercial (CC)

3 (g) Lot Characteristics: The subject property is a rectangular shaped parcel measuring
4 approximately .33 acres (14,374 square feet) with 151.33 feet of frontage along
5 Orange Street. The dimensions meet the minimum 5,000 sq. ft. lot area and 50-foot
6 width requirements of the M-1 zoning district.

7 (h) Uses: The existing building is currently vacant. Previously used as an Automotive
8 Body Repair Shop. The Business Tax Receipt for that use was cancelled on August
9 8th, 2024.

10 **Powers of the BAA**

11 LDR Section 34-226 states that the Board shall grant a variance request when in the
12 opinion of the Board of Adjustments and Appeals, owing to special conditions, the
13 literal enforcement of such ordinance or regulations would do manifest injustice to, or
14 impose an unnecessary hardship upon the applicant. In order to authorize any variance
15 to the provisions of such ordinance, the Board must consider the following criteria:

16 (a) Special conditions and circumstances exist which are peculiar to the land,
17 structure, or building involved and which are not applicable to other lands,
18 structures or building in the same zoning.

19 (b) Special conditions and circumstances do not result from the actions of the
20 applicant.

21 (c) Granting the variance requested will not confer upon the applicant any special
22 privilege that is denied by the ordinance to other lands, buildings or structures in
23 the same zoning district.

24 (d) The literal interpretation of the provisions of the ordinance would deprive the
25 applicant of rights commonly enjoyed by other properties in the same zoning
26 district under the terms of the ordinance.

27 (e) The variance granted is the minimum variance that will make possible the
28 reasonable use of the land, building or structure.

29 (f) The granting of the variance will preserve the spirit of the ordinance and remain
30 in harmony with its general purpose and intent.

31 (g) In granting the variance, the public safety and welfare must be assured.

32 (h) In no case shall the granting of a variance result in a change of use, which would
33 not be permitted in that zone.

34

Board of Adjustments and Appeals: Variance No. 22-2024

1 Analysis

2 The applicant is requesting a variance to the Land Development Regulations (LDR),
3 Section 28-317(c) to allow a rear yard setback of zero (0) feet for a primary structure
4 instead of the required minimum of twenty (20) feet. The subject parcel is
5 approximately 0.33-acres with an existing 8,308 square foot building constructed in
6 1966. Records from 1965 for 1019 Garden Street show that the property was once under
7 common ownership and the building was constructed as one structure with 1019
8 Garden Street. It appears the building became non-conforming when the property was
9 divided into two separate parcels. The applicant is requesting the variance to bring the
10 structure into conformity. The applicant's variance justification states the existing
11 encroachment is a nonconformity. According to Chapter 37 of the City's Land
12 Development Regulations, a nonconforming structure is a structure that complied with
13 zoning and development regulations at the time it was built but which, because of
14 subsequent changes to the zoning and/or development regulations, no longer fully
15 complies with those regulations. When development is in place and the provisions of
16 the zoning regulations render a site design feature out of compliance with current
17 standards, the feature then becomes a nonconformity if it was in compliance when first
18 established. The city therefore will recognize the nonconformity with legal status to
19 continue, but with limitations. The nonconformity cannot expand or be rebuilt under
20 certain circumstances.

21 Nonconformities often undermine what a community is seeking to achieve when it
22 establishes specific allowable development standards for a zoning district. It is
23 important to determine the best way to eliminate, reduce, or continue nonconforming
24 situations. Section 34-344 of the Code states, "Nonconforming structures that were
25 otherwise lawful on the effective date of these [Land Development] Regulations may
26 be maintained and repaired except as provided in Sections 34-345 and 34-346 below."
27 Section 34-345 states, "A structure not in conformance with these [Land Development]
28 Regulations shall not be extended, enlarged or expanded where such activity will result
29 in a greater nonconformity with respect to such standards as setback, height, lot
30 coverage, or density." Section 34-345(a) further states, "A structure not in conformance
31 with these [Land Development] Regulations shall not be rebuilt or repaired after
32 damage exceeding fifty (50) percent of the assessed value of the structure on the date
33 of the damage, as determined and maintained by the Brevard County Property
34 Appraiser's Office." The nonconformity may be maintained and repaired, but it cannot
35 expand or be rebuilt. Granting the variance will confer upon the applicant a special
36 privilege that is denied by the ordinance to other lands, buildings or structures in the
37 same zoning district.

38 The hardship appears to be a self-created. In 1966, the building appears to have been
39 originally constructed as part of the building located on 1019 Garden Street under
40 single ownership. Subsequent the 1993 city-wide rezoning, the property was
41 subdivided into two parcels. There are no records to indicate the division of land was
42 approved by the City. Therefore, the staff's conclusion is the hardship is a self-created
43 issue. Approving the variance request would not preserve the spirit of the ordinance
44 and would not be in harmony with its general purpose and intent.

Board of Adjustments and Appeals: Variance No. 22-2024

1 Recommendation

2 The staff recommends **denial** of the variance allowing a rear yard setback of 0-feet for
3 an existing building. The special conditions and circumstances are self-created. The
4 variance request is not the minimum variance that will make possible the reasonable
5 use of the land, building or structure. Approval of the variance would grant the
6 applicant rights not commonly enjoyed by other properties in the same zoning district
7 under the terms of the ordinance. Granting the variance does not preserve the spirit of
8 the ordinance and will not remain in harmony with its general purpose and intent. The
9 intent of the zoning regulations is to remove nonconformities and impose a uniform set
10 of development standards.



Gateway to Nature & Space



APPLICATION FOR VARIANCE

Please submit electronically a completed application and required submittals to the Community Development Department for payment and meeting scheduling. Chapter 34 of the Titusville Land Development Regulations contains the instructions for filing and the required exhibits. INCOMPLETE APPLICATIONS SHALL NOT BE ACCEPTED.

1. Project Location	Property Address/Location Description 1018 and 1020 Orange Street		
2. Applicant/ Owner	Name of Applicant/Contact Bruce A. Moia, P.E., MBV Eng.		Name of Owner Michael and Rosa Graue
	Street Address 1250 W. Eau Gallie Blvd. # H		Street Address 2862 Chapelwood Ct.
	City Melbourne	State FL	Zip 32935
	Telephone # 321-253-1510		Telephone # 407-506-7461
	Fax # 321-253-0911		Fax #
	E-Mail Address brucem@mbveng.com		E-Mail Address michaeligraue@gmail.com
3. Applicant Status	☐ Owner ☐ Tenant ☒ Agent ☐ Other		
4. Parcel ID	22-35-04-AU-34-3	Tax Acct.	2201152
5. Site Size	Acres: .55		Square Feet: 23,958
6. Property Information	Current Zoning CC		Current Use of Property DM
7. Variance(s) Requested	<i>Section Number</i> 1) <u>28-314(c)</u> 2) _____ 3) _____ 4) _____ 5) _____	<i>LDR Requirement</i> 1) <u>Rear Setback 25 ft</u> 2) _____ 3) _____ 4) _____ 5) _____	<i>Variance Requested</i> 1) <u>Rear Setback 0 ft</u> 2) _____ 3) _____ 4) _____ 5) _____
8. Narrative	Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application) Request variance for exisitng building setback encroachment.		

- **All applications shall require Community Development staff review prior to submittal.**
- All applications shall be submitted to the Department electronically and officially logged in by **end of business day**.
- Incomplete applications and applications without appropriate backup information/justification will not be accepted and will not be considered to be officially submitted until the appropriate information and fees are submitted. Meeting dates for incomplete applications will not be set until all required information and fees are submitted.
- Petitions requiring review from other boards or commissions prior to being forwarded to the Board of Adjustments and Appeals (BAA) are not guaranteed placement on the BAA schedule available on the City's website.

ACKNOWLEDGEMENT

I am the owner and/or legal representative of the owner of the property described which is the subject of this application. All answers to the questions in said application and all sketches and data attached to and made a part of this application are honest and true to the best of my knowledge and belief. Should this application be granted, I understand that any condition(s) imposed upon the granting of this request shall be binding to the owner, his heirs and successors in title to possession of the subject property. I understand that I must attend all applicable meetings and have been informed of the meeting date(s) and time(s). I understand that if I fail to appear at an applicable meeting, the appropriate Board or Commission may either table or deny the request.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the City Council, Board of Adjustment & Appeals, and Planning & Zoning Commission on this topic to properly noticed public hearings or to written communication to the City Clerk's Office, City of Titusville, P.O. Box 2806, Titusville, FL 32781

/s/  11-14-2024
(Signature*) (Date)

** By entering your name in the "Signature" box above, you are signing this Application electronically. You agree your electronic signature is the legal equivalent of your manual signature on this Application. By entering your name in the "Signature" box above, you consent to be legally bound by this Application's terms and conditions.*

Date received: _____

Accepted by _____

Grounds For Granting A Variance

Section 31-51 of the Land Development Regulations of the City of Titusville empowers the Board of Adjustments and Appeals to grant variances to the requirements of the Land Development Regulations and certain other codes and/or ordinances. The Board may grant a variance if, in their opinion, the strict enforcement of these rules would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. In granting a variance, the Board must consider whether or not the applicant's particular situation meets a certain set of criteria established in Section 34-226 of the Land Development Regulations. These criteria are as follows:

- (a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (b) Special conditions and circumstances do not result from the actions of the applicant.
- (c) Granting the variance requested will not confer upon the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district.
- (d) The literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance.
- (e) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (f) The granting of the variance will preserve the spirit of the ordinance and remain in harmony with its general purpose and intent.
- (g) In granting the variance, the public safety and welfare must be assured.
- (h) In no case shall the granting of a variance result in a change of use which would not be permitted in that zoning district.

Variance Justification

In answering the questions below, please be as specific as possible. Your answers will help the Board of Adjustments and Appeals and City staff to properly evaluate your variance request.

(Please attach a separate sheet if necessary)

1. Why are you unable to comply with the requirements? What hardship or injustice are you claiming?

The building has been existing since 1966. It was constructed on the property line. The current zoning (CC) requires a 25' rear setback, therefore the existing building is non-conforming. Should the building be destroyed by a natural disaster (fire, hurricane, etc.), it could not be re-built, nor can the building be expanded.

2. What is special about your property that would justify treating it differently than most other properties? (Examples of important special conditions include: narrow or odd shaped lot; excessive slope of land; soil or drainage limitations; unusual location of existing buildings on the lot; etc.) If the special conditions involve an existing building or structure, when was it built and are you the original owner?

The fact that the building has been existing since 1966 makes it unique and different than most other properties. The current owner is not the original owner.

3. Is your variance request the minimum change from the requirements that you need to overcome your hardship? Explain your answer. (For example, suppose you are requesting a 5 foot variance to the side yard setback requirement in order to build a single car garage 15 feet wide. Your request would not be the minimum since a single car garage 11 feet wide would be adequate and would only require a 1 foot variance.)

Yes, the request is for the minimum.

4. Explain why approval of your variance request would not likely result in harm to your neighbor's properties or to the general public.

The building has been existing since 1966. Since there has been no harm in the last almost 60 years, it would be safe to say none would be realized from the variance being granted.

SITE ZONING DESIGNATION = CC, REAR SETBACK IS 25' THE EXISTING BUILDING IS LOCATED ON THE PROPERTY BOUNDARY (SETBACK = 0 FEET). REQUESTING A VARIANCE OF 25 FEET TO ALLOW ZERO SETBACK

LEGAL DESCRIPTION:

LOTS 3, 4 AND 5, BLOCK 34, PARK ADDITION TO TITUSVILLE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 12, LESS AND EXCEPT ROAD RIGHT OF WAY, NORTH 1/2 ORANGE STREET AS IN OFFICIAL RECORDS BOOK 1491, PAGE 807, AND EXCEPT OFFICIAL RECORDS BOOK 2394, PAGE 2718, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND LOT 6 AND 7, BLOCK 34, PARK ADDITION TO TITUSVILLE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE(S) 12, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 11 FEET THEREOF.

CERTIFIED TO:

LOT 2
BLOCK 34

COMMUNITY NUMBER: 125152

PANEL: 0205

SUFFIX: H

F.I.R.M. DATE:

FLOOD ZONE: X

FIELD WORK: 1/5/2024

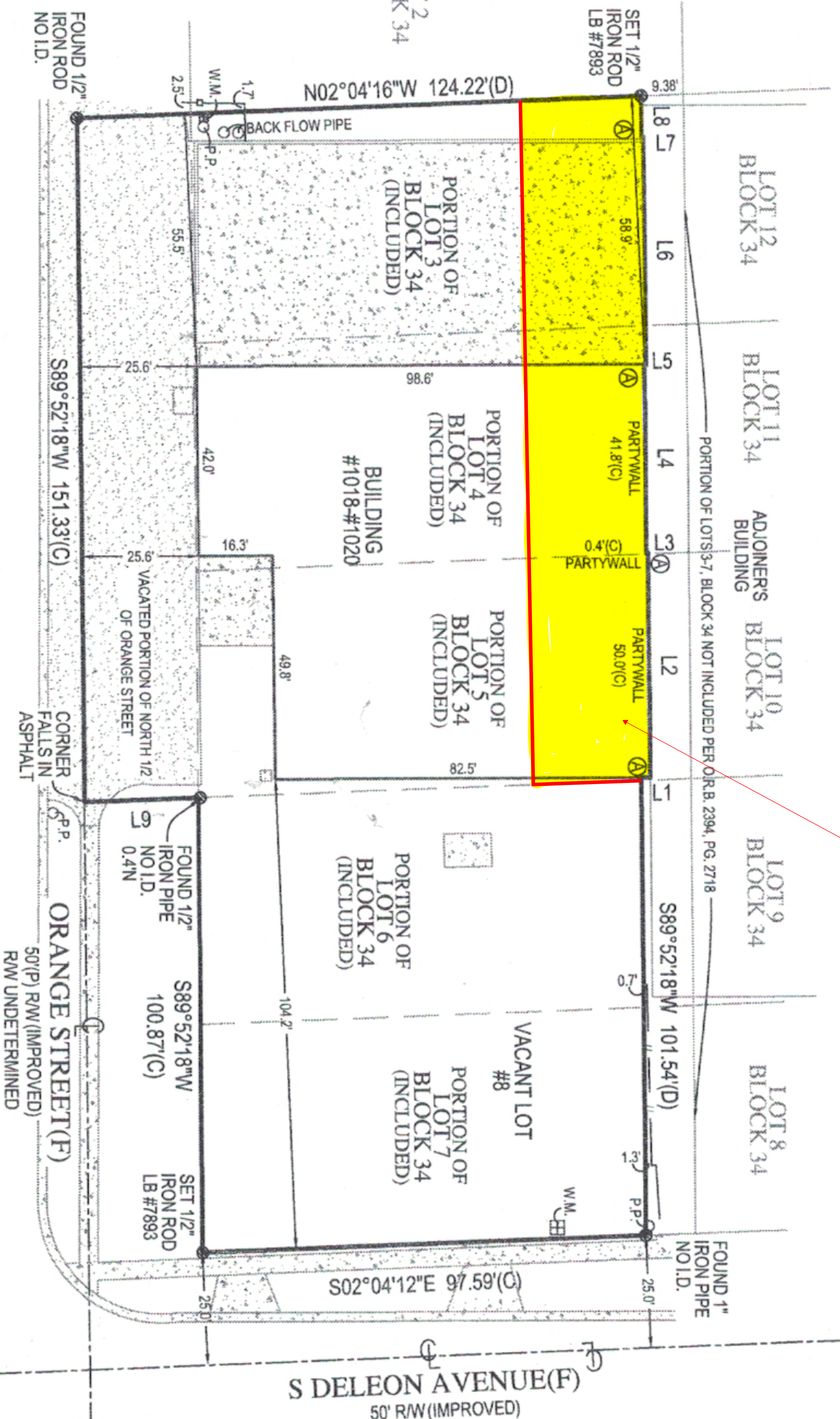
PROPERTY ADDRESS:

1020 ORANGE STREET &
8 SOUTH DE LEON AVENUE
TITUSVILLE, FL 32796

SURVEY NUMBER: 616539

CLIENT FILE NUMBER: MP7123-00645

PAGE 1 OF 1
BOUNDARY SURVEY



SCALE
1"=30'

ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F.E.L.	FINISH FLOOR ELEVATION	O.R.B.	OFFICIAL RECORDS BOOK
A.C.	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE	P.B.	PLAT BOOK
B.M.	BENCHMARK	F.P.R.	FOUND PARKER-PALON NAIL	P.C.	POINT OF CURVATURE
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-PALON NAIL	P.O.B.	POINT OF BEGINNING
C.	CALCULATED	L.	LENGTH	P.O.C.	POINT OF COMMENCEMENT
C.H.	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT	P.R.C.	POINT OF REVERSE CURVE
C.H.	CHORD	L.M.	LAKE MAINTENANCE EASEMENT	P.T.	POINT OF TANGENCY
D.	DEED / DESCRIPTION	M.H.	MANHOLE	R.W.	RIGHT-OF-WAY
D.E.	DRAINAGE EASEMENT	M.H.	MANHOLE	R.W.	RADIAL / RADIUS
D.H.	DRILL HOLE	N.D.	NAIL & DISK	S.I.R.	SET IRON ROD
D.W.	DRIVEWAY	N.R.	NOT RADIAL	T.O.B.	TOP OF BANK
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE	U.E.	UTILITY EASEMENT
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES		

SURVEY NOTES
ASPHALT CROSSING INTO R/W
ON SOUTHERLY SIDE OF LOT.
THERE ARE FENCES NEAR THE NORTHERLY
AND WESTERLY SIDES OF THE PROPERTY.
A = CORNERS FALL IN BUILDING

LINE	LENGTH	BEARING
L1	1.95'	N00°07'16"W
L2	50.00'	S89°52'44"W
L3	0.35'	S00°07'16"E
L4	41.80'	S89°52'44"W
L5	0.35'	N00°07'16"W
L6	49.80'	S89°52'44"W
L7	0.35'	S00°07'16"W
L8	9.11'	S89°52'44"W
L9	25.01'	S02°04'12"E

SYMBOL DESCRIPTIONS:

	= CATCH BASIN		= MISC. FENCE
	= CENTERLINE ROAD		= PROPERTY CORNER
	= COVERED AREA		= UTILITY BOX
	= EXISTING ELEVATION		= UTILITY POLE
	= HYDRANT		= WATER METER
	= MANHOLE		= WELL
	= METAL FENCE		= WOOD FENCE

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- ONLY VISIBLE ENCROACHMENTS LOCATED
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.

- FENCE OWNERSHIP NOT DETERMINED
- ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.A.V.D. 1988.
- THIS SURVEY HAS BEEN COMPLETED FOR A MORTGAGE TRANSACTION. ITS SCOPE IS LIMITED TO THE DETERMINATION OF THE EXISTING BOUNDARY OF THE PROPERTY. NO DESIGN OR CONSTRUCTION SHALL BE BASED UPON THIS SURVEY.
- RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- IN SOME INSTANCES GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL. THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

REVISIONS:

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL OR A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)

Steven D. Marshall

STEVEN D. MARSHALL
PROFESSIONAL SURVEYOR AND MAPPER #6376



LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

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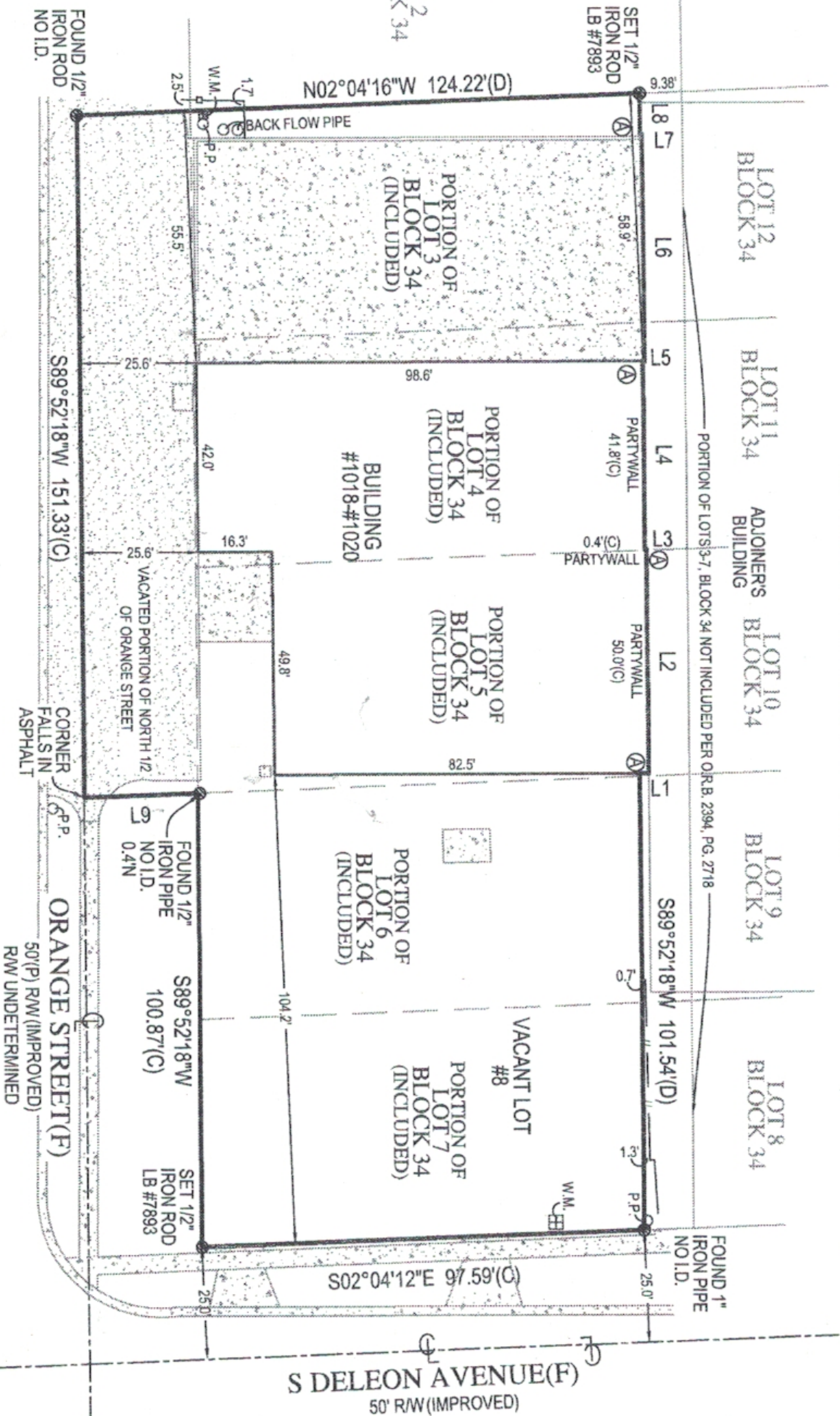
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SURVEY NOTES

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THERE ARE FENCES NEAR THE NORTHERLY
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A = CORNERS FALL IN BUILDING

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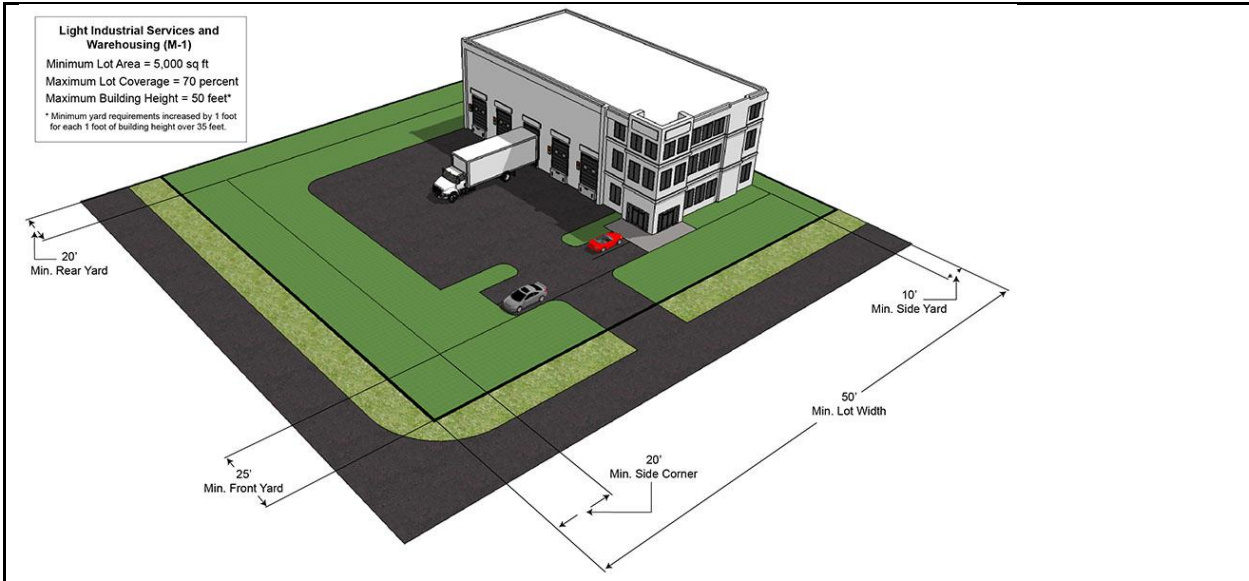
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Sec. 28-317. Light Industrial Services and Warehousing (M-1).

Light Industrial Services and Warehousing (M-1)	
(a) Purpose	
The Light Industrial Services and Warehousing (M-1) District is intended to provide areas for service and repair establishments, personal storage facilities and warehousing, light manufacturing processing and distribution. It is further intended that new development within this district will accommodate limited industrial and support facilities. These regulations are designed for the general public and are intended to prevent or reduce friction between uses in the district and to protect nearby residential and commercial districts. This district is only appropriate in areas convenient to collector or higher classification roadways and served by public service and facilities.	
(b) Use Standards	Typical Lot Pattern
See Chapter 28 Article IV and Article V	
(c) Intensity and Dimensional Standards	
Lot area, minimum (sq. ft.)	
Lot width, minimum (ft.)	
Density, maximum (du/ac)	
Floor area per dwelling unit, minimum (sq. ft.)	
Building coverage, maximum (% of lot area)	
Lot coverage, maximum (% of lot area)	
Height, maximum (ft.)	
Front yard setback, minimum (ft.)	
Side corner yard setback, minimum (ft.)	
Interior side yard setback, minimum (ft.)	
Rear yard setback, minimum (ft.)	
Accessory Use Development Standards	See Chapter 28 Article VII
NOTES:	
¹ Plus one (1) foot for each foot of building height over thirty-five (35) feet.	
<i>Typical Development Configuration (For illustrative purposes only)</i>	



Sec. 34-344. Nonconforming structures—In general.

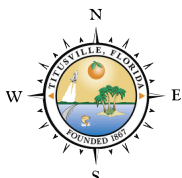
Nonconforming structures that were otherwise lawful on the effective date of these [Land Development] Regulations may be maintained and repaired except as provided in Sections 34-345 and 34-346 below.

Sec. 34-345. Nonconforming structures—Extension, enlargement, or expansion.

A structure not in conformance with these [Land Development] Regulations shall not be extended, enlarged or expanded where such activity will result in a greater nonconformity with respect to such standards as setback, height, lot coverage, or density.

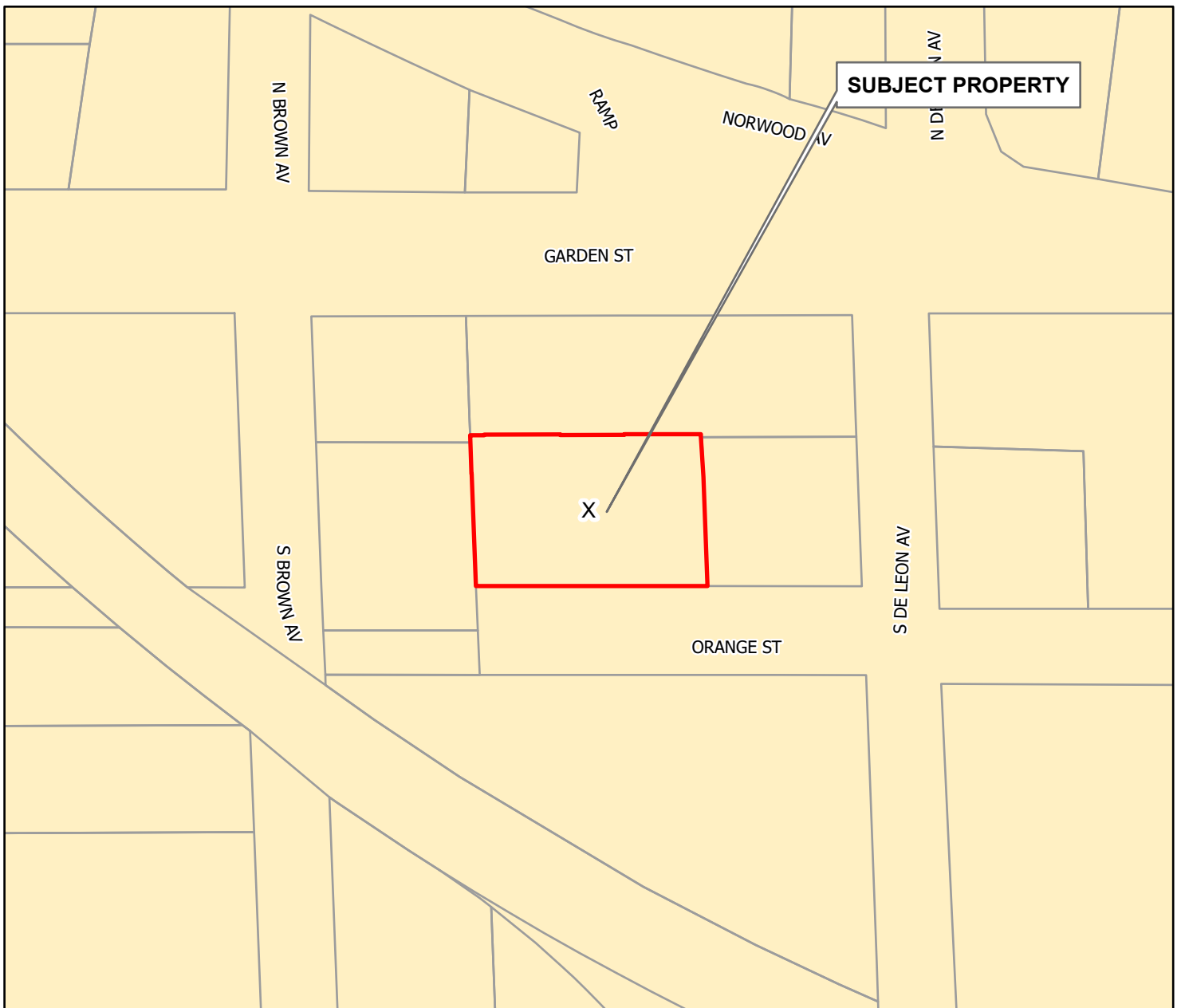
Sec. 34-346. Nonconforming structures—Rebuild and repair.

- (a) A structure not in conformance with these [Land Development] Regulations shall not be rebuilt or repaired after damage exceeding fifty (50) percent of the assessed value of the structure on the date of the damage, as determined and maintained by the Brevard County Property Appraiser's Office.
- (b) Notwithstanding the above, a single-family or multifamily residential structure which is nonconforming in that said structure does not meet the necessary minimum square footage requirements or lot and building or setback requirements may be rebuilt or repaired in the same configuration as before damaged even if the damage is in excess of fifty (50) percent of the assessed value of the single-family or multifamily residential structure. A single-family or multifamily residential structure which is a nonconforming use which is destroyed by more than fifty (50) percent of the assessed value of the structure may not be rebuilt or repaired.



Aerial 2024 VAR #22-2024

0 60 120 240 Feet



FEMA FLOOD HAZARD AREAS VAR #22-2024

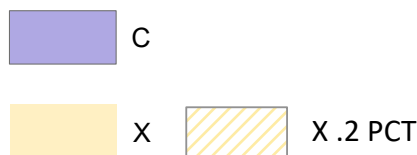
Special Flood Hazard Area Zones



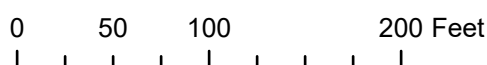
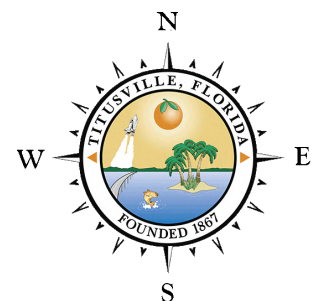
Moderate Flood Hazard Area Zone

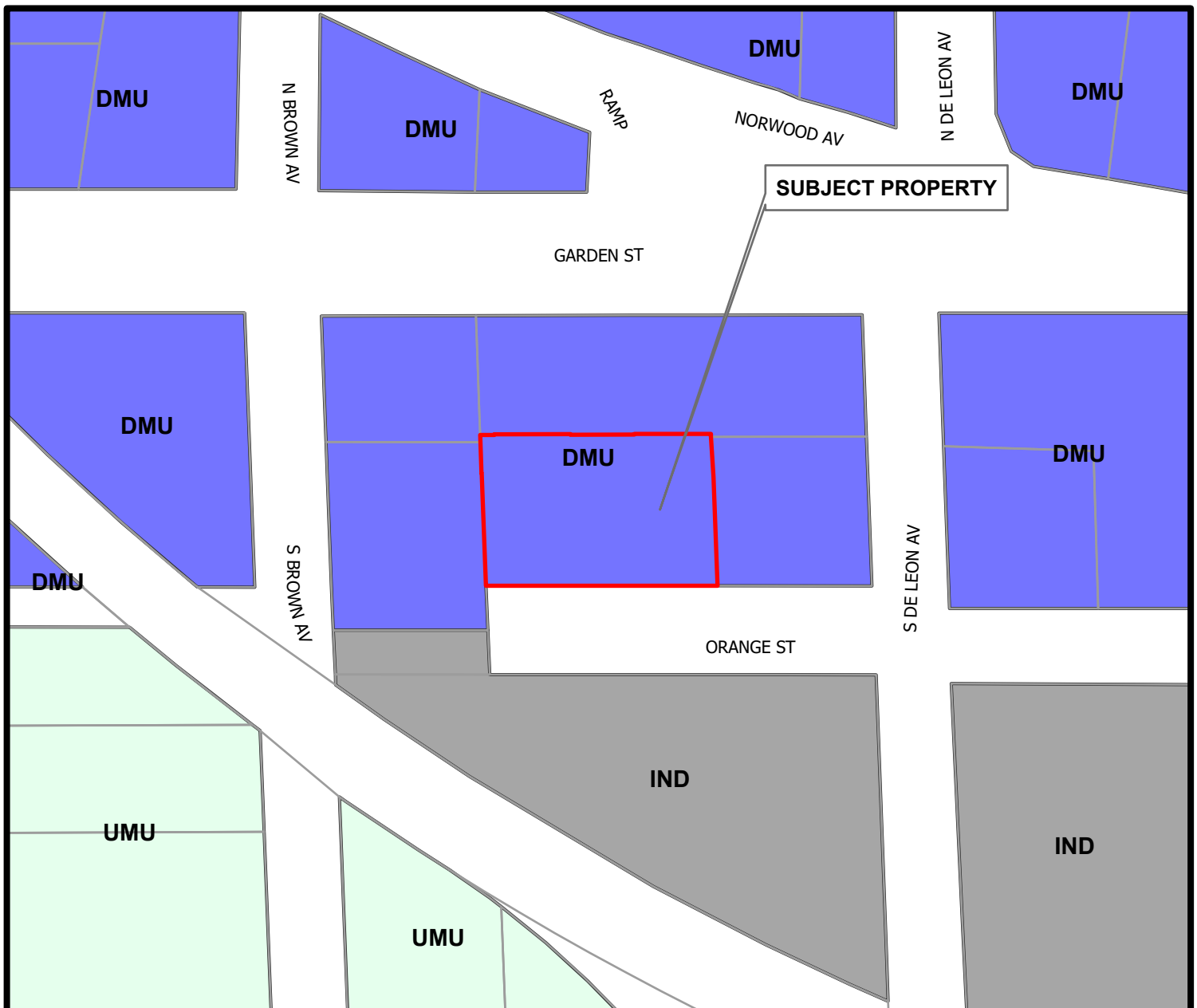


Minimal Flood Hazard Zones



Other Flood Zone Areas

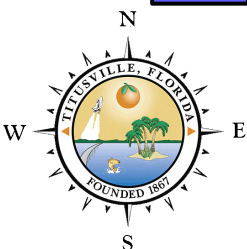




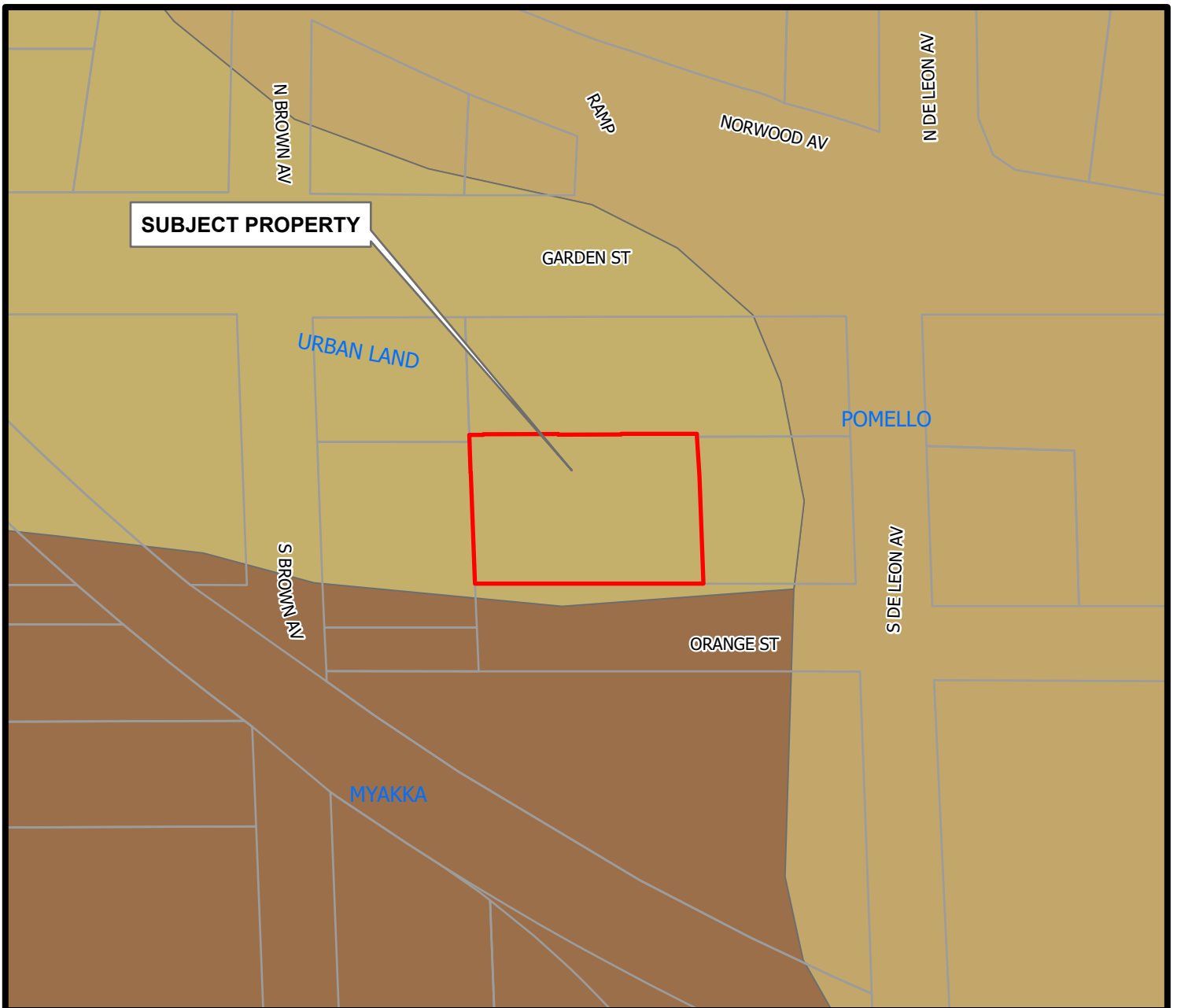
LOCATION OF PROPERTY AND FUTURE LAND USE MAP

CHI COMMERCIAL HIGH INTENSITY	ED EDUCATIONAL	PIP PLANNED INDUSTRIAL PARK	RES-2 RESIDENTIAL-2
CLI COMMERCIAL LOW INTENSITY	IND INDUSTRIAL	PSP PUBLIC/ SEMI-PUBLIC	RMU REGIONAL MIXED USE
CONS CONSERVATION	HDR HIGH-DENSITY RESIDENTIAL	PUD PLANNED UNIT DEVELOPMENT	SMU SHORELINE MIXED-USE
DMU DOWNTOWN MIXED-USE	MDR MEDIUM-DENSITY RESIDENTIAL	REC RECREATIONAL	UMU URBAN MIXED-USE
	LDR LOW-DENSITY RESIDENTIAL	RES-1 RESIDENTIAL-1	US1 US-1 CORRIDOR

Subject



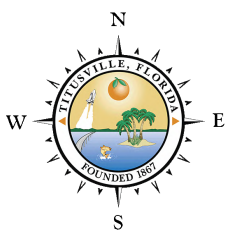
0 62.5 125 250 Feet



SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR #22-2024

SoilName

- MYAKKA
- POMELLO
- URBANLAND

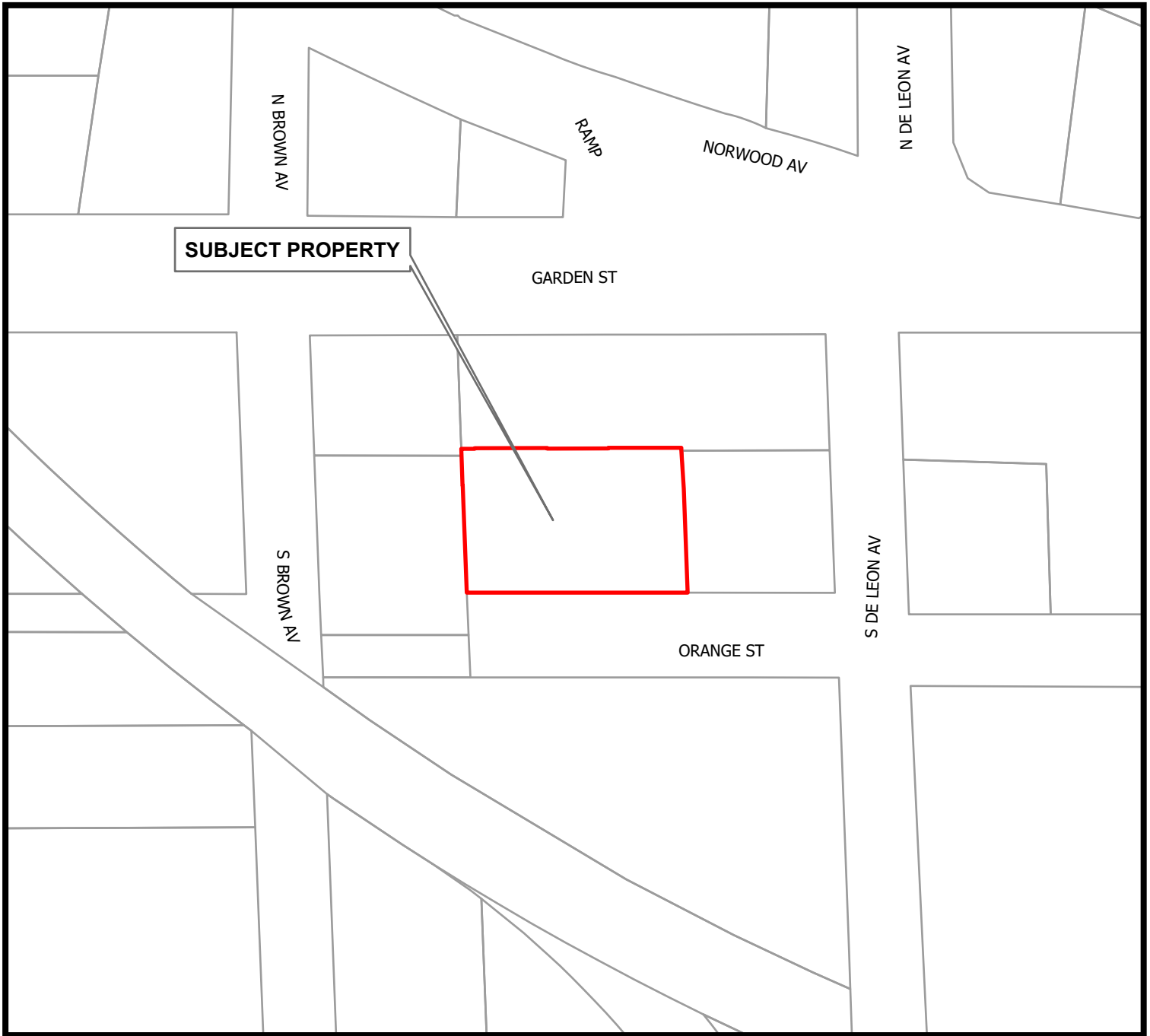


Community Development Department

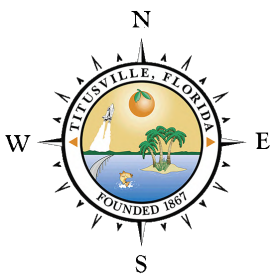
0 60 120 240 Feet

Soils data source: The U.S. Department of Agriculture, Natural Resources Conservation Service. (2019)

11/15/2024



WETLANDS IN VICINITY OF PROPERTY VAR #22-2024



WETLAND_TY

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland

- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

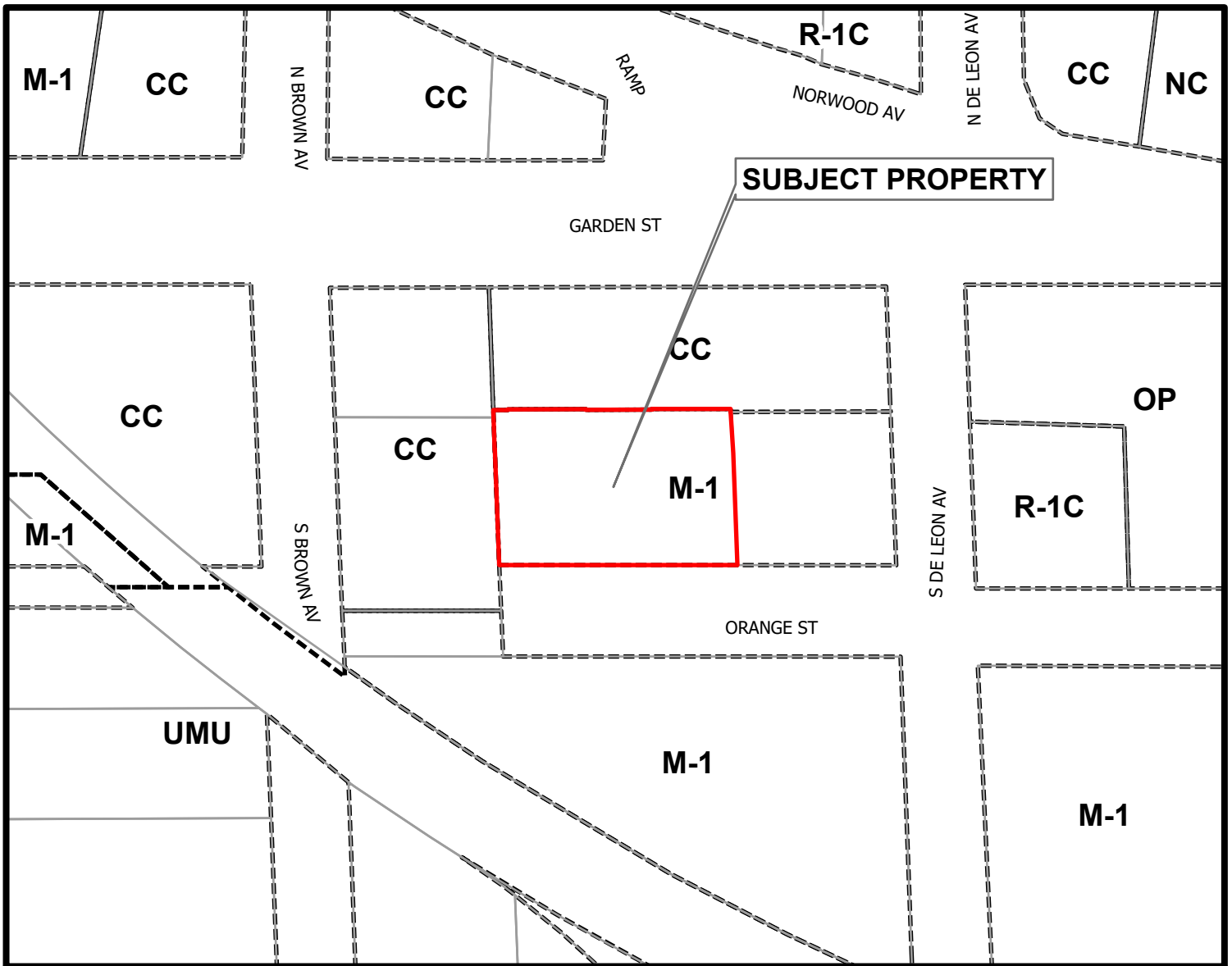
11/15/2024

Scale:1:1,200

Community Development Department
Source: USFWS NWI (2023)

This data set represents the approximate location and type of wetlands and deepwater habitats. The primary intended use is for regional and watershed data display and analysis, rather than specific project data analysis.

Q:\GIS\Community Development\PLANNING\Planning Templates\ArcPro\Planning Maps\Planning Maps.aprx



ZONING MAP

RESIDENTIAL DISTRICTS

RE	RESIDENTIAL ESTATES
RR	RURAL RESIDENTIAL
R-1A	SINGLE FAMILY, LOW DENSITY
R-1B	SINGLE FAMILY, MEDIUM DENSITY
R-1C	SINGLE FAMILY, HIGH DENSITY
R-2	MULTIFAMILY, MEDIUM DENSITY
R-3	MULTIFAMILY, HIGH DENSITY
RMH-1	RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
RMH-2	RESIDENTIAL MANUFACTURED HOUSING PARK

COMMERCIAL DISTRICTS

HM	HOSPITAL MEDICAL
T	TOURIST
NC	NEIGHBORHOOD COMMERCIAL
CC	COMMUNITY COMMERCIAL
RC	REGIONAL COMMERCIAL
OP	OFFICE PROFESSIONAL

INDUSTRIAL DISTRICTS

M-1	LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
M-2	HEAVY INDUSTRIAL
M-3	HIGHWAY INDUSTRIAL INFILL
PID	PLANNED INDUSTRIAL DEVELOPMENT

OVERLAY DISTRICTS

TSA	TITUSVILLE SHORELINE AREA
AIA	AIRPORT IMPACT AREA
WCA	WETLAND AND CONSERVATION AREA
ACC	AREA OF CRITICAL CONCERN
HPA	HISTORIC PRESERVATION AREA

SPECIAL DISTRICTS

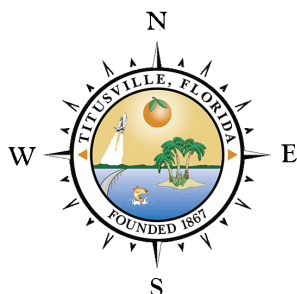
GU	GENERAL USE
OR	OPEN SPACE AND RECREATION
UMU	URBAN MIXED USE
SMU	SHORELINE MIXED USE
RHP	RESIDENTIAL HISTORIC PRESERVATION
RMU	REGIONAL MIXED USE
PD	PLANNED DEVELOPMENT
P	PUBLIC
UV	URBAN VILLAGE
DMU	DOWNTOWN MIXED USE
IRCN-R	INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
IRCN-C	INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

Base Map

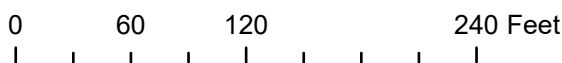
City Limits

Zoning

Subject



VAR



City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Board of Adjustments and Appeals
From: Brad Parrish, Community Development Director
Subject: **Variance 23-2024 - 3125 Columbia Blvd**
Department/Office: Community Development

Recommended Action:

Consider the variance to Section 32-10(a)(2) to allow one (1) additional wall sign for a building that has only one (1) street frontage (on an existing paved ROW) for a property located at 3125 Columbia Blvd.

Summary Explanation & Background:

The applicant is requesting a variance to the Land Development Regulations (LDR), Chapter 32; specifically, the Wall Sign regulations Section 32-10(a)(2) to allow one (1) additional wall sign for a building that has only one (1) street frontage (on an existing paved Right-of-way) for a property located in the Community Commercial (CC) zoning district, located at 3125 Columbia Blvd, as submitted by Jonathan Skinner of Sign Lords, authorized agent for FSM Titusville LLC, Owner.

Alternatives:

1. Approve the variance.
2. Approve the variance with conditions.
3. Deny the variance.

Item Budgeted:

N/A

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Variance 23-2024 Staff Report
2. Application
3. Sign Elevation
4. Site Plan
5. Survey
6. Code
7. All Maps



City of Titusville Community Development

1 BOARD OF ADJUSTMENTS AND APPEALS

2 Variance (VAR) No. 23-2024, 3125 Columbia Blvd

3 **Meeting Date:** December 5, 2024

4 **Prepared By:** Tabitha Armstrong, Planner

5 **Applicant:** Jonathan Skinner of Sign Lords, authorized agent for FSM Titusville LLC,
6 Owner

7 Background

8 (a) Variance request: The applicant is requesting a variance to the Land Development
9 Regulations (LDR), Chapter 32, Section 32-10. Wall sign regulations. Section 32-
10 10(a)(2) – To allow one (1) additional wall sign for a building that has only one (1)
11 street frontage (on an existing paved ROW) for a property located in the
12 Community Commercial (CC) zoning district, at 3125 Columbia Blvd, Titusville,
13 FL 32780, as submitted by Jonathan Skinner of Sign Lords, authorized agent for
14 FSM Titusville LLC, Owner.

15 (b) Location: 3125 Columbia Blvd, Titusville, FL. Tax No. 2216490. Parcel I.D. 22-
16 35-29-AV-*-43.01

17 (c) Land Description: TITUSVILLE FRUIT & FARM LAND CO PART OF LOTS
18 43,44 S OF ST RD 405 AS DESC IN ORB 4141 PG 13 EXC ORB 7651 PG 1423

19 (d) Future Land Use: Commercial High Intensity

20 (e) Zoning: Community Commercial (CC)

21 (f) Surrounding Zoning Districts.

22 1. North: Single Family Medium Density (R-1B) across State Road 405 and
23 Community Commercial (CC)

24 2. South: Community Commercial (CC)

25 3. East: Community Commercial (CC)

Board of Adjustments and Appeals: Variance No. 23-2024

1 4. West: Regional Commercial (RC) and Community Commercial (CC)

2 (g) Lot Characteristics: The subject property is approximately 1.65 acres (71,874 sq.
3 ft) with 167.42 feet of frontage along State Road 405. These dimensions meet the
4 minimum 10,000 sq. ft lot area and 100-foot lot width for a lot within the
5 Community Commercial zoning district.

6 Powers of the BAA

7 LDR Section 34-226 states that the Board shall grant a variance request when in the
8 opinion of the Board of Adjustments and Appeals, owing to special conditions, the
9 literal enforcement of such ordinance or regulations would do manifest injustice to, or
10 impose an unnecessary hardship upon the applicant. In order to authorize any variance
11 to the provisions of such ordinance, the Board must consider the following criteria:

12 (a) Special conditions and circumstances exist which are peculiar to the land,
13 structure, or building involved and which are not applicable to other lands,
14 structures or building in the same zoning.

15 (b) Special conditions and circumstances do not result from the actions of the
16 applicant.

17 (c) Granting the variance requested will not confer upon the applicant any special
18 privilege that is denied by the ordinance to other lands, buildings or structures in
19 the same zoning district.

20 (d) The literal interpretation of the provisions of the ordinance would deprive the
21 applicant of rights commonly enjoyed by other properties in the same zoning
22 district under the terms of the ordinance.

23 (e) The variance granted is the minimum variance that will make possible the
24 reasonable use of the land, building or structure.

25 (f) The granting of the variance will preserve the spirit of the ordinance and remain
26 in harmony with its general purpose and intent.

27 (g) In granting the variance, the public safety and welfare must be assured.

28 (h) In no case shall the granting of a variance result in a change of use, which would
29 not be permitted in that zone.

30 Analysis

31 The applicant is requesting a variance to the Land Development Regulations (LDR)
32 Section 32-10(a)(2) to allow one (1) additional wall sign for a building that has only
33 one (1) street frontage (on an existing paved ROW). Single-tenant buildings are
34 allowed to have one (1) wall sign unless the building has more than one (1) street
35 frontage (on an existing paved ROW). Right-of-ways are defined in LDR Sec 37-1 as

Board of Adjustments and Appeals: Variance No. 23-2024

1 *‘Land reserved, used or to be used for a street, alley, walkway, drainage facility or*
2 *other public use or service purpose and the title to which is in public ownership.’* The
3 applicant is requesting to be allowed a second wall sign on the west side of the
4 building that faces the parking lot. There are parking area aisles on the western side,
5 but the nearest right of way is over 700 feet away from the building. The lot is similar
6 to other lots within the same zoning district and there appears to be no hardship that
7 would result in the need for an additional wall sign. The business with one wall sign
8 and one ground sign will be visible from the adjacent public right of way.

9 **Recommendation**

10 The staff recommends **denial** of the variance. There are no special conditions and
11 circumstances that exist which are peculiar to the land, structure, or building involved
12 and which are not applicable to other lands, structures or building in the same zoning.
13 The literal interpretation of the provisions of the ordinance would not deprive the
14 applicant of rights commonly enjoyed by other properties in the same zoning. The
15 variance is not the minimum necessary for reasonable use of the land, building or
16 structure. The business with one wall sign and one ground sign will be visible from the
17 adjacent public right of way.



Gateway to Nature & Space



APPLICATION FOR VARIANCE

Please submit electronically a completed application and required submittals to the Community Development Department for payment and meeting scheduling. Chapter 34 of the Titusville Land Development Regulations contains the instructions for filing and the required exhibits. INCOMPLETE APPLICATIONS SHALL NOT BE ACCEPTED.

1. Project Location	Property Address/Location Description 3125 Columbia Blvd, Titusville, FL 32780					
2. Applicant/ Owner	Name of Applicant/Contact Jonathan Skinner		Name of Owner FSM Titusville, LLC			
	Street Address 131 N Courtenay Pkwy		Street Address 415 E 90th St Apt C			
	City	State	Zip	City	State	Zip
	Merritt Island	NY	32953	New York	NY	10128
	Telephone # 917-439-1304		Telephone # 917-439-1304			
	Fax #		Fax #			
E-Mail Address signlords@gmail.com		E-Mail Address valikvincent@gmail.com				
3. Applicant Status	☐ Owner ☐ Tenant ☒ Agent ☐ Other					
4. Parcel ID	22-35-29-AV-*-43.01		Tax Acct.			
5. Site Size	Acres: 1.65		Square Feet:			
6. Property Information	Current Zoning 2100 - RESTAURANT		Current Use of Property Restaurant			
7. Variance(s) Requested	<i>Section Number</i>	<i>LDR Requirement</i>	<i>Variance Requested</i>			
	1) <u>32-10</u>	1) <u>Right of way</u>	1) <u>Sign on non ROW</u>			
	2) _____	2) _____	2) _____			
	3) _____	3) _____	3) _____			
	4) _____	4) _____	4) _____			
	5) _____	5) _____	5) _____			
8. Narrative	Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application) Requesting a sign on a side of the building that does not meet the definition of a right of way					

- **All applications shall require Community Development staff review prior to submittal.**
- All applications shall be submitted to the Department electronically and officially logged in by **end of business day**.
- Incomplete applications and applications without appropriate backup information/justification will not be accepted and will not be considered to be officially submitted until the appropriate information and fees are submitted. Meeting dates for incomplete applications will not be set until all required information and fees are submitted.
- Petitions requiring review from other boards or commissions prior to being forwarded to the Board of Adjustments and Appeals (BAA) are not guaranteed placement on the BAA schedule available on the City's website.

ACKNOWLEDGEMENT

I am the owner and/or legal representative of the owner of the property described which is the subject of this application. All answers to the questions in said application and all sketches and data attached to and made a part of this application are honest and true to the best of my knowledge and belief. Should this application be granted, I understand that any condition(s) imposed upon the granting of this request shall be binding to the owner, his heirs and successors in title to possession of the subject property. I understand that I must attend all applicable meetings and have been informed of the meeting date(s) and time(s). I understand that if I fail to appear at an applicable meeting, the appropriate Board or Commission may either table or deny the request.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the City Council, Board of Adjustment & Appeals, and Planning & Zoning Commission on this topic to properly noticed public hearings or to written communication to the City Clerk's Office, City of Titusville, P.O. Box 2806, Titusville, FL 32781

/s/  _____ 11-4-24
 (Signature*) (Date)

** By entering your name in the "Signature" box above, you are signing this Application electronically. You agree your electronic signature is the legal equivalent of your manual signature on this Application. By entering your name in the "Signature" box above, you consent to be legally bound by this Application's terms and conditions.*

Date received: _____

Accepted by _____

Grounds For Granting A Variance

Section 31-51 of the Land Development Regulations of the City of Titusville empowers the Board of Adjustments and Appeals to grant variances to the requirements of the Land Development Regulations and certain other codes and/or ordinances. The Board may grant a variance if, in their opinion, the strict enforcement of these rules would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. In granting a variance, the Board must consider whether or not the applicant's particular situation meets a certain set of criteria established in Section 34-226 of the Land Development Regulations. These criteria are as follows:

- (a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (b) Special conditions and circumstances do not result from the actions of the applicant.
- (c) Granting the variance requested will not confer upon the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district.
- (d) The literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance.
- (e) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (f) The granting of the variance will preserve the spirit of the ordinance and remain in harmony with its general purpose and intent.
- (g) In granting the variance, the public safety and welfare must be assured.
- (h) In no case shall the granting of a variance result in a change of use which would not be permitted in that zoning district.

Variance Justification

In answering the questions below, please be as specific as possible. Your answers will help the Board of Adjustments and Appeals and City staff to properly evaluate your variance request.

(Please attach a separate sheet if necessary)

1. Why are you unable to comply with the requirements? What hardship or injustice are you claiming?

The main entrance to this restaurant and the SOLE driving entrance to the parking lot are not on a right of way. Therefor people would be entering an unmarked parking lot and building to eat which is unreasonable.

2. What is special about your property that would justify treating it differently than most other properties? (Examples of important special conditions include: narrow or odd shaped lot; excessive slope of land; soil or drainage limitations; unusual location of existing buildings on the lot; etc.) If the special conditions involve an existing building or structure, when was it built and are you the original owner?

The sole access to the parking lot of this building is through another parking lot. There is zero right of way from any named road into this property. I believe that for this reason in the past this small paved entrance has been accepted as a ROW. The next door neighbor with the same circumstances was allowed a sign facing this non-ROW without having to apply for a variance. Setting a precedent

3. Is your variance request the minimum change from the requirements that you need to overcome your hardship? Explain your answer. (For example, suppose you are requesting a 5 foot variance to the side yard setback requirement in order to build a single car garage 15 feet wide. Your request would not be the minimum since a single car garage 11 feet wide would be adequate and would only require a 1 foot variance.)

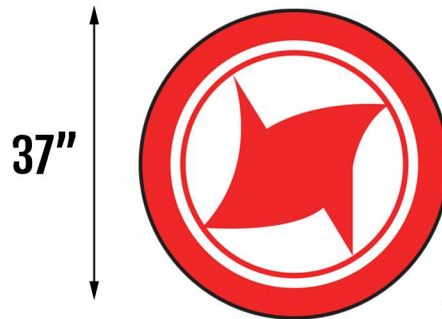
Yes the sign we are requesting is in the ONLY location facing both the drivable entrance to the property as well as the entrance customers would enter to dine.

4. Explain why approval of your variance request would not likely result in harm to your neighbor's properties or to the general public.

There is only 1 neighbor facing this property and they have already been granted the signage allowance I am requesting. Furthermore our proposed sign location is behind the neighboring building therefor the light from it would not be directed at any other buildings.



37"



109"

22" CHOW'S

COUNTRY BUFFET 12"

112"

QTY - 1
SQFT: 36
ALLOWABLE: 160

CUSTOMER: Chow's Buffet
LOCATION: 3125 Columbia Blvd, Titusville, FL 32780
TITLE: Building Signage
DRAWN BY: JS
DATE: 7-18-24
REVISION: 01



This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.
Designed for windspeed 160MPH

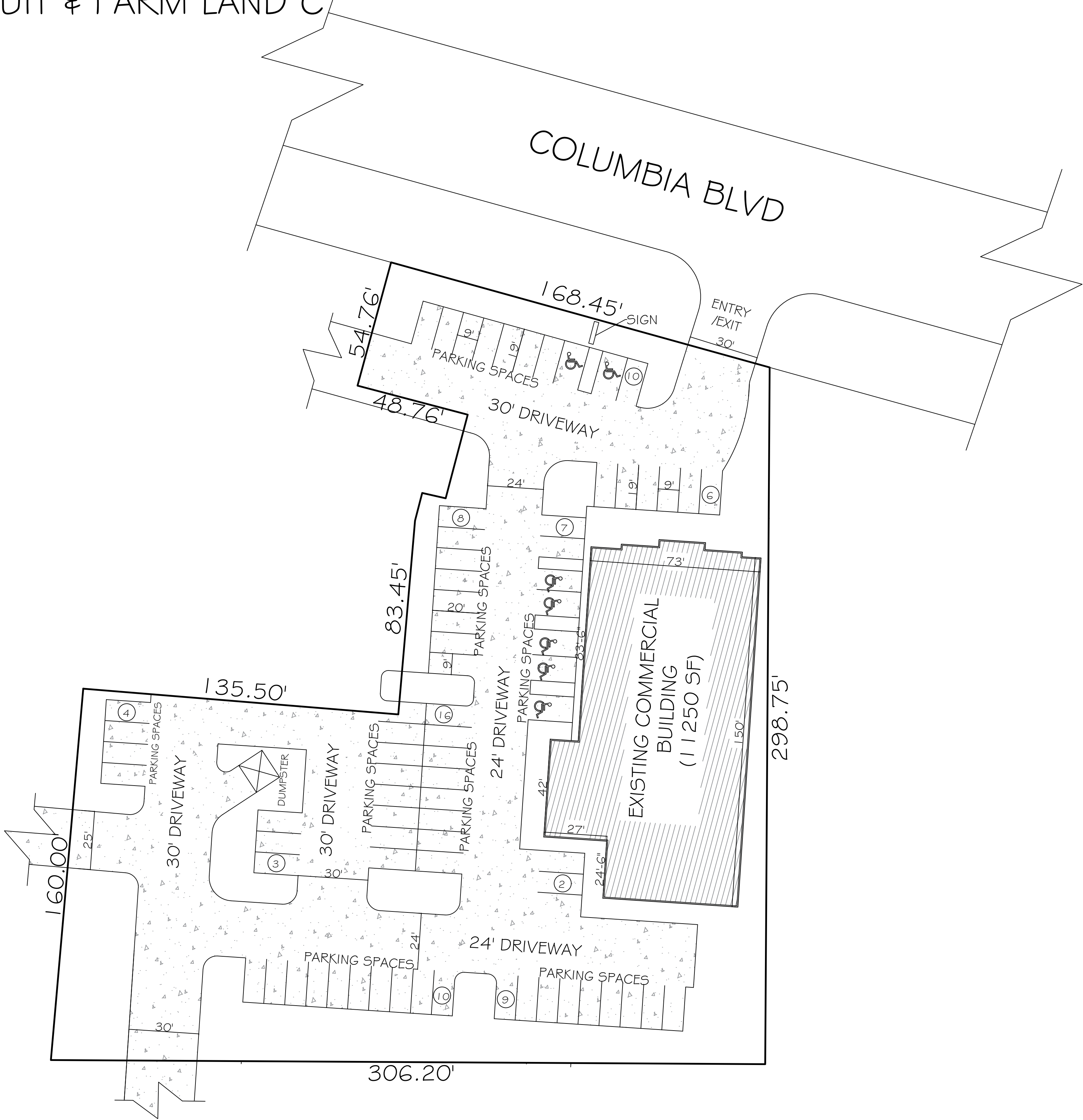
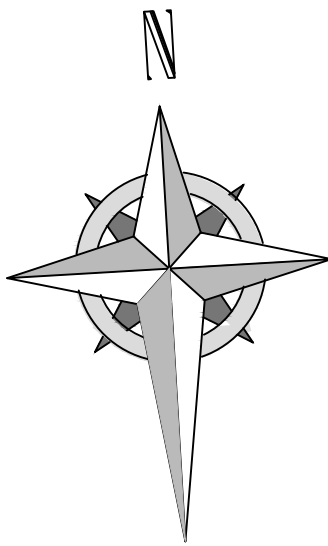


131 N. Courtenay Pkwy
Merritt Island, FL 32953
321-877-2809
signlords@gmail.com

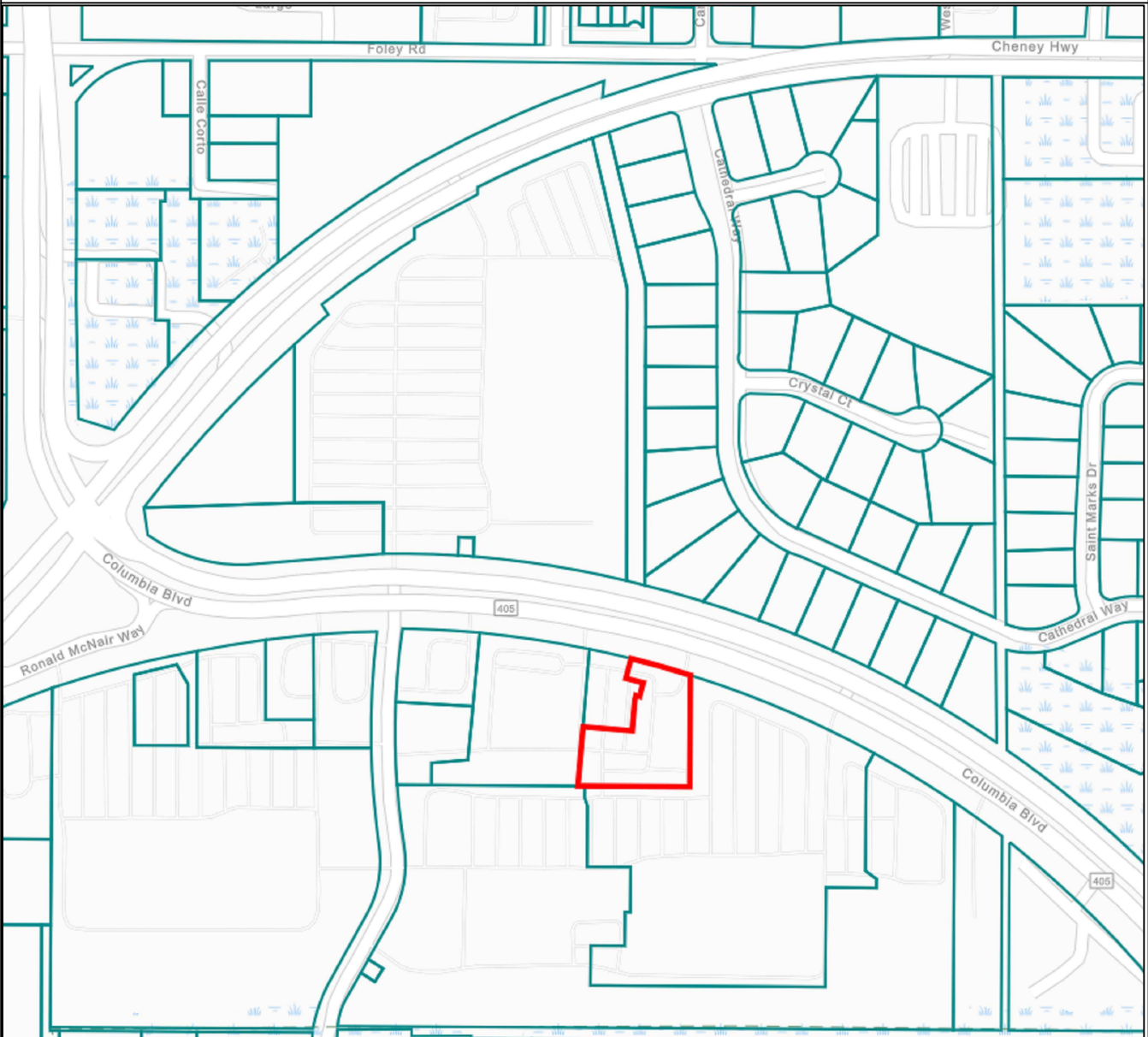
Elevation

SITE PLAN

LOCATION: 3125 Columbia Blvd, Titusville, FL 32780, USA
PARCEL ID: 22 3529-AV--43.01 / ZONING CODE: CC
LEGAL DESCR.,: TITUSVILLE FRUIT & FARM LAND C



VICINITY MAP



SCOPE OF WORK

-SITE PLAN OF THE PROPERTY UNDER REVIEW
SHOWING THE EXISTING COMMERCIAL
DEVELOPMENT.

LOT SIZE

1.66 Acre
=
71,874 SF

SHEET TITLE

SITE PLAN

LOT OWNER:

FSM TITUSVILLE
LLC

DEEN'S CONSULTS

Architects , Planners & Project Managers

ismailaotu@gmail.com

ARCHITECT	Deen's consult
DRAWN	Deen's consult
CHECKED BY	Deen's consult

SCALE:	1"=20'	DATE	10-27-2024
--------	--------	------	------------

SHEET NO.

001

DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2914, PAGE 1002 AND ALSO BEING A PART OF LOTS 43 AND 44, SECTION 29, TOWNSHIP 22 SOUTH, RANGE 35 EAST AS SHOWN ON THE PLAT OF TITUSVILLE FRUIT AND FARM LANDS CO. SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 29 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 22 SOUTH, RANGE 35 EAST AS USED FOR SUBDIVISION BREAKDOWN IN THE AFOREMENTIONED PLAT OF TITUSVILLE FRUIT AND FARM LANDS CO. AND SAID POINT BEING THE NORTHWEST CORNER OF LOT 613 AS SHOWN ON THE PLAT OF WINDOVER FARMS UNIT 6 AS RECORDED IN PLAT BOOK 29, PAGE 75 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S89°42'54"E, ALONG THE NORTH BOUNDARY LINE OF SAID PLAT OF WINDOVER FARMS UNIT 6, A DISTANCE OF 789.97 FEET TO A POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF WINDOVER TRAIL (A 66.00 FOOT WIDE RIGHT OF WAY) AND SAID POINT LYING ON THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 167.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS N89°42'54"W; THENCE ALONG SAID RIGHT OF WAY LINE, THE FOLLOWING FOUR COURSES AND DISTANCES; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°55'37", 84.31 FEET TO THE POINT OF TANGENCY; THENCE N29°12'43"E, 254.19 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 303.00 FEET; THENCE NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°20'45", 202.79 FEET TO THE POINT OF REVERSE CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 1967.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°54'09", 168.31 FEET TO THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2914, PAGE 1002 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN S89°42'54"E, 490.67 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE S89°42'54"E, 303.47 FEET; THENCE N00°17'06"E, 302.43 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 405 (A 200 FOOT WIDE RIGHT OF WAY) AND SAID RIGHT OF WAY LINE BEING THE ARC OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 2764.93 FEET AND TO WHICH POINT A RADIAL LINE BEARS N17°20'57"E; THENCE WESTERLY, ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°28'10", A RADIUS OF 2764.93 FEET, AN ARC LENGTH OF 167.42 FEET; A CHORD BEARING OF N74°23'08"W AND A CHORD DISTANCE OF 167.40 FEET; THENCE RUN S14°29'52"W, 55.70 FEET; THENCE RUN S75°30'08"E, 48.35 FEET; THENCE RUN S14°29'52"W, 38.03 FEET; THENCE RUN N75°30'08"W, 10.15 FEET; THENCE RUN S14°29'52"W, 12.03 FEET; THENCE RUN S04°42'47"W, 161.17 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH EASEMENTS FOR INGRESS/EGRESS AS SET OUT IN DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED APRIL 27, 2016 IN OFFICIAL RECORDS BOOK 7602 PAGE 681.

TOGETHER WITH EASEMENTS AS SET OUT IN DRIVEWAY ACCESS EASEMENT AGREEMENT BY AND BETWEEN DUKE TITUSVILLE LAND COMPANY, LLC, AN INDIANA LIMITED LIABILITY COMPANY, TARGET CORPORATION, A MINNESOTA CORPORATION, SOVEREIGN WJ, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND LAKE GRACE OF VERO BEACH, LLC, A FLORIDA LIMITED LIABILITY COMPANY RECORDED SEPTEMBER 11, 2007 IN OFFICIAL RECORDS BOOK 5810 PAGE 8651.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 72,152 SQUARE FEET OR 1.657 ACRES MORE OR LESS.

SCHEDULE B SECTION II

ITEM NO.

DESCRIPTION

5. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED AUGUST 2, 1994 IN OFFICIAL RECORDS BOOK 3411, PAGE 448, AFFECTS THE PROPERTY AND IS SHOWN HEREON.

6. RESTRICTIONS, COVENANTS, CONDITIONS AND OTHER PROVISIONS AS SET FORTH IN RESTRICTIONS BETWEEN VISIONS IV, L.L.C., AND VISIONS IV EAST, L.L.C., AND VISIONS IV WEST, L.L.C., RECORDED MARCH 29, 2000 IN OFFICIAL RECORDS BOOK 4141, PAGE 51, AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE AND THEREFORE CANNOT BE PLOTTED.

7. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED MARCH 7, 2001 IN OFFICIAL RECORDS BOOK 4299, PAGE 1941, AFFECTS THE PROPERTY AND IS SHOWN HEREON.

8. WATER/FIRE LINE EASEMENT BY AND BETWEEN FAMILY STEAK HOUSE OF FLORIDA, INC. AND THE CITY OF TITUSVILLE, FLORIDA, RECORDED MAY 15, 2001 IN OFFICIAL RECORDS BOOK 4341, PAGE 3841, AFFECTS THE PROPERTY AND IS SHOWN HEREON.

9. ACCESS EASEMENT AGREEMENT BY SOVEREIGN WJ, LLC, AND LAKE GRACE OF VERO BEACH, LLC, RECORDED SEPTEMBER 11, 2007 IN OFFICIAL RECORDS BOOK 5810, PAGE 8658, AFFECTS THE PROPERTY AND IS SHOWN HEREON.

10. DRIVEWAY ACCESS EASEMENT AGREEMENT BY AND BETWEEN DUKE TITUSVILLE LAND COMPANY, LLC, TARGET CORPORATION, SOVEREIGN WJ, LLC, AND LAKE GRACE OF VERO BEACH, LLC, RECORDED SEPTEMBER 11, 2007 IN OFFICIAL RECORDS BOOK 5810, PAGE 8651, AFFECTS THE PROPERTY AND IS SHOWN HEREON.

11. THIS IS NOT A SURVEY RELATED ITEM.

12. DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED APRIL 27, 2016, IN OFFICIAL RECORDS BOOK 7602, PAGE 681, AFFECTS THE PROPERTY BUT IS BLANKET IN NATURE AND THEREFORE CANNOT BE PLOTTED.

SURVEYOR'S NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

2. LANDS SHOWN HEREON WERE ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY CHICAGO TITLE INSURANCE COMPANY PER COMMITMENT ORDER NO. 5812601, CUSTOMER REFERENCE NO. 401600541JM / 160360422, DATED MAY 17, 2016.

3. REVISIONS DO NOT CONSTITUTE A RECERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.

4. BEARINGS SHOWN HEREON ARE BASED ON THE FOLLOWING: THE EASTERLY PROPERTY LINE AS BEING N00°17'06"E (ASSUMED).

5. THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.

6. UNDERGROUND IMPROVEMENTS AND INSTALLATIONS HAVE NOT BEEN LOCATED.

7. THE LANDS SHOWN HEREON LIE ENTIRELY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) ACCORDING TO "FIRM" MAP NO. 1200900215G AND COMMUNITY NO. 125152 0215 G, DATED MARCH 17, 2014.

8. SITE BENCH MARK IS SHOWN HEREON.

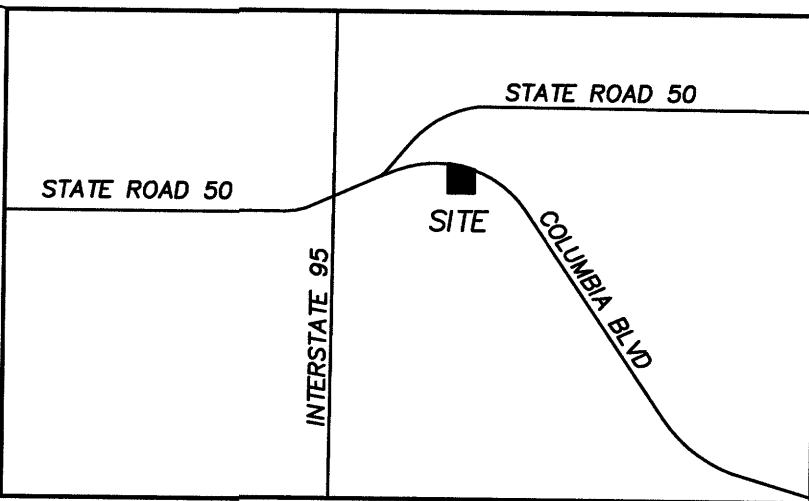
9. THE ELECTRONIC FILE FOR THIS PROJECT IS THE PROPERTY OF BISHMAN SURVEYING AND MAPPING, INC. AND IS NOT THE PROPERTY OF THE CLIENT.

BOUNDARY SURVEY

CURVE TABLE				
CURVE	CENTRAL ANGLE	RADIUS	LENGTH	CHORD BEARING
C1	0°06'30"	2764.93'	5.23'	N72°42'18"W
C2	0°06'33"	2744.93'	5.23'	N72°34'38"W
C3	89°30'46"	15.00'	23.43'	N44°53'58"W
C4	37°46'07"	25.00'	16.48'	S70°46'18"E

LINE TABLE	
LINE	BEARING
L1	S89°39'03"E
L2	S00°20'57"W
L3	S89°42'54"E
L4	N00°17'06"E
L5	N00°17'06"E
L6	S89°39'21"E

VICINITY MAP



COLUMBIA BOULEVARD - aka STATE ROAD NO. 405
IMPROVED DEDICATED PUBLIC RIGHT OF WAY

LEGEND:	
R	RADIUS
Δ	CENTRAL ANGLE
L	LENGTH
CH	CHORD
CB	CHORD BEARING
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
TYP.	TYPICAL
P.T.	POINT OF TANGENCY
P.C.	POINT OF CURVATURE
●	IRON ROD & CAP
□	4"x4" CONCRETE MONUMENT
○	IRON PIPE
×	BARBED WIRE FENCE
—	WOOD FENCE
—	CHAIN LINK FENCE
LB	LICENSED BUSINESS
PSM	PROFESSIONAL SURVEYOR & MAPPER
PVC	POLYVINYL CHLORIDE PIPE
ROP	REINFORCED CONCRETE PIPE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
OMP	CORRUGATED METAL PIPE
OHW	OVERHEAD UTILITY WIRES
□	WOODEN UTILITY POLE
◇	CONCRETE UTILITY POLE
□	GRUY ANCHOR
INV-69.73	INVERT ELEVATION
+ 68.51	EXISTING GROUND ELEVATION
- 60	EXISTING GROUND CONTOUR
□	SINGLE POST SIGN
□	DOUBLE POST SIGN
□	HANDICAPPED PARKING SPACE (H/C)
SBM	SITE BENCH MARK
□	TELEPHONE RISER
□	FIRE HYDRANT
□	MASTER WATER ASSEMBLY
□	WATER VALVE
□	BACK FLOW PREVENTOR
□	GAS VALVE
□	SANITARY MANHOLE
□	DRAINAGE MANHOLE
□	GREASE TRAP MANHOLE
□	POWER TRANSFORMER
□	WATER METER
□	GAS METER
□	POWER METER
□	WATER BLOW-OFF VALVE
□	CLEAN-OUT
□	FIRE DEPARTMENT CONTROL VALVE
□	ELECTRIC HAND HOLE
□	CABLE TELEVISION RISER
□	TELEPHONE ACCESS CABINET
□	CATCH BASIN
□	CURB INLET
□	CURB INLET WITHOUT MANHOLE
□	METERED END SECTION
□	LIGHT POLE
→	TRAFFIC FLOW

GRAPHIC SCALE



TITUSVILLE/SAV LLC
PROPERTY ID: 22-35-29-AV-44-01
PROPERTY USE: 1600 C-SHOPPING COMPLEX - COMMUNITY/NEIGHBORHOOD

FOR THE EXCLUSIVE USE AND BENEFIT OF:
CHICAGO TITLE INSURANCE COMPANY
JOSEPH L. MEYERS & ASSOCIATES P.C.
FSM TITUSVILLE LLC
FIRST SYMETRA NATIONAL LIFE INSURANCE COMPANY
OF NEW YORK, ISADA

SHEET
SECTION 29
TOWNSHIP 22 SOUTH
RANGE 35 EAST
1 OF 1

BISHMAN
Surveying & Mapping, Inc.

CERTIFICATE OF AUTHORIZATION LB 7274

32 W. PLANT STREET
WINTER GARDEN, FL 34787
Phone No. 407.905.8877
Fax No. 407.905.8875

THIS IS TO CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN RULE 5-1.17 ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

DONALD W. BISHMAN, P.S.
FLORIDA REGISTRATION NO. 4218

REVISIONS:

JOB NUMBER: 14086.008

SURVEY DATE:	06/14/16
FIELD BY:	M. WEST
FIELD BOOK:	N/A
PAGES:	N/A
FIELD FILE:	N/A
DRAWING FILE:	14086-B.DWG

TARGET CORPORATION
PROPERTY ID: 22-35-29-AV-44-02
PROPERTY USE: 1150 C-WAREHOUSE DISCOUNT STORE

Sec. 32-10. Wall sign regulations.

Except as authorized by this section, each separately licensed business shall be allowed one (1) wall sign.

- (a) Single-tenant buildings.
 - (1) The aggregate square footage of wall signs shall not exceed twenty (20) percent of the building face to which it is affixed.
 - (2) Buildings having more than one (1) street frontage (on an existing paved ROW) may have one (1) additional wall sign affixed to that secondary ROW frontage. The size of this secondary wall sign shall not exceed ten (10) percent of the smallest/narrowest building elevation or equal to the size of the primary wall sign, whichever is less. Regardless of the number of street frontages, no more than two (2) wall signs shall be permitted.
- (b) Multi-tenant buildings.
 - (1) The aggregate square footage of wall signs shall not exceed twenty (20) percent of building elevation of the tenant unit to which it is affixed.
 - (2) Buildings having more than one (1) street frontage may have additional wall signage affixed to that secondary ROW frontage as follows:
 - a. Corner-unit tenants may have one (1) additional wall sign affixed to their secondary ROW frontage. The size of this secondary wall sign shall not exceed ten (10) percent of the smallest/narrowest building elevation or equal to the size of the primary wall sign, whichever is less; or
 - b. A multi-tenant directory wall sign may be affixed to the secondary ROW frontage according to paragraph (b)(1) above.
- (c) No wall sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on roofs.
- (d) No sign attached to a building may project more than twelve (12) inches from the building wall.



SUBJECT PROPERTY

CRYSTAL CT

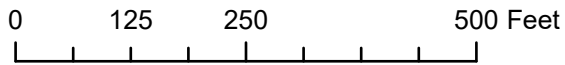
CATHEDRAL WAY

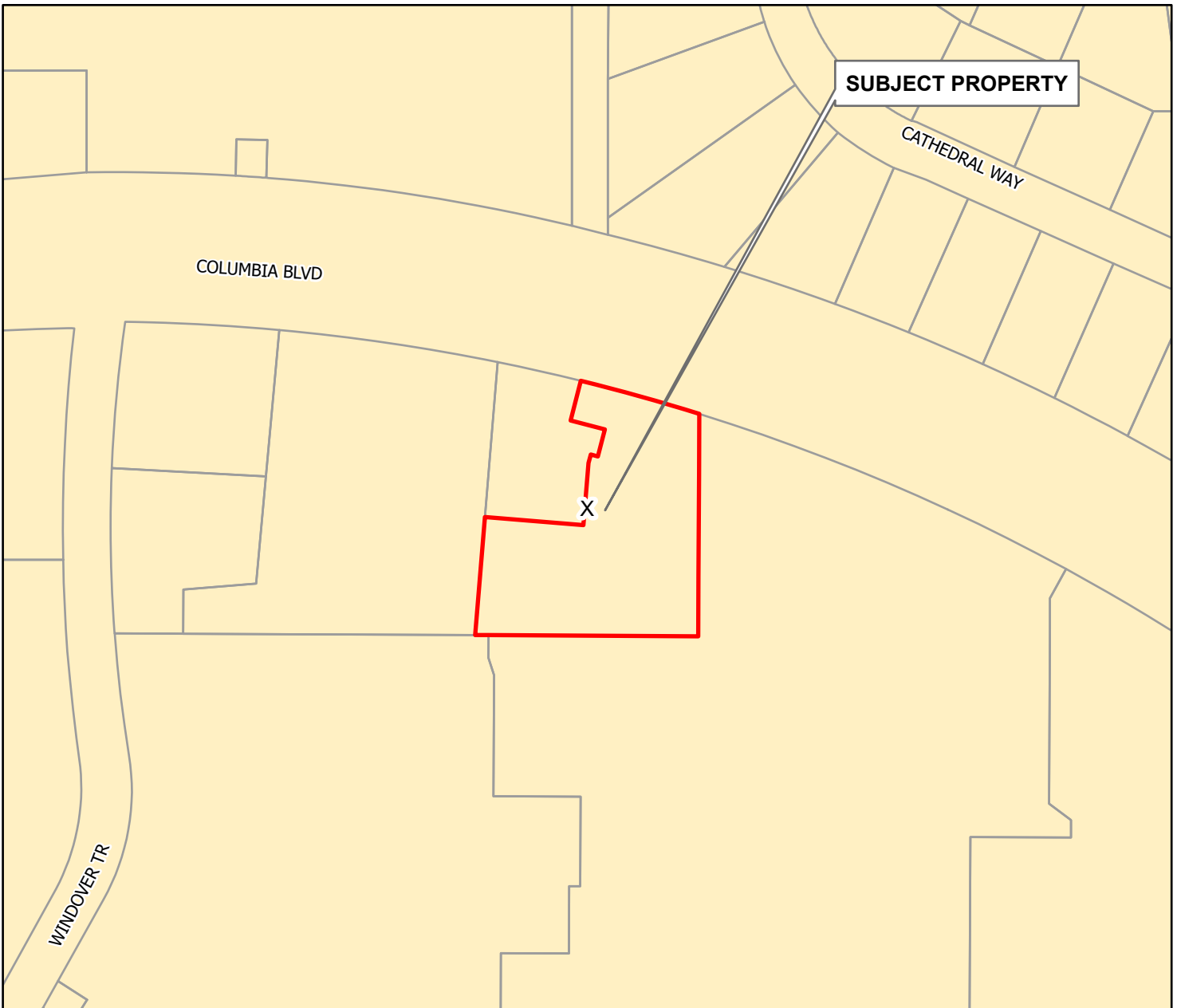
COLUMBIA BLVD

WINDOVER TR



Aerial 2024 VAR #23-2024





FEMA FLOOD HAZARD AREAS VAR #23-2024

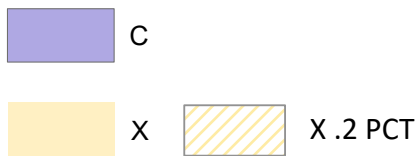
Special Flood Hazard Area Zones



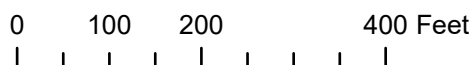
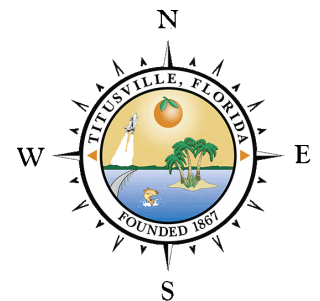
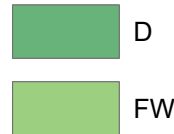
Moderate Flood Hazard Area Zone

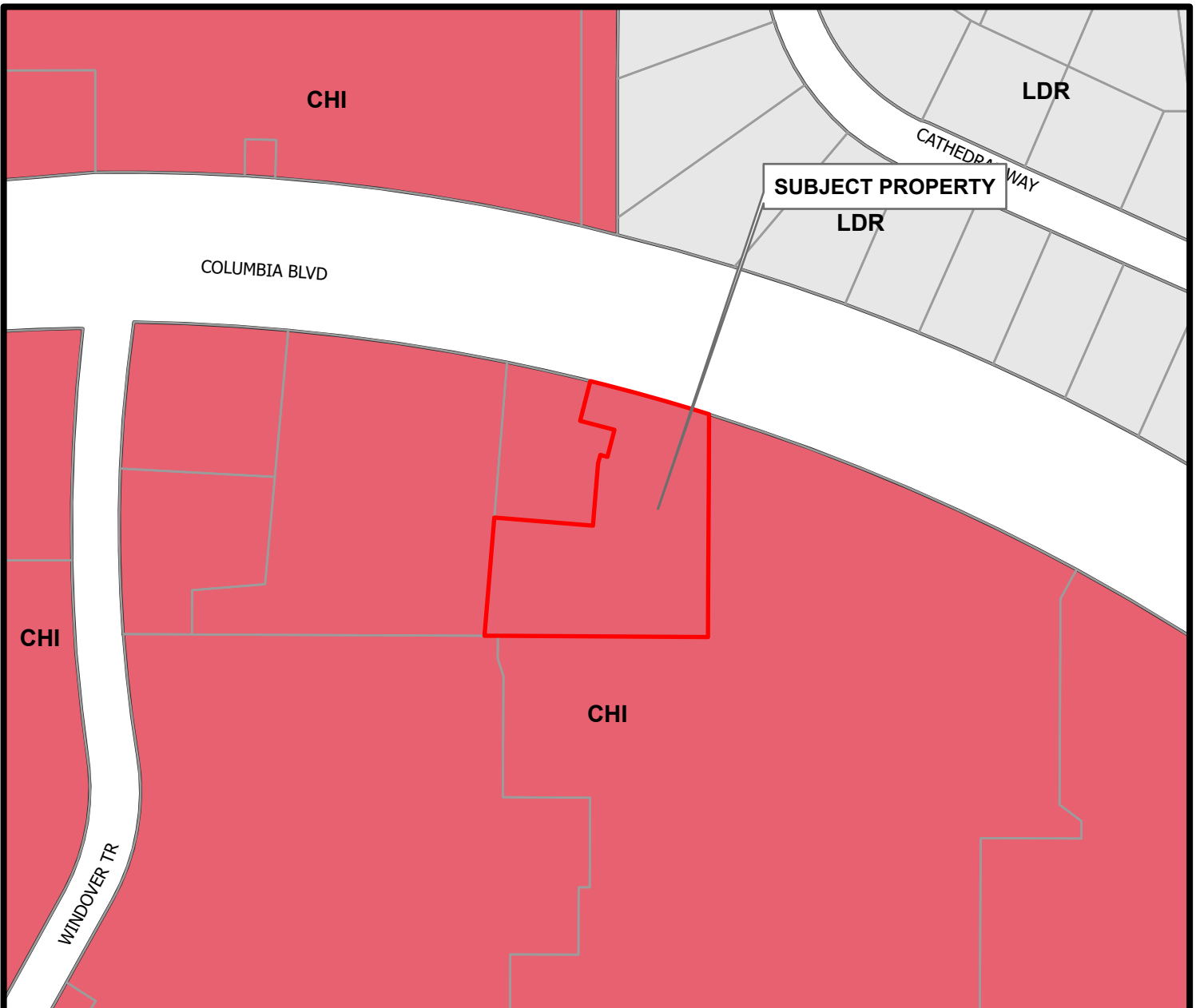


Minimal Flood Hazard Zones



Other Flood Zone Areas

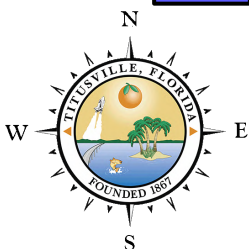




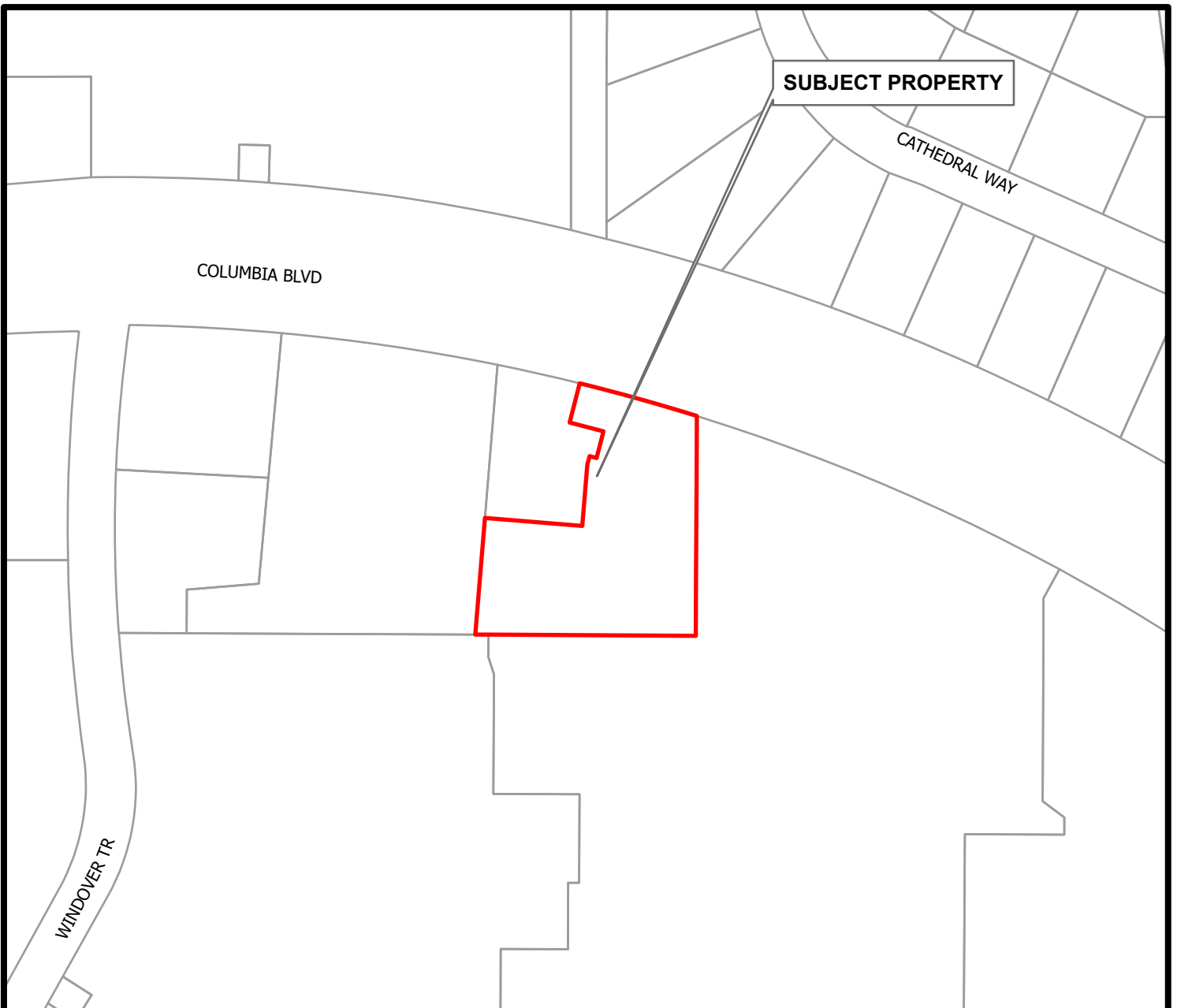
LOCATION OF PROPERTY AND FUTURE LAND USE MAP

CHI COMMERCIAL HIGH INTENSITY	ED EDUCATIONAL	PIP PLANNED INDUSTRIAL PARK	RES-2 RESIDENTIAL-2
CLI COMMERCIAL LOW INTENSITY	IND INDUSTRIAL	PSP PUBLIC/ SEMI-PUBLIC	RMU REGIONAL MIXED USE
CONS CONSERVATION	HDR HIGH-DENSITY RESIDENTIAL	PUD PLANNED UNIT DEVELOPMENT	SMU SHORELINE MIXED-USE
DMU DOWNTOWN MIXED-USE	MDR MEDIUM-DENSITY RESIDENTIAL	REC RECREATIONAL	UMU URBAN MIXED-USE
	LDR LOW-DENSITY RESIDENTIAL	RES-1 RESIDENTIAL-1	US1 US-1 CORRIDOR

Subject



0 125 250 500 Feet



SJRWMD Florida Land Use Cover Classification System Upland Forests - 4000 Series VAR#23-2024

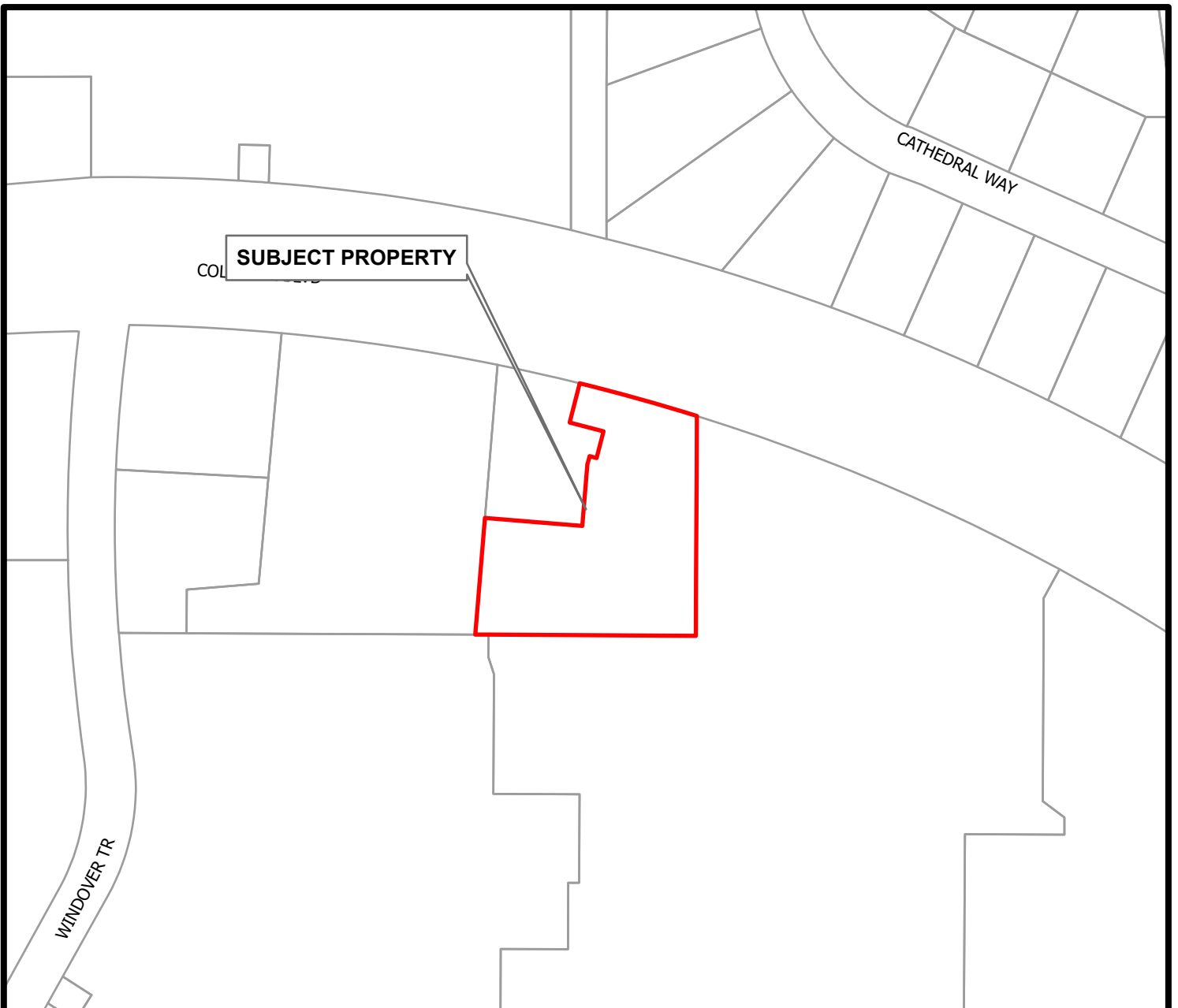


Community Development Department

0 125 250 500 Feet

11/8/2024

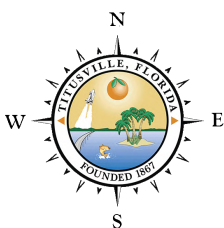
This dataset (2017) is a compilation of the Land Use/Land Cover datasets created by St. John's River Water Management District



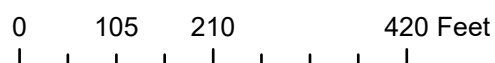
SJRWMD Florida Land Use Cover Classification System **Wetlands - 6000 Series** **VAR #23-2024**

Base Ma

- Parcels
- Subject



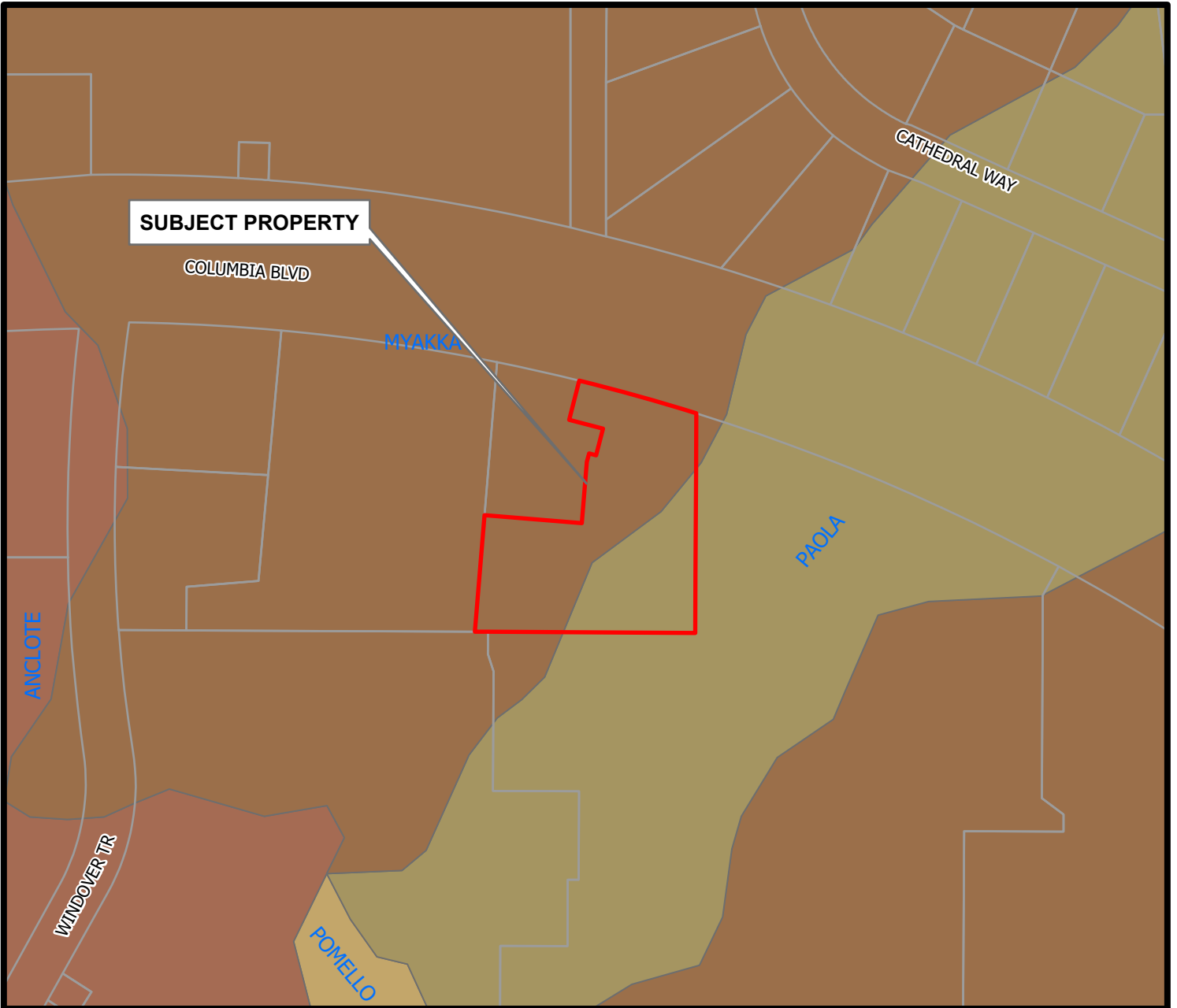
Community Development Department



This dataset (2017) is a compilation of the Land Use/Land Cover datasets created by St. John's River Water Management District

11/8/2024

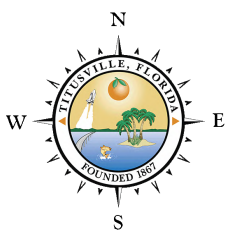
Q:\GIS\Community Development\PLANNING\Planning Templates\ArcPro\PlanningMaps\PlanningMaps.aprx



SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR#23-2024

SoilName

- ANCLOTE
- MYAKKA
- PAOLA
- POMELLO

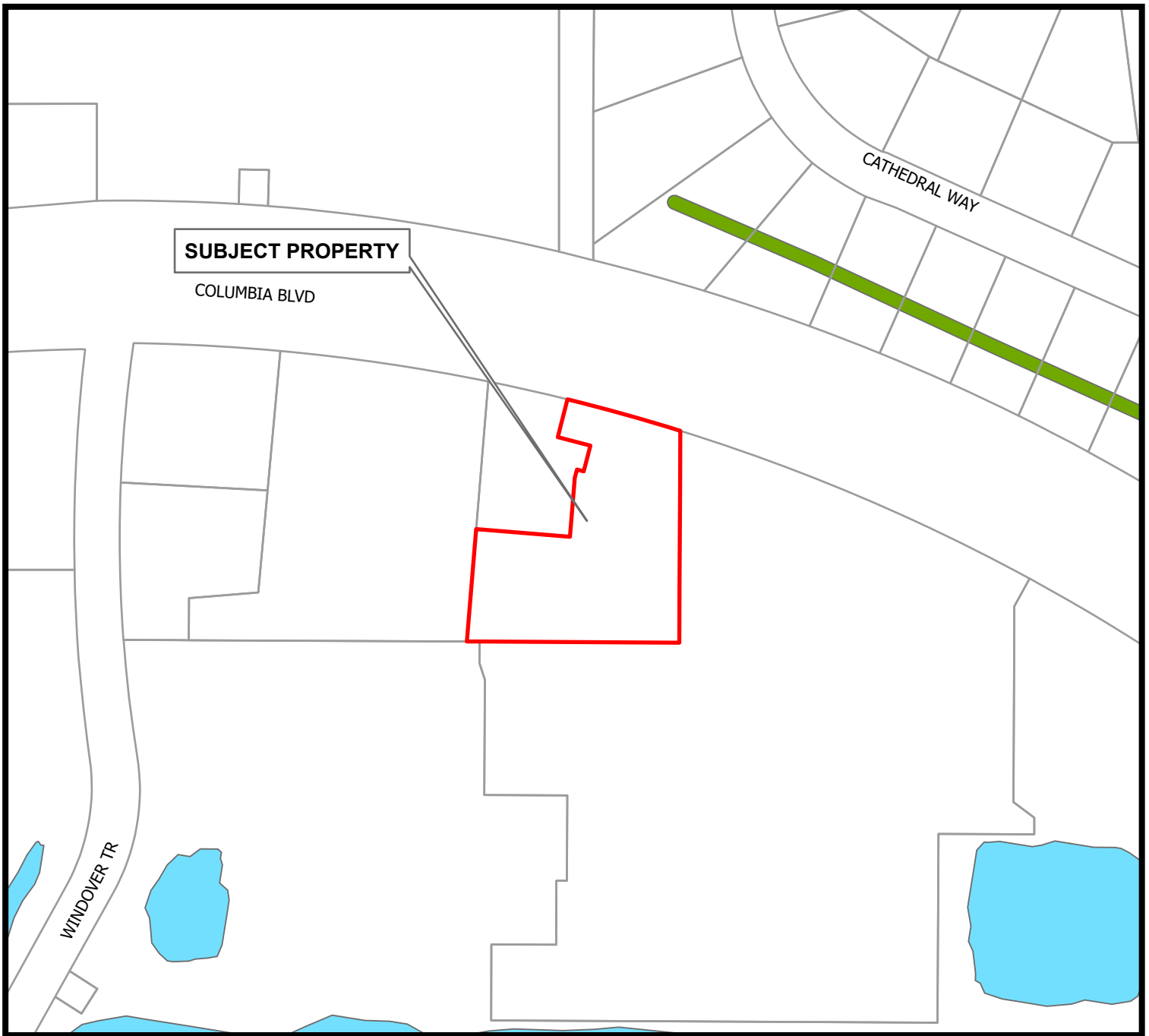


Community Development Department

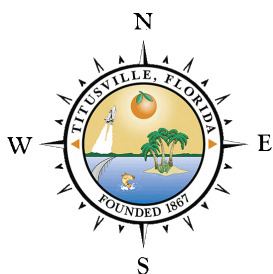
0 125 250 500 Feet

Soils data source: The U.S. Department of Agriculture, Natural Resources Conservation Service. (2019)

11/8/2024



WETLANDS IN VICINITY OF PROPERTY VAR#23-2024



WETLAND_TY

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland

- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

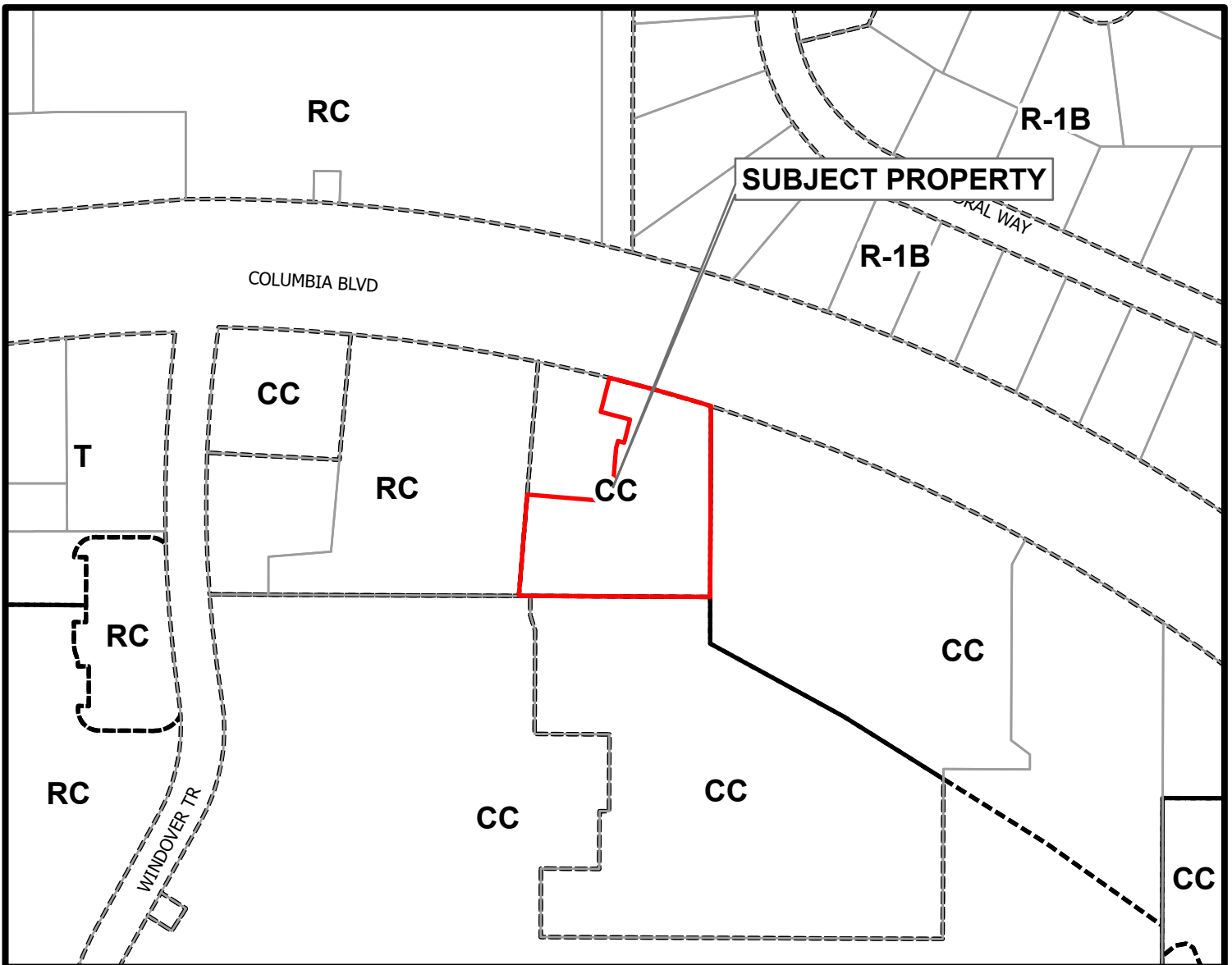
11/8/2024

Scale:1:2,500

Community Development Department
Source: USFWS NWI (2023)

This data set represents the approximate location and type of wetlands and deepwater habitats. The primary intended use is for regional and watershed data display and analysis, rather than specific project data analysis.

Q:\GIS\Community Development\PLANNING\Planning Templates\ArcPro\PlanningMaps\PlanningMaps.aprx



ZONING MAP

RESIDENTIAL DISTRICTS

RE	RESIDENTIAL ESTATES
RR	RURAL RESIDENTIAL
R-1A	SINGLE FAMILY, LOW DENSITY
R-1B	SINGLE FAMILY, MEDIUM DENSITY
R-1C	SINGLE FAMILY, HIGH DENSITY
R-2	MULTIFAMILY, MEDIUM DENSITY
R-3	MULTIFAMILY, HIGH DENSITY
RMH-1	RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
RMH-2	RESIDENTIAL MANUFACTURED HOUSING PARK

COMMERCIAL DISTRICTS

HM	HOSPITAL MEDICAL
T	TOURIST
NC	NEIGHBORHOOD COMMERCIAL
CC	COMMUNITY COMMERCIAL
RC	REGIONAL COMMERCIAL
OP	OFFICE PROFESSIONAL

INDUSTRIAL DISTRICTS

M-1	LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
M-2	HEAVY INDUSTRIAL
M-3	HIGHWAY INDUSTRIAL INFILL
PID	PLANNED INDUSTRIAL DEVELOPMENT

OVERLAY DISTRICTS

TSA	TITUSVILLE SHORELINE AREA
AIA	AIRPORT IMPACT AREA
WCA	WETLAND AND CONSERVATION AREA
ACC	AREA OF CRITICAL CONCERN
HPA	HISTORIC PRESERVATION AREA

SPECIAL DISTRICTS

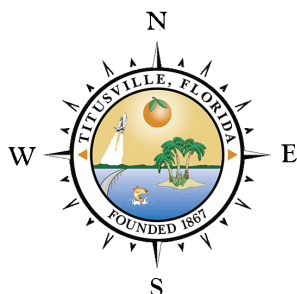
GU	GENERAL USE
OR	OPEN SPACE AND RECREATION
UMU	URBAN MIXED USE
SMU	SHORELINE MIXED USE
RHP	RESIDENTIAL HISTORIC PRESERVATION
RMU	REGIONAL MIXED USE
PD	PLANNED DEVELOPMENT
P	PUBLIC
UV	URBAN VILLAGE
DMU	DOWNTOWN MIXED USE
IRCN-R	INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
IRCN-C	INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

Base Map

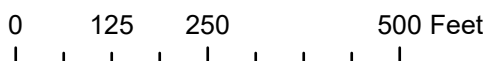
City Limits

Zoning

Subject



VAR#23-2024



City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Board of Adjustments and Appeals
From: Brad Parrish, Community Development Director
Subject: **Variance 24-2024 - 1793 Crossbill Drive**
Department/Office: Community Development

Recommended Action:

Consider the variance to Section 30-321(f) to allow the use of prohibited material in the form of artificial turf, for a property located at 1793 Crossbill Dr.

Summary Explanation & Background:

The applicant is requesting a variance to the Land Development Regulations, Chapter 30; specifically the Plant Materials regulations Section 30-321(f) to allow the use of prohibited material in the form of artificial turf, for a property located in the Planned Development (PD) zoning district, at 1793 Crossbill Dr, Titusville, FL 32796, as submitted by Stunning Backyards LLC, authorized agent for Florenz Claridad Quitlong and Mildred M. Fortich-Quitlong, Owners.

Alternatives:

1. Approve the variance.
2. Approve the variance with conditions or modifications.
3. Deny the variance.

Item Budgeted:

N/A

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Variance 24-2024 Staff Report

2. Application
3. Variance Justification
4. Plot Plan
5. 1793 Crossbill Dr Survey
6. Code Section
7. All Maps
8. Ordinance 2017-40 (Read-Only)



City of Titusville Community Development

1 BOARD OF ADJUSTMENTS AND APPEALS

2 Variance (VAR) No. 24-2024, 1793 Crossbill Drive

3 **Meeting Date:** December 5, 2024

4 **Prepared By:** Tabitha Armstrong, Planner

5 **Applicant:** Stunning Backyards LLC, authorized agent for Florenz Claridad Quitlong and
6 Mildred M. Fortich-Quitlong, Owners

7 Background

8 (a) Variance request: The applicant is requesting a variance to the Land Development
9 Regulations, Chapter 30, Section 30-321. Plant Materials. Section 30-321(f) - To
10 allow the use of prohibited material in the form of artificial turf, for a property
11 located in the Planned Development (PD) zoning district, at 1793 Crossbill Dr,
12 Titusville, FL 32796, as submitted by Stunning Backyards LLC, authorized agent
13 for Florenz Claridad Quitlong and Mildred M. Fortich-Quitlong, Owners.

14 (b) Location: 1793 Crossbill Dr, Titusville, FL. Tax No. 3020557. Parcel I.D. 22-35-
15 07-80-*-59

16 (c) Land Description: SOUTH CARPENTER ESTATES LOT 59

17 (d) Future Land Use: Low Density Residential

18 (e) Zoning: Planned Development (PD)

19 (f) Surrounding Zoning Districts.

20 1. North: Planned Development (PD)

21 2. South: Planned Development (PD)

22 3. East: Planned Development (PD)

23 4. West: Planned Development (PD)

Board of Adjustments and Appeals: Variance No. 24-2024

(g) Lot Characteristics: The subject property is approximately 0.26 acres (11,485 sq. ft) with 128.68 feet of frontage along Crossbill Dr. These dimensions meet the minimum 8,000 sq. ft lot area and 70-foot lot width for a single-family home within the Planned Development zoning district established by Ordinance 40-2017.

(h) Uses: Single Family Residence constructed in 2022

Powers of the BAA

LDR Section 34-226 states that the Board shall grant a variance request when in the opinion of the Board of Adjustments and Appeals, owing to special conditions, the literal enforcement of such ordinance or regulations would do manifest injustice to, or impose an unnecessary hardship upon the applicant. In order to authorize any variance to the provisions of such ordinance, the Board must consider the following criteria:

(a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning.

(b) Special conditions and circumstances do not result from the actions of the applicant.

(c) Granting the variance requested will not confer upon the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district.

(d) The literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance.

(e) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

(f) The granting of the variance will preserve the spirit of the ordinance and remain in harmony with its general purpose and intent.

(g) In granting the variance, the public safety and welfare must be assured.

(h) In no case shall the granting of a variance result in a change of use, which would not be permitted in that zone.

Analysis

The applicant is requesting a variance to allow the use of artificial grass in place of natural grass. Section 30-321(f) of the Land Development Regulations states, Synthetic plants prohibited: Synthetic or artificial material in the form of trees, shrubs, ground covers, vines or artificial turf shall not be used in lieu of the plant requirements in this section. The Brevard County Property Appraiser website shows

Board of Adjustments and Appeals: Variance No. 24-2024

the single-family residence was built in 2022 as part of the South Carpenter Estates planned development. The Planned Development (PD) zoning has development standards that were put in place by Ordinance 40-2017. Section 1.8(d) of Ordinance 40-2017 places a maximum 45% impervious coverage on lots within South Carpenter Estates. In 2022, this lot was approved for a single-family residence with an impervious coverage 4,518 square feet or 39.3% of the lot. This allowed for a remaining 650 square feet of impervious coverage on the lot. The applicant has a pending building permit (PBP24-3599) for a 192 square feet pool. As shown on the submitted site plan, the owner is requesting to place the turf in rear yard surrounding the pool. The applicant has not submitted the product specifications showing the permeability rate for the type of turf proposed. Without the product specifications, staff is unable to confirm if the proposed artificial grass would be considered pervious.

The lot does not appear to have had any special conditions or circumstances that are peculiar to the land that would create a hardship that would prevent natural landscaping.

Recommendation

Staff recommend **denial** of the variance. There are no special conditions or circumstances which are peculiar to the land that would make it different from similar lots in the subdivision. The request is a self-created hardship. The applicant can meet the literal interpretation of the ordinance by placing natural landscaping. Denying the request will not deprive the applicant rights commonly enjoyed by other properties.



To be Completed by Staff

Application No. _____

Date Received: _____

Received by: _____

APPLICATION FOR VARIANCE

Please submit electronically a completed application and required submittals to the Community Development Department for payment and meeting scheduling. Chapter 34 of the Titusville Land Development Regulations contains the instructions for filing and the required exhibits. INCOMPLETE APPLICATIONS SHALL NOT BE ACCEPTED.

1. Project Location	Property Address/Location Description 1793 CROSSBILL DR, TITUSVILLE, FL 32796		
2. Applicant/ Owner	Name of Applicant/Contact Stunning Backyards by Fast Band LLC		Name of Owner FLORENZ QUITLONG
	Street Address 4220 Channelbridge Bn		Street Address 1793 CROSSBILL DR,
	City Orlando	State FL	Zip 32837
	Telephone # 786 - 458 - 3002		Telephone # 786 - 458 - 3002
	Fax #		Fax #
E-Mail Address info@stunningbackyardsfl.com		E-Mail Address info@stunningbackyardsfl.com	
3. Applicant Status	☐ Owner ☐ Tenant ☒ Agent ☐ Other		
4. Parcel ID	3020557	Tax Acct.	
5. Site Size	Acres:	Square Feet: 4518	
6. Property Information	Current Zoning PD ZONING		Current Use of Property RESIDENTIAL
7. Variance(s) Requested	Section Number 1) 7.4.	LDR Requirement 1) LDR Sec 30-321(f)	Variance Requested 1) Artificial grass accepted
	2)	2)	2)
	3)	3)	3)
	4)	4)	4)
	5)	5)	5)
8. Narrative	Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application) We propose using artificial grass as a permeable solution to facilitate water absorption for the deck site		

- All applications shall require Community Development staff review prior to submittal.**
- All applications shall be submitted to the Department electronically and officially logged in by 4:00 p.m. on deadline dates. Incomplete applications and applications without appropriate backup information/justification will not be accepted and will not be considered to be officially submitted until the appropriate information is submitted. Meeting dates for incomplete applications will not be set until all required information is submitted.
- Petitions requiring review from other boards or commissions prior to being forwarded to the Board of Adjustments and Appeals (BAA) are not guaranteed placement on the BAA schedule available on the City's website.

ACKNOWLEDGEMENT

I am the owner and/or legal representative of the owner of the property described which is the subject of this application. All answers to the questions in said application and all sketches and data attached to and made a part of this application are honest and true to the best of my knowledge and belief. Should this application be granted, I understand that any condition(s) imposed upon the granting of this request shall be binding to the owner, his heirs and successors in title to possession of the subject property. I understand that I must attend all applicable meetings and have been informed of the meeting date(s) and time(s). I understand that if I fail to appear at an applicable meeting, the appropriate Board or Commission may either table or deny the request.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the City Council, Board of Adjustment & Appeals, and Planning & Zoning Commission on this topic to properly noticed public hearings or to written communication to the City Clerk's Office, City of Titusville, P.O. Box 2806, Titusville, FL 32781

/s/ FLORENZ QUITLONG
(Signature*)

(Date) 11/5/2024

** By entering your name in the "Signature" box above, you are signing this Application electronically. You agree your electronic signature is the legal equivalent of your manual signature on this Application. By entering your name in the "Signature" box above, you consent to be legally bound by this Application's terms and conditions.*

FOR OFFICE USE ONLY

Date Received: _____
Accepted By: _____
Hearing Date: _____
Case Number: _____

Variance Justification

In answering the questions below, please be as specific as possible. Your answers will help the Board of Adjustments and Appeals and City staff to properly evaluate your variance request.

(Please attach a separate sheet if necessary)

1. Why are you unable to comply with the requirements? What hardship or injustice are you claiming?

We are requesting this variance to enhance the design and functionality of our backyard pool area. By incorporating artificial grass around the pool deck, we aim to create a permeable surface that allows for effective water absorption, reducing runoff and maintaining a clean, low-maintenance environment. This setup will provide a practical, visually appealing, and environmentally friendly solution tailored to the unique conditions of our backyard.

2. What is special about your property that would justify treating it differently than most other properties? (Examples of important special conditions include: narrow or odd shaped lot; excessive slope of land; soil or drainage limitations; unusual location of existing buildings on the lot; etc.) If the special conditions involve an existing building or structure, when was it built and are you the original owner?

Our proposed use of artificial grass alongside the pool deck aligns with the local regulations' focus on sustainable and eco-friendly practices. Using a permeable surface helps to manage water responsibly, supporting local standards that encourage environmentally conscious development. By creating a space that is both functional and respectful of the environment, we believe this variance will further the intent of the regulations.

3. Is your variance request the minimum change from the requirements that you need to overcome your hardship? Explain your answer. (For example, suppose you are requesting a 5 foot variance to the side yard setback requirement in order to build a single car garage 15 feet wide. Your request would not be the minimum since a single car garage 11 feet wide would be adequate and would only require a 1 foot variance.)

The installation of artificial grass around our pool deck will not have any negative impact on neighboring properties. By managing water runoff effectively, we are helping to protect the surrounding area and ensuring that our pool area remains clean and safe. The artificial grass will blend naturally with the landscape, creating a backyard that complements the overall look and feel of the neighborhood. This setup enhances our property without affecting the privacy, safety, or appearance of nearby homes.

4. Explain why approval of your variance request would not likely result in harm to your neighbor's properties or to the general public.

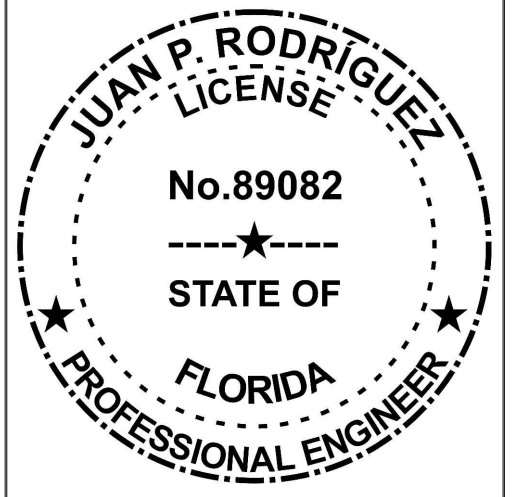
Granting this variance will bring several benefits to our home and property. By incorporating a permeable, low-maintenance surface around the pool, we improve drainage and reduce the chance of water pooling, which helps keep the area safe and easy to maintain. This thoughtful approach not only supports a cleaner, more functional backyard but also contributes positively to the property value by creating a well-designed, sustainable space that future owners can enjoy.



REVISIONS

NUMBER	DATE

Juan P. Rodriguez
6140 Sunset Isle DR.
Winter Garden, FL
240-274-8366
License #89082



Project

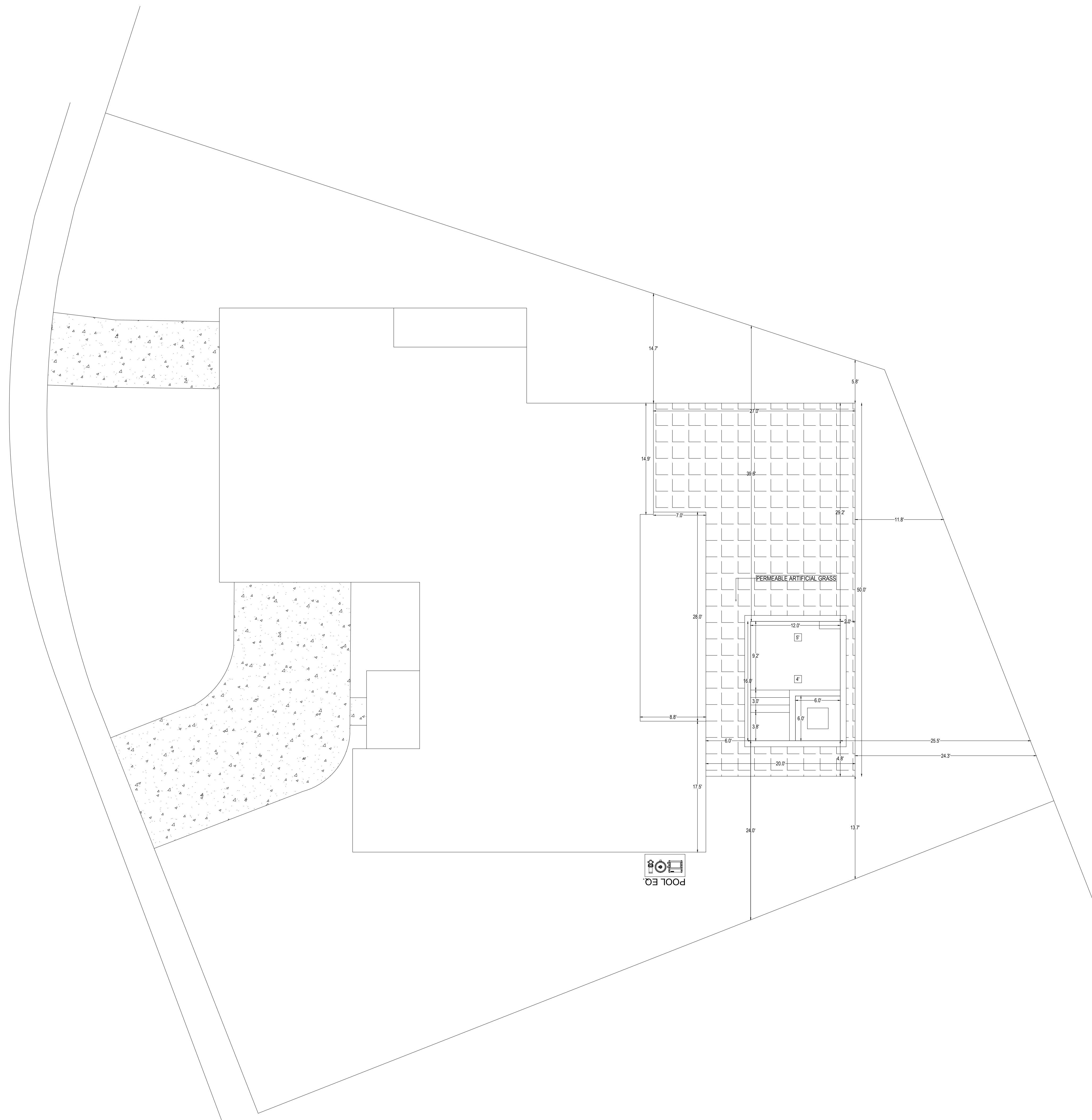
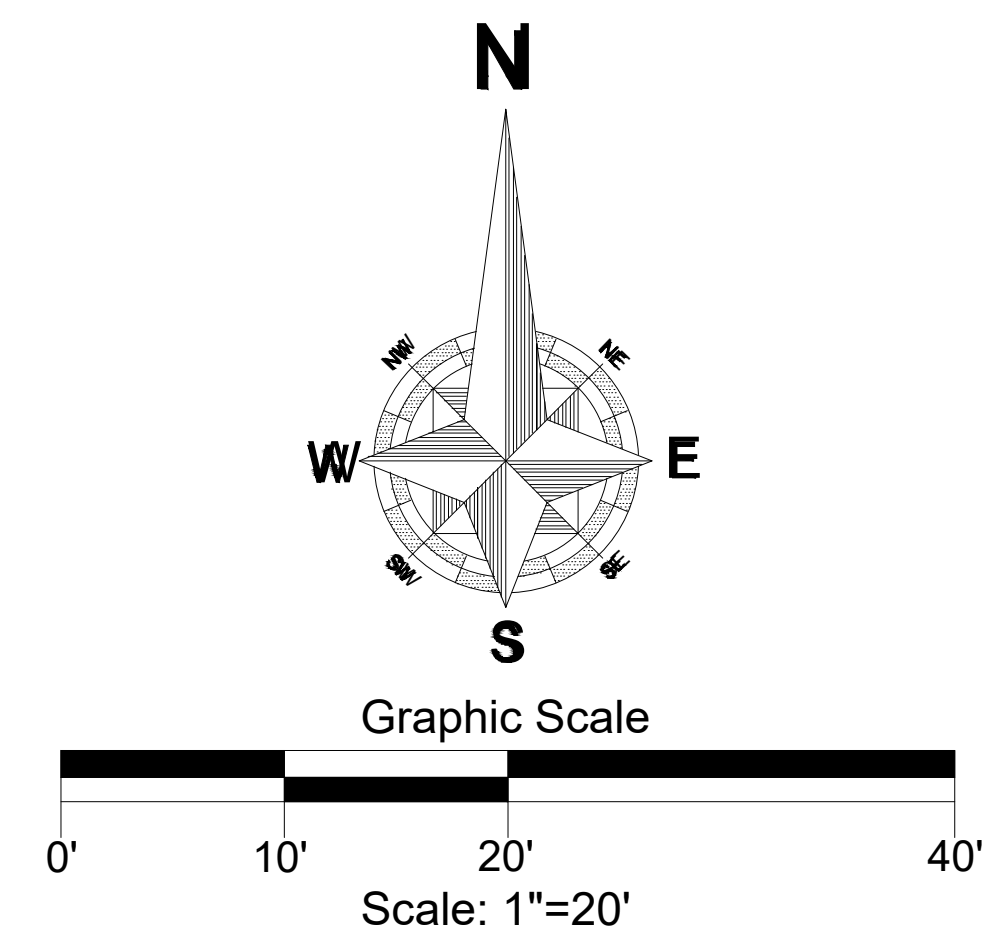
Proposed Swimming Pool

FLORENZ QUITLONG
1793 CROSSBILL DR,
TITUSVILLE, FL 32796

JOB No:	162
DESIGNED BY:	MARIELA PEÑA HERNANDEZ
CHECKED BY:	

SCALE:	AS SHOWN
DATE:	08/23/2024

1 SITE PLAN
1 OF 5



1793 Crossbill Dr

Zoned PD

Approved
Mark Jones
11/03/2021
City of Titusville

South Carpenter Estates

PD Zoning District
(Ord 40-2017)

- a) Lot Size Min - 8,000 sqft
b) Lot Width Min - 70 feet
c) Max ImperVIOUS - 45%

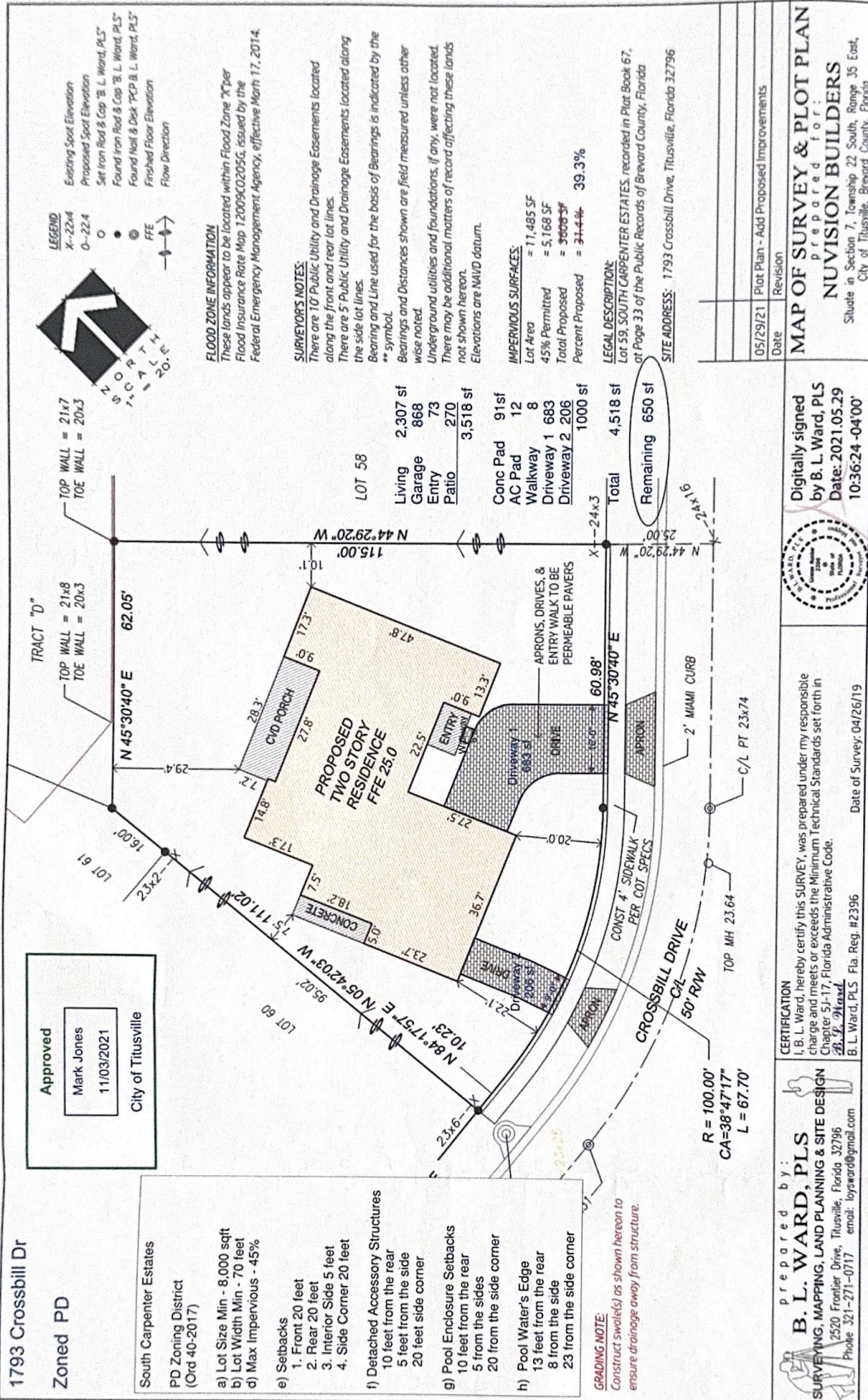
- e) Setbacks
1. Front 20 feet
2. Rear 20 feet
3. Interior Side 5 feet
4. Side Corner 20 feet

- f) Detached Accessory Structures
10 feet from the rear
5 feet from the side
20 feet side corner

- g) Pool Enclosure Setbacks
10 feet from the rear
5 feet from the sides
20 feet from the side corner

- h) Pool Water's Edge
13 feet from the rear
8 feet from the side
23 feet from the side corner

GRADING NOTE:
Construct swales (as shown hereon) to
ensure drainage away from structure.



Sec. 30-321. Plant materials.

- (a) *Quality*: Plant material used in conformance with the provisions of this article shall be good, healthy and sturdy plants. All plant material shall be Florida #1 grade or better. Plant materials which are known to be intolerant of paving environments or whose physical characteristics may be injurious to the public or which produce a quantity and/or quality of debris so as to present maintenance difficulties shall not be specified for use under this article.
- (b) *Native vegetation*: The applicant is encouraged to utilize plant material native to Brevard County in meeting these landscaping requirements. The existing vegetation that is native to Brevard County with the exception of that listed in Section 30-4(d) shall be preserved and utilized except when removal is justified and determined to be acceptable by the enforcement official (see Landscape Technical Manual).
- (c) *Ground cover*: Ground covers, other than grass, shall be planted in such a manner so as to present a finished appearance and reasonably complete coverage within six (6) months after planting (see Landscape Technical Manual).
- (d) *Lawn grass*: Grass areas shall be planted in species normally grown as permanent lawns in Brevard County. Seeding and sprigging may be used if grass cover is complete within six (6) months, or sodding will be required (see Landscape Technical Manual).
- (e) *Hedges*: Hedges, where required, shall be planted in sufficient number and maintained so as to form a continuous, unbroken, solid screen within a maximum of six (6) months after time of planting (see Landscape Technical Manual).
- (f) *Synthetic plants prohibited*: Synthetic or artificial material in the form of trees, shrubs, ground covers, vines or artificial turf shall not be used in lieu of the plant requirements in this section.
- (g) *[Overstory trees:]* Overstory trees shall be species having an average mature spread of crown of greater than twenty (20) feet and reach a mature height of at least sixty (60) feet, and having a trunk which can be maintained in a clean condition with over five (5) feet of clear wood (no branches). Trees, including palms, having an average mature spread of crown less than twenty (20) feet may be arranged in groupings so as to create the equivalent of twenty-foot crown spread and shall count as one (1) required tree. Invasives shall not be used to fulfill the requirements of this article (see Landscape Technical Manual).
- (h) *Caliper*: Plant materials required by this section shall comply with the minimum size requirements of Table 30-5, Minimum landscape planting specifications at the time of installation. Plant height shall be measured from the average grade level of the immediate planting area to the top horizontal plane of the shrub at planting; for single-trunk trees, the measurement shall be taken six (6) inches above grade level; for multitrunk trees, the tree shall be measured from the average grade level of the immediate planting area.
- (i) *Planting areas and shrubs*: Planting areas shall consist of permeable surface areas only. The permeable surface areas for shrubs may be included with permeable surface areas required for trees.
- (j) *Pavement edges*: Each overstory, coniferous, understory [tree] or shrub shall be planted at least twelve (12) inches from the edge of any paved surface.
- (k) *Irrigation*: Irrigation must be indicated on the landscape plan. Any landscape area must be shown by water tolerant usage area.



SUBJECT PROPERTY

S CARPENTER RD

KITE ST

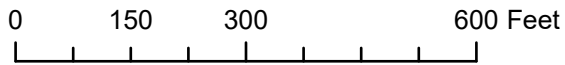
CROSSBILL DR

FOX LAKE RD

I-95 HWY



**Aerial 2024
VAR #24-2024**





FEMA FLOOD HAZARD AREAS VAR #24-2024

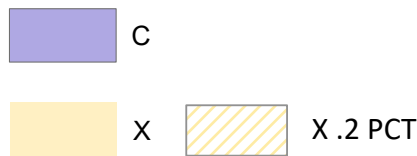
Special Flood Hazard Area Zones



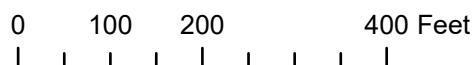
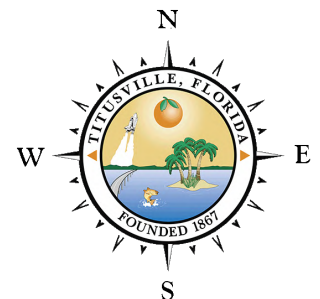
Moderate Flood Hazard Area Zone

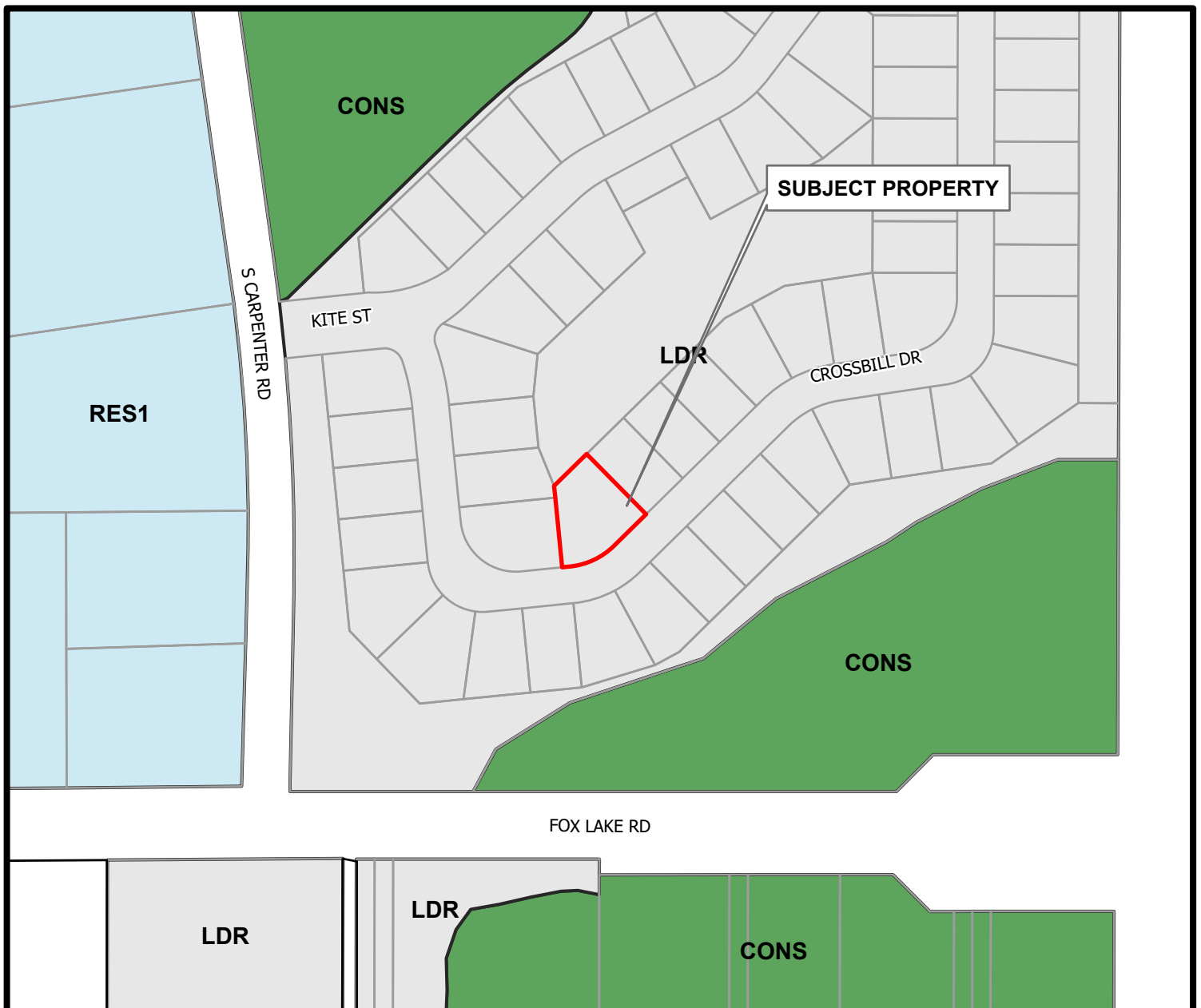


Minimal Flood Hazard Zones



Other Flood Zone Areas

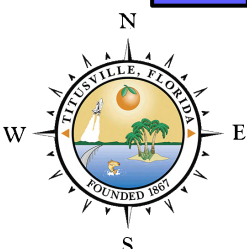




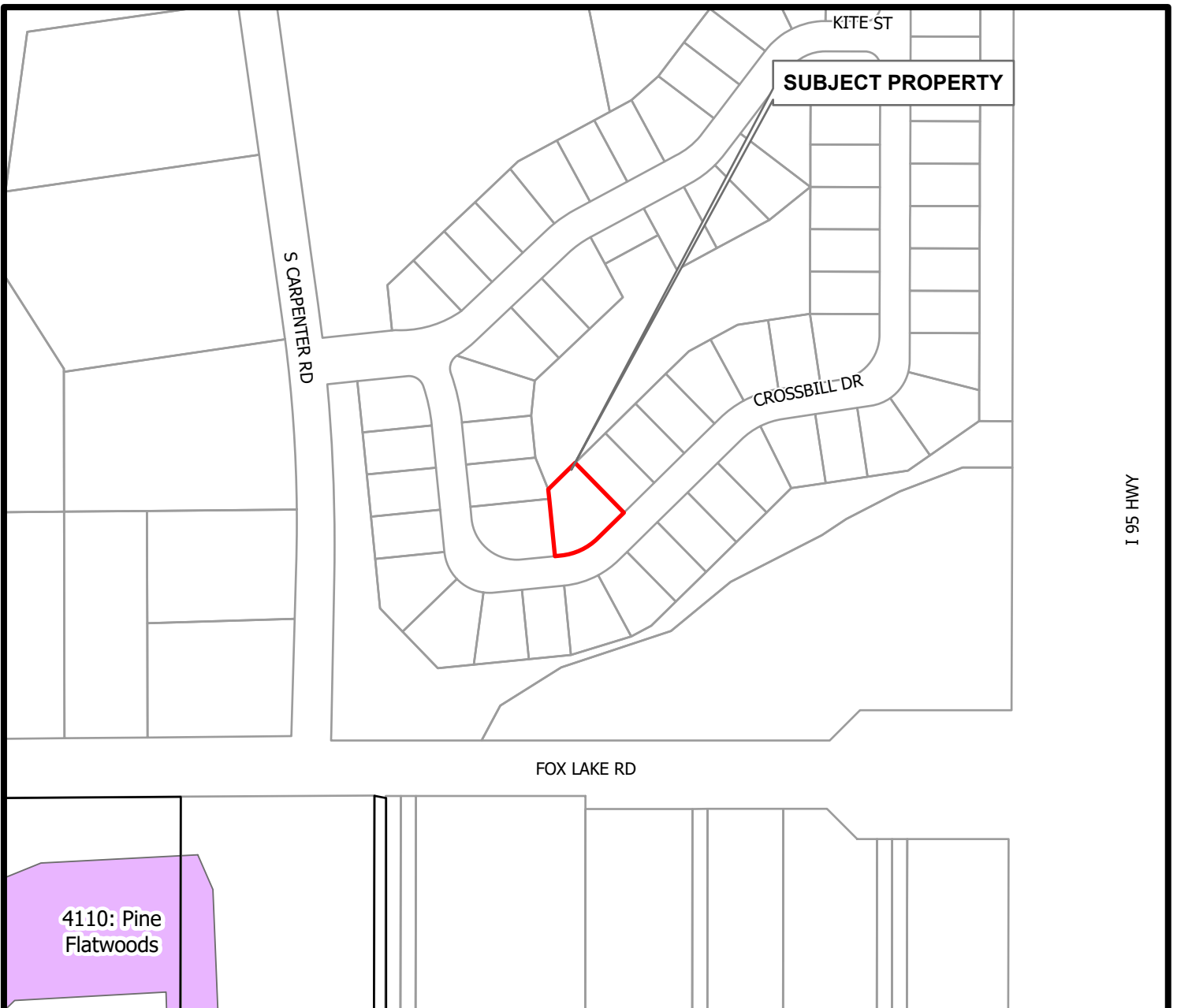
LOCATION OF PROPERTY AND FUTURE LAND USE MAP

CHI COMMERCIAL HIGH INTENSITY	ED EDUCATIONAL	PIP PLANNED INDUSTRIAL PARK	RES-2 RESIDENTIAL-2
CLI COMMERCIAL LOW INTENSITY	IND INDUSTRIAL	PSP PUBLIC/ SEMI-PUBLIC	RMU REGIONAL MIXED USE
CONS CONSERVATION	HDR HIGH-DENSITY RESIDENTIAL	PUD PLANNED UNIT DEVELOPMENT	SMU SHORELINE MIXED-USE
DMU DOWNTOWN MIXED-USE	MDR MEDIUM-DENSITY RESIDENTIAL	REC RECREATIONAL	UMU URBAN MIXED-USE
LDR LOW-DENSITY RESIDENTIAL	RES-1 RESIDENTIAL-1	US1 US-1 CORRIDOR	

Subject



0 130 260 520 Feet



SJRWMD Florida Land Use Cover Classification System **Upland Forests - 4000 Series** **VAR#24-2024**

LANDCOVER DESCRIPTION

 4110: Pine Flatwoods

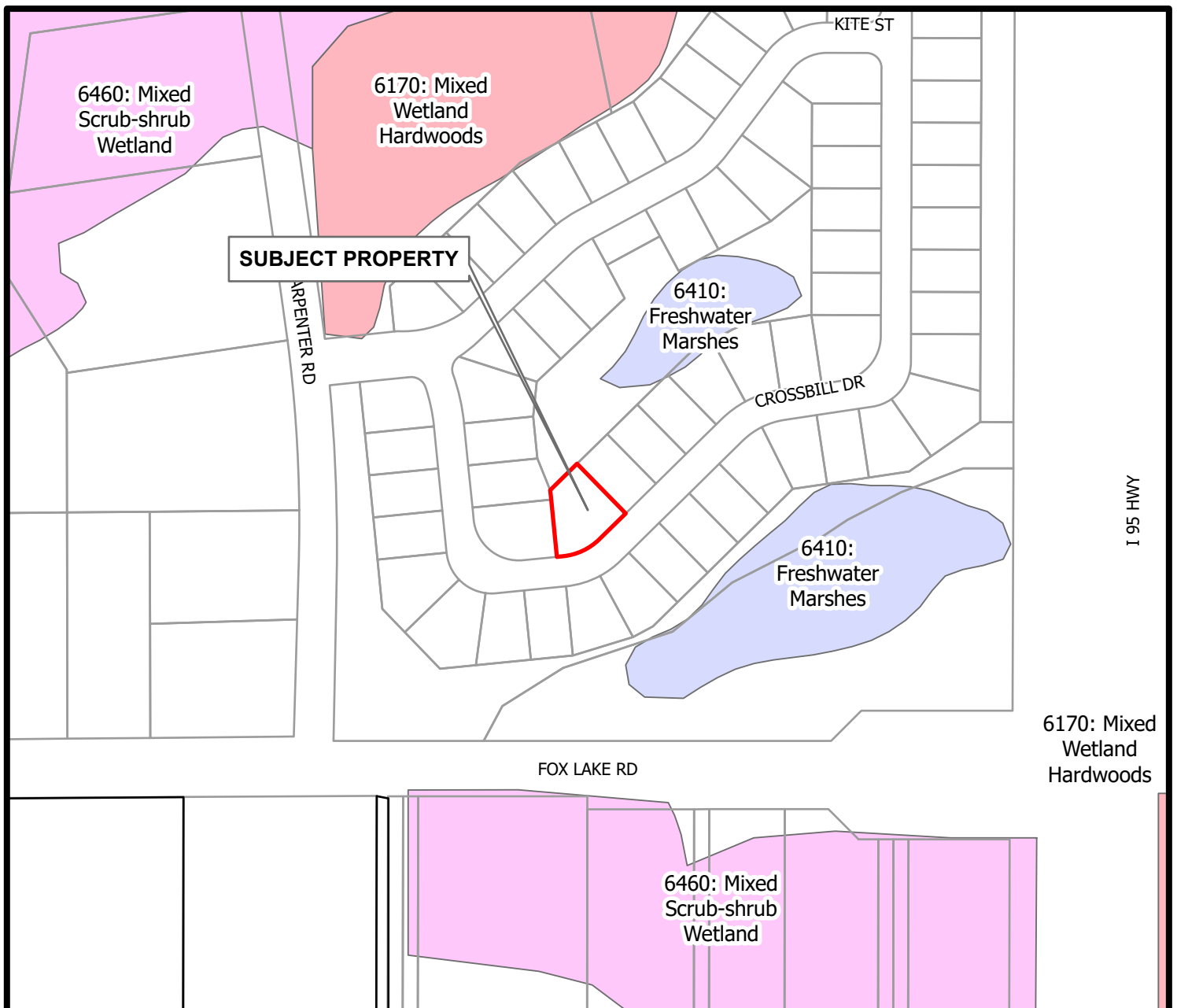


0 125 250 500 Feet

Community Development Department

11/8/2024

This dataset (2017) is a compilation of the Land Use/Land Cover datasets created by St. John's River Water Management District



SJRWMD Florida Land Use Cover Classification System Wetlands - 6000 Series

VAR #24-2024

SJRWMD Land Cover 6000 Series

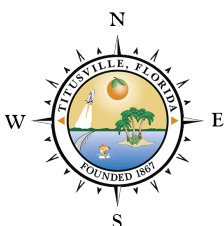
LANDCOVER DESCRIPTION

- 6170: Mixed Wetland Hardwood
- 6410: Freshwater Marshes

Base Ma

- Parcels
- Subject

6460: Mixed Scrub-shrub Wetland



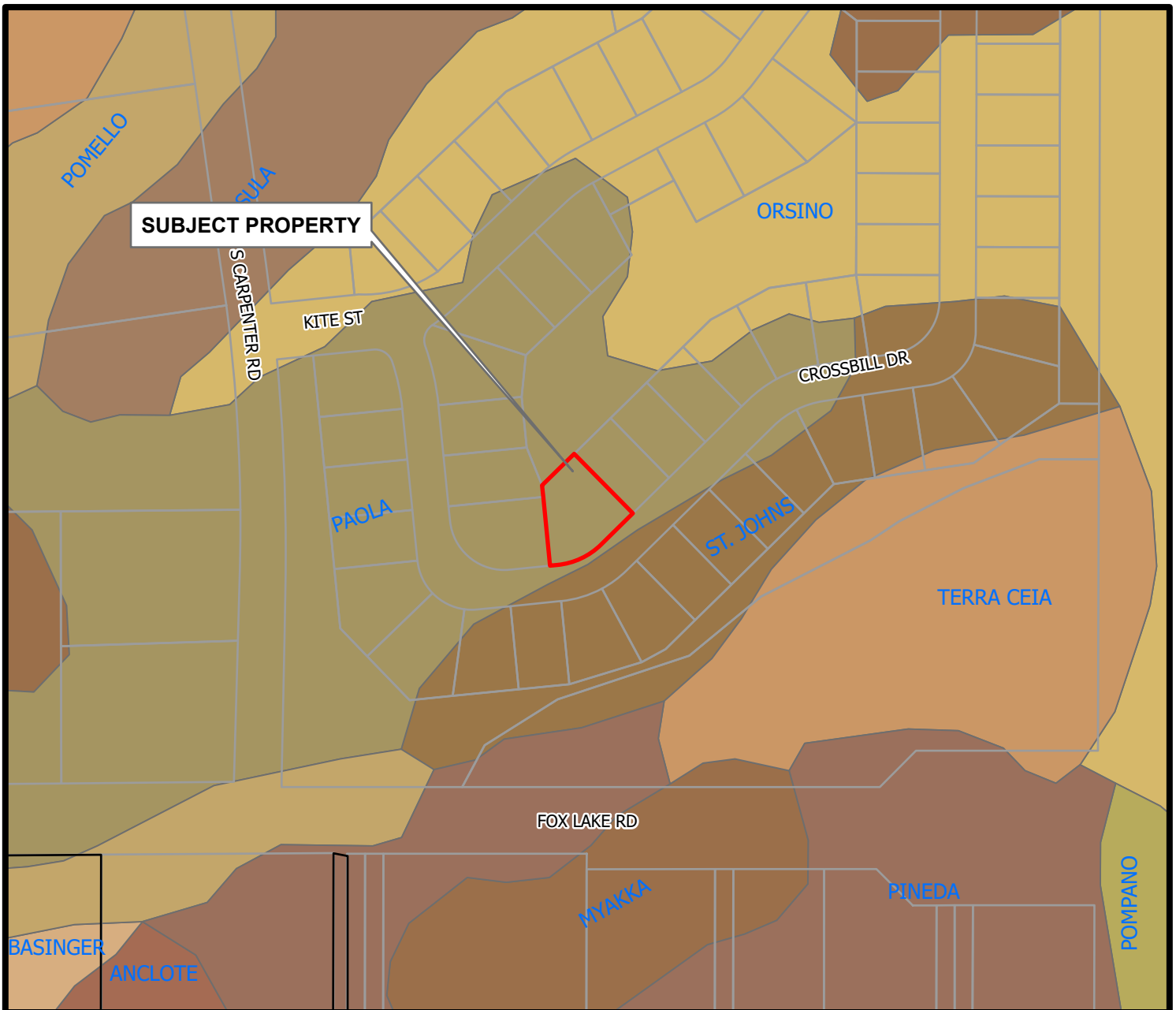
Community Development Department

0 125 250 500 Feet

This dataset (2017) is a compilation of the Land Use/Land Cover datasets created by St. John's River Water Management District

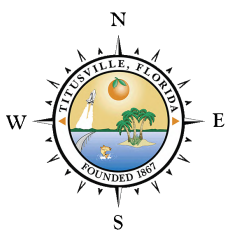
11/8/2024

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SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR#24-2024

SoilName	ORSINO	POMPANO
ANCLOTE	PAOLA	SAMSULA
BASINGER	PINEDA	ST JOHN
MYAKKA	POMELLO	TERRACEI

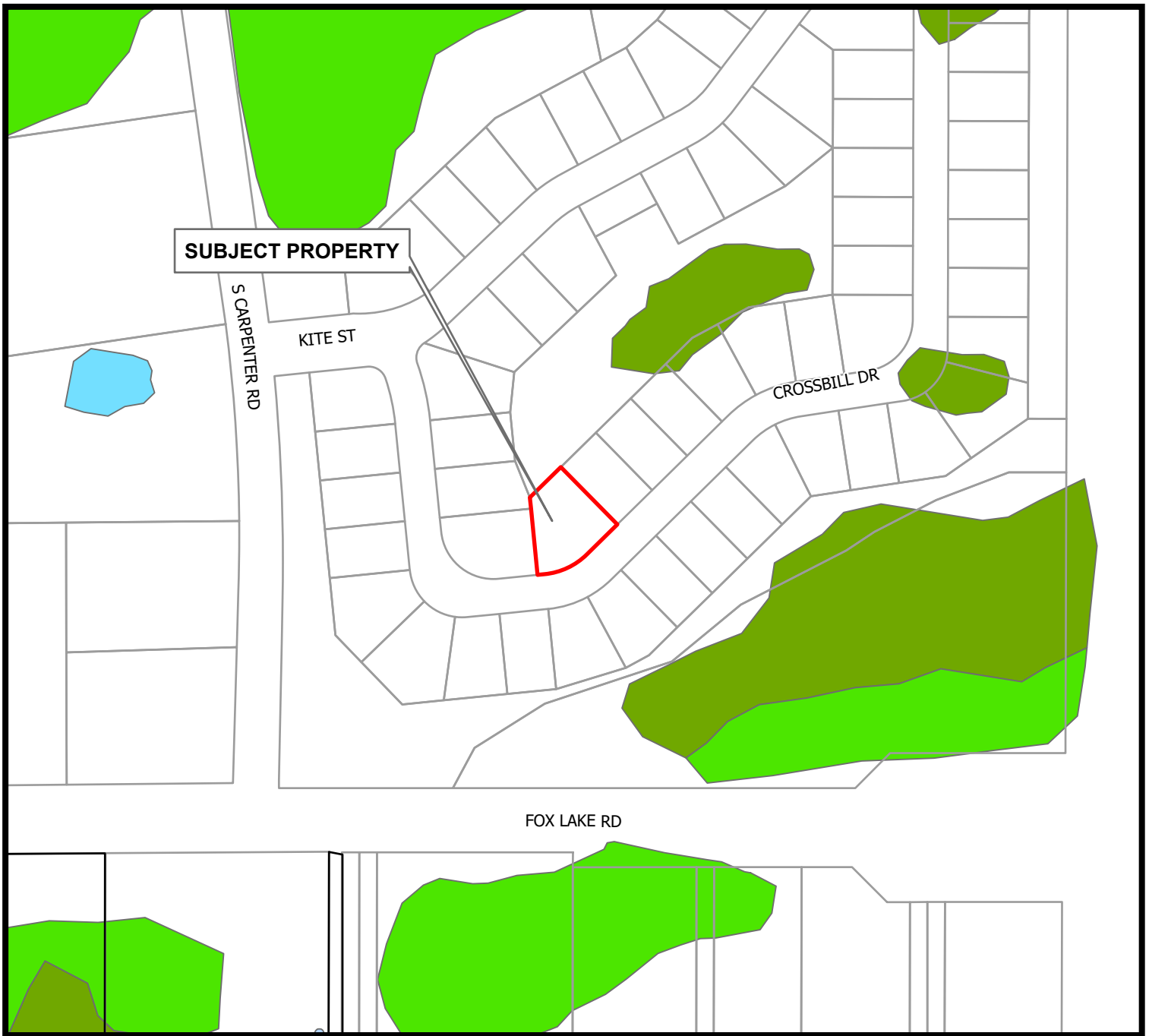


Community Development Department

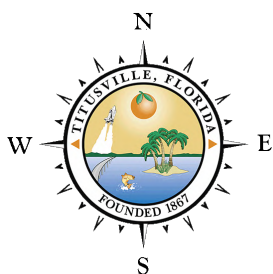
0 105 210 420 Feet

Soils data source: The U.S. Department of Agriculture, Natural Resources Conservation Service. (2019)

11/8/2024



WETLANDS IN VICINITY OF PROPERTY VAR#24-2024



WETLAND_TY

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland

- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

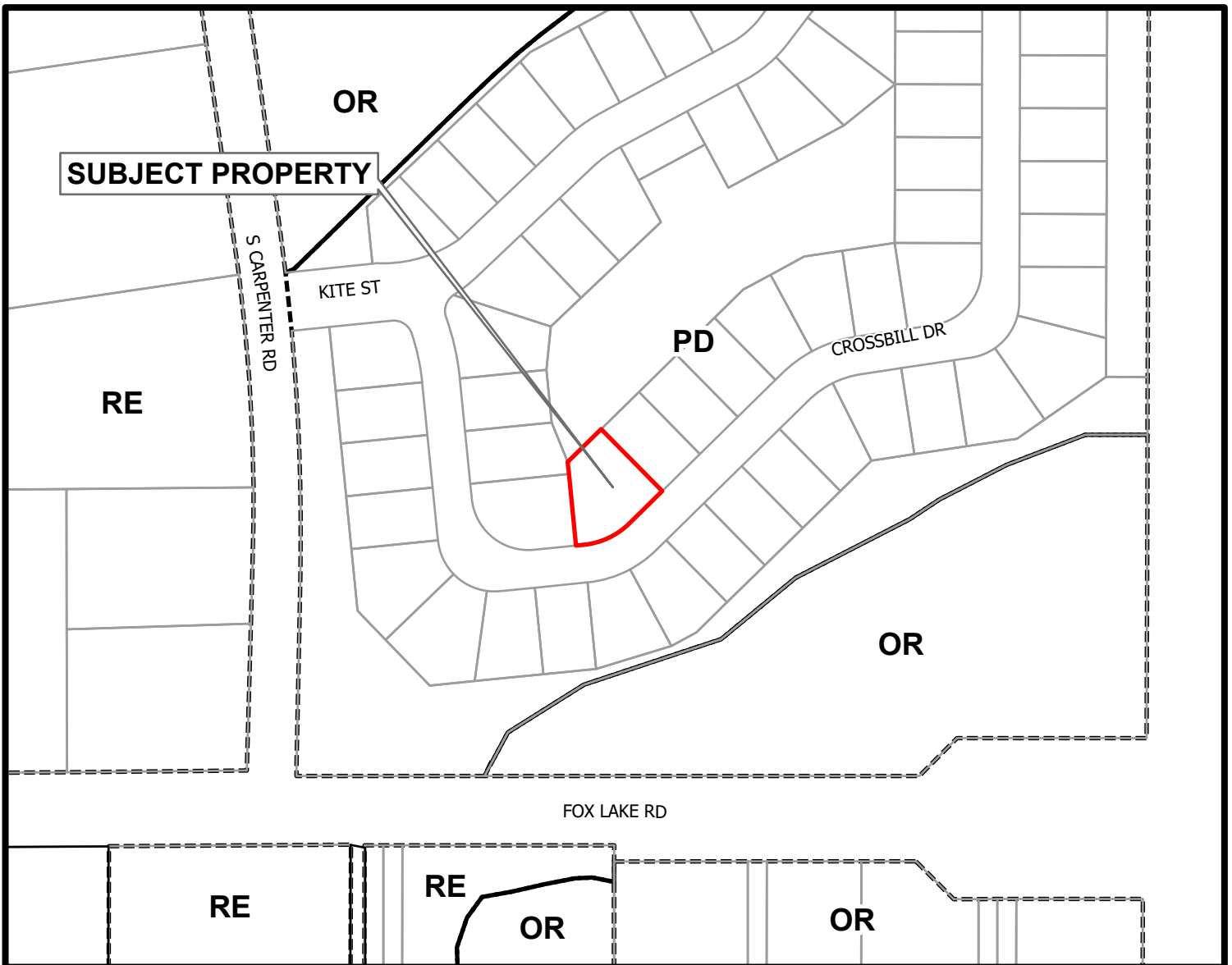
11/8/2024

Scale:1:2,500

Community Development Department
Source: USFWS NWI (2023)

This data set represents the approximate location and type of wetlands and deepwater habitats. The primary intended use is for regional and watershed data display and analysis, rather than specific project data analysis.

Q:\GIS\Community Development\PLANNING\Planning Templates\ArcPro\Planning\Maps\PlanningMaps.aprx



ZONING MAP

RESIDENTIAL DISTRICTS

RE	RESIDENTIAL ESTATES
RR	RURAL RESIDENTIAL
R-1A	SINGLE FAMILY, LOW DENSITY
R-1B	SINGLE FAMILY, MEDIUM DENSITY
R-1C	SINGLE FAMILY, HIGH DENSITY
R-2	MULTIFAMILY, MEDIUM DENSITY
R-3	MULTIFAMILY, HIGH DENSITY
RMH-1	RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
RMH-2	RESIDENTIAL MANUFACTURED HOUSING PARK

COMMERCIAL DISTRICTS

HM	HOSPITAL MEDICAL
T	TOURIST
NC	NEIGHBORHOOD COMMERCIAL
CC	COMMUNITY COMMERCIAL
RC	REGIONAL COMMERCIAL
OP	OFFICE PROFESSIONAL

INDUSTRIAL DISTRICTS

M-1	LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
M-2	HEAVY INDUSTRIAL
M-3	HIGHWAY INDUSTRIAL INFILL
PID	PLANNED INDUSTRIAL DEVELOPMENT

OVERLAY DISTRICTS

TSA	TITUSVILLE SHORELINE AREA
AIA	AIRPORT IMPACT AREA
WCA	WETLAND AND CONSERVATION AREA
ACC	AREA OF CRITICAL CONCERN
HPA	HISTORIC PRESERVATION AREA

SPECIAL DISTRICTS

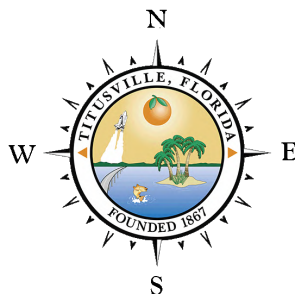
GU	GENERAL USE
OR	OPEN SPACE AND RECREATION
UMU	URBAN MIXED USE
SMU	SHORELINE MIXED USE
RHP	RESIDENTIAL HISTORIC PRESERVATION
RMU	REGIONAL MIXED USE
PD	PLANNED DEVELOPMENT
P	PUBLIC
UV	URBAN VILLAGE
DMU	DOWNTOWN MIXED USE
IRCN-R	INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
IRCN-C	INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

Base Map

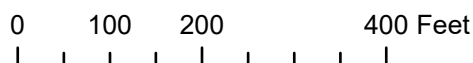
City Limits

Zoning

Subject



VAR#24-2024



ORDINANCE NO. 40-2017

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING ORDINANCE NO. 5-1993 OF THE CITY OF TITUSVILLE, FLORIDA, BY AMENDING THE ZONING MAP MADE A PART OF SAID ORDINANCE BY REFERENCE BY REPLACING THE PRESENT RESIDENTIAL ESTATE (RE) ZONING TO PLANNED DEVELOPMENT (PD) ZONING TO A PORTION OF A 70 ACRE PARCEL LOCATED ON THE NORTH SIDE OF FOX LAKE ROAD, EAST SIDE OF CARPENTER ROAD AND THE WEST SIDE OF INTERSTATE 95; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TITUSVILLE, FLORIDA
as follows:

Section 1. Ordinance No. 5-1993 is hereby amended by amending the Zoning Map of the City of Titusville, Florida, made a part of said Ordinance by reference, by designating the following property described in Exhibit A.

To be rezoned from Residential Estate (RE) to Planned Development (PD) zoning designation.

Section 2. This ordinance shall take effect immediately.

PASSED AND ADOPTED this 14 day of November, 2017.



Walt Johnson, Mayor

ATTEST:



Wanda F. Wells, City Clerk



Exhibit A

PLANNED DEVELOPMENT ORDINANCE

SOUTH CARPENTER ESTATES

1.1 DESCRIPTION

South Carpenter Estates is a single family residential subdivision consisting of 70 lots located in the City of Titusville, Brevard County, Florida.

1.2 LEGAL DESCRIPTION

The Planned Development conditions apply to the 28.29 acre portion of the property zoned Residential Estate (RE) by ordinance 34-2004.

LEGAL DESCRIPTION: (TAX PARCEL 22-35-07-00-00750.0-0000.00)

All of the land in the South ½ of Section 7, Township 22 South, Range 35 East, North of Fox Lake Road Right of Way, lying between the West Right of Way of Interstate 95 and the East Right of Way of Carpenter Road, Brevard County, Florida.

LESS AND EXCEPT

A part of the South half of Section 7, Township 22 South, Range 35 East, Brevard County, Florida lying South of Rambling Acres, as recorded in Plat Book 24, Page 43, of the Public Records of Brevard County, Florida and East of Carpenter Road(a 70' r/w) per Official Records Book 787, Page 591 of the aforesaid public records, being more particularly described as follows:

Begin at the Southwest Corner of Lot 16 of said RAMBLING ACRES SUBDIVISION, run thence South 89 degrees 47 minutes 20 seconds East along the south line of said Subdivision, a distance of 534.09 feet; Thence South 00 degrees 12 minutes 40 seconds West perpendicular to said South line, a distance of 550.00 feet; thence North 89 degrees 47 minutes 20 seconds West parallel with said South line, a distance of 503.31 feet to a point on the Easterly Right-of-Way line of the aforesaid Carpenter Road; THENCE North 01 degrees 44 minutes 27 seconds West along said Easterly Right-of-Way line, a distance of 325.15 feet to the point of curvature of a circular curve to the left; THENCE along said Easterly Right-of-Way line and said curve to the left having a radius of 1438.61 feet, a delta of 09 degrees 00 minutes 22 seconds, an arc length 226.13 feet and a chord which bears north 04 degrees 47 minutes 34 seconds West and having a chord distance of 225.90 feet to the Point of Beginning.

AND ALSO LESS AND EXCEPT FDOT I-95 Retention Area as described in Official Records Book 6104, at Page 1139 of the aforesaid Public Records.

Containing 70.0 Acres more or less.

SUBJECT TO: Drainage Easement as described in Official Records Book 6104 at Page 1143.

1.3 REFERENCE TO GENERAL DEVELOPMENT PLAN

Sketch Plat dated August 15, 2017 (See attached Exhibit "B")

1.4 PERMITTED PRINCIPAL USES

Exhibit A
PLANNED DEVELOPMENT ORDINANCE
SOUTH CARPENTER ESTATES

- (a) Single-family detached dwellings.
- (b) Public and private parks and common recreational areas.

1.4.1 PERMITTED ACCESSORY USES.

- (a) Private Swimming pools/spas,
- (b) Detached structures
- (c) Home based businesses as permitted by the City of Titusville.

1.4.2 PROHIBITED USES.

Accessory dwelling units

1.5 MINIMUM AND MAXIMUM DENSITY

Maximum Seventy (70) single family residential lots

1.6 CRITICAL DESIGN FEATURES

Open Space improvements shall consist of a children's playground located in Tract "D" and a separate dog walk. Additional open space improvements, if any, shall be at the sole discretion of the developer.

1.7 Preservation of environmentally sensitive lands and common open space areas. LAND USE ALLOCATION TABLE

Preservation Tracts: 48 acres minimum

1.8 THE RESIDENTIAL ESTATE ZONING DISTRICT AREA, HEIGHT & OPEN SPACE REQUIREMENTS SHALL BE MAINTAINED WITH THE FOLLOWING EXCEPTIONS

- (a) Lot size: 8,000 square feet minimum
- (b) Lot width: 70 feet minimum (Lot width shall be defined as the distance between the side lot lines at the front yard setback as shown on the Recorded Plat)
- (c) Open Space: 9.9 upland acres minimum.
- (d) Maximum impervious lot coverage: 45%. When pervious concrete pavement or pavers are used in the development of the site, twenty-five (25) percent of the area covered by the pervious concrete pavement shall be regarded as impervious and shall be constructed per City of Titusville Specifications.
- (e) Principal Building Setbacks:
 - 1. 20 feet front yard
 - 2. 20 feet rear yard
 - 3. 5 feet side yard
 - 4. 20 feet side corner
- (f) Detached Accessory structures and swimming pools/spa Setbacks: 10 feet from the rear or 5 feet from side property lines

Exhibit A
PLANNED DEVELOPMENT ORDINANCE
SOUTH CARPENTER ESTATES

1.9 ROADWAY DESIGN / TRAFFIC CIRCULATION

See attached Exhibit "B". Roadway ownership and maintenance to be determined at time of site plan approval.

1.10 UTILITIES

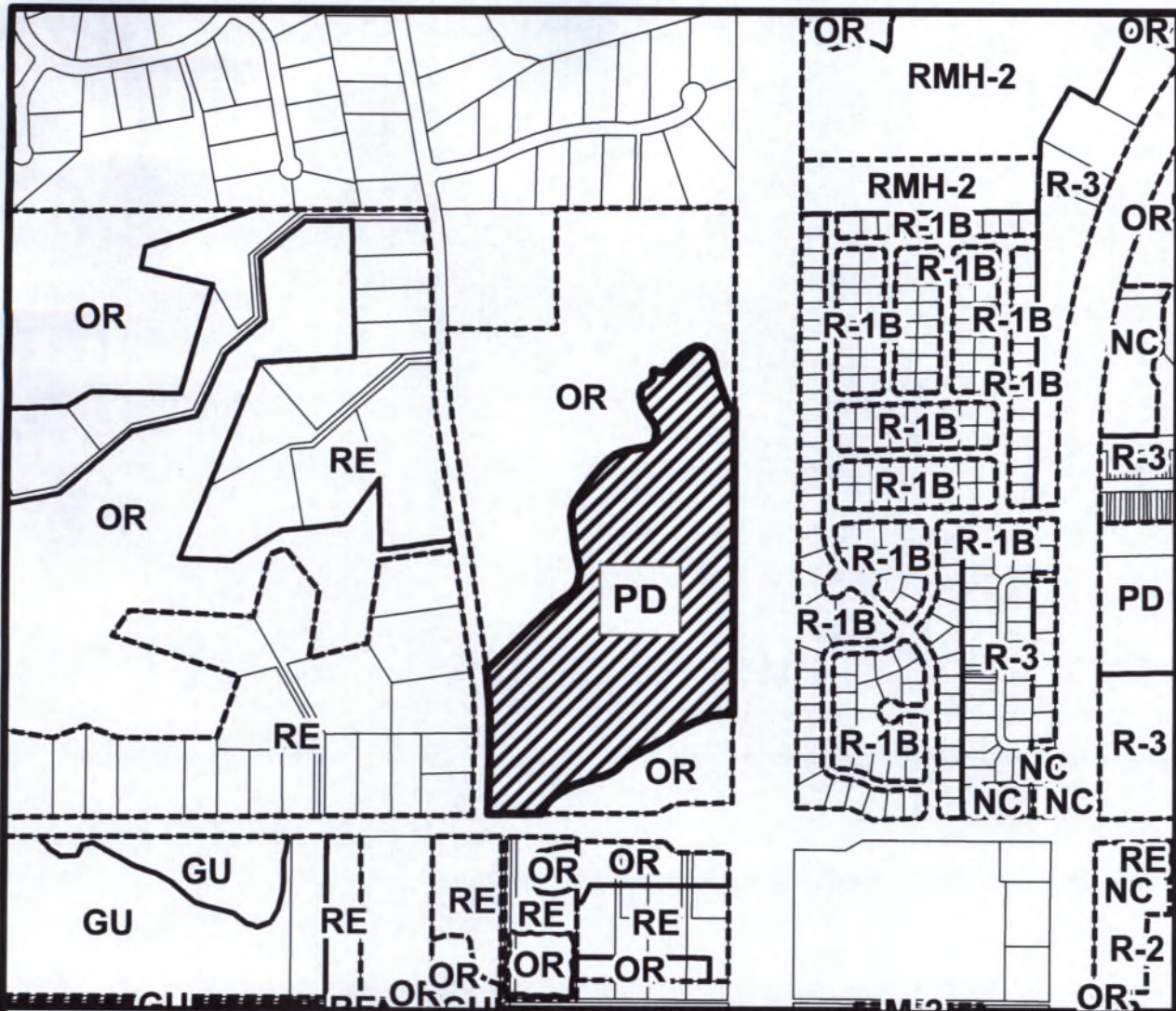
- (a) Potable Water, Sanitary Sewer, and Solid Waste Disposal to be provided and maintained by the City of Titusville.
- (b) The Stormwater Conveyance system will be maintained by the HOA if the roadway is not publicly owned.
- (c) The rear 10-feet of the lots may be used for stormwater treatment with dedicated drainage easement(s).

1.11 NATURAL RESOURCES

- (a) Conservation Areas including Tracts "F" and "G", to be owned and maintained by the Homeowners Association in accordance with the requirements of the St. Johns River Water Management District.
- (b) Open Space Areas, including the required 30-foot wide buffer in Tracts "A" and 50-foot buffer in Tract "C", to be owned and maintained by the Homeowners Association in accordance with the requirements of the City of Titusville.

1.12 BUFFERING / SCREENING

- (a) Buffers are not required outside the proposed development area.
- (b) 30-foot wide buffer in Tract "A".
- (c) 50-foot wide buffer in Tract "C".



ADOPTED ZONING MAP

REZ # 3-2017

RESIDENTIAL DISTRICTS

RE RESIDENTIAL ESTATES
RR RURAL RESIDENTIAL
R-1A SINGLE FAMILY, LOW DENSITY
R-1B SINGLE FAMILY, MEDIUM DENSITY
R-1C SINGLE FAMILY, HIGH DENSITY
R-2 MULTIFAMILY, MEDIUM DENSITY
R-3 MULTIFAMILY, HIGH DENSITY
RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

COMMERCIAL DISTRICTS

HM HOSPITAL MEDICAL
T TOURIST
NC NEIGHBORHOOD COMMERCIAL
CC COMMUNITY COMMERCIAL
RC REGIONAL COMMERCIAL
OP OFFICE PROFESSIONAL

INDUSTRIAL DISTRICTS

M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
M-2 HEAVY INDUSTRIAL
M-3 HIGHWAY INDUSTRIAL INFILL
PID PLANNED INDUSTRIAL DEVELOPMENT

OVERLAY DISTRICTS

TSA TITUSVILLE SHORELINE AREA
AIA AIRPORT IMPACT AREA
WCA WETLAND AND CONSERVATION AREA
ACC AREA OF CRITICAL CONCERN
HPA HISTORIC PRESERVATION AREA

SPECIAL DISTRICTS

GU GENERAL USE
OR OPEN SPACE AND RECREATION
UMU URBAN MIXED USE
SMU SHORELINE MIXED USE
RHP RESIDENTIAL HISTORIC PRESERVATION
RMU REGIONAL MIXED USE
PD PLANNED DEVELOPMENT
P PUBLIC
UV URBAN VILLAGE
DMU DOWNTOWN MIXED USE
IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL



Community Development Dept November 14, 2017

cc: Planning
CA
Wanda