



## CITY OF TITUSVILLE

### BOARD OF ADJUSTMENTS AND APPEALS

#### AGENDA

##### Regular Meeting

May 28, 2025 - 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. Minutes April 23, 2025**

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 10-2025 - 3041 Edington Drive**

Consider the requested variance to allow the use of prohibited material in the form of artificial turf for property located at 3041 Edington Drive.

On April 23, 2025, the Board tabled this item for 30 days.

**B. Variance 11-2025 - 3042 Edington Drive**

Consider the requested variance to allow the use of prohibited material in the form of artificial turf, for property located at 3042 Edington Drive.

On April 23, 2025, the Board tabled this item for 30 days.

**C. Proposed Amendment to By-Laws**

Approve amendment to Bylaws.

**8. NEW BUSINESS**

**A. Variance 13-2025 - 5650 S Washington Avenue**

Consider the requested variance to allow more than the maximum total floor area of all detached accessory buildings to exceed six hundred (600) square feet on lots larger than one (1) acre for property located at 5650 S Washington Ave.

**B. Variance 14-2025 - 450 Christian Court**

Consider the requested variance to allow lot areas to be less than the required 2,000 square feet, to allow less than the required 25-foot front yard setback for a primary structure, to allow less than the required 25-foot rear yard setback for a primary structure, for property located at Parcel ID # 21-35-32-64-\* -5.

**C. Variance 15-2025 - 2001 South Street**

Consider the requested variance to allow the floor area per dwelling unit to be less than the required 700 square feet for a one-bedroom unit, and to remove the required thirty-two (32) square feet private storage unit for multifamily units for property located at 2001 South St.

**D. Variance 16-2025 - 3410 Melody Lane**

Consider the requested variance to allow a fence located in the front yard to exceed the maximum 4-foot height, for property located at 3410 Melody Lane.

**9. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT**

**10. REPORTS**

**11. ADJOURNMENT**

City of Titusville  
"Gateway to Nature and Space"

REPORT

**To:** Members of the Board of Adjustments and Appeals  
**From:** Brad Parrish, Community Development Director  
**Subject:** **Minutes April 23, 2025**  
**Department/Office:** Development Services

**Recommended Action:**

Approve minutes

**Summary Explanation & Background:**

Minutes April 23, 2025

**Alternatives:**

Modify the Minutes.

**Item Budgeted:**

**Source/Use of Funds/Budget Book Page:**

**Strategic Plan:**

**Strategic Plan Impact:**

**ATTACHMENTS:**

1. BAA 4.23.25

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**Board of Adjustments and Appeals**  
**Regular Meeting**  
April 23, 2025

The Board of Adjustments and Appeals (BAA) of the City of Titusville, Florida, met in regular session in Council Chambers, on Wednesday, April 23, 2025.

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Chairman Thomas Taylor called the meeting to order at 6:00 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 Richard Wheelus, Member John Greene and Member Gina Beckles. Also, in attendance were Community Development Director Brad Parrish, Planner Tabitha Armstrong, Assistant City Attorney Chelsea Farrell, and Sr. Administrative Assistant Kim Amick. It was determined that a quorum was present.

XXX

Chairman Taylor asked for a motion to approve the minutes from the March 26, 2025, meeting.

Eric Page, 4301 W. Boy Scout Boulevard, Suite 300, Tampa, Florida, provided a binder that includes behind Tab Six a verbatim transcript that was taken by a Court Reporter and he is asking that the minutes be supplemented by that transcript, so the record is clear as to what transpired during that hearing and what was said.

Assistant City Attorney Farrell asked if he was specifically referring to Exhibit Six.

Mr. Page stated he believes the entirety of what he is submitting should be in the record but it has been submitted before the hearing and specifically he is asking that the Board adopt the transcript from that hearing that is attached behind Tab Six as a supplement to the minutes so if someone goes back and looks at the minutes they will recognize what was said during that hearing rather than just the abbreviated version.

Member Wheelus stated that without adequate time to review the document submitted they cannot address it.

Mr. Page stated it was taken by a certified Court Reporter, so it is the same as if they were in a court of law.

Member Wheelus stated he believes they could accept it as evidence but not accept it as a transcript of the minutes.

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Mr. Page stated he understands his position; it is in the record otherwise.

Assistant City Attorney Farrell stated if the Board is inclined to incorporate Exhibit Six as a supplement to the minutes that would be something that could be included in the motion and approve the minutes

Chairman Taylor asked how they reference it in a motion.

Assistant City Attorney Farrell stated Mr. Page has also sent this material over electronically and she suggested they reference it as Exhibit Six since that is what he has provided and referenced.

Vice-Chairwoman Van Deven made a motion to accept the supplement to the minutes as Exhibit Six.

Member Beckles asked if you could make a second but add upon review because they have not seen this, so could you add something to the motion.

Vice-Chairwoman Van Deven stated Mr. Page said it was a certified copy from the Court Reporter. She stated it was noted as a supplement to the minutes.

Member Greene seconded. All in attendance voted to approve the minutes.

Member Wheelus stated he would stipulate it be accepted but subject to further review.

Vice-Chairwoman Van Deven stated her motion to accept the Exhibit Six supplemental recording, certified copy of the minutes from the hearing and stipulate it is accepted upon review.

Chairman Taylor asked if the second held.

Member Greene stated yes.

Roll call was as follows:

Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Beckles	Yes
Member Greene	Yes
Member Wheelus	Yes

Motion passed.

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

XXX

Brad Parrish 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.

Member Greene stated he had driven by the Edington Drive sites and the Apollo Gardens site.

Chairman Taylor asked if Member Greene spoke to anyone.

Member Greene stated no.

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**Consent Agenda Items**

None.

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Chairman Taylor stated there was a request by the applicant to move up Variance 9-2025.

Member Beckles made a motion to hear Variance 9-2025 first.

Member Wheelus seconded.

There was a unanimous voice vote.

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**Variance 9-2025 – 1311 Wilderness Drive**

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

Elissa Antilles, 1311 Wilderness Lane, Titusville, Florida, spoke in favor of this item.

Elizabeth Parker, 3446 Trevino Circle, Titusville, Florida, spoke in favor of this item.

The Board continued with discussion on this item.

Member Wheelus made a motion to allow the request for variance based on the special conditions.

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Vice-Chairwoman Van Deven seconded.

Roll call was as follows:

Member Beckles	Yes
Member Greene	Yes
Member Wheelus	Yes
Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes

Motion passed.

XXX

### **Old Business**

#### **Appeal No. 1-2024 – Apollo Gardens Site Development Permit**

Chairman Taylor stated at the last meeting it was declared that Ms. Conklin did have standing, so they are to hear the appeal.

Assistant City Attorney Farrell stated at the last meeting the Board decided to reconsider the last motion that was made at the previous meeting. She stated at the previous meeting Member Greene had made a motion to allow standing for Ms. Conklin and the Motion to Reconsider would be to bring that motion back on the table. She stated the Motion to Reconsider would reopen the motion that was previously decided by the Board at the last meeting when that decision was made in March, so now what is on the table for the Board to consider is whether you would like to have discussion or hear anything on the motion that Member Greene made to grant standing. She stated you can continue with that motion at this time, you can have a discussion but that is where the Board decided to go at the last meeting.

Chairman Taylor asked what they are approving.

Assistant City Attorney Farrell stated there was a motion that was previously decided negatively, there was a motion that failed two to three that Member Greene made to grant standing to Ms. Conklin. She stated this Board decided that she did not have standing by a failed vote of two to three and at the March meeting it was decided to make a Motion to Reconsider the previous motion, which she just described, which is now where you are today. She stated you are now at the point of deciding if you agree with Member Greene's motion that Ms. Conklin has standing.

Chairwoman Van Deven stated the matter at hand is the determination of whether Ms. Conklin possessed the requisite standing at the time she submitted the original application. Upon review of both testimony and documentary evidence, it is apparent that significant ambiguity in the application's design may have contributed to any confusion regarding her representative capacity.

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She stated Ms. Conklin consistently testified that at the time of filing, she was acting in her capacity as an agent for the residents of Royal Oak. She further indicated that she is herself a resident of Royal Oak, reinforcing her connection and interest in the matter. While the application she submitted did not explicitly state her role as an agent, Ms. Conklin credibly testified that the application did not contain a designated section or prompt requesting the applicant's title or representative status; the only field required for execution was a signature, which she provided in good faith; and her omission of the term "agent" was due to no express instruction or field requiring such designation.

She stated a review of the original application corroborates Ms. Conklin's assertions. There is a notable absence of any requirement or field for stating a title or representative role. This lack of clarity in the form itself casts doubt on whether it can be reasonably expected that an applicant would anticipate the need to unilaterally assert their capacity as an agent in an unprompted manner.

She stated in further support, Mr. Severs, a retired attorney and witness for Ms. Conklin, testified to the following - the application should have explicitly required the title of the applicant if such a designation was necessary for standing and in the absence of such instruction, it was reasonable for Ms. Conklin to assume that her signature alone sufficed.

She stated in light of the foregoing, Ms. Conklin's consistent and credible testimony indicates she was acting as an agent at the time of filing; multiple witnesses, including a qualified legal professional, confirmed her representative role; the original application's failure to request or provide space for a title renders any assertion of improper standing unfounded.

She stated therefore, the evidence supports a finding that Ms. Conklin had standing at the time of the application's submission, and that any questions regarding her representative capacity stem from deficiencies in the application form itself, rather than any omission or misrepresentation on her part.

Chairman Taylor stated they are back to the original motion; do we want to open the original motion.

Assistant City Attorney Farrell stated you are at the original motion now and it would be appropriate for the Board to either continue discussing or vote on that motion.

Chairman Taylor asked if they had to open everything they vote on.

Assistant City Attorney Farrell stated it is up to the Board to decide whether they would like to hear additional testimony on standing. She stated she thinks it is a procedural question that Mr. Page is trying to make about the motion and to avoid any legal arguments later you may want to hear what he has to say and then continue with the motion and give him no more than three (3) minutes.

Chairman Taylor asked if the three (3) minutes was agreeable with the Board.

The Board agreed to the three (3) minutes.

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Eric Page stated there is motion in the packet that he is going to amend. He stated it was a Motion to Revoke the order granting the Motion for Reconsideration and to deny the Motion for Rehearing. He stated the problem is the City Council Rule Number 13 says that a Motion for Reconsideration can be brought up at a subsequent meeting, that's different than Robert's Rules, Robert's Rules says it has to be within the confines of the meeting where the decision up for reconsideration was made so it is different. He stated what happened with raising the Motion for Reconsideration at the subsequent hearing he is no longer arguing that was not improper. He stated the problem is that the City Council Rules, Rule 18, also adopts Robert's Rules and Robert's Rules specifically says regarding Motions for Reconsideration, "if reconsideration is moved while another subject is before the assembly, it cannot interrupt the pending business" and the pending business that day was the Motion for Rehearing. He stated the Motion for Rehearing should have been considered and voted on and whatever that resolution was, is that resolution, but to not address it when it was on the agenda, the only noticed item, would be improper as a matter of law. He stated the Motion for Rehearing if addressed would have failed because the Motion for Rehearing and the Motion for Reconsideration are on the same thing, they are on whether or not the Board was going to reconsider Ms. Conklin's standing and the Motion for Reconsideration passed three to two, three votes is insufficient to grant a Motion for Rehearing, it should have been heard and it would have failed. He stated what Mr. Severs presented a month ago, there is an article, the article is 15 pages long, but he gave five pages, took out 10 pages. Mr. Page read from the pages Mr. Severs omitted from what he submitted.

Assistant City Attorney Farrell stated this Board has decades of history using Rule Thirteen and the Motion to Reconsider and she does not agree that problem with the Board moving forward as has been previously addressed by her and the Board has the ability to reconsider a previous decision at the same or the very next meeting which is what was done and it was put on the agenda with due process to provide notice to the community to attend tonight's meeting and move forward with your motion and decision.

Vickie Conklin, 2920 Royal Oak Drive, Titusville, Florida. Ms. Conklin read from an article that was in the Board's packet. She stated standing to challenge decisions not controlled by statute: The Renard test is what she believes Mr. Page is referring to but that is not the issue because the challenge the have is according to statute and that would be page 120 of the same article, it is standing to challenge decisions covered by a Florida Statute and that is Statute 163 so she believes he is confused about what they are doing here tonight.

Chairman Taylor asked if there was a Motion to Reopen or to continue with the motion previously denied.

Assistant City Attorney Farrell stated you need a roll call.

Member Beckles asked to hear the motion again.

Brad Parrish stated the February meeting minutes state specifically; Member Greene made a motion to approve applicant's statement of standing in this case and Member Van Deven seconded.

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Roll call was as follows:

Member Wheelus	Yes
Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Beckles	Yes
Member Greene	Yes

Motion passed.

Brad Parrish read the Staff Report and explained what was being requested regarding Appeal 1-2024.

Chairman Taylor asked if Staff consulted with Council with the City that their interpretation was the correct interpretation.

Brad Parrish stated they found it to be consistent with the Comprehensive Plan.

Vickie Conklin, 2920 Royal Oak Drive, Titusville, Florida, spoke in favor of this item. She stated they are asking for an appeal asking the City to follow the City's Comprehensive Plan. She stated they are not asking for a variance, for rezoning or changes, they are asking to adhere to the Comprehensive Plan, the Florida Statutes and thereby avoid placing the City in legal jeopardy. She stated their appeal is with the City of Titusville. She stated she feels a need to address Mr. Page's comments at the March 26 meeting because he challenged the significance of the eight authorized people who signed naming her as agent, he challenged the significance of the 33 residence who attended the meeting and spoke, he challenged the significance of 27 new authorization letters that was submitted for the March meeting and those were letters of residences adjoining 2727 Demaret, their property actually abuts it and joins to it. She stated some of the records submitted were the HOA presidents that represent Spanish Oaks Condos, 84 units and Village Square HOA Condo, representing 104 units, added together there are a lot of people concerned about this development. She stated Mr. Page also challenged whether the new authorization letters could have been presented earlier instead of waiting, it seemed very important to him, and she feels the need to answer him for the record. She stated her 94-year-old mother died on February 21, five days prior to the March 26 meeting. She stated she had to wait until she returned from out of state to get more documents. She stated her appeal is to City Staff's decision not your project but in the interest of transparency, honesty and with no hidden agenda she chose to share personal information. Ms. Conklin stated she would like to clarify the City's Appeal Application Process. She stated the document is for the applicant and she appreciates the fact it was reviewed, and she did the best she could with the form she was given. She stated she believes the BAA's role is to consider applicants request for variances on appeals and to determine if the request follows or does not follow the State Statutes and the City Code. She stated it is not if you like the project or do not like the project but a yes or no, does it meet Code, yes, or does it not meet City Code and that seems to be the issue, does it follow Chapter 163, if not then the appeal by law must be approved and Staff should rescind the Development Permit that was issued.

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Ms. Conklin had a presentation for the Board to watch.

Eric Page, 4301 W Boy Scout Boulevard, Suite 300, Tampa, Florida spoke against this item. He stated he confirmed with Assistant City Attorney Farrell that he has party status. He stated the letters he challenged were based on them being appropriate evidence for rehearing. He stated Chapter 163 they are hearing about is different, this is a quasi-judicial proceeding in front of a board that is specific to the City of Titusville that follows those rules. He stated Chapter 163 proceeding used to go to Circuit Court now it goes to the Department of Administrative Hearings. He stated what they are dealing with here is what does the common law say about how this proceeding is conducted and who has standing in the proceeding and on that point, he did not misstate what was provided to the Board. He stated what was provided to the Board in terms of the article from Mr. Severs, was only five pages.

The Board took a five-minute recess.

Eric Page continued speaking against the item. Mr. Page addressed some of the points Ms. Conklin raised. He stated the article presented by Mr. Severs only had 5 of the 15 pages of that article which states what the appropriate standard is in regard to the standing. Mr. Page stated he will object, for the record, to the audio visual that was shown because he does not think a foundation was laid for its admissibility as well as the reference to the executed document from Peggy Busacca, the first page of Tab Seven of the binder. He stated that involved the application to the Florida Housing Finance Corporation and at the time Ms. Busacca executed this she was the Community Development Director for the City and this is a representation from the City's Community Development Director that his client relied upon in pursuing its entitlement both with the City and the Florida Housing Finance Corporation, a very important point for them, and as well the current Community Development Director, Brad Parrish, has testified today that the Building Permit is in complete compliance with the Comprehensive Plan and as he understands it having party status he is allowed to cross examine a witness, so he would like approval to do that, briefly.

Assistant City Attorney Farrell stated the witness would be Ms. Conklin.

Mr. Page stated no, it would be Mr. Parrish.

Assistant City Attorney Farrell stated it is a question for the Board to allow Mr. Page to ask Mr. Parrish questions and usually only an applicant or speaker can only address the Board so with permission he will have permission to speak directly to the Community Development Director as the expert who has provided the reports.

Chairman Taylor asked if there was any objection to him speaking to Mr. Parrish. There was no objection.

Mr. Page asked Mr. Parrish if he heard the presentation by Ms. Conklin correct. Mr. Parrish stated yes.

Mr. Page stated having heard Ms. Conklin's presentation is anything that she said, change your conclusions in your January 29, 2025 memo to the Board. Mr. Parrish stated no, their conclusion is the same, City Council determined the consistency, the land use and zoning on this property and they are not in a position to reinterpret that and negate what Council had already determined so they applied the Comprehensive Plan Code consistent with what the applicant submitted and reviewed it and it was consistent with those regulations and policies and found that application was consistent and issued the permit.

Mr. Page stated the basis for Board decision making, in Resolution 24-1197, 6.2, Sub Part B, the Board must have before it competent substantial evidence to support its findings and judgment which must also be in accord with the essential requirements of local, state and federal law and Part C states at the beginning, while the Board should hear the objection of interested parties the Board judgement must be based on the facts produced and not on the mere poling of interested parties. He stated he believes the law is clear and Mr. Parrish has stated it in his memo and restated that the Building Permit that his client holds is in compliance with the Comprehensive Plan. He stated this is not a rezoning; it is an interpretation of whether it is compliant with the Comprehensive Plan and the one person in the City who is designated with making that determination is Mr. Parrish and he has made it and confirmed it. He stated there is no basis to take away this permit based on a failure to comply would not be consistent with the Comprehensive Plan. He stated if the Board does that it will be a denial of his client's constitutional equal protection rights and if done for the wrong reasons it could be a violation of the Fair Housing Act.

Stephanie Berman, 1398 SW 1<sup>st</sup> Street, Miami, Florida, spoke in favor of this item. She stated she is the President of Carrfour Supportive Housing. She stated she wanted to clear up misinformation that has been circulating about Carrfour and Apollo Gardens. She stated over the past two years a false narrative has been created about who they are and what they have or have not done. She stated Carrfour Supportive Housing is a mission driven not for profit organization that builds affordable and supportive housing. She stated their housing is not a treatment center, not an ALF or a shelter. She stated it is permanent multi-family housing where residents pay rent, sign annual leases and are expected to abide by the leases they sign. She stated unfortunately they have been the target of a sustained misinformation campaign. She stated Carrfour has been portrayed as a greedy developer and their residents have been publicly described as dangerous criminals who wander the streets preying on widows and children, but this is untrue and offensive. She stated much of the early opposition to Apollo Gardens, including from Appellant Vickie Conklin focused not on land use or zoning but on who would be living in the building. Ms. Berman quoted statements made by Ms. Conklin, Councilwoman Moscoso and others from the City Council meeting in May of 2023. She stated there was still no mention of concerns regarding their consistency with the City's Comprehensive Plan. She stated for many months comments were made at public hearings and during these months a website was created, a GoFundMe page was started where money was collected for an attorney, there were many social media posts and neighborhood meetings all with the primary goal of stopping them from building Apollo Gardens with a strong focus on who would be living in the building not on whether the building and its use are legally permissible. She stated the opposition was deeply rooted in classic "not in my backyard" sentiment. She stated this fear-based rhetoric dominated the conversation for months until Carrfour raised concerns about potential violations

of the Fair Housing Act only then did the website and social media posts disappear and the opposition pivoted to the legal arguments about the consistency with the City's Comprehensive Plan that they now claim supports the appeal of their permit. She stated from the very beginning Carrfour has communicated openly and frequently with City Staff about Apollo Gardens. She stated on two different occasions they received confirmation from the City that they were in compliance with the Land Development Regulations and moved forward to purchase the site. She stated they were transparent and have responded to all requests made by the City. She stated another misrepresentation is that Carrfour has not been responsive to neighborhood questions or concerns but during 2023 and 2024 Carrfour had many exchanges with neighbors, and they did their best to answer all the emails and questions they received. She stated they also invited a group of neighbors to meet with to answer questions and listen to their concerns, they had a productive meeting and made several changes as a result of their request including removing a health clinic in the building and saving trees that were important to them but at the end of that meeting one neighbor stated "you do amazing work, can't you just do it somewhere else". She stated this type of not in my backyard sentiment and discriminatory statements that have accompanied it is the reason Carrfour has had to and will continue to defend the people they serve with the Fair Housing Act and also the reason they feel this Board has no legitimate basis to reverse Carrfour's permit.

Eric Page stated Ms. Berman spoke about a GoFundMe page and you will find an affidavit from Ms. Berman behind Tab 3 and states she located those GoFundMe pages and other screen shots she took indicate who was trying to raise money and who was opposing this project and why and what she said in terms of the why before their was a pivot to supposed challenges with the Comprehensive Plan is exactly right and to further illustrate that they have submitted behind Tab Three quotes from various speakers at three different public hearings which includes Ms. Conklin, Councilwoman Moscoso and other members of the public He stated they focus on type of tenants, they focus on fear, they focus on crime, they focus on drug dealing, they focus on things that are not legitimate bases to say that a permit is not consistent with the Comprehensive Plan, that is the law and they disclose what the real reasons are that a lot of people oppose this project and those cannot be legitimate reasons to oppose this project. He stated the permit is consistent with the Comprehensive Plan and you have not heard anything from Ms. Conklin to dispute that it is not consistent with the Comprehensive Plan. He stated something else he wanted to point out, on page 16 of the packet, is the actual had written appeal from Ms. Conklin, first line, proposed development is not a conventional MF development, what does conventional mean. He stated Brad Parrish has said there is nothing that is conventional or non-conventional regarding multi-family use in your City under the Comprehensive Plan, conventional, people do not want this there. He stated this is a legally permissible use, absolute entitlement. He stated both of the Community Development Directors said that under zoning, under the Comprehensive Plan, it is a scenario where his client, if they do not get to go forward with this, they are having their equal rights violated, they are having the property taken and he believes there would be grounds for a Fair Housing Act action. He stated they just want the permit to stand.

Jill Stirling, 3514 Nelson Place, Titusville, Florida, spoke in favor of this item.

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Dwight W. Severs, 1308 Riverside Drive, Titusville, Florida, spoke in favor of this item. Mr. Severs had documents for the Board. Mr. Severs stated his focus is on the law and the record in this proceeding.

Toni Shifalo, 715 Tropic Street, Apt. A., Titusville, Florida, spoke against this item

William Balint, 2756 Demaret Drive, Titusville, Florida spoke against this item.

Mike Dewyer, 2852 Demaret Drive, Titusville, Florida, spoke against this item.

Janet Davis, 1614 Turnesa Drive, Titusville, Florida.

Elizabeth Parker, 2446 Trevino Circle, Titusville, Florida, spoke against this item.

Carl Hancik, 1705 Harrison Boulevard, #147, Titusville, Florida, spoke neither for or against this item.

Stan Johnston, 860 Poinsettia Avenue, Titusville, Florida, spoke neither for or against this item.

Vickie Conklin, 2920 Royal Oak Drive, Titusville, Florida, made a rebuttal statement. She stated this is a local residential road, a dead-end road, it is 22' wide, it violates the Comprehensive Plan for this project to develop right there. She stated it is not an arterial, it is not a collector, it is far away from an arterial collector, adjacency is not equal to access so just because the collector road and arterial road, Barna and Harrison are adjacent, it is not the same thing as being right there for access. She stated the Comprehensive Plan requires access and it states that, so this is a very obvious violation of the Comprehensive Plan as well as the Florida Statute 163 which is very applicable to this. She stated the BAA must rule to uphold this appeal and to avoid placing the City in legal jeopardy and this is not about the merits of the affected project, it is about adhering to the rule of law, the Comprehensive Plan and about the adverse effects to a neighborhood whose residents believe that they have a right to the protection of the City for the Comprehensive Plan.

Eric Page, 4301 W. Boy Scout Boulevard, Suite 300, Tampa, Florida, made a rebuttal statement. He stated the appeal is what is in the appeal it the three (3) Comprehensive Plan Provisions that Ms. Conklin says is not consistent with this development permit and you heard from Brad Parrish, both in writing and his presentation and on cross examination, that this permit is consistent with those Comprehensive Plan Provisions. He stated that is the only issue today. He stated he would like to ask Mr. Parrish his opinion on some points that were raised. Mr. Page asked Mr. Parrish, there was a comment made that this site is only zoned to have 45 units, is that correct. Mr. Parrish stated the site is zoned to have 15 units per acre so the proposed Site Plan with 84 units in consistent. Mr. Page stated Mr. Severs provided some testimony and a report and asked Mr. Parrish if he had reviewed the report or listened to his presentation. Mr. Parrish stated he did. Mr. Page asked Mr. Parrish if any of the information he provided changed his position in terms of your written report to the Board or what you have spoken to the Board about today. Mr. Parrish stated no, Mr. Severs is referring to an amendment which he already described in his report to that particular policy as most relevant to this case and that is the

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locational criteria. Mr. Parrish stated that their position is that is locational criteria that was added from a request to put a land use on a piece of property. Mr. Parrish stated this property has been designated with this land use for several decades by Council and they made a determination that it is consistent, and Staff is not in a position to reinterpret that. Mr. Page stated there were some quotes by people, which are behind Tab Two, and the quotes from the prior meetings are very clear that issues with this project have nothing to do with Comprehensive Plan.

Mr. Page stated as a point of order, there was a motion submitted that he discussed about revoking the decision on the Motion for Reconsideration and denying the Motion for Rehearing and there was a pending Motion for Rehearing at the last hearing and he is certain what the outcome is going to be but for preservation issues he would appreciate if the Board would take a roll call vote on those two motions so the record is clear as to their disposition.

Assistant City Attorney Farrell stated what she is hearing is to ask the Board to entertain your two different motions, the one in Tab One. Mr. Page stated he is asking them to entertain that and do a roll call vote so there is a final determination.

Assistant City Attorney Farrell stated the other one is also to be voted on, could you articulate. Mr. Page stated he is asking for a roll call vote on the Motion for Rehearing that was never called up for a vote at the last hearing. He stated he asks that because if he does not ask, he's afraid he has preserved an issue.

Chairman Taylor asked if they did a roll call vote at the last meeting.

Mr. Page stated you did one on the Motion for Reconsideration but not on the Motion for Rehearing that was on the agenda notice.

Assistant City Attorney Farrell stated she does believe that would be a moot point since the agenda item was brought back up, but you have the right to ask the Board whether they would like to entertain that motion which you have just done. She stated it is up to the Board to decide if one of the Board members will make those two motions that Mr. Page has asked for.

Mr. Page stated if your legal council has determined that the ruling on those from the Board would be moot and that is the legal position of the City then in his opinion you do not have to vote but he would ask for one or the other, from legal council they are declared moot or ask for a roll call vote on those two motions.

Assistant City Attorney Farrell stated she does believe that the Motion for Rehearing is moot having had the Motion for Reconsideration in bringing the appeal back up before the Board this evening and she has also advised the Board that the Motion for Reconsideration was appropriate based on the precedence and the prior history of this Board and other Boards allowing a Motion for Reconsideration as subsequent hearings because you do not have consecutive Board meetings, one day after another, and she does not believe that rule applies as for this Board.

Mr. Page stated as to the Motion for Rehearing, that is rendered moot in your legal opinion.

DRAFT

Assistant City Attorney Farrell stated yes.

The Board continued with discussion on this item.

Member Greene made a motion to agree to the Appeal 1-2024, Apollo Garden Site Development Permit.

Chairman Taylor asked for a second.

Vice-Chairman Van Deven asked for the motion to be clarified.

Member Greene stated agree with Appeal 1-2024, Apollo Garden Site Development Permit repeal.

Chairman Taylor asked if that was correct wording.

Assistant City Attorney Farrell stated he is making a motion to agree with the Appeal that was filed by Ms. Conklin. She asked if there was any additional basis Member Greene would like to provide. Member Greene stated no.

Bard Parrish stated there are three particular policies that are being appealed, is the appeal motion you are making related to all three together or individually.

Brad Parrish stated the applicant in the application stated, page 16 of the packet, grounds for appeal, proposed development is not a conventional multi-family development and is not consistent with Strategy 1.13.11 and Policies 1.14.5 and 1.14.6 of Titusville Comprehensive Plan. He asked if the motion related to all of that together or each part individually.

Member Greene stated specifically 1.14.6 of the Titusville Comprehensive Plan.

Brad Parrish stated your motion is only related to that particular policy and not the others stated in the appellant's application.

Member Greene stated yes.

Chairman Taylor asked for a second.

Chairman Taylor stated not hearing a second is there another motion for or against.

Chairman Taylor asked Assistant City Attorney Farrell what happens if there is no motion.

Assistant City Attorney Farrell stated the Board would have discussion to help you come to a decision. She stated this Board does require four (4) votes to overturn the decision of an Administrative Official, so to grant the appeal requires four (4) votes of this Board.

DRAFT

Member Greene made a motion to accept all three (3) components of the Appeal.1-2024, Apollo Gardens Site Development Permit.

Brad Parrish stated on the application, page 16, you said all three (3) parts, are you referring to all three (3), the Strategy and two (2) policies because there is also the statement that this is not a conventional multi-family development.

Member Greene stated he is reading the appellants application, all three (3) proposed components, the proposed development is not conventional and is not consistent with the Strategy 1.13.11 and Policies 1.14.5 and 1.14.6 of the Titusville Comprehensive Plan.

Brad Parrish stated your motion includes everything that is stated here on grounds for appeal on the application on page 16. Member Greene stated yes.

Assistant City Attorney Farrell stated in order for the Board to continue to talk after a motion is made there needs to be a second for discussion, so someone is seconding the motion or just wait for the motion to die for lack of a second.

Vice-Chairwoman Van Deven seconded for discussion.

The Board continued with discussion on this item.

Member Wheelus stated he would like to move to deny the appeal.

Assistant City Attorney stated you cannot do that until there is a vote on the motion. She stated there is a motion on the table that is being discussed and there needs to be a roll call vote before you can make another motion.

Brad Parrish stated currently that motion includes all four (4) aspects of that grounds for appeal which you have just stated that the first three (3) parts were not relevant, as he understands.

Chairman Taylor stated that is correct.

Roll call was as follows:

Vice-Chairwoman Van Deven	No
Member Beckles	No
Member Greene	Yes
Member Wheelus	No
Chairman Taylor	No

Motion failed.

Assistant City Attorney Farrell asked if the Board would like to accept the motion to grant the appeal failing being the end of the item. The Board agreed.

DRAFT

The Board took a five (5) minute recess.

XXX

**New Business**

Variance 7-2025 – 702 Lucky Street

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

Jeremiah Ofori, 852 Oberry Hoover Road, spoke in favor of this item.

Member Wheelus made a motion to approve the request for Variance 7-2025, 702 Lucky Street.

Member Beckles seconded.

Roll call was as follows:

Member Greene	Yes
Member Wheelus	Yes
Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Beckles	Yes

Motion passed.

Variance 10-2025 – 3041 Edington Drive

The Board made the decision to hear the merits on both Variance 10-2025 and Variance 11-2025, but to vote separately.

Tabitha Armstrong reviewed the staff report and explained what the applicant was requesting for Variance 10-2025 and Variance 11-2025.

The Board had discussion regarding a bill that passed the house and was being sent to the Governor for signature and if it would affect these variances.

Assistant City Attorney Farrell stated what the Bill will do is prohibit local governments, like the City of Titusville, from prohibiting any synthetic turf or disallowing anything that meets the state's regulations that will be set by rules set by DEP. She stated those rules have yet to be set and it is contingent upon the Governor signing the Bill.

Tabitha Armstrong stated the DEP will need to set the standards for evaluation of turf and as long as the synthetic turf meets those standards that are created by the DEP local governments will not be allowed to prohibit the use in Single Family Zoning should they meet the standards but as Council stated if the Governor signs the Bill.

DRAFT

Member Wheelus asked where that leaves the Board on denying the request.

Assistant City Attorney Farrell stated the Board has the ability to approve or deny the variance as presented and the potential change in legislation would provide for a different avenue for the property owner going forward depending on the outcome.

Chairwoman Van Deven stated the property owner would still have the ability to appeal.

Assistant City Attorney Farrell stated if the law changes it would be a changed set of regulations and at that time the City would not be able to prohibit.

Member Wheelus asked if the owners were under any kind of Code Enforcement action.

Tabitha Armstrong stated yes.

Matthew Boffo, 3042 Edington Drive, Titusville, Florida, spoke in favor of this item.

Vice-Chairwoman Van Deven discussed with the applicant the type of turf used.

Toni Shifalo, 715 Tropic Street, Titusville, Florida, spoke against this item.

Michael Myjak, 4420 Alpine Lane, Titusville, Florida, spoke against this item.

Stan Johnston, 860 Poinsettia Avenue, Titusville, Florida, spoke against this item.

The Board had further discussion on this item.

Matthew Boffo, 3041 Edington Drive, Titusville, Florida, gave a rebuttal.

The Board had further discussion on this item.

Member Wheelus made a Motion to Table the variance request for 30 days.

Vice-Chairwoman Van Deven seconded.

Assistant City Attorney Farrell asked if there was any additional information or specific information that the Board is looking for from the applicant or the City.

Member Wheelus stated they are looking for information from the State as a result of their activity related to the item.

Assistant City Attorney Farrell stated the City can provide the legislative analysis for the proposed Bill to include in the agenda packet if it is tabled.

Member Greene stated that would allow Code Enforcement to talk to the applicant.

DRAFT

Assistant City Attorney Farrel stated this Board has no jurisdiction over Code Enforcement and what happens with Code Enforcement is separate from the Board's decision.

Roll call was as follows:

Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Beckles	No
Member Greene	Yes
Member Wheelus	Yes

Motion passed.

Variance 11-2025 – 3042 Edington Drive

Vice-Chairwoman Van Deven made a Motion to Table for 30 days, Variance 11-2025 at 3042 Edington Drive.

Member Greene seconded.

Roll call was as follows:

Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Beckles	No
Member Greene	Yes
Member Wheelus	Yes

Motion passed.

XXX

**Petitions and Requests from the Public Present**

Katie Delaney, Cocoa, Florida, spoke on behalf of Moms for America. She spoke regarding the fact that someone's first amendment rights were violated.

James Troutman, 1705 Barna Avenue, Titusville, Florida, would like to request a motion to change the By-Laws, allowing alternate members to take part in the discussion of items but not vote unless they are sitting on the dais.

Chairman Taylor asked if that is something the Board can do.

Assistant City Attorney Farrell stated Mr. Troutman knows the By-Laws for Planning & Zoning Commission were amended to allow the alternates to participate in discussion and provide input

DRAFT

on the agenda items as a member. She read from the Planning & Zoning Commission By-Laws which says that when they are not officially appointed by the Chairman to fill in for an absent regular member then they may participate but alternate members may not be permitted to vote unless appointed as a voting member and participation shall be in compliance with Resolution No. 24-1997, so if this Board would like to modify its By-Laws to include that language then Mr. Troutman is asking you to make that motion so it would be put on the next agenda to discuss that content.

Chairman Taylor asked if that is something they would vote on to recommend to City Council to make because they cannot change the By-Laws.

Assistant Attorney Farrell stated yes, the Board of Adjustments and Appeals can change its By-Laws by motion.

Vice-Chairwoman Van Deven stated when you say participate but not vote, does that mean sitting on the dais.

Assistant City Attorney Farrell stated sitting on the floor at the tables with a computer and microphone.

Member Wheelus made a motion to put the item on the agenda for the next meeting.

Vice-Chairwoman Van Deven seconded.

Roll call was as follows:

Member Beckles	Yes
Member Greene	Yes
Member Wheelus	Yes
Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes

Motion passed.

XXX

Toni Shifalo, Tropic Street, Titusville, Florida, spoke that the Alternate Members should attend the meetings and have participation.

Stan Johnston, 860 Poinsettia Avenue, Titusville, Florida, spoke about items that he felt were done dishonestly.

XXX

## **Reports**

DRAFT

Staff – Tabitha stated there are three variances for the next meeting.

Members – None.

City Attorney – None.

Chairman – None.

Adjournment was at 9:48 p.m.

**City of Titusville**  
"Gateway to Nature and Space"

REPORT

**To:** Members of the Board of Adjustments and Appeals  
**From:** Brad Parrish, Community Development Director  
**Subject:** Variance 10-2025 - 3041 Edington Drive  
**Department/Office:** Planning

**Recommended Action:**

Consider the requested variance to allow the use of prohibited material in the form of artificial turf for property located at 3041 Edington Drive.

On April 23, 2025, the Board tabled this item for 30 days.

**Summary Explanation & Background:**

The applicant is requesting a variance to the Land Development Regulations, Chapter 30, Section 30-321. Plant Materials. Section 30-321(f) - To allow the use of prohibited material in the form of artificial turf, for property located in the Single-Family Medium Density (R-1B) zoning district, at 3041 Edington Drive, Titusville, FL 32780, as submitted by Matthew Boffo & Maggie Boffo, trustees for Matthew S & Maggie R Boffo Trust, 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 10-2025 Staff Report
2. Application
3. Variance Illustration
4. Survey
5. Pre Install Photos
6. Post Install Photos
7. Turf Specs
8. Code
9. All Maps VAR#10-2025



# City of Titusville Community Development

1 **BOARD OF ADJUSTMENTS AND APPEALS**

2 **Variance (VAR) No. 10-2025, 3041 Edington Drive**

3 **Meeting Date:** April 23, 2025

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

5 **Applicant:** Matthew Boffo & Maggie Boffo, trustees for Matthew S & Maggie R Boffo  
6 Trust, owner

7 **Background**

8 (a) Variance request: *Land Development Regulations, Chapter 30, Section 30-321.*  
9 *Plant Materials. Section 30-321(f) - To allow the use of prohibited material in the*  
10 *form of artificial turf*, for property located in the Single-Family Medium Density  
11 (R-1B) zoning district, at 3041 Edington Drive, Titusville, FL 32780, as submitted  
12 by Matthew Boffo & Maggie Boffo, trustees for Matthew S & Maggie R Boffo  
13 Trust, owner.

14 (b) Location: 3041 Edington Drive, Titusville, FL. Tax No. 2225059. Parcel I.D. 22-  
15 35-16-09-E-6

16 (c) Land Description: COUNTRY CLUB ESTATES LOT 6 BLK E

17 (d) Future Land Use: Low Density Residential

18 (e) Zoning: Single Family Medium Density (R-1B)

19 (f) Surrounding Zoning Districts.

20 1. North: Single Family Medium Density (R-1B)

21 2. South: Single Family Medium Density (R-1B)

22 3. East: Single Family Medium Density (R-1B)

23 4. West: Single Family Medium Density (R-1B)

**Board of Adjustments and Appeals: Variance No. 10-2025**

1 (g) Lot Characteristics: The subject property is approximately 0.30 acres (13,068 sq.  
2 ft) with 52.3 feet of frontage along Edington Dr. These dimensions meet the  
3 minimum 7,500 sq. ft lot area and 75-foot lot width for a single-family home within  
4 the Single-Family Medium Density (R-1B) zoning district.

5 (h) Uses: Single Family Residence built in 2021

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

## Board of Adjustments and Appeals: Variance No. 10-2025

1 the single-family dwelling was built in 2021 as part of the Country Club Estates  
2 subdivision. The lot contains a ten (10) foot Public Utility (P.U.) easement along the  
3 front, a five (5) foot Public Utility and Drainage (P.U.& D.) easement on the sides,  
4 and a ten (10) foot P.U.& D on the rear. As shown on the submitted site plan, the  
5 owner is requesting to place the turf in the front and rear yard. The property is not  
6 located within the Area of Critical Concern and does not have a maximum  
7 impervious coverage standard. Since there are no code standards for artificial turf,  
8 staff cannot evaluate its impact on the subdivision's approved stormwater plan.

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

### 12 **Recommendation**

13 Staff recommend **denial** of the variance. There are no special conditions or  
14 circumstances which are peculiar to the land that would make it different from similar  
15 lots in the subdivision. The applicant can meet the literal interpretation of the ordinance.  
16 Denying the request will not deprive the applicant of rights commonly enjoyed by other  
17 properties.



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.**

<b>1. Project Location</b>	Property Address/Location Description		
<b>2. Applicant/ Owner</b>	Name of Applicant/Contact	Name of Owner	
	Street Address	Street Address	
	City                      State      Zip	City                      State      Zip	
	Telephone #	Telephone #	
	E-Mail Address	E-Mail Address	
<b>3. Applicant Status</b>	<input type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other		
<b>4. Parcel ID</b>		<b>Tax Acct.</b>	
<b>5. Site Size</b>	Acres:		Square Feet:
<b>6. Property Information</b>	Current Zoning		Current Use of Property
<b>7. Variance(s) Requested</b>	<i>Section Number</i> 1) _____ 2) _____ 3) _____ 4) _____ 5) _____	<i>LDR Requirement</i> 1) _____ 2) _____ 3) _____ 4) _____ 5) _____	<i>Variance Requested</i> 1) _____ 2) _____ 3) _____ 4) _____ 5) _____
<b>8. Narrative</b>	Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application)		

- **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/ \_\_\_\_\_ (Date)

(Signature\*)

*\* 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 \_\_\_\_\_

## 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?**

Our property was initially landscaped by the builder, Damar Homes, with low-quality, planter drip line irrigation and a weak grass mixture dominated by weeds and bare spots. The sandy soil composition and lack of proper irrigation prevented healthy grass growth, requiring excessive watering and chemical treatments just to maintain a level of curb appeal. The drip lines would get clogged, cut up by mowing, break and cause leaks often. All the homeowners in our development have had the same irrigation and lawn issues and have gone through revitalization to remedy the issues as well – full lawn replacements, irrigation systems, etc. In addition, our property also had low-lying areas that retained water, leading to poor drainage, erosion, and standing water after rainstorms. These conditions contributed to persistent issues, including fungus growth, bug infestations, and weed spread. Like all of our neighbors, we opted to remedy the problem with a long-term solution to the irresponsible builder practices. We researched the use of artificial turf for landscaping and the appeal was that modern permeable turf provides substantial environmental and aesthetic benefits. By replacing the struggling grass with a properly installed, permeable artificial turf system, we can ensure long-term sustainability, effective drainage, and improved aesthetics while eliminating the need for excessive irrigation and chemical treatments.

**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 property is a corner lot with adjoining front and back yard to our neighbor. We had unique environmental challenges, including poor drainage, sandy soil, and uneven terrain that made traditional grass unsustainable. Our yard struggled with standing water in low areas, leading to erosion and poor plant health. We've had to remove and replant trees and shrubs. For the lawn, traditional sod patches have repeatedly failed in these conditions, requiring constant reseeding/planting. Irrigation repairs were costly just to maintain a patchy and inconsistent lawn.

To address this, we worked with a professional landscaper who was familiar with what Damar Homes had landscaped and irrigated in the community. He was familiar with Titusville water standards, as well as our neighborhood having a poor reclaim irrigation water source that is not dependable. Being on sewer, it is definitely not logical to utilize city water based on costs for thousands of gallons of water a year; we know a few neighbors who pay \$600+ a month on water lawn maintenance. The landscaper we hired followed best practices for artificial turf installation, ensuring proper drainage, water permeability, and eco-friendly landscaping.

The installation process included:

- **Excavation of the existing soil** to remove weak builder-grade grass and weeds and irrigation.
- **Installation of a 5–6-inch permeable base layer** using crushed stone and gravel for proper drainage.
- **Use of a high-quality, permeable artificial turf** designed with a UV rating to withstand the Florida heat, designed to allow rainwater to filter through, preventing runoff and promoting groundwater recharge and suitable to withstand use for play and for high traffic.
- **Use of eco-friendly materials safe for pets and children-** grass utilizing non-toxic, antimicrobial, impact absorbing and reusable infill. Prevents mold and bacteria, odorless, deters against stains and product deterioration. The grass is cool to the touch and won't degrade with Florida's heat.
- **Integration of Florida-native plants and pollinator-friendly landscaping** to encourage biodiversity and provide a sanctuary for birds, butterflies, and beneficial insects.
- **Avoidance of pesticides and fertilizers**, maintaining chemical-free, eco-conscious year round

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, this request is the minimum necessary to resolve the specific challenges our property faces. We are not seeking broad exemptions from landscaping codes—only the ability to keep the use of an alternative, eco-friendly solution that effectively addresses drainage, erosion, and costly maintenance concerns. In addition, it helps bring value to the home and the neighborhood.

The artificial turf installed is **not a solid, non-permeable surface** but a professionally designed **water-draining system** that works in harmony with our natural landscaping. Without this solution, we would be forced to revert to an unsustainable approach with removal and then replacement requiring constant irrigation, soil amendments, and chemical treatments to maintain a traditional lawn.

Additionally, the artificial turf seamlessly integrates with the rest of our landscape, complementing the Florida-native plants and greenery we have added with the neighborhood aesthetics. This ensures a natural, attractive, and functional outdoor space that contributes positively to our gated community.

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 have **no negative impact** on neighboring properties or the public. Our neighbors from throughout the development have all commented how beautifully maintained our yard and landscaping looks as we have it trimmed and pruned regularly. Our approach balances **aesthetic appeal, environmental responsibility, and practical functionality**, making it a model for sustainable residential landscaping. The careful planning, professional installation, and ecological considerations taken in this project ensure that the artificial turf enhances rather than detracts from the surrounding environment.

It enhances the neighborhood in several ways:

- **Improved drainage and erosion control:** The permeable artificial turf prevents water pooling, reducing runoff onto neighboring properties and minimizing erosion concerns.
- **Beautification and curb appeal:** A consistently green, well-maintained yard adds to the overall attractiveness of the community, increasing property values.
- **Eco-friendly landscaping:** By incorporating native plants and avoiding harmful pesticides and fertilizers, our yard supports local wildlife, promotes pollination, and contributes to a healthier ecosystem.
- **Reduced mosquito breeding grounds:** Eliminating standing water in low-lying areas reduces the risk of mosquito infestations, benefiting the entire neighborhood.

The use of permeable artificial turf aligns with Florida's "**Florida-Friendly Landscaping**" principles, which encourage water conservation, pollution reduction, and minimal chemical use. Cities such as Tampa, Orlando and the Palm Beach area allow for turf as a conscious landscape practice. **State-level environmental goals** support sustainable landscaping solutions like permeable turf, particularly in areas affected by water conservation issues, such as Florida.

Granting this variance, when strict adherence to zoning ordinances results in hardship without significantly affecting the public interest. We stress that allowing artificial turf—especially permeable versions—does not undermine the city's broader environmental goals, but rather enhances them by promoting water conservation, reducing pesticide use, and supporting eco-friendly landscaping

**BOUNDARY SURVEY OF:**  
**LOT 6, BLOCK E AS SHOWN ON THE PLAT OF COUNTRY CLUB ESTATES**  
 AS RECORDED IN PLAT BOOK 60, PAGES 25-27 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



*Myron E. Barker*  
 PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE  
 MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085  
 CERTIFICATE OF AUTHORIZATION LB. 6586

**LEGEND**

(AKA)	= ALSO KNOWN AS
C	= CENTERLINE
C.B.	= CONCRETE BLOCK
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.L.F.	= CHAIN LINK FENCE
C.L.R.	= CLEAR
C.M.	= CONCRETE MONUMENT
CONC.	= CONCRETE
COR.	= CORNER
COVD	= COVERED
D	= DELTA
FD	= FOUND
ID	= IDENTIFICATION
I.P.	= IRON PIPE
I.R.	= IRON ROD
L	= LENGTH
LS	= LICENSE BUSINESS
LS	= LICENSE SURVEYOR
(M)	= MEASURED
N&D	= NAIL & DISK
(P)	= PLATED
PC	= POINT OF CURVATURE
PT	= POINT OF TANGENCY
PL	= PROPERTY LINE
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
PRC	= POINT OF REVERSE CURVE
P.U.&D.	= PUBLIC UTILITY & DRAINAGE
R	= RADIUS
R/W	= RIGHT-OF-WAY
(TYP.)	= TYPICAL
WT	= WOOD FENCE

- SURVEYOR'S NOTES:**
- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.19°26'09"E, ALONG THE EAST LINE OF LOT 5, BLOCK E.
  - 2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0205 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
  - 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
  - 4) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
  - 5) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, RESERVATION, AGREEMENT AND/OR EASEMENTS OF RECORD, SUCH INFORMATION IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHER THROUGH APPROPRIATE TITLE VERIFICATION.
  - 6) NOT VALID WITHOUT A SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**TYPE OF SURVEY:**  
FINAL

**PROJECT:**  
20-2138

**SCALE:** 1" = 20'

**DATE:** 11/12/2020

**CAD FILE:** 19-1555.DWG

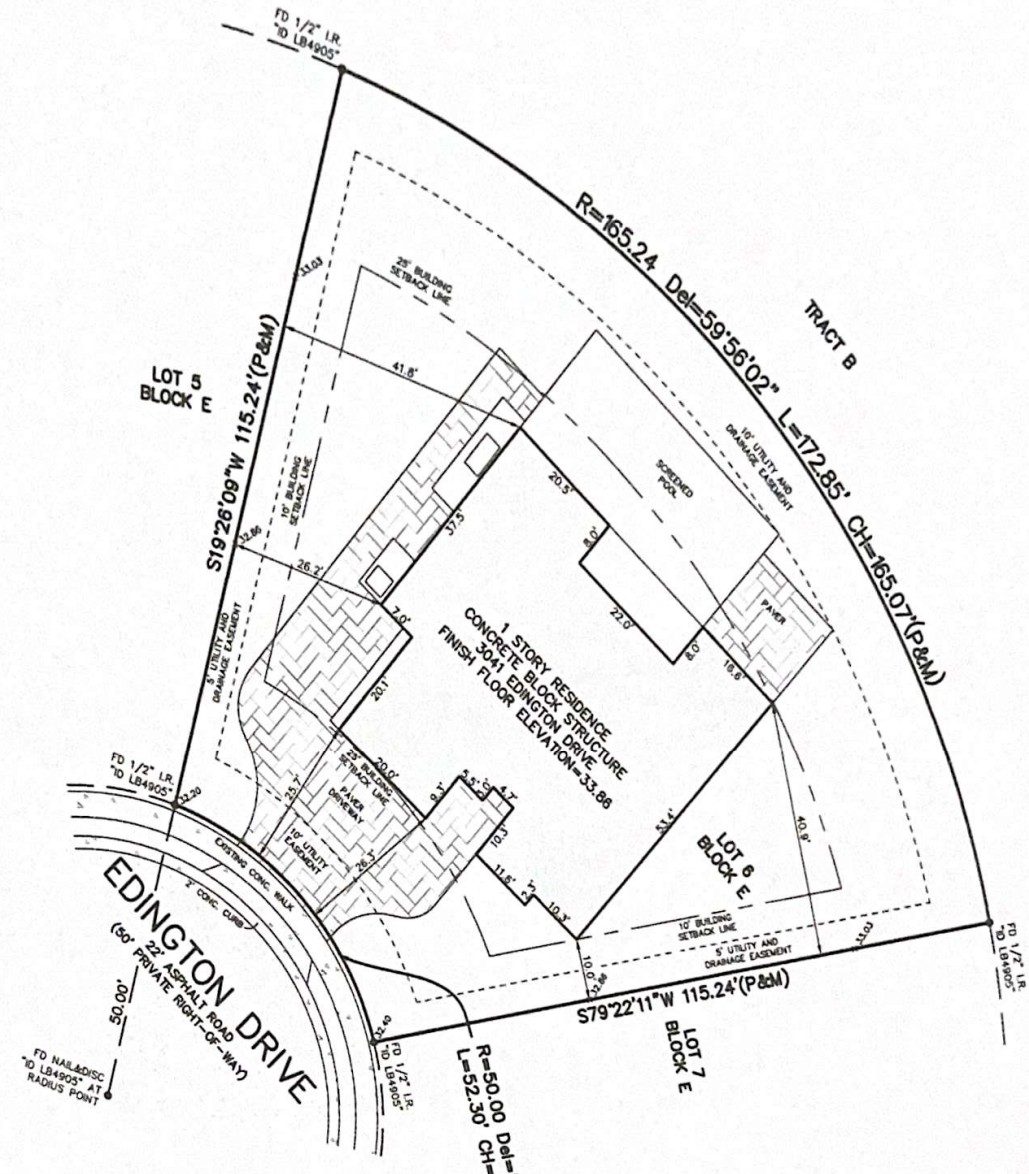
**F.B. NUMBER:**

**REVISION:**  
4/15/21-REMOVED PAVERS  
IN REAR EASEMENT

**PRECISION**  
**LAND SURVEYING, INC.**  
 2900 LAKE WASHINGTON ROAD, SUITE 1  
 MELBOURNE, FLORIDA 32935  
 PHONE: 321-259-4600  
 EMAIL: PRECISIONSURVEYING1993@GMAIL.COM

**CERTIFIED TO:**  
 THE MATTHEW S. AND MAGGIE R. BOFFO TRUST,  
 MATTHEW & MAGGIE BOFFO AS TRUSTEES,  
 DAMAR HOMES, INC.  
 LIBERTY TITLE COMPANY  
 WESTCOR LAND TITLE INSURANCE COMPANY  
 BRANCH BANKING & TRUST CO. / TRUIST BANK

**BOUNDARY SURVEY OF:**  
**LOT 6, BLOCK E AS SHOWN ON THE PLAT OF COUNTRY CLUB ESTATES**  
 AS RECORDED IN PLAT BOOK 60, PAGES 25-27 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



*Myron E. Barker*  
 PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE  
 MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085  
 CERTIFICATE OF AUTHORIZATION LB. 6588

LEGEND	
(AKA)	= ALSO KNOWN AS
CL	= CENTERLINE
C.B.	= CONCRETE BLOCK
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.L.F.	= CHAIN LINK FENCE
CL	= CLEAR
C.M.	= CONCRETE MONUMENT
CONC.	= CONCRETE
COR.	= CORNER
COVD.	= COVERED
D	= DELTA
FD	= FOUND
ID	= IDENTIFICATION
IP	= IRON PIPE
I.R.	= IRON ROD
L	= LENGTH
LS	= LICENSE SURVEYOR
(M)	= MEASURED
N&D	= NAIL & DISK
(P)	= PLATTED
PC	= POINT OF CURVATURE
PT	= POINT OF TANGENCY
PL	= PROPERTY LINE
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
PRC	= POINT OF REVERSE CURVE
P.U.&D.	= PUBLIC UTILITY & DRAINAGE
R	= RADIUS
R/W	= RIGHT-OF-WAY
(TYP.)	= TYPICAL
W.F.	= WOOD FENCE

- SURVEYOR'S NOTES:**
- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.19°26'09"E., ALONG THE EAST LINE OF LOT 5, BLOCK E.
  - 2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0205 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
  - 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
  - 4) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
  - 5) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, RESERVATION, AGREEMENT AND/OR EASEMENTS OF RECORD, SUCH INFORMATION IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHER THROUGH APPROPRIATE TITLE VERIFICATION.
  - 6) NOT VALID WITHOUT A SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

TYPE OF SURVEY:	FINAL
PROJECT:	20-2138
SCALE:	1" = 20'
DATE:	11/12/2020
CAD FILE:	19-1555.DWG
F.B. NUMBER:	
REVISION:	4/15/21 - REMOVED PAVERS IN REAR EASEMENT

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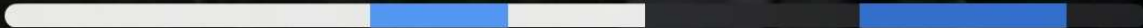
November 29, 2022

5:54 PM



November 29, 2022

5:54 PM



November 29, 2022

5:54 PM



November 29, 2022

5:54 PM



2:06



October 6, 2021

1:14 PM





October 6, 2021  
1:15 PM



2:06



October 6, 2021

1:15 PM













**CLIENT:**

Company:	Turf Distributors
Address:	42505 Rionedo Road
	Temecula, CA 92590
Requested By:	Dillon Georgian

**TEST MATERIAL:**

Date Material Received:	February 8, 2021
Material Type:	Synthetic Turf
Material Condition:	Excellent, New
Material ID:	Flow 75
Infill:	16 Grit Sand, to ¾" exposed tuft

**TESTING METHODS REQUESTED:**

<i>Testing Services Inc. was instructed by the client to test for the following...</i>		
Standard:	ASTM F1551	Test Method: Standard Test Methods for Comprehensive Characterization of Synthetic Turf Playing Surfaces and Materials: Suffix-DIN 18-035, Part 6: Water Permeability of Synthetic Turf Systems and Permeable Bases

**SAMPLING PLAN:**

Sampling Date:	2/8/2021
<ul style="list-style-type: none"> <li>Specimen sampling is performed in the sampling department at TSI.</li> <li>The sampling size of specimens is determined by the test method requirements.</li> <li>In the event a specific sampling size is not called for, a determination will be made based on previous testing experience, and approved for use by an authorized manager.</li> <li>All samples are subjected to the outside environmental conditions of temperature and relative humidity.</li> <li>Sample requiring pre-determined exposure to specified environmental conditions based on a specific test method, take place in the departments in which they are tested</li> </ul>	

**DEVIATION FROM TEST METHOD:**

State reason for any Deviation from, Additions to, or Exclusions From Test Method.
None

**PROCEDURE:**

This test method determines the rainfall drainage capacity (permeability) of the playing surface. Test data values represent drainage rates vertically thru the turf with infill listed above, and do not take into account the percolation properties of a pad and/or an underlying sub base. Three specimens, 11.5" diameter, were cut from the 15' turf roll, side-center-side manner. Each turf specimen was securely fastened to the permeability tube using mechanical flanges, ensuring vertical water flow thru the product. Water was pumped into the tube faster than could exit, until the water level reached 6". The water source was shut off, allowing the accumulated 6" water level to recede. The recede was timed via stopwatch until the water level exited the turf. The flow time was recorded in seconds. This procedure was repeated a total of 4 times where, the first pass was for conditioning, with passes 2,3,4 used for averaging. This process was repeated on the remaining specimens.

**TEST SUMMARY:**

Specimen #	Drainage (Seconds)	gal/min/yd <sup>2</sup>	Rainfall Capacity (inches/hour)
1	21.5	94.0	288.3
2	17.3	116.8	358.2
3	17.8	113.3	347.5
Average			331.3 inches/hour

**Uncertainty:**

We undertake all assignments for our clients on a best effort basis. Our findings and judgments are based on the information to us using the latest test methods available.

TSI can only ensure the test results for the specific items tested.

Unless otherwise noted in the deviations sections of this report, all tests are performed in compliance with stated test method.

Test Report Approval:

Erle Miles, III, Lab Director Testing Services (TSI) LLC

TSI Accreditation: Our laboratory is accredited by the US Dept. of Commerce, National Institute of Standards and Technology: ISO/IEC 17025:2005. Our code # is: NVLAP 100108-0. TSI is an Organizational Member of ASTM (American Society for Testing and Materials). TSI is a certified independent testing laboratory by the STC (Synthetic Turf Council).



Testing Services (TSI) LLC  
 817 Showalter Avenue  
 PO Box 1343  
 Dalton, GA 30721

## DETAILED SPECIFICATION SHEET

### FLOW 75 OLIVE >>



#### Recommended Uses

- Landscape
- Commercial
- Play Areas
- Pets

Flow 75 Olive is equipped with Optimum Flow™ technology for exceptional drainage. This is our preferred product for pet applications due to its permeability and slightly stiffer blade structure, which makes cleaning a breeze. Flow 75 Olive is also perfect for landscape, putting fringe, and anywhere else a medium density product is needed.



16 Year Warranty

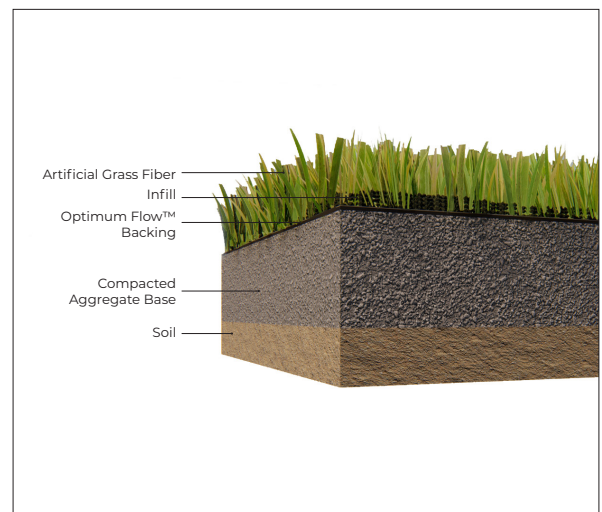


Optimum Flow™ Technology



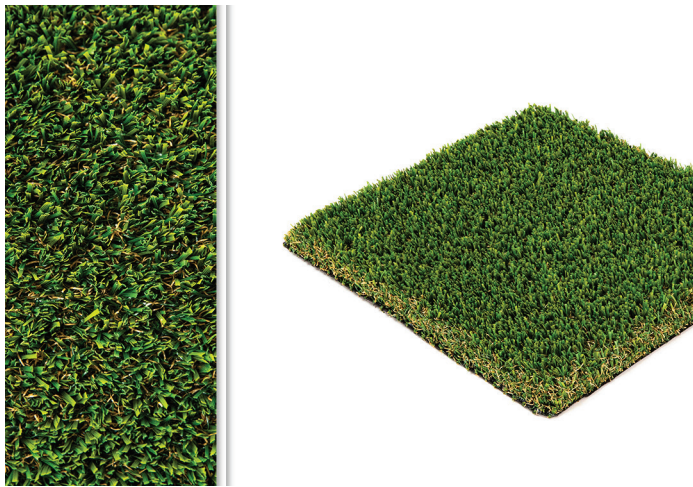
Made in the U.S.A.

Yarn Type	UV Polyethylene - W Shape
Denier	10800 / 4400
Approximate Pile Height	1.5 in.
Machine Gauge	3/8 inch
Roll Size	15 x 100 linear feet
Approximate Infill Amount	1.0 lb / psf
Primary Backing	Optimum Flow™
Total Product Weight	83.66 oz/yd <sup>2</sup>
Pile Yarn Weight	49.20 oz/yd <sup>2</sup>
Average Tuft Bind Strength	10.8 lbs/force
Total Lead Content	<0.5 mg/Kg
Pill Flammability	8 out of 8 Pass
Water Permeability	331.3 in/hr
QUV Accelerated Weathering	Color: 9 / Texture: 10



**VistaPet™**

16-Year Product Warranty 



dura**blade**™  PFAS FREE



Recommended Uses

- Pets & Kids
- High Traffic
- Living Spaces

VistaPet™ is engineered to meet the specific needs of pet owners, providing a safe, durable, and easy-to-maintain solution. Our turf stands out due to its innovative features and high-quality construction, making it the ideal choice for any pet-friendly environment

Yarn Type	DuraBlade™ - Wave Blade
Denier	11,337
Pile Height	~1.125"
Machine Gauge	3/8"
Roll Size	15' x 100'
Primary Backing	TriFlow Backing™
Product Weight	~90 oz
Pile Yarn Weight	~59oz
Average Tuft Bind Strength	3.0 lbs of force
Total Lead Content	0.66 ppm
Pill Flammability	8 Out of 8 Pass
Water Permeability	88" per Hour

VistaScape™  
**VistaPet**



## Stock VistaPet and Boost Your Sales!

### The Ultimate Paw Perfect Turf

VistaPet is a premium, high-quality turf solution specifically designed for pet-friendly environments. Its unique features, superior durability, and exceptional safety make it a standout product that provides unmatched value for pet owners.

## Benefits for Pet Owners



### Easy Cleanup

#### High Flow Rate

The high flow rate helps wash away messes quickly, ensuring the turf remains hygienic and odor-free.

#### Moisture-Wicking Properties

Keeps the surface dry, preventing odors and maintaining a comfortable environment for pets.

### Durability

#### Withstands Heavy Use

Designed to handle the demands of active pets, providing a reliable and long-lasting solution.

### Safety First

#### PFAS Free & Lead Free

Ensures a safe play area for pets and children, offering peace of mind to pet owners.

# Key Features of VistaPet



## TriFlow Backing™

### Three-Layer Backing System

1. **Strong Woven Polypropylene Base:** The bottom layer is made from durable polypropylene, ensuring your grass stays strong and stable, even under heavy use.
2. **Flexible Non-Woven Polypropylene:** The middle layer enhances the structural strength of your turf while maintaining excellent permeability and flexibility. This ensures robust support without compromising water flow.
3. **Clear, Thin but Robust Coating:** The top layer features a clear coating that helps bind the artificial grass fibers in place, adds to the overall strength of the backing, and still allows water to flow through easily, ensuring your lawn remains dry and safe even after heavy rainfall.



### Excellent Drainage

Quickly channels water away to keep the turf dry and ready to use.

### Long-Lasting Durability

Built to withstand wear & tear, ensuring it remains beautiful and resilient for years.

### Superior Fiber Binding

The clear coating ensures that grass fibers are securely held in place, enhancing overall stability and longevity.

## DuraBlade™ Technology

### Robust Construction

Ensures the blades remain strong & resilient, providing long-lasting performance.

### Aesthetic Appeal

Mimics the look and feel of natural grass, enhancing any outdoor area.

## Pet & Child Safe

### PFAS Free & Lead Free

Guarantees a safe environment for pets and children.

### Safe for Pets & Children

Parents can be confident that their children can play on the turf without exposure to harmful substances.



**Total Weight**  
~91 oz.



**Face Weight**  
~64 oz.



**Pile Height**  
1.125"



**Warranty**  
16-Years



## Join Us Today!

Stock VistaPet and Provide Your Customers with the Best in Pet-Friendly Artificial Turf.

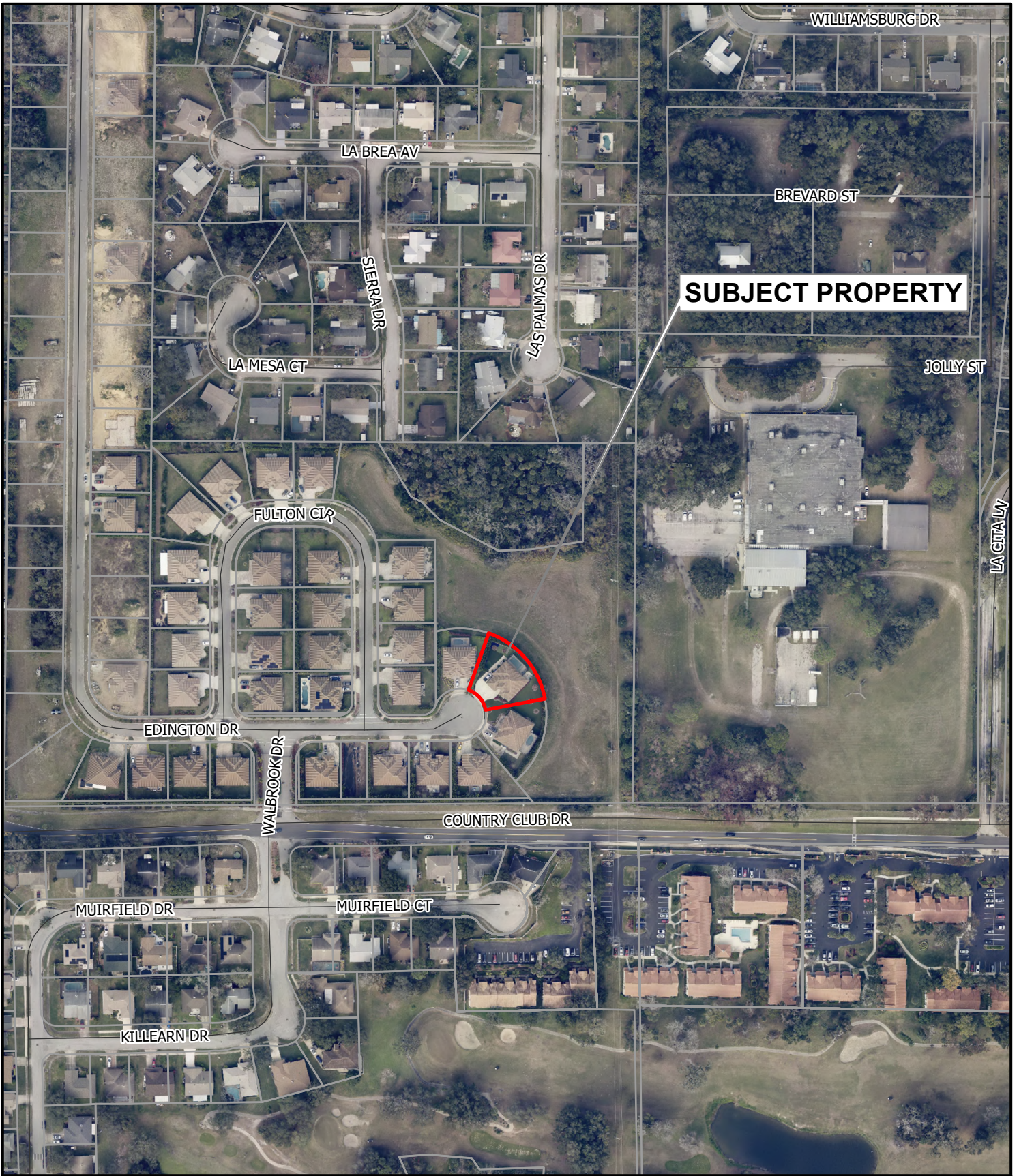
(951) 384-6540

info@turfdistributors.com  
www.turfdistributors.com

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## 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.

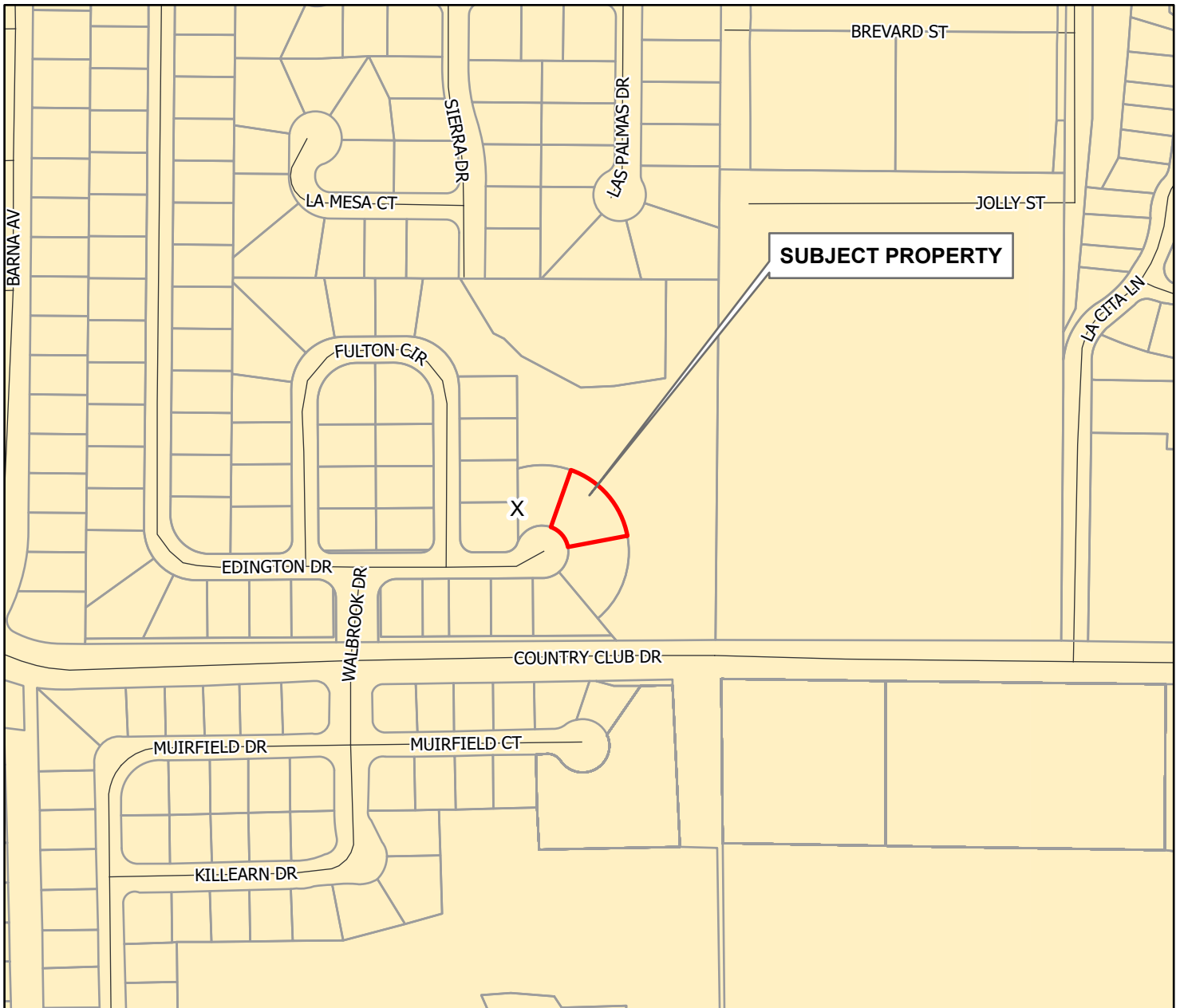


**SUBJECT PROPERTY**



# Aerial 2024 VAR #10-2025

0 125 250 500 Feet



# FEMA FLOOD HAZARD AREAS

## VAR #10-2025

### Special Flood Hazard Area Zones

- A
- A0
- AE
- AO
- VE

### Moderate Flood Hazard Area Zone

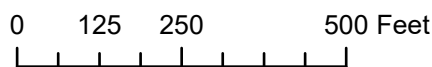
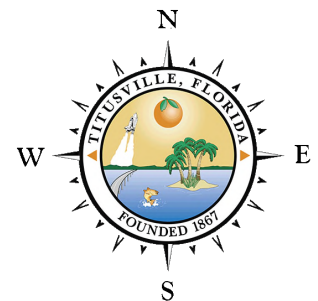
- X5

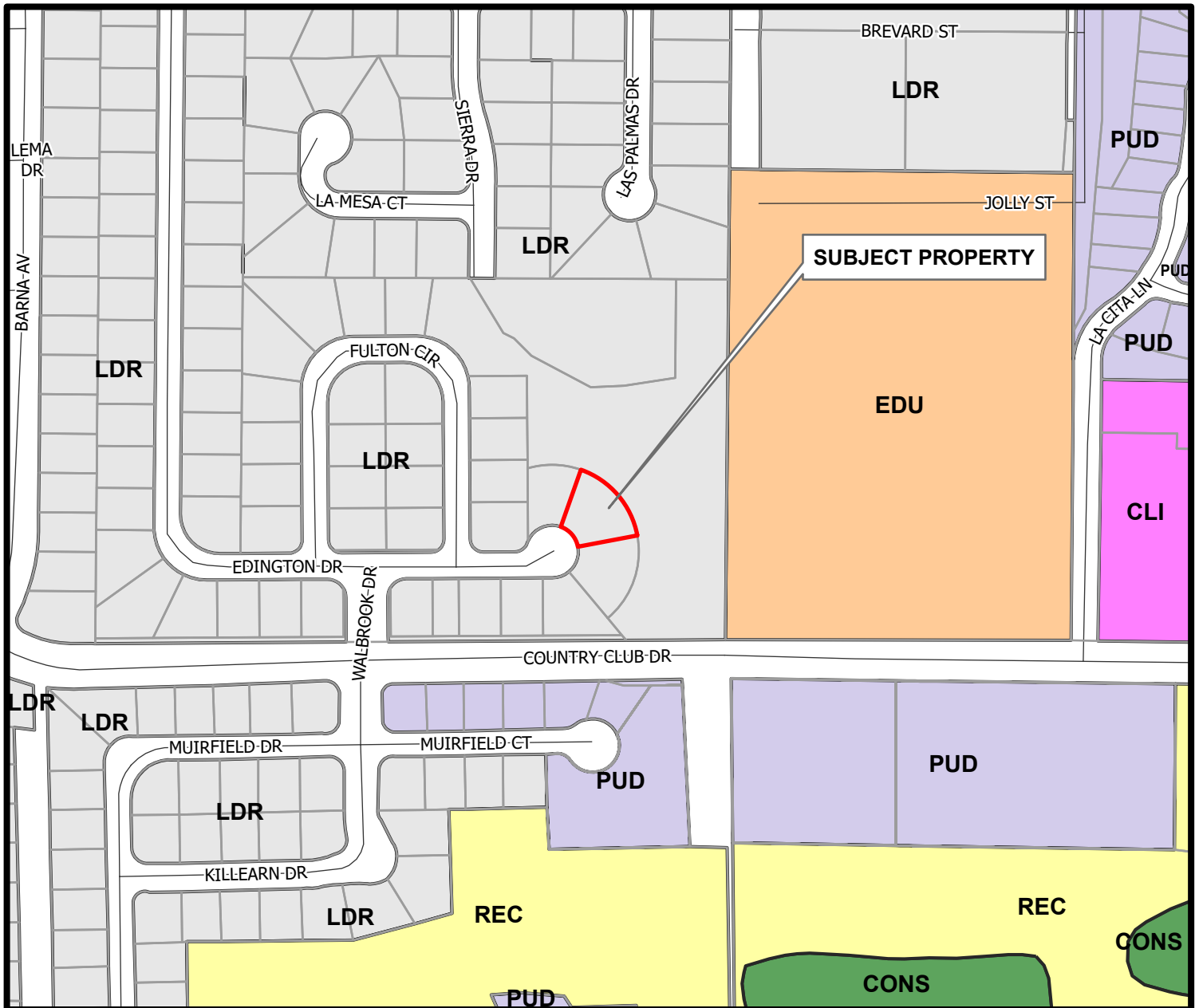
### Minimal Flood Hazard Zones

- C
- X
- X.2 PCT

### Other Flood Zone Areas

- D
- FW

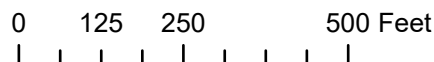
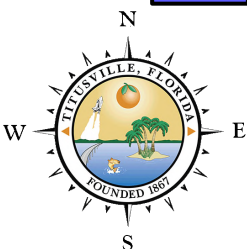


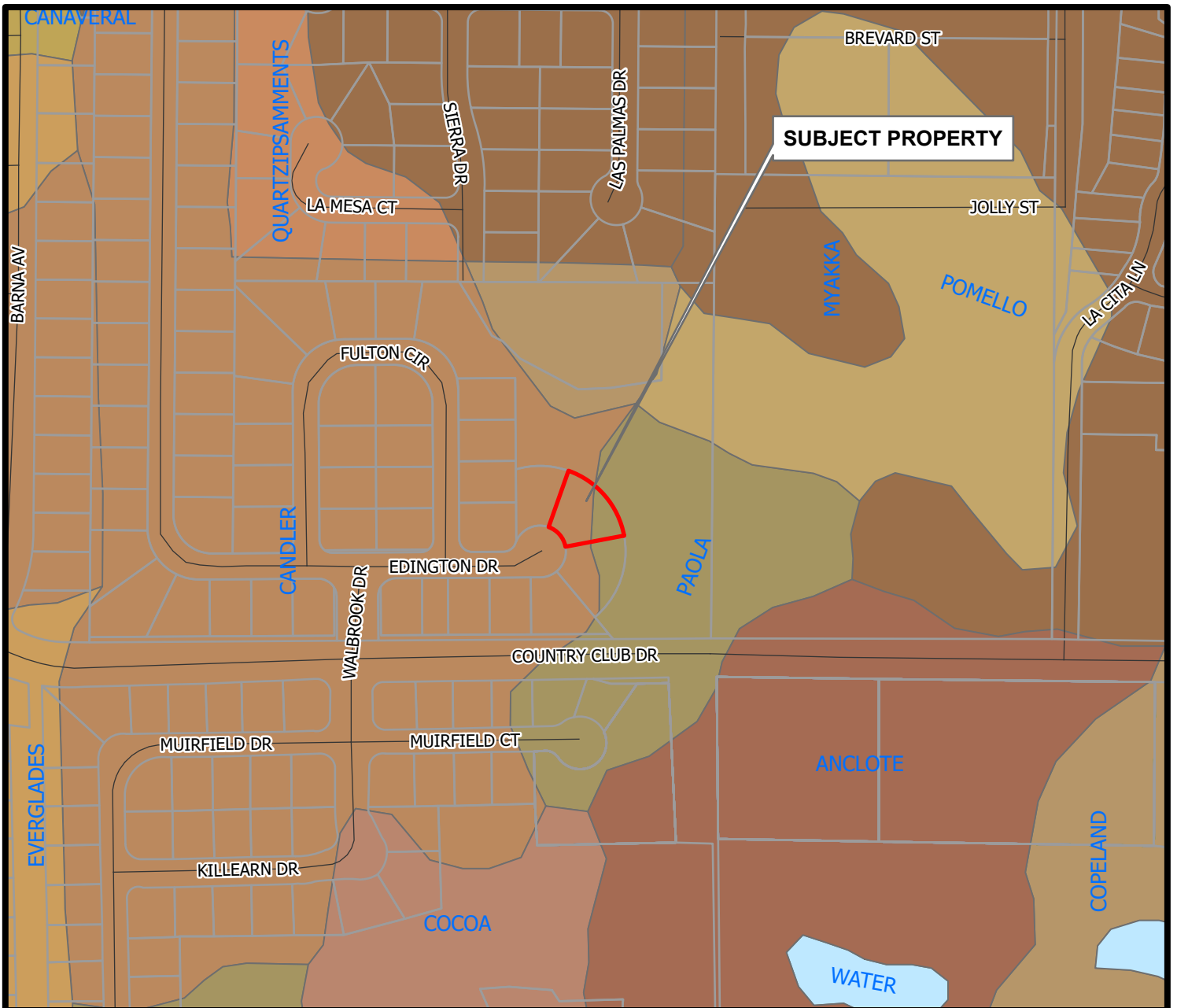


## LOCATION OF PROPERTY AND FUTURE LAND USE MAP

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

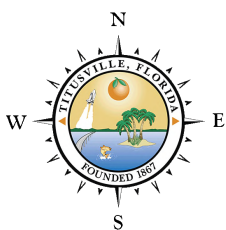
**Subject**





## SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR #10-2025

<p>SoilName</p> <p>■ ANCLOTE</p> <p>■ CANAVERAL</p> <p>■ CANDLER</p> <p>■ COCOA</p> <p>■ COPELAND</p>	<p>■ EVERGLADES</p> <p>■ MYAKKA</p> <p>■ PAOLA</p> <p>■ POMELLO</p> <p>■ QUARTZIPSAMMENTS</p> <p>■ WATER</p>
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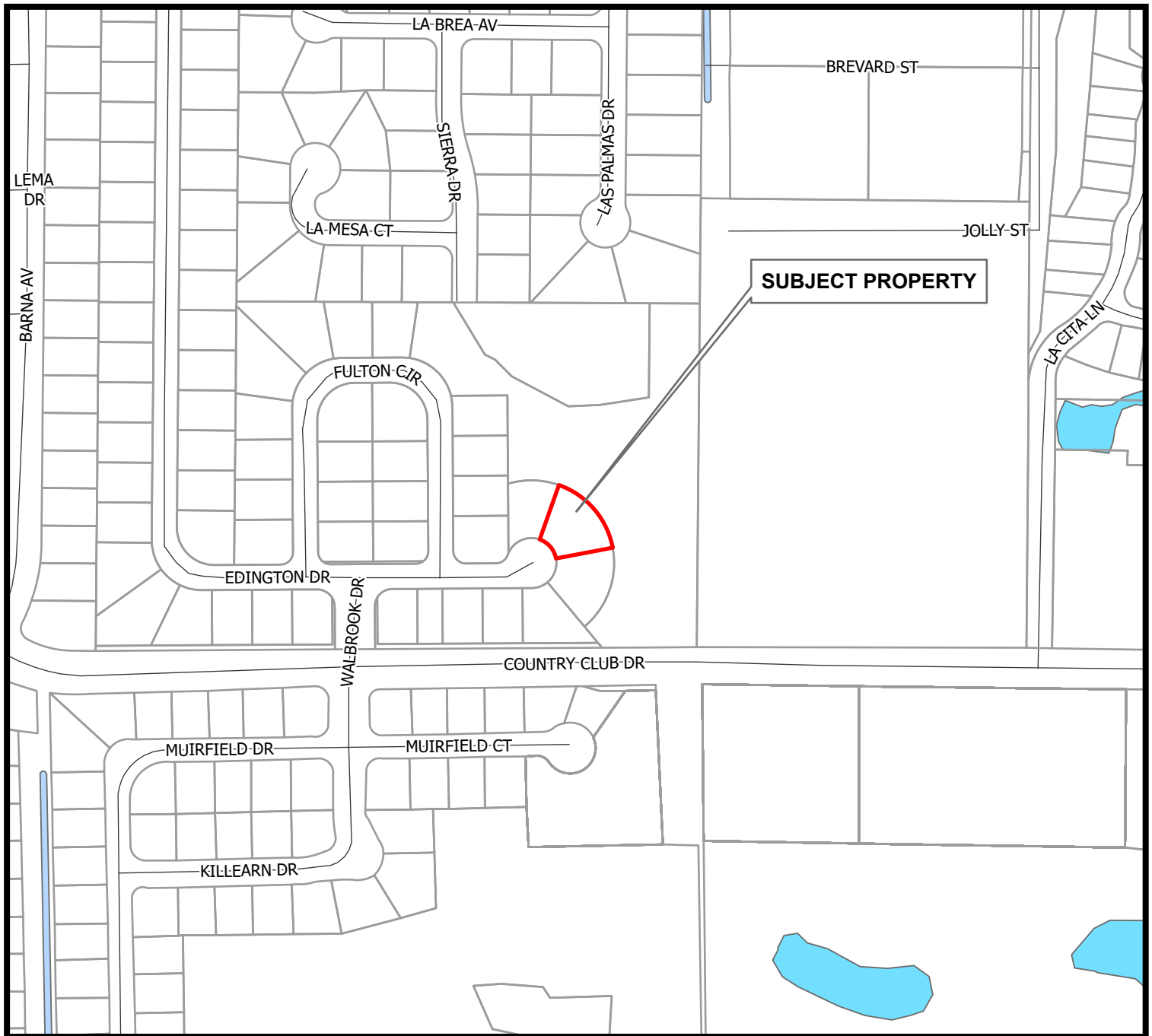


Community Development Department

0 125 250 500 Feet

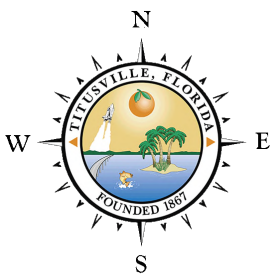
Soils data source: The U.S. Department of Agriculture, Natural Resources Conservation Service. (2019)

3/13/2025



# WETLANDS IN VICINITY OF PROPERTY

## VAR #10-2025



### WETLAND\_TY

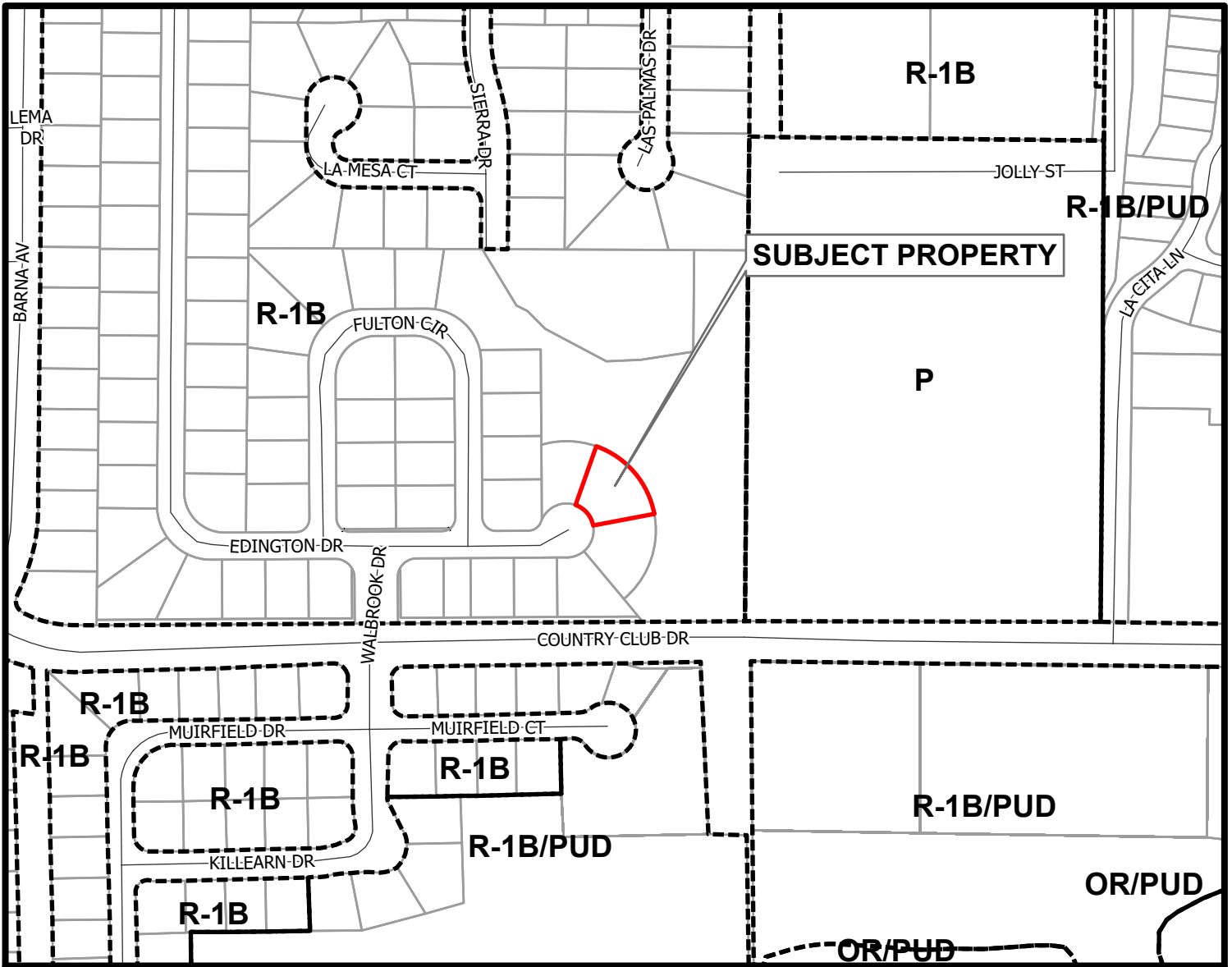
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland

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

3/13/2025

Scale:1:3,500

Community Development Department  
Source: USFWS NWI (2023)



# 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

## 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

## INDUSTRIAL DISTRICTS

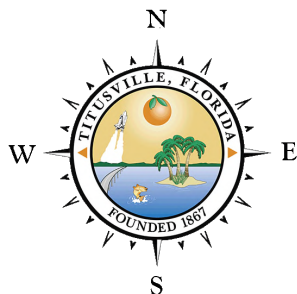
- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

## OVERLAY DISTRICTS

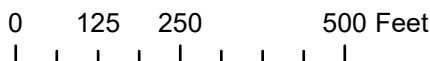
- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREA
- ACC AREA OF CRITICAL CONCERN
- HPA HISTORIC PRESERVATION AREA

## Base Map

- City Limits
- Zoning
- Subject



## VAR #10-2025



City of Titusville  
"Gateway to Nature and Space"

REPORT

**To:** Members of the Board of Adjustments and Appeals  
**From:** Brad Parrish, Community Development Director  
**Subject:** Variance 11-2025 - 3042 Edington Drive  
**Department/Office:** Planning

**Recommended Action:**

Consider the requested variance to allow the use of prohibited material in the form of artificial turf, for property located at 3042 Edington Drive.

On April 23, 2025, the Board tabled this item for 30 days.

**Summary Explanation & Background:**

The applicant is requesting a variance to the Land Development Regulations, Chapter 30, Section 30-321. Plant Materials. Section 30-321(f) - To allow the use of prohibited material in the form of artificial turf, for property located in the Single-Family Medium Density (R-1B) zoning district, at 3042 Edington Drive, Titusville, FL 32780, as submitted by Michael Boffo, trustee for The Michael A. and Nancy M. Boffo Trust, 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 11-2025 Staff Report
2. Application
3. Illustration
4. Survey
5. Turf Specs
6. Code
7. All Maps VAR #11-2025



# City of Titusville Community Development

1 **BOARD OF ADJUSTMENTS AND APPEALS**

2 **Variance (VAR) No. 11-2025, 3042 Edington Drive**

3 **Meeting Date:** April 23, 2025

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

5 **Applicant:** Michael Boffo, trustee for The Michael A. and Nancy M. Boffo Trust, owner

6 **Background**

7 (a) Variance request: *Land Development Regulations, Chapter 30, Section 30-321.*  
8 *Plant Materials. Section 30-321(f) - To allow the use of prohibited material in the*  
9 *form of artificial turf*, for property located in the Single-Family Medium Density  
10 (R-1B) zoning district, at 3042 Edington Drive, Titusville, FL 32780, as submitted  
11 by Michael Boffo, trustee for The Michael A. and Nancy M. Boffo Trust, owner.

12 (b) Location: 3042 Edington Drive, Titusville, FL. Tax No. 2225060. Parcel I.D. 22-  
13 35-16-09-E-7

14 (c) Land Description: COUNTRY CLUB ESTATES LOT 7 BLK E

15 (d) Future Land Use: Low Density Residential

16 (e) Zoning: Single Family Medium Density (R-1B)

17 (f) Surrounding Zoning Districts.

18 1. North: Single Family Medium Density (R-1B)

19 2. South: Single Family Medium Density (R-1B)

20 3. East: Single Family Medium Density (R-1B)

21 4. West: Single Family Medium Density (R-1B)

22 (g) Lot Characteristics: The subject property is approximately 0.3 acres (13,068 sq. ft)  
23 with 53.01 feet of frontage along Edington Dr. These dimensions meet the

**Board of Adjustments and Appeals: Variance No. 11-2025**

1 minimum 7,500 sq. ft lot area for a single-family home within the Single-Family  
2 Medium Density (R-1B) zoning district.

3 (h) Uses: Single Family Residence constructed in 2020.

4 **Powers of the BAA**

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

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

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

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

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

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

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

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

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

28 **Analysis**

29 The applicant is requesting a variance to allow the use of artificial grass in place of  
30 natural grass. Section 30-321(f) of the Land Development Regulations states,  
31 *Synthetic plants prohibited: Synthetic or artificial material in the form of trees,*  
32 *shrubs, ground covers, vines or artificial turf shall not be used in lieu of the plant*  
33 *requirements in this section.* The Brevard County Property Appraiser website shows  
34 the single-family dwelling was built in 2020 as part of the Country Club Estates  
35 subdivision. The lot contains a ten (10) foot Public Utility (P.U.) easement along the

## Board of Adjustments and Appeals: Variance No. 11-2025

1 front, a five (5) foot Public Utility and Drainage (P.U.& D.) easement on the sides,  
2 and a ten (10) foot P.U.& D on the rear. As shown on the submitted site plan, the  
3 owner is requesting to place the turf in the front and rear yard on only one side of the  
4 property. The property is not located within the Area of Critical Concern and does not  
5 have a maximum impervious coverage standard. Since there are no code standards for  
6 artificial turf, staff cannot evaluate its impact on the subdivision's approved  
7 stormwater plan.

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

### 11 **Recommendation**

12 Staff recommend **denial** of the variance. There are no special conditions or  
13 circumstances which are peculiar to the land that would make it different from similar  
14 lots in the subdivision. The applicant can meet the literal interpretation of the ordinance.  
15 Denying the request will not deprive the applicant of rights commonly enjoyed by other  
16 properties.



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.

<b>1. Project Location</b>	Property Address/Location Description 3042 Edington Drive		
<b>2. Applicant/ Owner</b>	Name of Applicant/Contact Michael Boffo		Name of Owner The Michael A. and Nancy M. Boffo Trust
	Street Address 3042 Edington Drive		Street Address 3042 Edington Drive
	City	State	Zip
	Titusville	Florid	32780
	Telephone # 321-693-7204		Telephone # 321-693-7204
	Fax #		Fax #
	E-Mail Address mike.a.boffo@Gmail.com		E-Mail Address mike.a.boffo@Gmail.com
<b>3. Applicant Status</b>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other		
<b>4. Parcel ID</b>	22 3516-09-E-7	<b>Tax Acct.</b>	2225060
<b>5. Site Size</b>	Acres: .261	Square Feet: 11377	
<b>6. Property Information</b>	Current Zoning single family residence		Current Use of Property single family residence
<b>7. Variance(s) Requested</b>	<i>Section Number</i>	<i>LDR Requirement</i>	<i>Variance Requested</i>
	1) 30-21F	1) natural vegetation	1) artificial turf
	2) _____	2) _____	2) _____
	3) _____	3) _____	3) _____
	4) _____	4) _____	4) _____
	5) _____	5) _____	5) _____
<b>8. Narrative</b>	Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application) Acceptance of artificial turf installation		

- **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/ Michael A. Boffo  
(Signature\*)

3/10/2025  
(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?**

Our property was initially landscaped by the builder, Damar Homes, with low-quality, planter drip line irrigation and a weak grass mixture dominated by weeds and bare spots. The sandy soil composition and lack of proper irrigation prevented healthy grass growth, requiring excessive watering and chemical treatments just to maintain a level of curb appeal. The drip lines would get clogged, cut up by mowing, break and cause leaks often. All the homeowners in our development have had the same irrigation and lawn issues and have gone through revitalization to remedy the issues as well – full lawn replacements, irrigation systems, etc. In addition, our property also had low-lying areas that retained water, leading to poor drainage, erosion, and standing water after rainstorms. These conditions contributed to persistent issues, including fungus growth, bug infestations, and weed spread. Like all of our neighbors, we opted to remedy the problem with a long-term solution to the irresponsible builder practices. We researched the use of artificial turf for landscaping and the appeal was that modern permeable turf provides substantial environmental and aesthetic benefits. By replacing the struggling grass with a properly installed, permeable artificial turf system, we can ensure long-term sustainability, effective drainage, and improved aesthetics while eliminating the need for excessive irrigation and chemical treatments.

**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 property is a corner lot with adjoining front and back yard to our neighbor. We had unique environmental challenges, including poor drainage, sandy soil, and uneven terrain that made traditional grass unsustainable. Our yard struggled with standing water in low areas, leading to erosion and poor plant health. We've had to remove and replant trees and shrubs. For the lawn, traditional sod patches have repeatedly failed in these conditions, requiring constant reseeding/planting. Irrigation repairs were costly just to maintain a patchy and inconsistent lawn.

To address this, we worked with a professional landscaper who was familiar with what Damar Homes had landscaped and irrigated in the community. He was familiar with Titusville water standards, as well as our neighborhood having a poor reclaim irrigation water source that is not dependable. Being on sewer, it is definitely not logical to utilize city water based on costs for thousands of gallons of water a year; we know a few neighbors who pay \$600+ a month on water lawn maintenance. The landscaper we hired followed best practices for artificial turf installation, ensuring proper drainage, water permeability, and eco-friendly landscaping.

The installation process included:

- **Excavation of the existing soil** to remove weak builder-grade grass and weeds and irrigation.
- **Installation of a 5–6-inch permeable base layer** using crushed stone and gravel for proper drainage.
- **Use of a high-quality, permeable artificial turf** designed with a UV rating to withstand the Florida heat, designed to allow rainwater to filter through, preventing runoff and promoting groundwater recharge and suitable to withstand use for play and for high traffic.
- **Use of eco-friendly materials safe for pets and children-** grass utilizing non-toxic, antimicrobial, impact absorbing and reusable infill. Prevents mold and bacteria, odorless, deters against stains and product deterioration. The grass is cool to the touch and won't degrade with Florida's heat.
- **Integration of Florida-native plants and pollinator-friendly landscaping** to encourage biodiversity and provide a sanctuary for birds, butterflies, and beneficial insects.
- **Avoidance of pesticides and fertilizers**, maintaining chemical-free, eco-conscious year round

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, this request is the minimum necessary to resolve the specific challenges our property faces. We are not seeking broad exemptions from landscaping codes—only the ability to keep the use of an alternative, eco-friendly solution that effectively addresses drainage, erosion, and costly maintenance concerns. In addition, it helps bring value to the home and the neighborhood.

The artificial turf installed is **not a solid, non-permeable surface** but a professionally designed **water-draining system** that works in harmony with our natural landscaping. Without this solution, we would be forced to revert to an unsustainable approach with removal and then replacement requiring constant irrigation, soil amendments, and chemical treatments to maintain a traditional lawn.

Additionally, the artificial turf seamlessly integrates with the rest of our landscape, complementing the Florida-native plants and greenery we have added with the neighborhood aesthetics. This ensures a natural, attractive, and functional outdoor space that contributes positively to our gated community.

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 have **no negative impact** on neighboring properties or the public. Our neighbors from throughout the development have all commented how beautifully maintained our yard and landscaping looks as we have it trimmed and pruned regularly. Our approach balances **aesthetic appeal, environmental responsibility, and practical functionality**, making it a model for sustainable residential landscaping. The careful planning, professional installation, and ecological considerations taken in this project ensure that the artificial turf enhances rather than detracts from the surrounding environment.

It enhances the neighborhood in several ways:

- **Improved drainage and erosion control:** The permeable artificial turf prevents water pooling, reducing runoff onto neighboring properties and minimizing erosion concerns.
- **Beautification and curb appeal:** A consistently green, well-maintained yard adds to the overall attractiveness of the community, increasing property values.
- **Eco-friendly landscaping:** By incorporating native plants and avoiding harmful pesticides and fertilizers, our yard supports local wildlife, promotes pollination, and contributes to a healthier ecosystem.
- **Reduced mosquito breeding grounds:** Eliminating standing water in low-lying areas reduces the risk of mosquito infestations, benefiting the entire neighborhood.

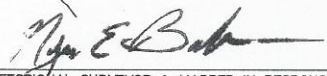
The use of permeable artificial turf aligns with Florida's "**Florida-Friendly Landscaping**" principles, which encourage water conservation, pollution reduction, and minimal chemical use. Cities such as Tampa, Orlando and the Palm Beach area allow for turf as a conscious landscape practice. **State-level environmental goals** support sustainable landscaping solutions like permeable turf, particularly in areas affected by water conservation issues, such as Florida.

Granting this variance, when strict adherence to zoning ordinances results in hardship without significantly affecting the public interest. We stress that allowing artificial turf—especially permeable versions—does not undermine the city's broader environmental goals, but rather enhances them by promoting water conservation, reducing pesticide use, and supporting eco-friendly landscaping

**BOUNDARY SURVEY OF:**  
**LOT 7, BLOCK E AS SHOWN ON THE PLAT OF COUNTRY CLUB ESTATES**  
 AS RECORDED IN PLAT BOOK 60, PAGES 25-27 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



**NOTE:**  
 [XXX.XX] = PROPOSED ELEVATION

  
 PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE  
 MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085  
 CERTIFICATE OF AUTHORIZATION LB. 6586

LEGEND	
(AKA)	= ALSO KNOWN AS
C	= CENTERLINE
C.B.	= CONCRETE BLOCK
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.L.F.	= CHAIN LINK FENCE
CL	= CLEAR
C.M.	= CONCRETE MONUMENT
CONC.	= CONCRETE
COR.	= CORNER
COVD	= COVERED
FD	= FOUND
ID	= IDENTIFICATION
I.P.	= IRON PIPE
I.R.	= IRON ROD
L	= LENGTH
LB	= LICENSE BUSINESS
LS	= LICENSE SURVEYOR
(M)	= MEASURED
N&D	= NAIL & DISK
(P)	= PLATED
PC	= POINT OF CURVATURE
PT	= POINT OF TANGENCY
PL	= PROPERTY LINE
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
PRC	= POINT OF REVERSE CURVE
P.U.&D.	= PUBLIC UTILITY & DRAINAGE
R	= RADIUS
R/W	= RIGHT-OF-WAY
(TYP.)	= TYPICAL
W.F.	= WOOD FENCE

**SURVEYOR'S NOTES:**

- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF N.79°22'11"E., ALONG THE SOUTH LINE OF LOT 6, BLOCK E.
- 2) AS PER FLOOD INSURANCE RATE MAP NO.12009G 0205 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
- 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
- 4) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
- 5) LANDS SHOWN HERON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, RESERVATION, AGREEMENT AND/OR EASEMENTS OF RECORD, SUCH INFORMATION IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHER THROUGH APPROPRIATE TITLE VERIFICATION.
- 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**TYPE OF SURVEY:**  
 FORMBOARD

**PROJECT:**  
 19-1556

**SCALE:** 1" = 20'

**DATE:** 08/21/2019

**CAD FILE:** 19-1556.DWG

**F.B. NUMBER:**

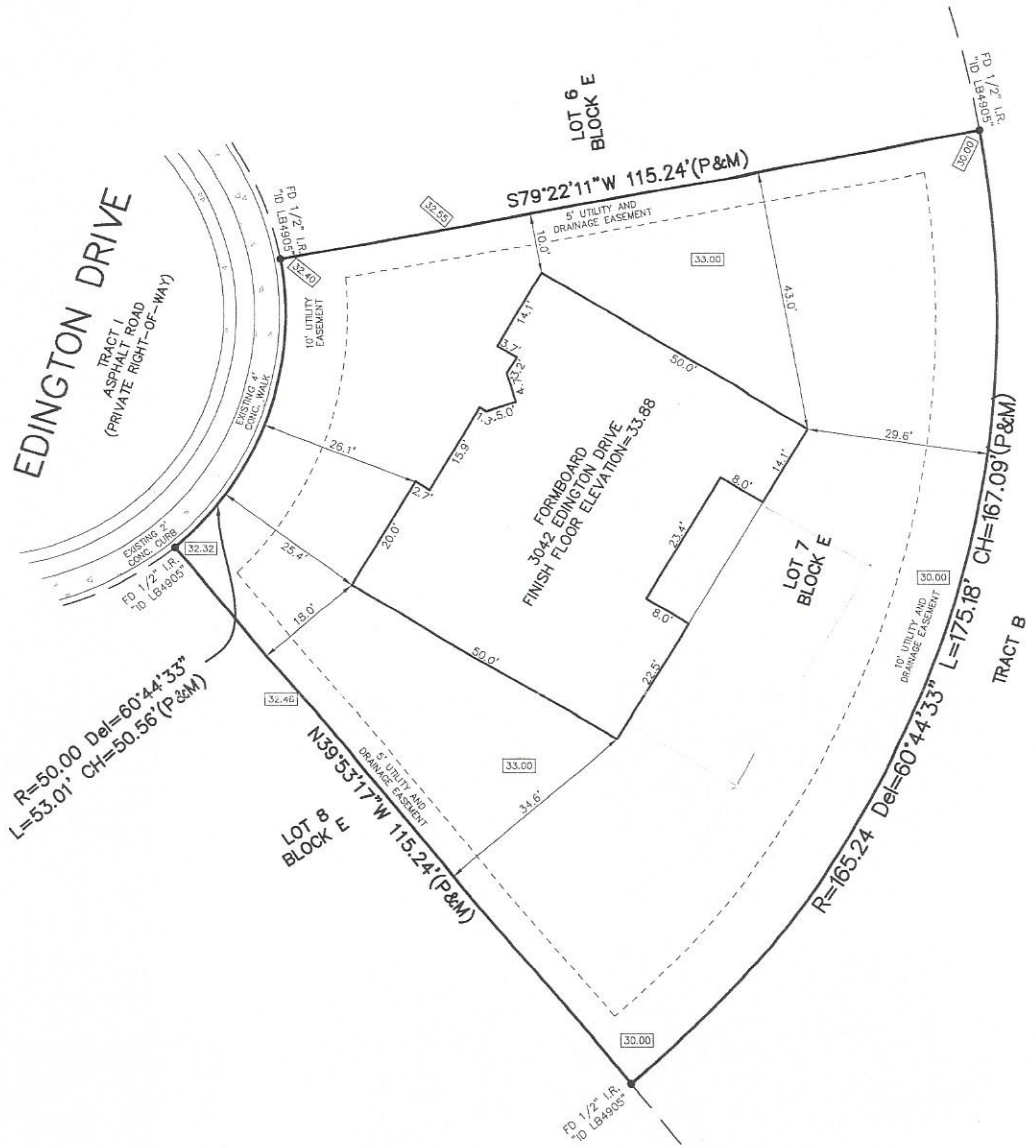
**REVISION:**

**PRECISION**  
**LAND SURVEYING, INC.**  
 2900 LAKE WASHINGTON ROAD, SUITE 1  
 MELBOURNE, FLORIDA 32935  
 PHONE: 321-259-4600  
 EMAIL: PRECISIONSURVEYING1993@GMAIL.COM

CERTIFIED TO:  
**DAMAR HOMES, INC**

**BOUNDARY SURVEY OF:**

LOT 7, BLOCK E AS SHOWN ON THE PLAT OF COUNTRY CLUB ESTATES  
AS RECORDED IN PLAT BOOK 60, PAGES 25-27 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



*Myron E. Barker*  
PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE

MYRON E. BARKER - FLORIDA CERTIFICATE NO. 5085  
CERTIFICATE OF AUTHORIZATION LB. 6586

**NOTE:**

XX.XX = PROPOSED ELEVATION

**LEGEND**

- (AKA) = ALSO KNOWN AS
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- 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**TYPE OF SURVEY:**  
**FORMBOARD**

PROJECT: \_\_\_\_\_  
 19-1556  
 SCALE: 1" = 20'  
 DATE: 08/21/2019  
 CAD FILE: 19-1556.DWG  
 F.B. NUMBER: \_\_\_\_\_  
 REVISION: \_\_\_\_\_

**PRECISION**  
**LAND SURVEYING, INC.**  
 2900 LAKE WASHINGTON ROAD, SUITE 1  
 MELBOURNE, FLORIDA 32935  
 PHONE: 321-259-4600  
 EMAIL: PRECISIONSURVEYING1993@GMAIL.COM

CERTIFIED TO:  
**DAMAR HOMES, INC**

PRECISION LAND SURVEYING, INC. 19-1556 August 21, 2019 3:35:40



CLIENT:

Company:	Turf Distributors
Address:	42505 Rionedo Road
	Temecula, CA 92590
Requested By:	Dillon Georgian

TEST MATERIAL:

Date Material Received:	February 8, 2021
Material Type:	Synthetic Turf
Material Condition:	Excellent, New
Material ID:	Flow 75
Infill:	16 Grit Sand, to ¾" exposed tuft

TESTING METHODS REQUESTED:

<i>Testing Services Inc. was instructed by the client to test for the following...</i>		
Standard:	ASTM F1551	Test Method: Standard Test Methods for Comprehensive Characterization of Synthetic Turf Playing Surfaces and Materials: Suffix-DIN 18-035, Part 6: Water Permeability of Synthetic Turf Systems and Permeable Bases

SAMPLING PLAN:

Sampling Date:	2/8/2021
<ul style="list-style-type: none"> <li>Specimen sampling is performed in the sampling department at TSI.</li> <li>The sampling size of specimens is determined by the test method requirements.</li> <li>In the event a specific sampling size is not called for, a determination will be made based on previous testing experience, and approved for use by an authorized manager.</li> <li>All samples are subjected to the outside environmental conditions of temperature and relative humidity.</li> <li>Sample requiring pre-determined exposure to specified environmental conditions based on a specific test method, take place in the departments in which they are tested</li> </ul>	

DEVIATION FROM TEST METHOD:

State reason for any Deviation from, Additions to, or Exclusions From Test Method.
None

PROCEDURE:

This test method determines the rainfall drainage capacity (permeability) of the playing surface. Test data values represent drainage rates vertically thru the turf with infill listed above, and do not take into account the percolation properties of a pad and/or an underlying sub base. Three specimens, 11.5" diameter, were cut from the 15' turf roll, side-center-side manner. Each turf specimen was securely fastened to the permeability tube using mechanical flanges, ensuring vertical water flow thru the product. Water was pumped into the tube faster than could exit, until the water level reached 6". The water source was shut off, allowing the accumulated 6" water level to recede. The recede was timed via stopwatch until the water level exited the turf. The flow time was recorded in seconds. This procedure was repeated a total of 4 times where, the first pass was for conditioning, with passes 2,3,4 used for averaging. This process was repeated on the remaining specimens.

TEST SUMMARY:

Specimen #	Drainage (Seconds)	gal/min/yd <sup>2</sup>	Rainfall Capacity (inches/hour)
1	21.5	94.0	288.3
2	17.3	116.8	358.2
3	17.8	113.3	347.5
Average			331.3 inches/hour

Uncertainty:

We undertake all assignments for our clients on a best effort basis. Our findings and judgments are based on the information to us using the latest test methods available.

TSI can only ensure the test results for the specific items tested.

Unless otherwise noted in the deviations sections of this report, all tests are performed in compliance with stated test method.

Test Report Approval:

Erle Miles, III, Lab Director Testing Services (TSI) LLC

TSI Accreditation: Our laboratory is accredited by the US Dept. of Commerce, National Institute of Standards and Technology: ISO/IEC 17025:2005. Our code # is: NVLAP 100108-0. TSI is an Organizational Member of ASTM (American Society for Testing and Materials). TSI is a certified independent testing laboratory by the STC (Synthetic Turf Council).



Testing Services (TSI) LLC  
 817 Showalter Avenue  
 PO Box 1343  
 Dalton, GA 30721

## DETAILED SPECIFICATION SHEET

### FLOW 75 OLIVE >>



#### Recommended Uses

- Landscape
- Commercial
- Play Areas
- Pets

Flow 75 Olive is equipped with Optimum Flow™ technology for exceptional drainage. This is our preferred product for pet applications due to its permeability and slightly stiffer blade structure, which makes cleaning a breeze. Flow 75 Olive is also perfect for landscape, putting fringe, and anywhere else a medium density product is needed.



16 Year Warranty

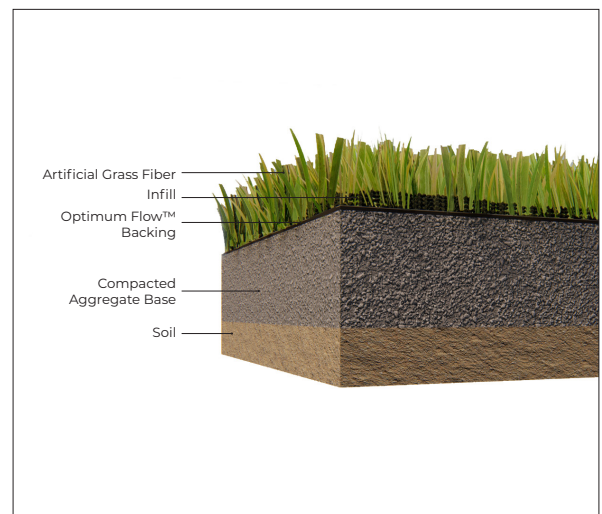


Optimum Flow™ Technology



Made in the U.S.A.

Yarn Type	UV Polyethylene - W Shape
Denier	10800 / 4400
Approximate Pile Height	1.5 in.
Machine Gauge	3/8 inch
Roll Size	15 x 100 linear feet
Approximate Infill Amount	1.0 lb / psf
Primary Backing	Optimum Flow™
Total Product Weight	83.66 oz/yd <sup>2</sup>
Pile Yarn Weight	49.20 oz/yd <sup>2</sup>
Average Tuft Bind Strength	10.8 lbs/force
Total Lead Content	<0.5 mg/Kg
Pill Flammability	8 out of 8 Pass
Water Permeability	331.3 in/hr
QUV Accelerated Weathering	Color: 9 / Texture: 10



**VistaPet™**

16-Year Product Warranty 



dura**blade**™  **PFAS FREE**



Recommended Uses

- Pets & Kids
- High Traffic
- Living Spaces

VistaPet™ is engineered to meet the specific needs of pet owners, providing a safe, durable, and easy-to-maintain solution. Our turf stands out due to its innovative features and high-quality construction, making it the ideal choice for any pet-friendly environment

Yarn Type	DuraBlade™ - Wave Blade
Denier	11,337
Pile Height	~1.125"
Machine Gauge	3/8"
Roll Size	15' x 100'
Primary Backing	TriFlow Backing™
Product Weight	~90 oz
Pile Yarn Weight	~59oz
Average Tuft Bind Strength	3.0 lbs of force
Total Lead Content	0.66 ppm
Pill Flammability	8 Out of 8 Pass
Water Permeability	88" per Hour

VistaScape™  
**VistaPet**



## Stock VistaPet and Boost Your Sales!

### The Ultimate Paw Perfect Turf

VistaPet is a premium, high-quality turf solution specifically designed for pet-friendly environments. Its unique features, superior durability, and exceptional safety make it a standout product that provides unmatched value for pet owners.

## Benefits for Pet Owners



### Easy Cleanup

#### High Flow Rate

The high flow rate helps wash away messes quickly, ensuring the turf remains hygienic and odor-free.

#### Moisture-Wicking Properties

Keeps the surface dry, preventing odors and maintaining a comfortable environment for pets.

### Durability

#### Withstands Heavy Use

Designed to handle the demands of active pets, providing a reliable and long-lasting solution.

### Safety First

#### PFAS Free & Lead Free

Ensures a safe play area for pets and children, offering peace of mind to pet owners.

# Key Features of VistaPet



## TriFlow Backing™

### Three-Layer Backing System

1. **Strong Woven Polypropylene Base:** The bottom layer is made from durable polypropylene, ensuring your grass stays strong and stable, even under heavy use.
2. **Flexible Non-Woven Polypropylene:** The middle layer enhances the structural strength of your turf while maintaining excellent permeability and flexibility. This ensures robust support without compromising water flow.
3. **Clear, Thin but Robust Coating:** The top layer features a clear coating that helps bind the artificial grass fibers in place, adds to the overall strength of the backing, and still allows water to flow through easily, ensuring your lawn remains dry and safe even after heavy rainfall.



### Excellent Drainage

Quickly channels water away to keep the turf dry and ready to use.

### Long-Lasting Durability

Built to withstand wear & tear, ensuring it remains beautiful and resilient for years.

### Superior Fiber Binding

The clear coating ensures that grass fibers are securely held in place, enhancing overall stability and longevity.

## DuraBlade™ Technology

### Robust Construction

Ensures the blades remain strong & resilient, providing long-lasting performance.

### Aesthetic Appeal

Mimics the look and feel of natural grass, enhancing any outdoor area.

## Pet & Child Safe

### PFAS Free & Lead Free

Guarantees a safe environment for pets and children.

### Safe for Pets & Children

Parents can be confident that their children can play on the turf without exposure to harmful substances.



**Total Weight**  
~91 oz.



**Face Weight**  
~64 oz.



**Pile Height**  
1.125"



**Warranty**  
16-Years



## Join Us Today!

Stock VistaPet and Provide Your Customers with the Best in Pet-Friendly Artificial Turf.

(951) 384-6540

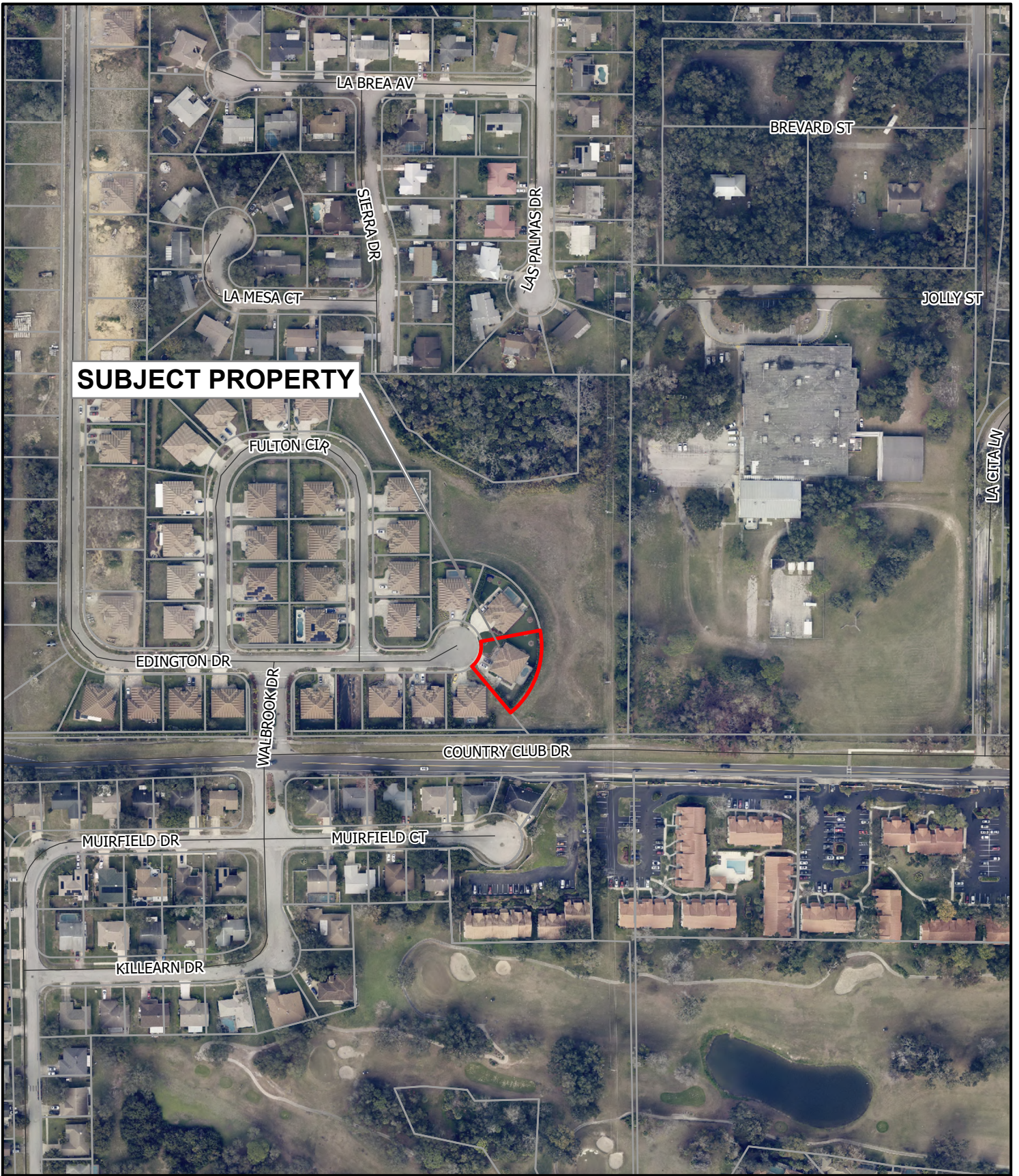
info@turfdistributors.com

www.turfdistributors.com

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## Sec. 30-321. Plant materials.

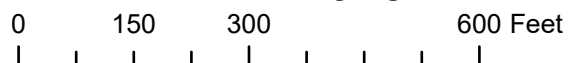
- (a) *Quality:* Plant material used in conformance with the provisions of this article shall be good, healthy and sturdy plants. All plant material shall be Florida #1 grade or better. Plant materials which are known to be intolerant of paving environments or whose physical characteristics may be injurious 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.

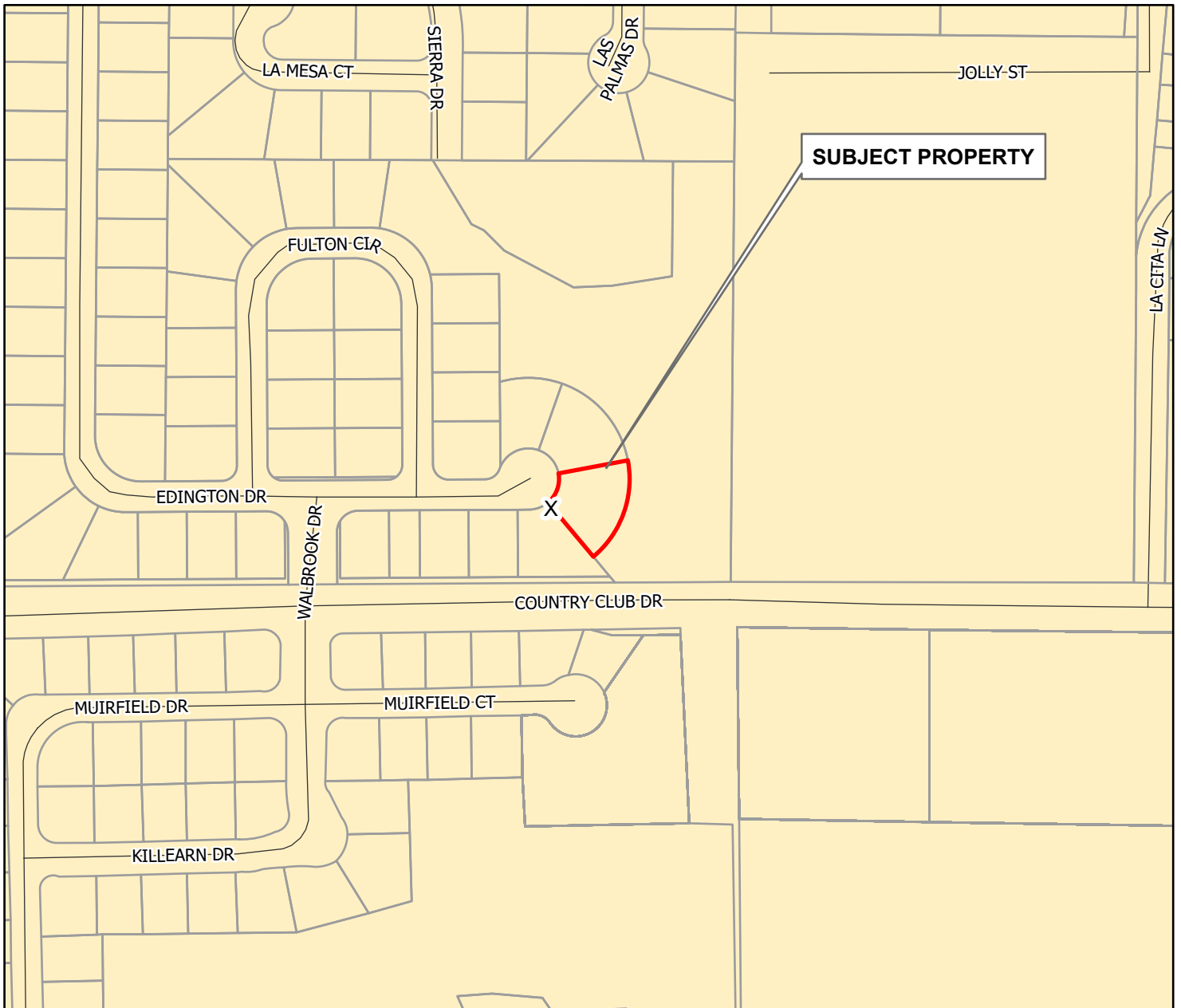


**SUBJECT PROPERTY**



# Aerial 2024 VAR #11-2025

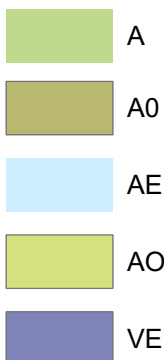




# FEMA FLOOD HAZARD AREAS

## VAR #11-2025

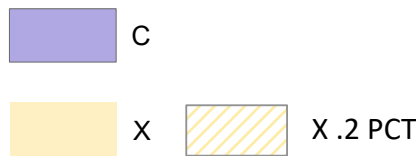
### Special Flood Hazard Area Zones



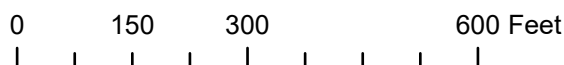
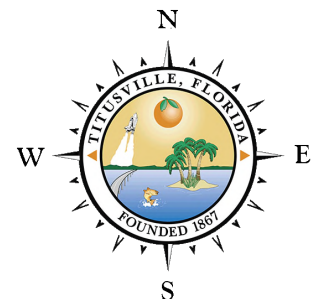
### Moderate Flood Hazard Area Zone

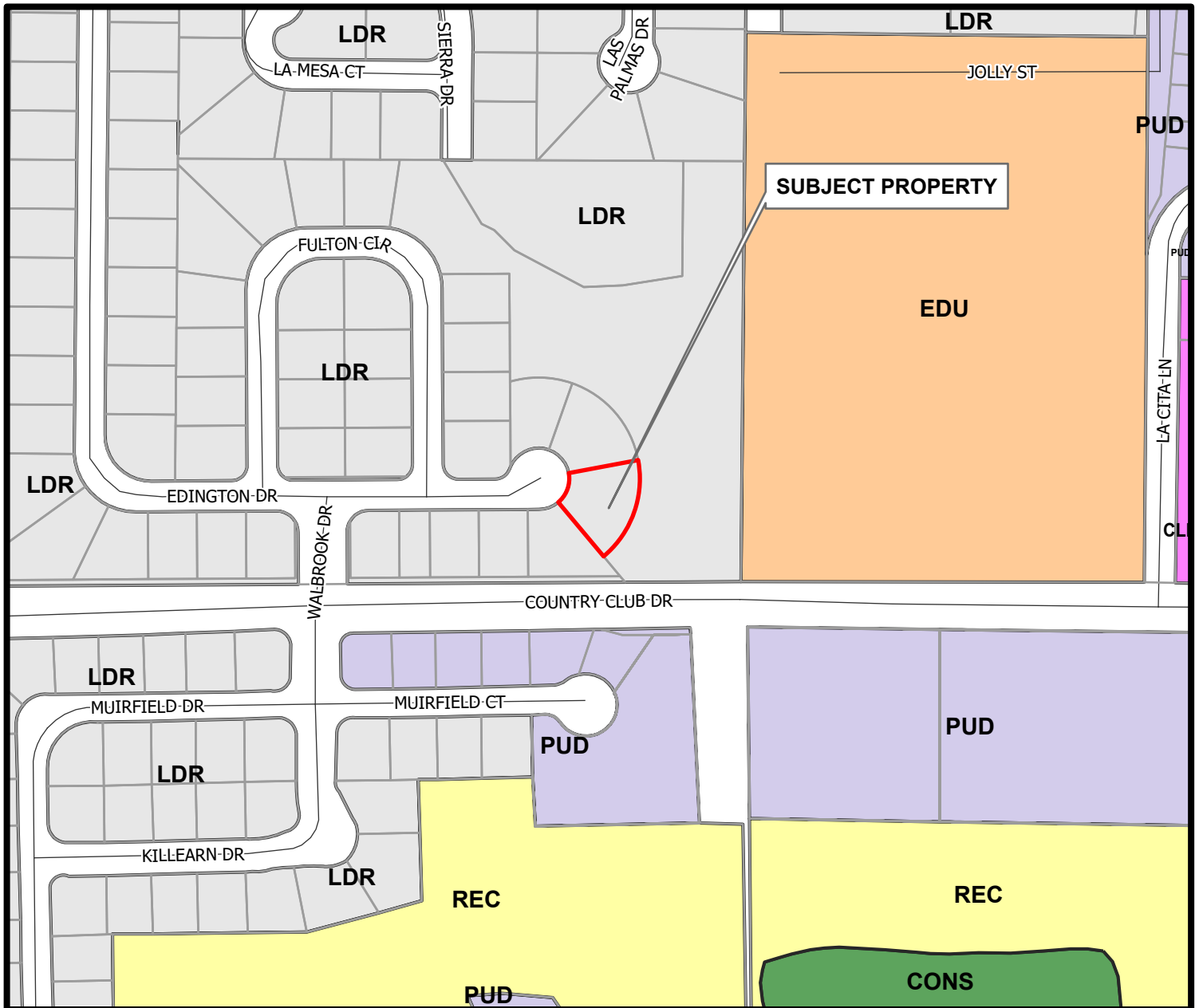


### Minimal Flood Hazard Zones



### Other Flood Zone Areas

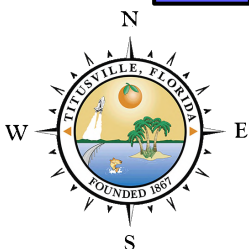




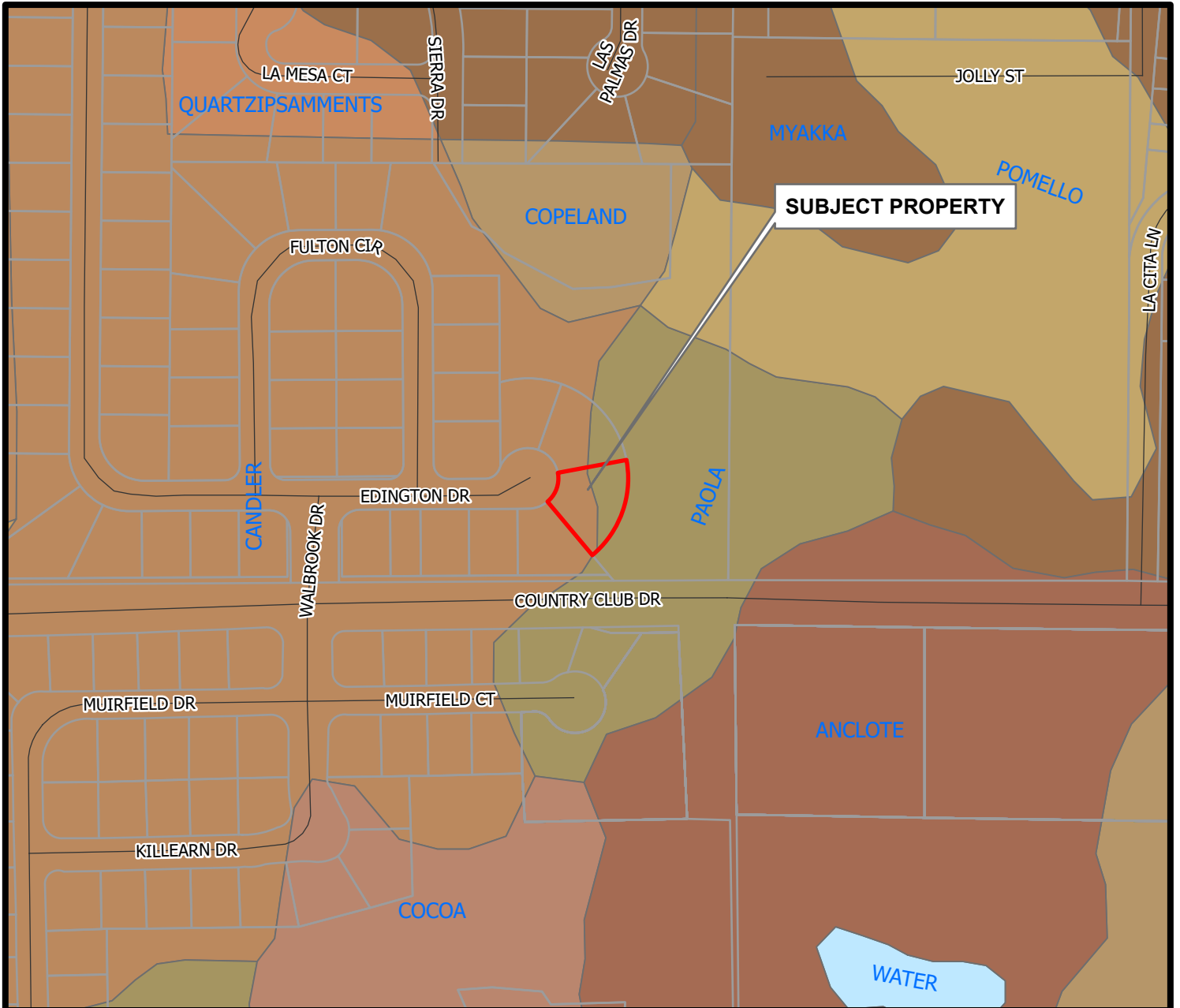
## LOCATION OF PROPERTY AND FUTURE LAND USE MAP

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











Subject

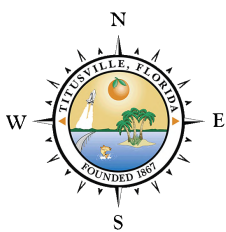


0 150 300 600 Feet



## SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR #11-2025

SoilName	 MYAKKA
 ANCLOTE	 PAOLA
 Candler	 POMELLO
 COCOA	 QUARTZIPSAMMENTS
 COPELAND	 WATER
 EVERGLADES	

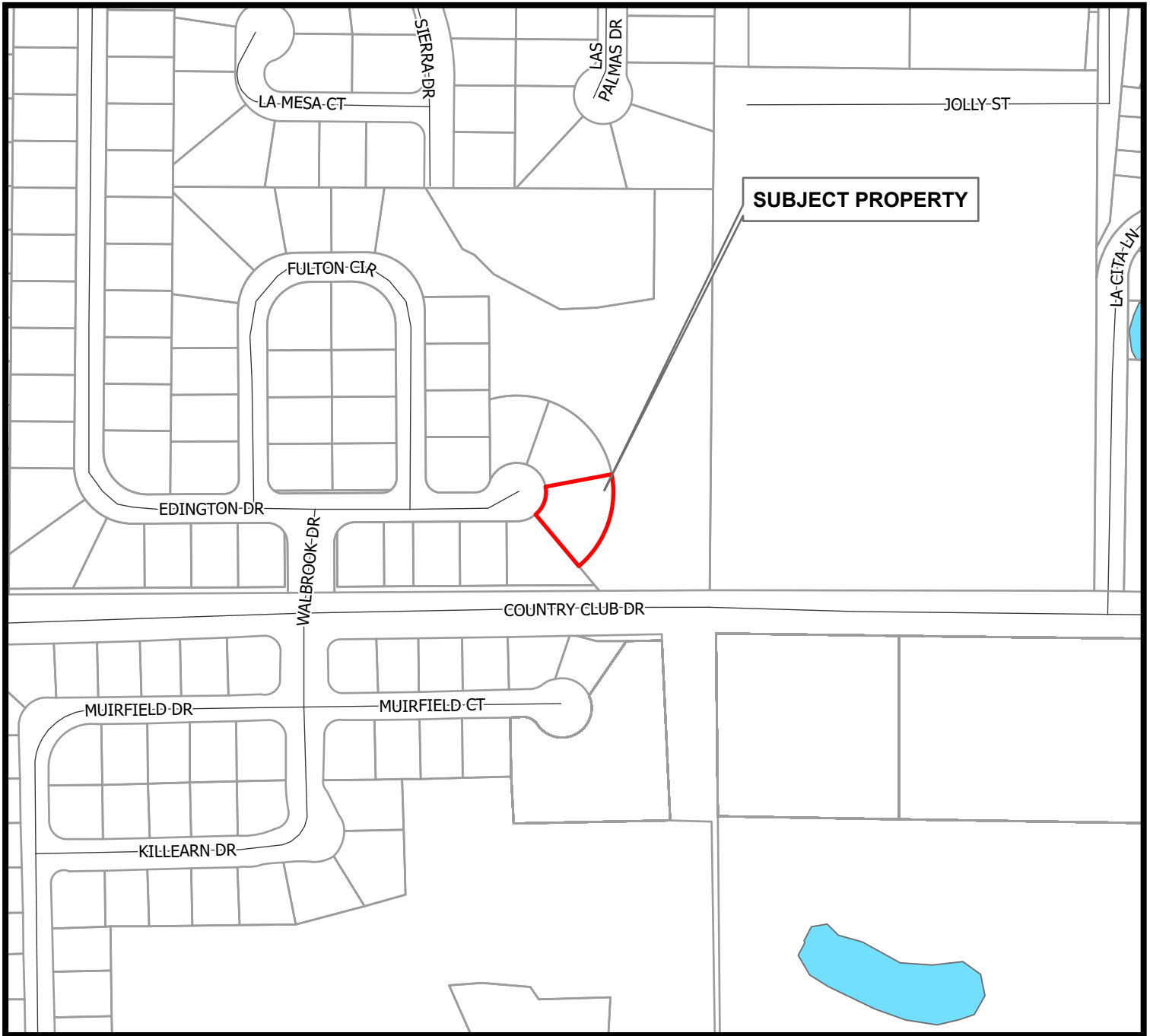


Community Development Department

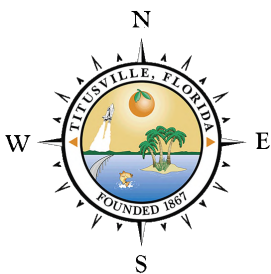
0 150 300 600 Feet

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

4/2/2025



# WETLANDS IN VICINITY OF PROPERTY VAR



## WETLAND\_TY

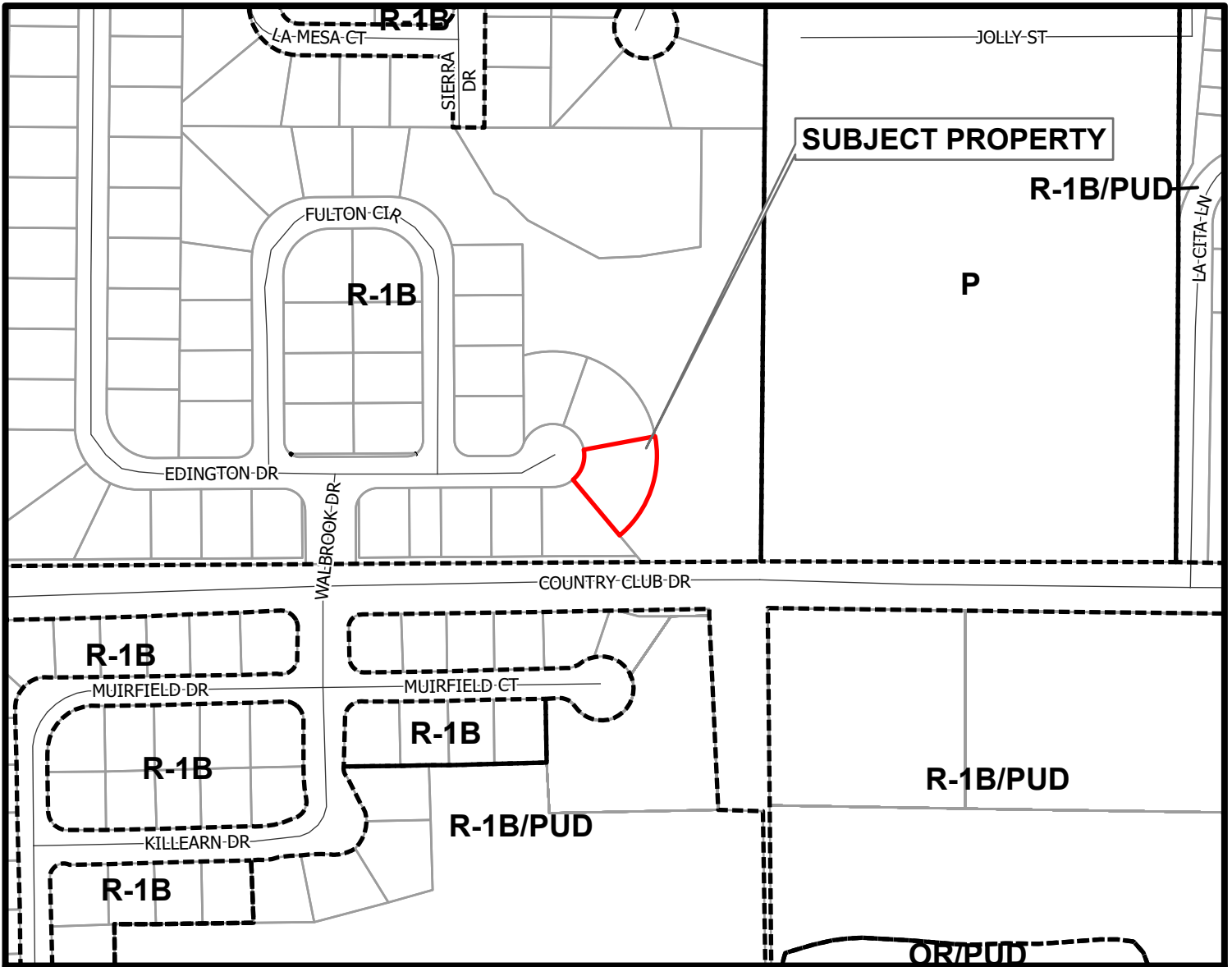
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland

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

4/2/2025

Scale:1:3,000

Community Development Department  
Source: USFWS NWI (2023)



# 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

## 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
- IRC-N INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRC-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

## INDUSTRIAL DISTRICTS

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

## OVERLAY DISTRICTS

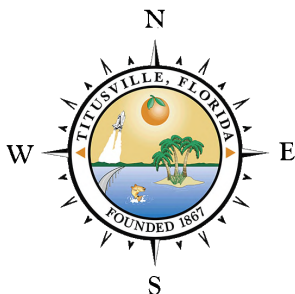
- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREA
- ACC AREA OF CRITICAL CONCERN
- HPA HISTORIC PRESERVATION AREA

## Base Map

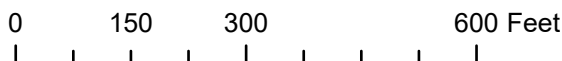
City Limits

Zoning

Subject



## VAR #11-2025



**City of Titusville**  
"Gateway to Nature and Space"

REPORT

**To:** Members of the Board of Adjustments and Appeals  
**From:** Chelsea Farrell, Interim City Attorney  
**Subject:** **Proposed Amendment to By-Laws**  
**Department/Office:** City Attorney

**Recommended Action:**

Approve amendment to Bylaws.

**Summary Explanation & Background:**

At the April 23, 2025, meeting Member Wheelus made a motion to put on the agenda for the next meeting an amendment to the Board of Adjustments and Appeals By-Laws Article XI. Voting to as follows: Alternate members may be permitted to participate in discussion and provide input on agenda items as a member of the Board of Adjustments and Appeals when not officially appointed by the chairman to fill in for an absent regular member. Alternate members may not be permitted to vote unless appointed as a voting member, and participation shall be in compliance with Resolution No. 24-2997.

**Alternatives:**

Do not approve the amendment to the by-laws.

**Item Budgeted:**

**Source/Use of Funds/Budget Book Page:**

**Strategic Plan:**

**Strategic Plan Impact:**

**ATTACHMENTS:**

1. BAA By-Laws Amendment 5.19.25

**BY-LAWS FOR  
THE BOARD OF ADJUSTMENTS AND APPEALS**

**City of Titusville, Florida**

**ARTICLE I. OBJECTIVES AND PURPOSES**

Section 1. The objectives and purposes of the Board of Adjustments and Appeals shall be those set forth in the City Charter and City Ordinances for the City of Titusville.

**ARTICLE II. MEMBERSHIP**

Section 1. Membership shall be in accordance with the provisions of the City Charter and City Ordinances of the City of Titusville.

**ARTICLE III. OFFICERS AND THEIR DUTIES**

Section 1. The officers of the Board of Adjustments and Appeals and their duties shall be as prescribed in Chapter 31, Article IV, Land Development Regulations, as amended, establishing the Board of Adjustments and Appeals.

**ARTICLE IV. ELECTION OF OFFICERS**

Section 1. The Chairman and Vice Chairman of the Board of Adjustments and Appeals shall be selected as provided in Section 31-54(a), Land Development Regulations, as amended, establishing the Board of Adjustments and Appeals.

Section 2. The Secretary shall be selected as provided in Section 31-54(e), Land Development Regulations, as amended, establishing the Board of Adjustments and Appeals.

**ARTICLE V. MEETINGS**

Section 1. Regular meeting of the Board of Adjustments and Appeals shall be held on the Wednesday following the fourth Tuesday of each month at 6:00 P.M. at City Hall in the City of Titusville. If the agenda for any regular meeting contains only a single, non-critical item, the Chairman, with the concurrence of City Staff and the applicant, may cancel the regular meeting and defer action on the item to the next regularly scheduled meeting. The Board, by an affirmative vote of four members, may from time to time change the day of a regular meeting provided that the City Clerk is given notice of such change thirty (30) days in advance.

- Section 2. In the event that the Chairman, or in his absence the Vice Chairman, feels that an additional special meeting is required, or upon written request of four members of the Board of Adjustments and Appeals, a special meeting shall be called. The special meeting under this provision shall be held at any time convenient to the Board, after reasonable notice is given to all members of the Board. The Board may at said special meeting, consider any matters properly before it.
- Section 3. Each member shall be notified of the place and date of each meeting by the Secretary by a written notice or by telephone at least 24 hours prior to any adjourned, called, or special meeting under Section 2 above.
- Section 4. All regular meetings or adjourned meetings shall be open to the public.
- Section 5. All meetings in which official action is to be taken shall be opened to the general public for public discussion.

#### ARTICLE VI. ORDER OF BUSINESS

- Section 1. At regular or adjourned meetings open to the public, the general order of business before the Board shall be as follows:
- I. Call to order by the Chairman, Vice Chairman, or temporary elected chairman.
  - II. Pledge of Allegiance
  - III. Roll Call and Determination of a quorum.
  - IV. Approval of Minutes.
  - V. Quasi-judicial Confirmation Procedures.
  - VI. Consent Agenda Items.
  - VII. Old Business.
  - VIII. New Business.
  - IX. Petitions and Requests from the Public.
  - X. Reports.
  - XI. Adjournment
- Section 2. Citizens present having business before the Board shall be invited to speak only prior to consideration of the matter with which they are concerned. If, in the opinion of the Chairman, time limitations are necessary in order to carry out the agenda, the Chairman may place time limits for each speaker appearing before the Board.
- Section 3. The Press shall not take part in the business of the meeting but may, however, request clarification on matters or action in need of same. Prior to adjournment, after the completion of all business before the Board, the

Press may be invited to question the Board regarding matters of business which have been the subject of the meeting.

Section 4. The order of business for all or special meetings shall be the same as for regular meetings.

Section 5. In order to provide an opportunity for the discussion of problems and business before the Board prior to the making of a motion, it shall be the duty of the Chairman or Acting Chairman to state the matter of business to the Board and to provide a period of discussion of the facts relevant to the problem prior to entertaining a motion relative to the item of business. However, after a motion is made and seconded, the Chairman may ask for additional discussion if deemed necessary.

Section 6. Following the adjournment of the public hearing, the Board of Adjustments and Appeals shall reconvene to consider and decide matters properly before the Board. The decisions of said Board shall be communicated to all interested persons as soon as practically possible and the formal written decision shall be filed as provided in the ordinance creating the Board of Adjustments and Appeals.

#### ARTICLE VII. QUORUM

Section 1. For the purpose of transacting business at any regular meeting, adjourned, special or called meeting, four members shall constitute a quorum and an affirmative vote of four members shall be required to pass on any matter, except that an affirmative vote of three members shall suffice to pass on a motion to deny a request for a variance.

#### ARTICLE VIII. MINUTES

Section 1. The Board of Adjustments and Appeals shall keep a record of minutes of all meetings, and these minutes shall become a public record after approval of the Board of Adjustments and Appeals.

Section 2. It shall be the duty of a secretary to prepare minutes for all regular, adjourned, or special meetings of the Board of Adjustments and Appeals.

Section 3. The Secretary shall sign all minutes, after their preparation and acceptance by the Board of Adjustments and Appeals certifying that the minutes are an accurate and correct record of the proceedings of the meeting.

#### ARTICLE IX. COMMITTEES

Section 1. The Chairman may appoint such committees as he may deem necessary from time to time.

ARTICLE X. HEARINGS

Section 1. The Board of Adjustments and Appeals may hold public hearings when deemed expedient and necessary on all matters which may come before the Board. Notice of such hearings shall be in accordance with the provisions of the City Charter and Ordinances of the City of Titusville.

Section 2. Committees or sub-committees, either standing or special, may hold hearings on any matter before such committee as deemed appropriate by the committee concerned with the subject matter. Committees shall not hold official or legal public hearings.

ARTICLE XI. VOTING

Section 1. Voting on all variances and appeals before the Board shall be made by roll call. The Secretary shall record the vote of each member in a rotating order. In no case shall a member request that his vote be deferred to a position on the roll call other than rotating order. All other items before the Board may be by voice vote.

Section 2. No member present shall abstain from voting of roll call vote unless it is established that such member has a conflict of interest in the matter being voted upon.

Section 3. The Chairman shall be an ex-officio member on all committees, both standing and special, but shall have no vote in the committee.

Section 4. Alternate members may be permitted to participate in discussion of and provide input on agenda items as a member of the Board of Adjustments and Appeals when not officially appointed by the chairman to fill in for an absent regular member. Alternate members may not be permitted to vote unless appointed as a voting member, and participation shall be in compliance with Resolution No. 24-1997.

ARTICLE XII. PARLIAMENTARY AUTHORITY & ORGANIZATION  
PROCEDURE

Section 1. The rules contained in the last revised edition of Roberts Rules of Order as published by the Scott Publishing Company shall apply in all meeting of the Board and committees to the extent that such rules are not in conflict with these By-Laws. The Board of Adjustments and Appeals and committees thereof shall comply with the organizational procedure set forth in these By-Laws.

ARTICLE XIII. CORRESPONDENCE & COMMUNICATIONS

Section 1. Official communications of the Board of Adjustments and Appeals to the City Council of the City of Titusville shall be in writing and all original records, recommendations, and reports shall be kept in the file of the Board of Adjustments and Appeals by the City Clerk of the City of Titusville.

Section 2. It shall be the duty of the Secretary to draft and sign all correspondence necessary for the execution of the duties and functions of the Board of Adjustments and Appeals. Any correspondence, notices, (other than administrative procedures), and communications originating from the Board of Adjustments and Appeals shall be approved by an affirmative vote of four members of the Board of Adjustments and Appeals.

Section 3. All official papers, reports, studies, and plans involving the authority of the Board of Adjustments and Appeals, after acceptance by an affirmative vote of at least four members of the Board, shall bear the signature of the Chairman, or Vice Chairman in the absence of the Chairman, together with certification signed by the Secretary and the Chairman.

#### ARTICLE XIV. AMENDMENT

Section 1. Amendment to the By-Laws must be presented for discussion at one meeting and voted upon at the next meeting. All proposed amendments must be presented in writing and must be approved by the affirmative vote of at least four members of the Board.

City of Titusville  
"Gateway to Nature and Space"

REPORT

**To:** Members of the Board of Adjustments and Appeals  
**From:** Brad Parrish, Community Development Director  
**Subject:** **Variance 13-2025 - 5650 S Washington Avenue**  
**Department/Office:** Planning

**Recommended Action:**

Consider the requested variance to allow more than the maximum total floor area of all detached accessory buildings to exceed six hundred (600) square feet on lots larger than one (1) acre for property located at 5650 S Washington Ave.

**Summary Explanation & Background:**

The applicant is requesting a variance to the Land Development Regulations, Chapter 28, Section 28-392. Accessory buildings and structures. Section 28-392(a) – To allow more than the maximum total floor area of all detached accessory buildings to exceed six hundred (600) square feet on lots larger than one (1) acre, for property consisting of 5.35 +/- acres, for property located in the Office Professional (OP) zoning district, at 5650 S Washington Ave, Titusville, FL 32780, as submitted by Richard Wrubel, authorized applicant of North Brevard County Hospital District DBA Parrish Medical Ctr, 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 13-2025 Staff Report
2. Exhibit A
3. Application
4. Survey
5. Existing Structures, Site Plan from Applicant
6. Plot Plan from Permit #25-1142
7. Code
8. All Maps VAR#13-2025



# City of Titusville Community Development

1 **BOARD OF ADJUSTMENTS AND APPEALS**

2 **Variance (VAR) No. 13-2025, 5650 S. Washington Avenue**

3 **Meeting Date:** May 28, 2025

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

5 **Applicant:** North Brevard Hospital District dba Parrish Medical Center, Applicant

6 **Background**

7 (a) Variance request: The applicant is requesting a variance to the Land Development  
8 Regulations, Chapter 28, Section 28-392. Accessory buildings and structures.  
9 Section 28-392(a) – To allow more than the maximum total floor area of all  
10 detached accessory buildings to exceed six hundred (600) square feet on lots larger  
11 than one (1) acre, for property consisting of 5.35 +/- acres, for property located in  
12 the Office Professional (OP) zoning district, at 5650 S Washington Ave, Titusville,  
13 FL 32780, as submitted by Richard Wrubel, authorized applicant of North Brevard  
14 County Hospital District DBA Parrish Medical Ctr, Owner.

15 (b) Location: 5650 S. Washington Avenue, Titusville, FL 32780. Tax No. 2217909.  
16 Parcel I.D. 22-35-35-00-251.

17 (c) Land Description: PART OF NW 1/4 LYING E OF RR R/W & W OF US HWY 1  
18 AS DES IN ORB 2639 PG 2312.

19 (d) Future Land Use: Commercial High Intensity & Conservation.

20 (e) Zoning: Office Professional (OP) & Open Space & Recreation (OR)

21 (f) Surrounding Zoning Districts.

22 1. North: Community Commercial (CC)

23 2. South: Unincorporated Brevard County

24 3. East: Regional Mixed Use (RMU) & Open Space & Recreation (OR)

25 4. West: Florida East Coast Railroad & Open Space & Recreation (OR)

**Board of Adjustments and Appeals: Variance No. 13-2025**

1 (g) Lot Characteristics: The subject property is a rectangular shaped parcel measuring  
2 approximately 5.35 acres (233,046 square feet) with 889.76 feet of frontage along  
3 U.S 1/S Washington Ave. The dimensions meet the minimum 43,560 sq. ft. lot area  
4 and 150-foot width requirements of the OP zoning district

5 (h) Uses: Daycare center constructed in 2000.

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,  
10 or impose an unnecessary hardship upon the applicant. In order to authorize any  
11 variance to the provisions of such ordinance, the Board must consider the following  
12 criteria:

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

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

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

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

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

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

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

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

31 **Analysis**

32 The applicant is requesting a variance to allow the floor area of all detached accessory  
33 structures to exceed the maximum six hundred (600) square feet on a lot larger than  
34 one (1) acre. Per section 28-392(a) of the Land Development Regulations, the total

**Board of Adjustments and Appeals: Variance No. 13-2025**

1 floor area of all detached accessory buildings shall not exceed six hundred (600)  
2 square feet on lots larger than one (1) acre.

3 There are ten (10) detached accessory structures currently existing on the property.  
4 All structures, existing and proposed, have been outlined in Exhibit A in the table  
5 listed on page 4. Of the ten detached accessory structures, five were permitted  
6 through the city’s building permit process (ID No. 1, 2, 3, 4, & 5). The last permitted  
7 structure was completed in 2012. The permitted structures have a cumulative 2,132  
8 square feet of area. There is also an additional detached accessory structure, a shade  
9 structure of unknown size that was not permitted through the city’s building permit  
10 process. It is staff’s understanding that this structure was damaged during the last  
11 hurricane season and is being replaced with the proposed 3,300 square foot pole barn.  
12 Permit 25-1142 is currently under review for the pole barn (ID. No 10).

13 The other four existing accessory structures (ID No. 6, 7, 8, & 9) were constructed  
14 prior to receiving a building permit. Their cumulative size is 542 square feet of area.  
15 There is a total of 5,974 square feet of existing and proposed detached accessory  
16 structures on the 5.35-acre property, which is 5,374 square feet above the maximum  
17 600 square feet permitted.

18 **Recommendation**

19 Staff recommend **approval** of a portion of the variance request to allow the floor area  
20 of all the detached accessory structures to equal 2,132 square feet. This will bring the  
21 detached accessory structures that have received a building permit into conformity  
22 with the Land Development Code.

23 Staff recommend **denial** for the remainder of the variance request for 3,842 square  
24 feet of floor area for the nonpermitted and proposed detached accessory structures.  
25 There are no special conditions or circumstances which are peculiar to the land. The  
26 lot meets the development standards of the zoning district. Granting the variance  
27 could provide a special privilege that is otherwise denied by ordinance

**Board of Adjustments and Appeals: Variance No. 13-2025**

ID No.	Permit No.	Type	Size	Use
1.	04-3088	Prefabricated Shed	200 square feet (10'x20')	Storage
2.	08-8401	Prefabricated Shed	240 square feet (12'x20')	Storage
3.	12-0536	Shade Structure	900 square feet (30'x30')	Shade
4.	12-0536	Shade Structure	600 square feet (30'x20')	Shade
5.	12-0928	Shade Structure	192 square feet (24'x8')	Shade
6.	Nonpermitted Structure	Shade Structure	64 square feet (8'x8')	Shade
7.	Nonpermitted Structure	Shade Structure	324 square feet (18' Round)	Shade
8.	Nonpermitted Structure	Shade Structure	49 square feet (7' Round)	Shade
9.	Nonpermitted Structure	Shade Structure	105 square feet (3'x35')	Shade
10.	Permit 25-1142 *Permit under review, structure not yet constructed*  Replacing nonpermitted shade structure of unknown size	Pole Barn	3,300 square feet (55'x60')	Shade
<b>Total</b>	<b>Permitted structures</b> – 2,132 square feet <b>Nonpermitted structures</b> – 542 square feet <b>Structure pending permit</b> – 3,300 square feet		5,974 square feet total	<b>Variance requested 5,374 square feet</b>

# Exhibit A

## F.E.C. RAILROAD (100' R/W)

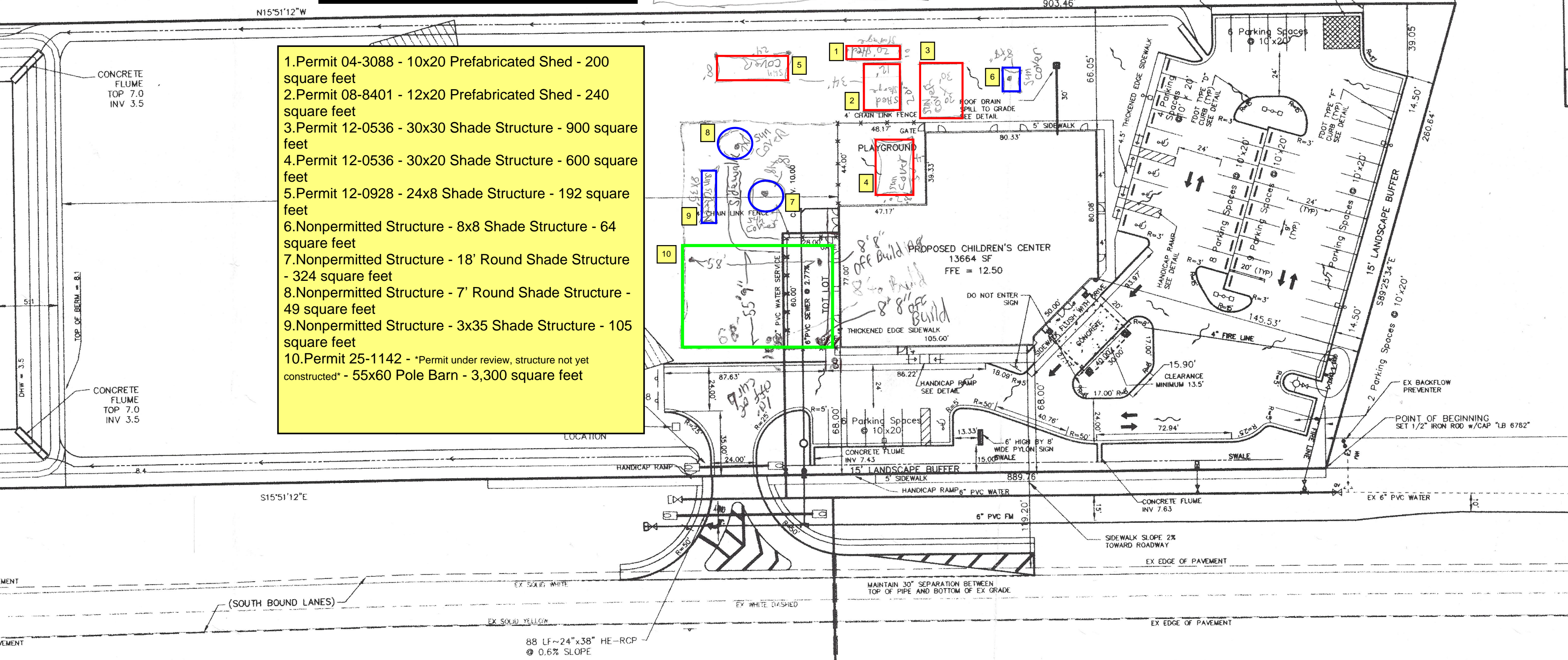
<span style="color: red;">—</span>	Existing & issued building permit
<span style="color: blue;">—</span>	Existing & no building permit
<span style="color: green;">—</span>	Pending construction & pending permit

SUN COVERS

5534	8x24' 192	18x18	324
total	30x30 900	7x7	49
sq ft	8x8 64	3x35	105
	30x20 600	55x60	3300

Storage sheds  
 12x20=240  
 10x20=200  
 440 total sqft

1. Permit 04-3088 - 10x20 Prefabricated Shed - 200 square feet
2. Permit 08-8401 - 12x20 Prefabricated Shed - 240 square feet
3. Permit 12-0536 - 30x30 Shade Structure - 900 square feet
4. Permit 12-0536 - 30x20 Shade Structure - 600 square feet
5. Permit 12-0928 - 24x8 Shade Structure - 192 square feet
6. Nonpermitted Structure - 8x8 Shade Structure - 64 square feet
7. Nonpermitted Structure - 18' Round Shade Structure - 324 square feet
8. Nonpermitted Structure - 7' Round Shade Structure - 49 square feet
9. Nonpermitted Structure - 3x35 Shade Structure - 105 square feet
10. Permit 25-1142 - \*Permit under review, structure not yet constructed\* - 55x60 Pole Barn - 3,300 square feet





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.

<b>1. Project Location</b>	Property Address/Location Description 5650 S. Washington Ave Titusville FL 32780		
<b>2. Applicant/ Owner</b>	Name of Applicant/Contact North Brevard Hospital District dba Parrish Medical Center		Name of Owner North Brevard Hospital District dba Parrish Medical Center
	Street Address 951 N. Washington Ave		Street Address 951 N. Washington Ave
	City Titusville State FL	Zip 32976	City Titusville FL State FL Zip 32796
	Telephone 321-268-6111 Fax #		Telephone# 321- 268-6111 Fax #
	E-Mail Address George.Mikitarian@parrishmed.com		E-Mail Address Same
<b>3. Applicant Status</b>	<input type="checkbox"/> Owner <input type="checkbox"/> Tenant <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Other		
<b>4. Parcel ID</b>	22-35-35-00-251		<b>Tax Acct.</b>
<b>5. Site Size</b>	Acres: 5.35		Square Feet: 16823 sq ft
<b>6. Property Information</b>	Current Zoning Commercial		Current Use of Property
<b>7. Variance(s) Requested</b>	<i>Section Number</i>	<i>LDR Requirement</i>	<i>Variance Requested</i>
	1) 28, 392	1) 600 sf	1) 2700 sq ft
	2)	2)	2)
	3)	3)	3)
	4)	4)	4)
	5)	5)	5)
<b>8. Narrative</b>	Please provide a brief description of your request and the proposed project: Our project is to build a 55' x 60' shade structure over our children's playground. The current 600 sq ft limit is insufficient for our large play area, which requires adequate protection from sun exposure and inclement weather. This structure will enhance the safety and well-being of the children, allowing for year-round outdoor play while minimizing health risks.		

**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/

(Signature\*)



(Date)

4/9/2016

*\* 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: \_\_\_\_\_

### **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?

We are unable to comply with the 600 sq ft limitation due to the size of our playground, which is significantly larger than the area that can be covered under the current code. The primary hardship stems from our commitment to ensuring the health and safety of the children at our center. A structure of only 600 sq ft does not provide adequate protection against harmful sun exposure and inclement weather, which could lead to health issues such as heat exhaustion or increased risk of sunburn. Inadequate coverage may also limit outdoor playtime, which is essential for the children's physical and social development.

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 property has a uniquely large playground area designed for various activities and age groups. The playground's size necessitates a larger structure to effectively provide shade and shelter. Additionally, the layout of the playground, which includes multiple play zones, requires a structure that accommodates diverse play activities without restricting movement or accessibility. Unlike typical properties that may have smaller play areas, our facility is dedicated to children's development and requires a more expansive coverage solution. We have been the original owners since the property was established, and the current configuration has been in place for several years without significant alteration.

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, our variance request for a 55' x 60' structure is indeed the minimum change necessary to address our hardship. This size is specifically designed to cover the primary play areas without encroaching on adjacent properties or limiting available space for play. A smaller structure would not adequately protect the children during peak sun exposure times or during inclement weather, and thus would not fulfill our mission to provide a safe and enjoyable outdoor environment. We have carefully calculated the dimensions based on the layout of the playground, ensuring that the requested variance is essential and proportional to the area needing coverage.

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

Approval of our variance request would not likely result in harm to neighboring properties or the general public for several reasons. Firstly, the structure will be designed to blend harmoniously with the existing landscape and architecture of the center, ensuring aesthetic compatibility. Additionally, the structure will not obstruct views or access for neighboring properties. It will be constructed with materials that minimize noise and visual impact.

Moreover, the safety of the children and the community is our primary concern, and having a larger structure will promote outdoor play, which is beneficial for their health and well-being. The structure will also enhance our facility's ability to host community events and activities without compromising safety. We are committed to maintaining open communication with our neighbors to address any concerns and ensure that the structure serves its intended purpose without negatively impacting the surrounding area.



## SUBMITTAL CHECKLIST

Please fill out the following and submit the documents to the Community Development Department electronically. Payment of fees does not ensure a favorable decision. Additional information may include documents initially waived at the pre-application meeting but subsequently determined necessary by staff.

1.	Complete Application and Fees
2.	Warranty Deed
3.	Notarized Owner Authorization Form (If applicable)
4.	Legal Description (from a certified survey)
5.	Certified Survey (sealed and containing permanent reference points as described by Chapter 177, Florida Statutes, with bearings, distances and closures) in electronic PDF format.
6.	Digital plot or site plan, drawn to scale, illustrating the variance requested.
7.	Names, addresses and address labels for all property owners within 100 feet of the subject property. <i>Note: This listing is available from either the Brevard County Property Appraiser's Office or the City of Titusville Planning Department. Current charge for this service is \$35.00.</i>
8.	Pre-Application Meeting Held – Date: Staff in Attendance:

Applicant Signature\*\*

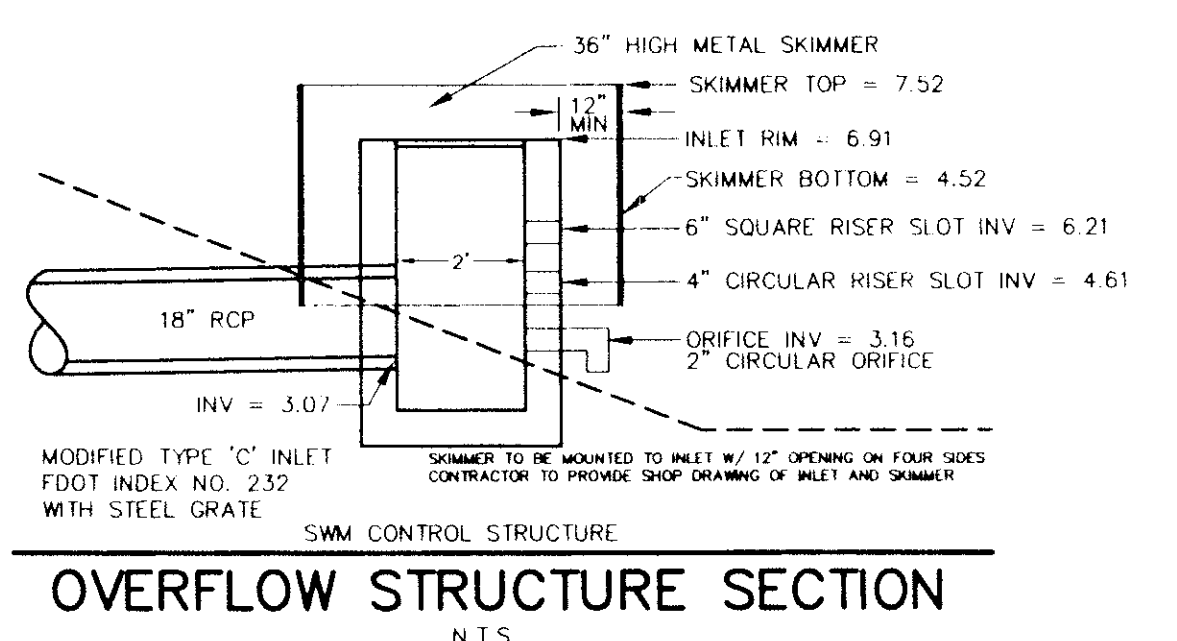
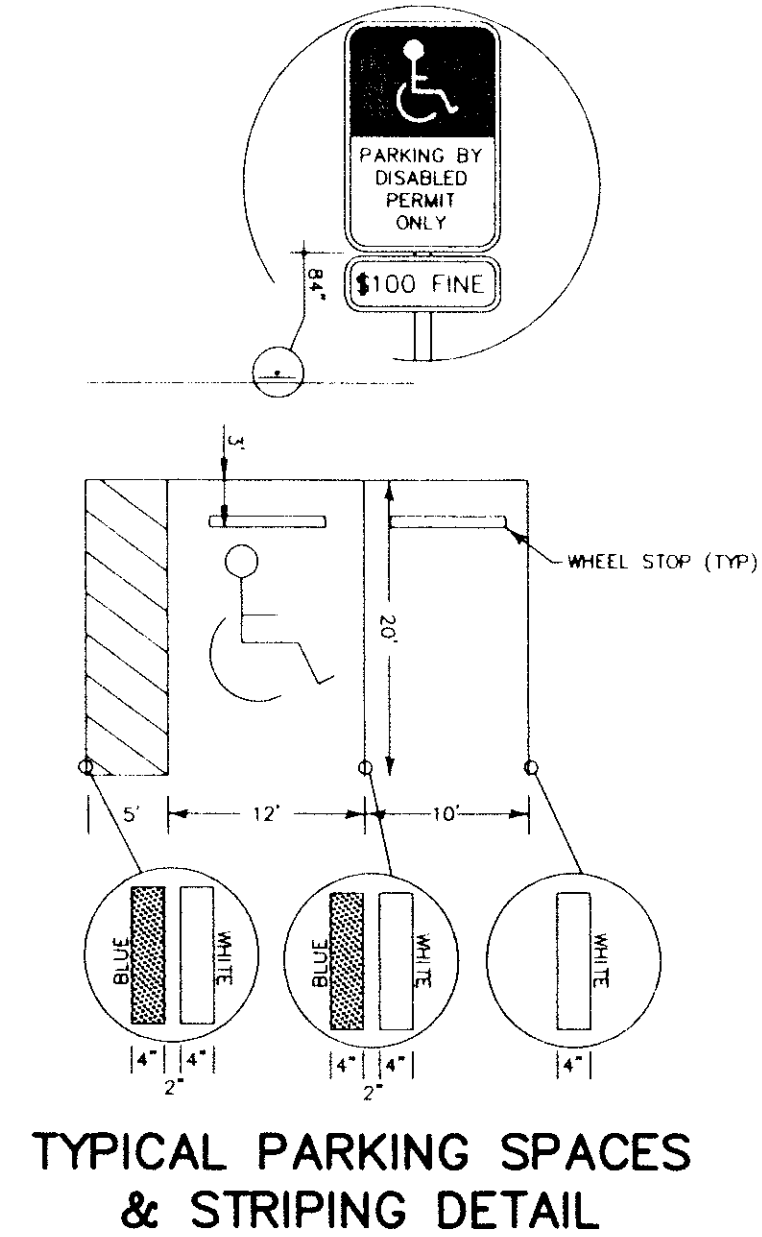
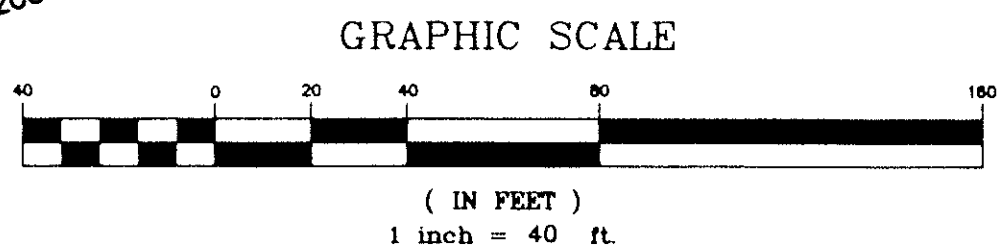
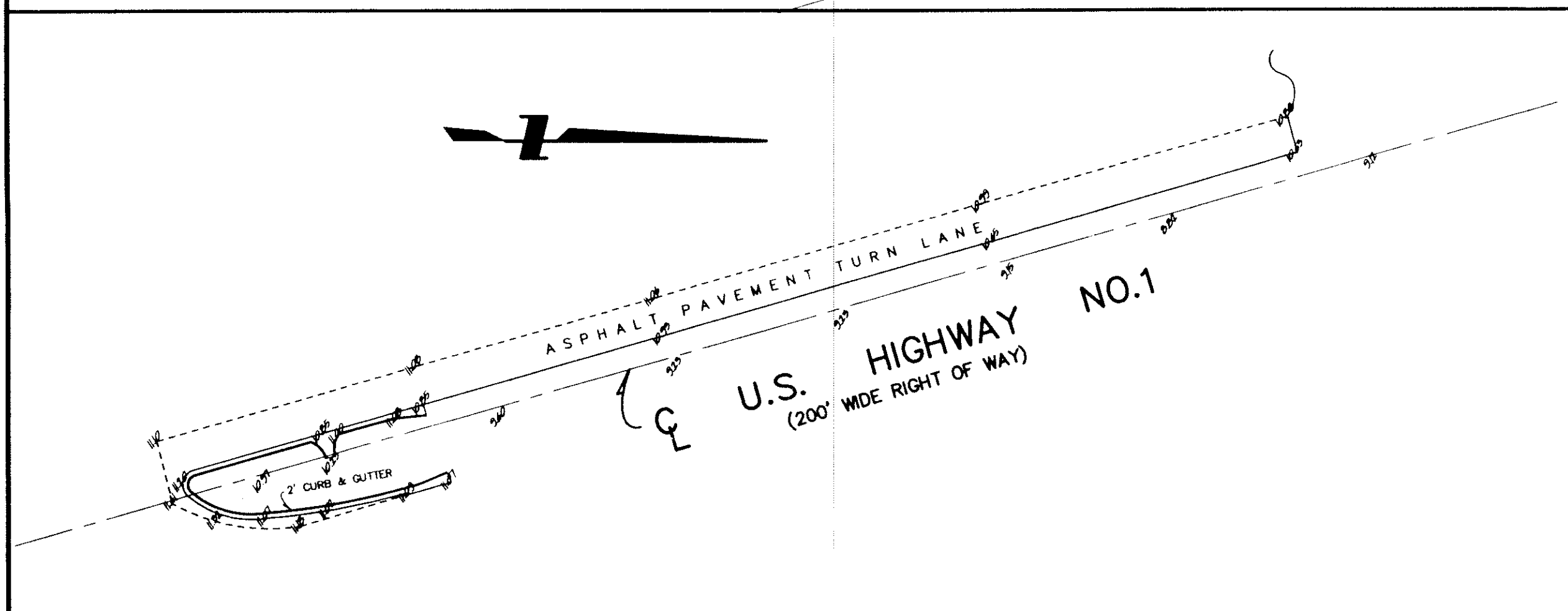
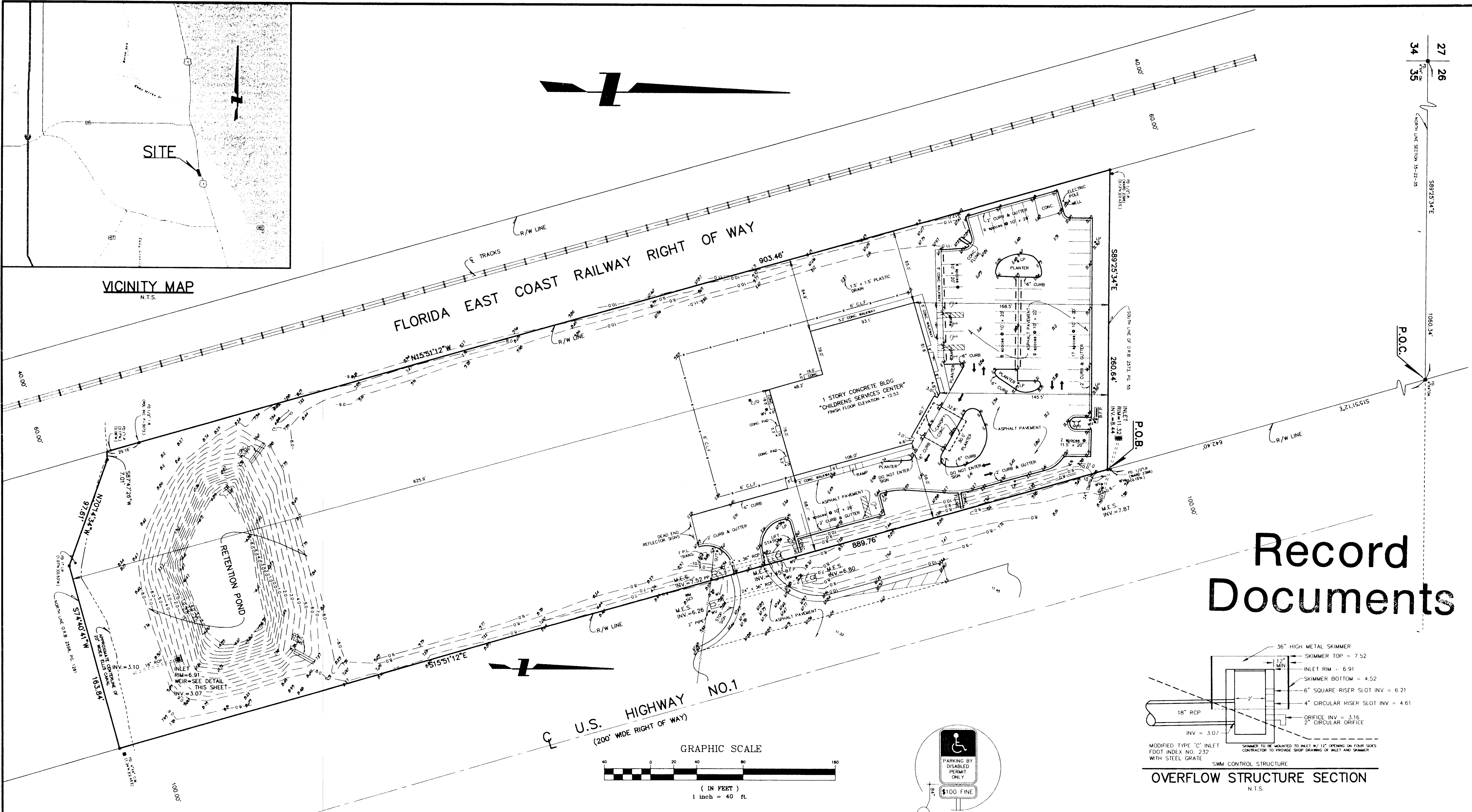
/s/

*[Handwritten Signature]*

Date

*4/9/2015*

**\*\*** 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.



STORMWATER MANAGEMENT POND VOLUMES

	PERMANENT POOL	TREATMENT VOLUME
REQUIRED	57,206 CF	27,472 CF
PROVIDED AT ELEV.	98,836 CF 3.16 FT	27,762 CF 4.61 FT

I HEREBY CERTIFY THAT THE NEW PAVEMENT, DRAINAGE SYSTEM, AND STORMWATER MANAGEMENT SYSTEM VOLUMES APPEAR TO BE SUBSTANTIALLY IN ACCORDANCE WITH THE APPROVED CONSTRUCTION PLANS AND THAT THE GRADES SHOWN HEREON ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AS PREPARED BY HONEYCUTT AND ASSOCIATES, INC.

CERTIFIED BY: \_\_\_\_\_  
G. WALLACE McCULLOCH  
REGISTERED ENGINEER NO. 45561

# Record Documents

DATE	DATE
DATE	DATE
DATE	DATE

**Honeycutt & Associates, Inc.**  
ENGINEERS-SURVEYORS-PLANNERS  
5195 South Washington Avenue - Titusville, Florida 32780  
(321) 267-6233 Fax (321) 269-7847

DATE	SCALE	AS SHOWN	DATE	REVISION
7/28/2000	AS SHOWN	AS SHOWN		
20050				

**PAVING & DRAINAGE ASBUILT**

FOR  
**NORTH BREVARDS CHILDREN'S SERVICES CENTER**  
NO. 99-11-003

**FLORIDA**  
**BREVARD COUNTY**

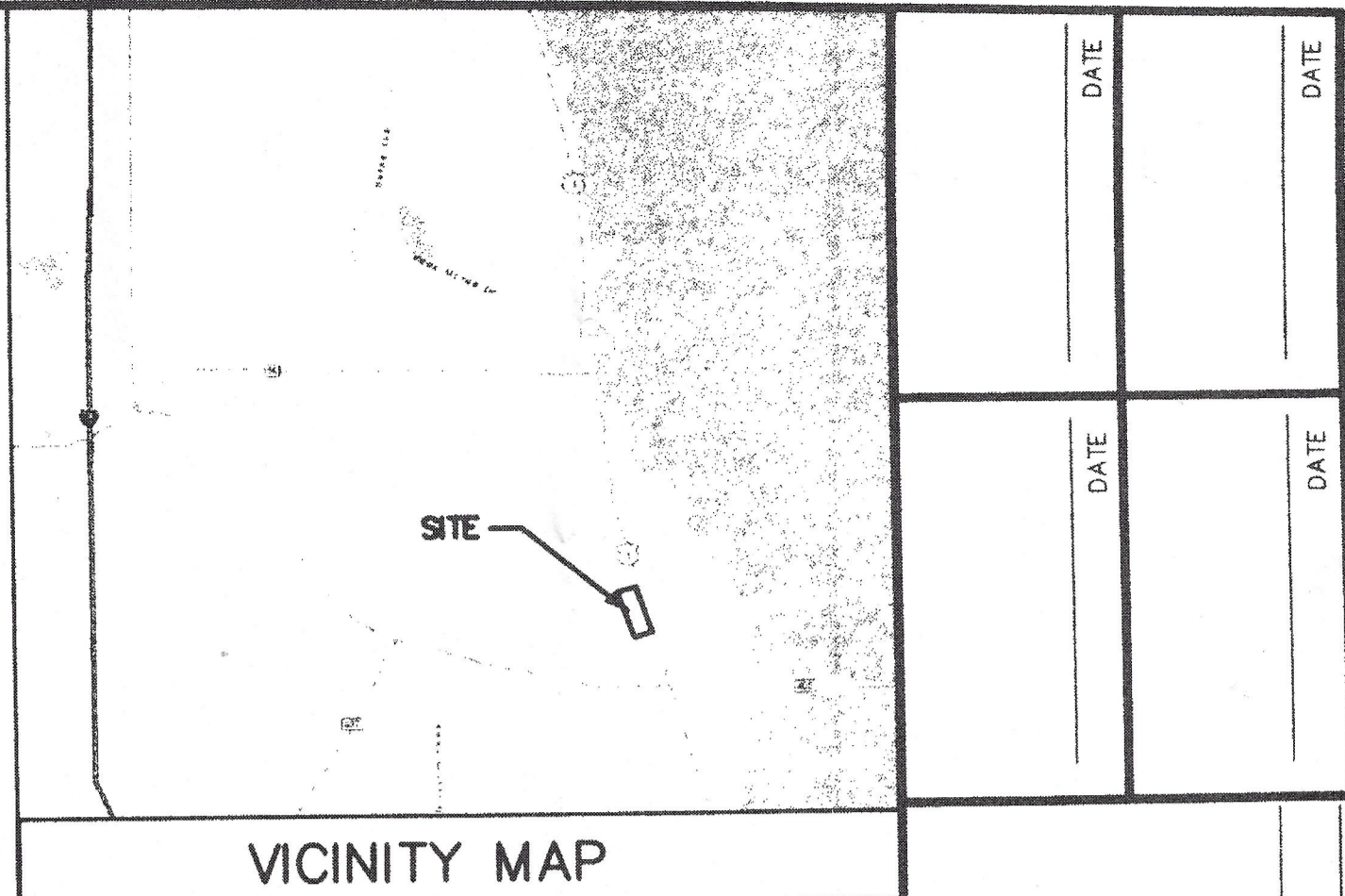
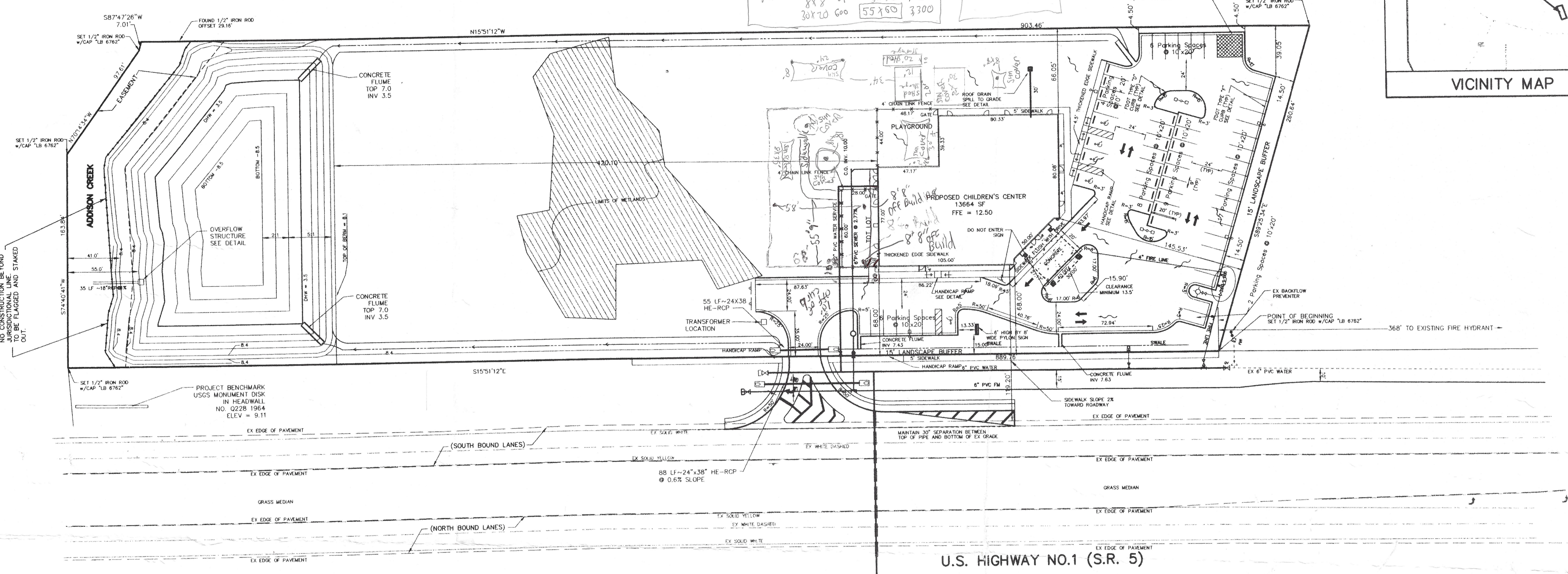
SHEET NO: 1 OF 1  
CADD FILE: NBMSasb  
FILE NO. S.35 T.22 Page 101 of 206

F.E.C. RAILROAD (100' R/W)

Storage sheds

5534	8'x24' 192	18'x18' 324
total	30x30 900	7'x7' 49
	8'x8' 64	2'x3.5' 105
	30'x20' 600	55'x60' 3300
		440 total sqft

Storage sheds  
12x20=240  
10x20=200  
440 total sqft

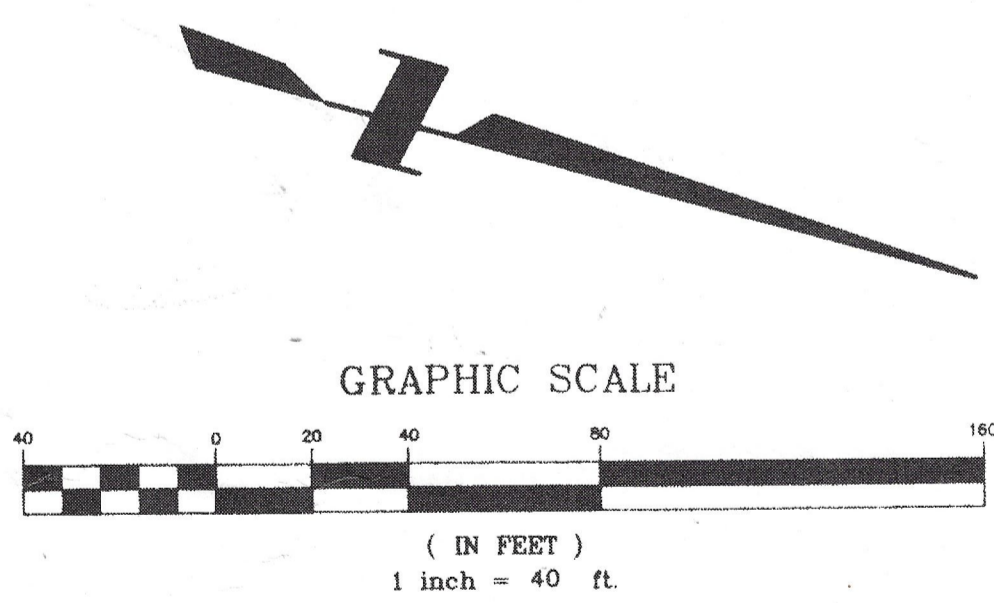


DATE	DATE
DATE	DATE

APPROVED BY: \_\_\_\_\_

**Honeycutt & Associates, Inc.**  
ENGINEERS-SURVEYORS-PLANNERS  
5195 South Washington Avenue - Titusville, Florida 32780  
(321) 267-6233 Fax (321) 269-7847

U.S. HIGHWAY NO.1 (S.R. 5)  
(200' RIGHT-OF-WAY)



SITE PLAN INFORMATION AND GRAPHIC REQUIREMENTS:

- A1. GENERAL STATEMENT:  
PROPOSED: ONE STORY 13664 SQ FT MEDICAL SUPPORT/REHABILITATION CENTER OF CONCRETE BLOCK CONSTRUCTION
- A2. LEGAL DESCRIPTION:  
SHOWN ON PAGE 2. SECTION 35 TWP 22 SOUTH RANGE 35 EAST
- A3. ZONING:  
BU-1
- A4. SURVEY REFERENCE:  
HONEYCUTT & ASSOCIATES, INC.  
605 SOUTH PALM AVENUE  
TITUSVILLE, FL 32796  
DENNIS W. WRIGHT  
(407) 267-6233 VOICE - (407) 269-7847 FAX
- A5. OWNER OF RECORD:  
NORTH BREVARD MEDICAL SUPPORT, INC.  
951 NORTH WASHINGTON AVENUE  
TITUSVILLE, FL 32796  
(407)268-6101
- A6. DEED:  
PROVIDED UNDER SEPARATE COVER.
- A7. ENGINEER OF RECORD:  
HONEYCUTT & ASSOCIATES, INC.  
605 SOUTH PALM AVENUE  
TITUSVILLE, FL 32796  
DAVID PUGH, E.I.  
(407) 267-6233 VOICE - (407) 269-7847 FAX
- A8. DRAWINGS:  
6 SHEETS
- DATA TABULATIONS:
- B1. SITE AREA:  
5.25 ACRES  
228,690 SF
- B2. EXISTING AND PROPOSED STRUCTURES:  
EXISTING: NONE  
PROPOSED: 1 - SINGLE STORY CONCRETE BLOCK BUILDING (13664 SF) SEE SHEET 2
- B3. MAXIMUM AND PROPOSED DENSITY:  
N/A
- B4. BUILDING DIMENSIONS:  
BUILDING DIMENSIONS, FINISH FLOOR ELEVATIONS AND LIGHT POLE LOCATIONS ARE SHOWN ON SHEET 2
- B5. SITE LIGHTING:  
MAX HEIGHT = 30' SEE LIGHTING PLAN
- B6. SITE COVERAGE:  
TOTAL SITE AREA: 228,741 SF 100%  
IMPERVIOUS AREA: 131,865 SF 58%  
ASPHALT 115,670 SF 51%  
BUILDING 13664 SF 6%  
SIDEWALK 2531 SF 1%  
PERVIOUS AREA: 96,876 SF 42%
- B7. PARKING REQUIREMENTS:  
OFFICE PROFESSIONAL 1 SPACE/250 SF = 20 SPACES  
MEDICAL/DENTAL 1 SPACE/175 SF = 10 SPACES  
DAYCARE 1.5 SPACES/PER EMPLOYEE = 15 SPACES  
TOTAL REQUIRED: 45 SPACES (2 H/C)  
TOTAL PROVIDED: 57 SPACES (5 H/C)
- B8. COMMON OPEN SPACE:  
N/A
- B9. BUILDING HEIGHT:  
THE BUILDING WILL BE SINGLE STORY NOT TO EXCEED ZONING REQUIREMENTS
- B10. HANDICAP REQUIREMENTS:  
1 H/C SPACE PER 25 SPACES. DETAILS SHEET 2
- B11. VICINITY MAPS:  
SHOWN ON COVER SHEET
- B12. ADJACENT ZONING AND STREET LOCATIONS:  
SHOWN ON THIS SHEET.
- B13. OTHER:  
N/A
- GEOGRAPHIC REQUIREMENTS:
- C1. METES AND BOUNDS ETC.  
SHOWN ON SHEET 2
- C2. BUILDING SETBACKS AND LANDSCAPE BUFFERS.  
SHOWN ON SHEET 2
- C3. DIMENSION DRIVES, PARKING AREAS ETC.  
SHOWN ON SHEET 2
- C4. IDENTIFY SOLID WASTE REMOVAL METHOD:  
DUMPSTER PAD IN NORTHWEST CORNER OF PROPERTY
- ENGINEERING INFORMATION:
- D1. SOILS REPORT:  
UNDER SEPARATE COVER
- D2. DRAINAGE CALCULATIONS:  
UNDER SEPARATE COVER
- D3. FLOOD ZONE:  
FLOOD ZONE "X" & "A"  
FEMA MAP NO. 12009C0195 E 4/3/89
- D4. DELINEATION OF WETLANDS:

LEGAL DESCRIPTION:  
A PART OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID SECTION 35, WITH THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE RUN S15°51'12"E, ALONG THE AFORESAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 642.40 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2573, PAGE 55, AS RECORDED IN PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF LANDS HEREIN DESCRIBED; THENCE CONTINUE S15°51'12"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, A DISTANCE OF 889.76 FEET TO THE NORTHEASTLY CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2596, PAGE 1261, AS RECORDED IN SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN IN A WESTERLY DIRECTION ALONG THE NORTHERLY BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2596, PAGE 1261, THE FOLLOWING THREE COURSES AND DISTANCES, THENCE S74°40'41"W, A DISTANCE OF 163.84 FEET; THENCE RUN N70°14'34"W, A DISTANCE OF 97.61 FEET; THENCE RUN S87°47'26" WEST, A DISTANCE OF 7.01 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY; THENCE RUN N15°51'12"W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 903.46 FEET TO THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2573, PAGE 55, OF SAID PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN S89°25'34"E, ALONG SAID SOUTH LINE A DISTANCE OF 260.64 FEET TO THE POINT OF BEGINNING.  
CONTAINING 5.25 ACRES, MORE OR LESS.

SCALE	DATE
1"=40'	3/3/00
DRAWN BY	JOB NO.
DWP	20032
APPROVED	P.E. NO.
CWM	
REVISION	DATE
	3/6/00
	4/4/00
	4/13/00

SITE PLAN  
FOR  
SITE PLAN AMENDMENT #1  
SP#99-11-003  
NORTH BREVARD CHILDRENS SERVICES CENTER  
BREVARD COUNTY  
FLORIDA

SHEET NO: 2 of 8  
CADD FILE: SPAmend  
FILE NO: S35, T22S, R35E



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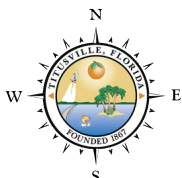
**Sec. 28-392. Accessory buildings and structures.**

- (a) In no instance shall the total floor area of all detached accessory buildings exceed three hundred (300) square feet on lots less than one (1) acre, or six hundred (600) square feet on lots larger than one (1) acre.
- (b) Detached accessory structures shall adhere to the front and side corner yard setbacks of the zoning district and shall be placed at least one hundred (100) feet from the nearest residentially zoned property.
- (c) Accessory structures placed in the front or side corner yard of commercially zoned properties shall adhere to the landscape code at the property line or close to the building.
- (d) The use shall be clearly incidental to the use of the principal building, and shall comply with all other City regulations. No accessory structure shall be used for activities not permitted in the zoning district.
- (e) Sanitary facilities and/or human habitation shall be prohibited in accessory structures.
- (f) Structures shall not be placed in any public drainage and utility easement.
- (g) Erection of tents as permanent accessory structures is prohibited.
- (h) Accessory structures shall not exceed twenty-four (24) feet in height nor the height of the principal structure, whichever is the lesser
- (i) All detached accessory structures shall conform to the following minimum setbacks:

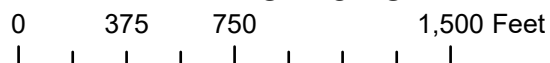
Structure Size	Structure Height	Rear Setback (in feet)	Side Setback (in feet)
300 s.f. or less	<8 ft.	5	5
300 s.f. or less	>8 ft.	10	7
301 600 s.f.	<8 ft.	12	10
301 600 s.f.	>8 ft.	15	10

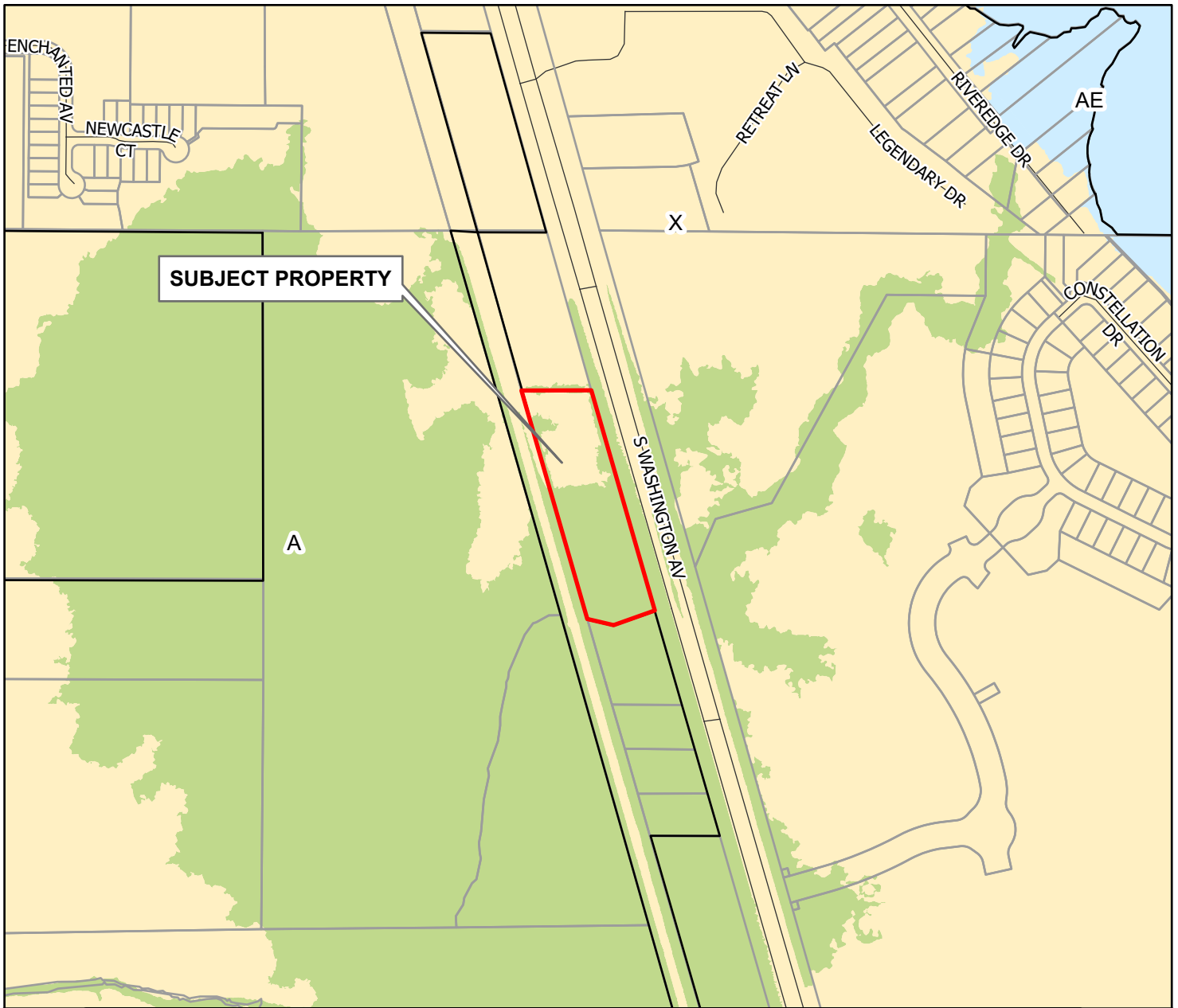


**SUBJECT PROPERTY**



# Aerial 2024 VAR #13-2025





# FEMA FLOOD HAZARD AREAS

## VAR #13-2025




### Special Flood Hazard Area Zones

-  A
-  AO
-  AE
-  AO
-  VE

### Moderate Flood Hazard Area Zone

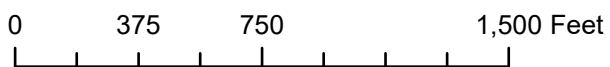
-  X5

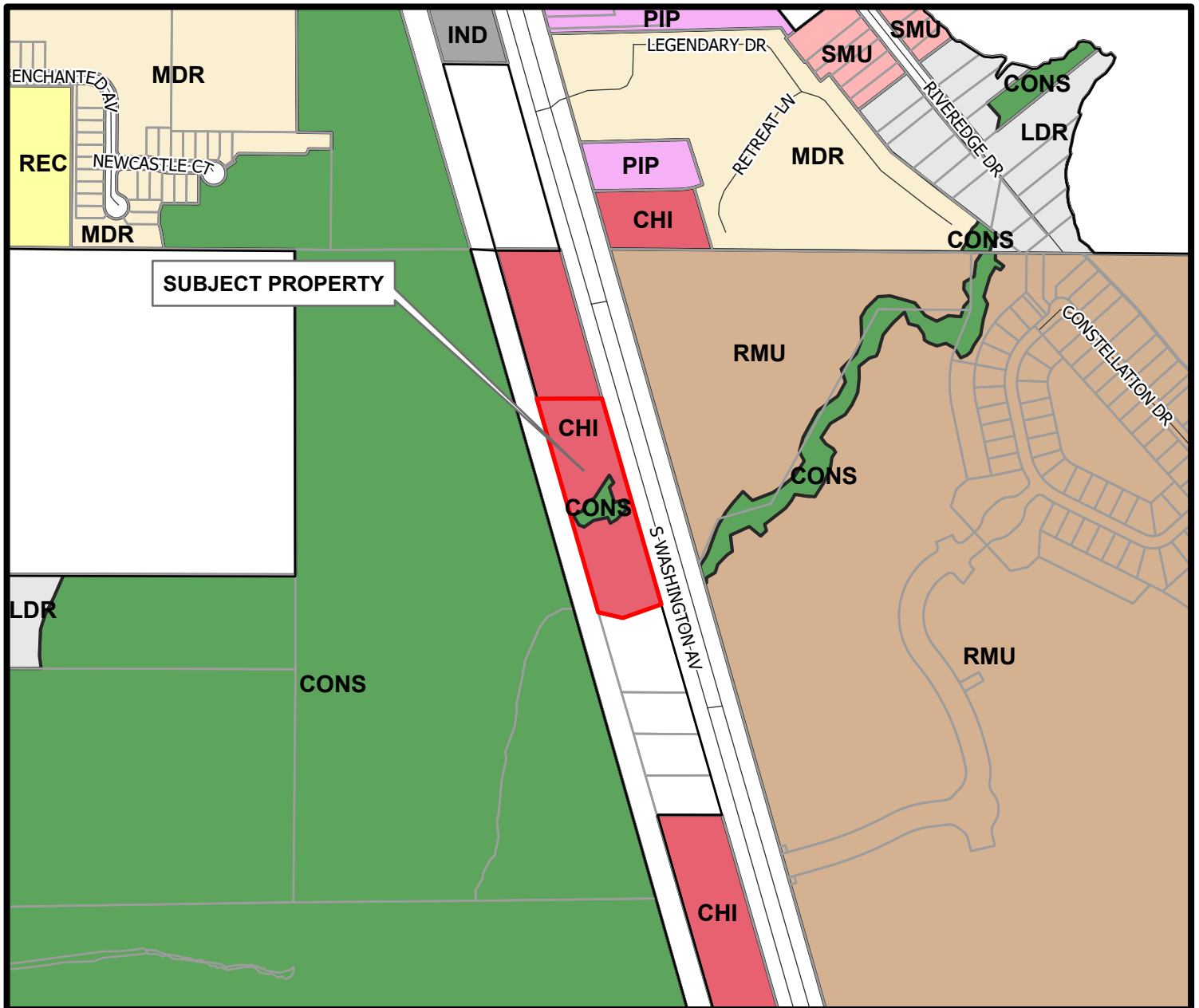
### Minimal Flood Hazard Zones

-  C
-  X
-  X.2 PCT

### Other Flood Zone Areas

-  D
-  FW

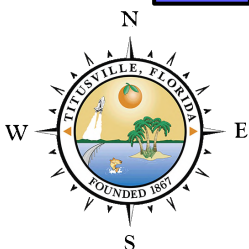




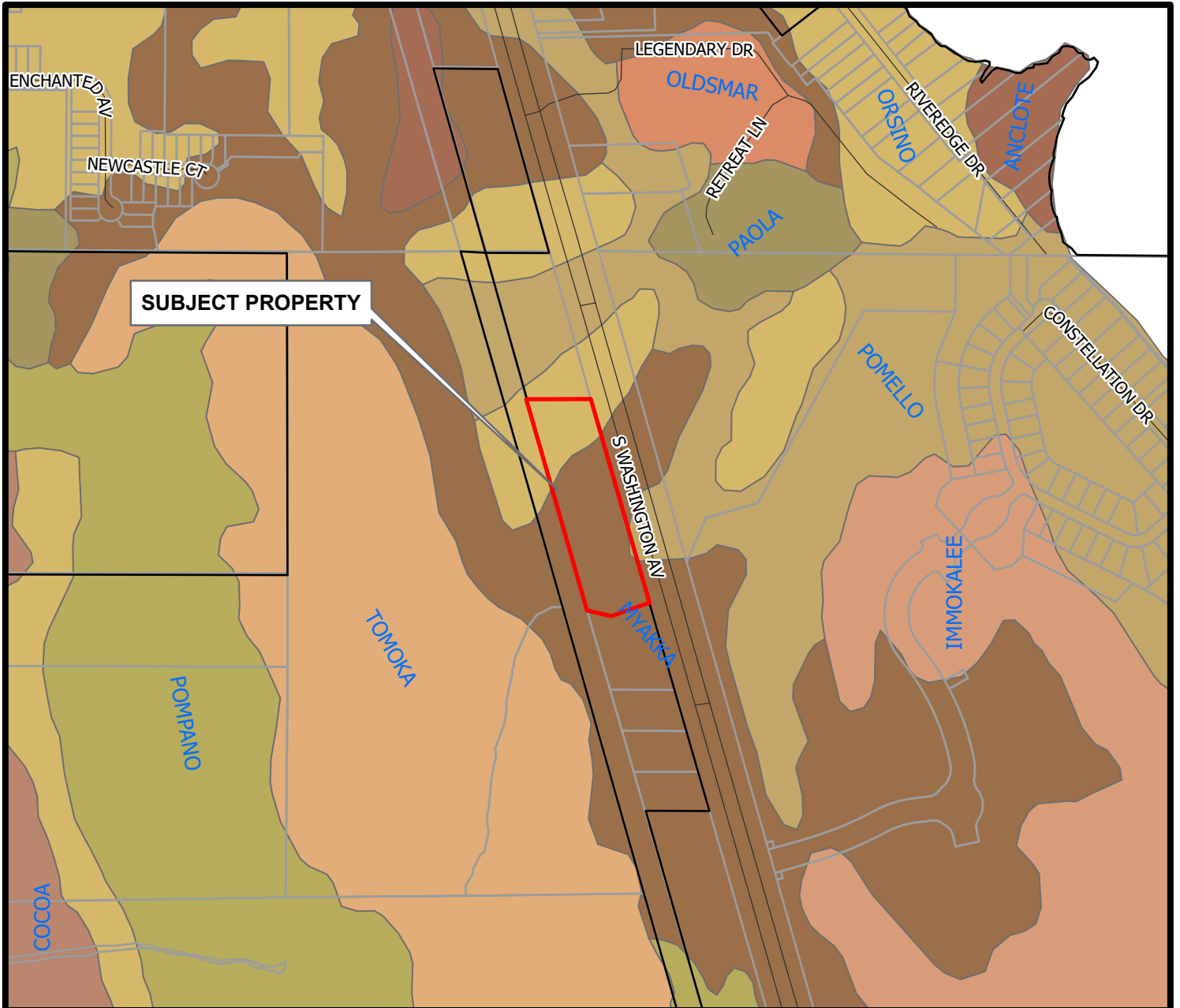
## LOCATION OF PROPERTY AND FUTURE LAND USE MAP

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









Subject

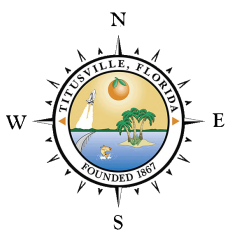


0 375 750 1,500 Feet



## SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR #13-2025

SoilName	 MYAKKA	 POMELLO
 ANCLOTE	 OLDSMAR	 POMPANO
 COCOA	 ORSINO	 TOMOKA
 IMMOKALEE	 PAOLA	



Community Development Department

0 375 750 1,500 Feet

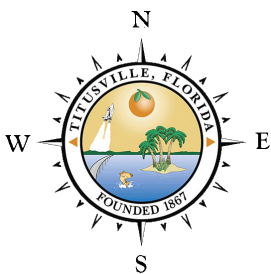
Soils data source: The U.S. Department of Agriculture, Natural Resources Conservation Service. (2019)

4/23/2025



# WETLANDS IN VICINITY OF PROPERTY

## VAR #13-2025



### WETLAND\_TY

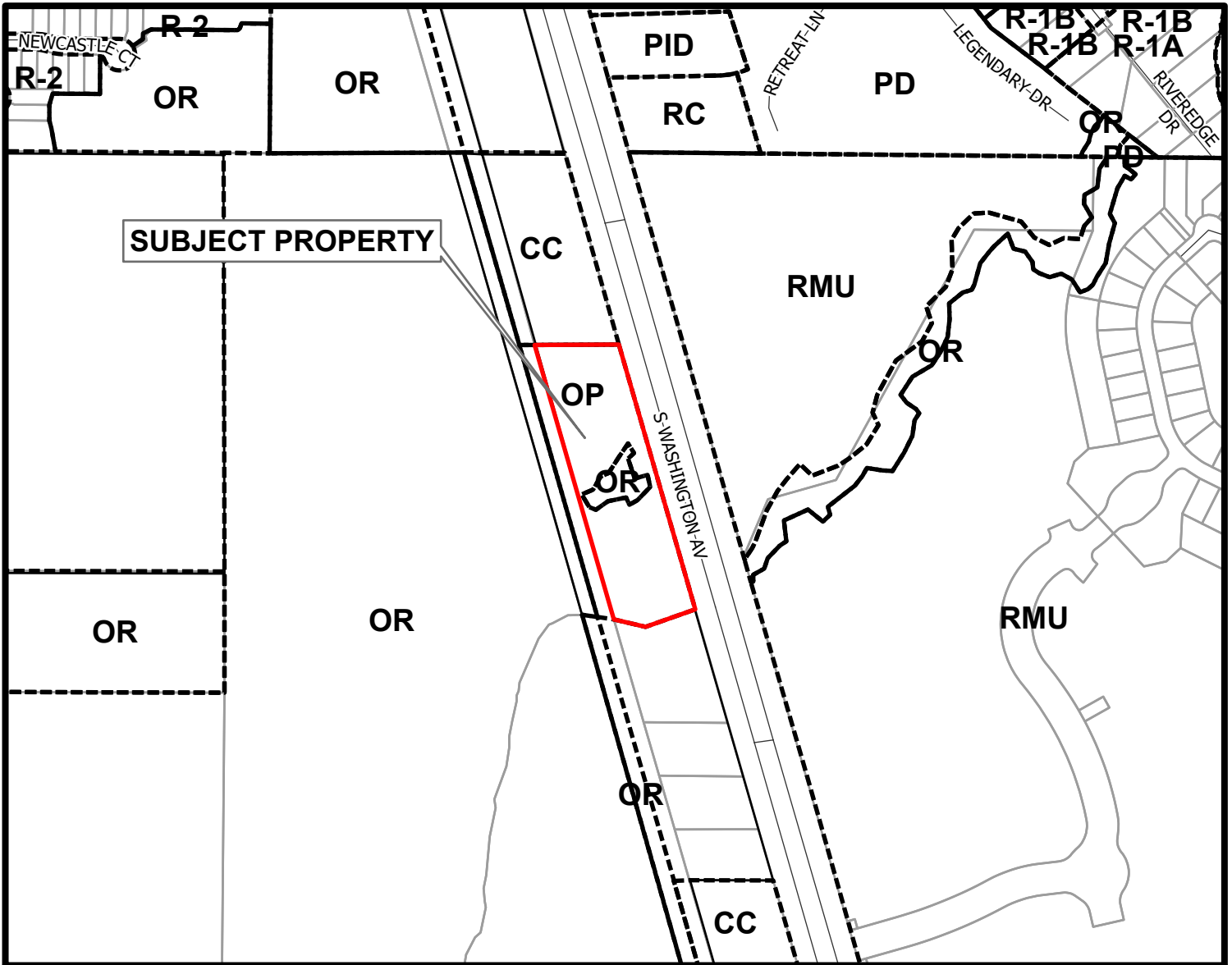
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland

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

4/23/2025

Scale:1:7,500

Community Development Department  
Source: USFWS NWI (2023)



# 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

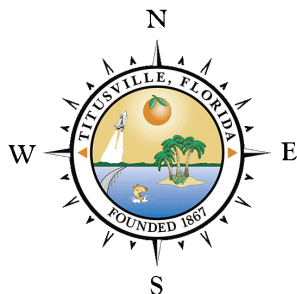
- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

## 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
- IRC-N INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRC-N-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL



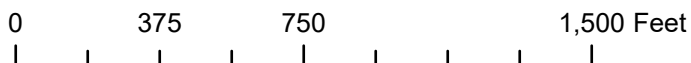
## Base Map

City Limits

Zoning

Subject

## VAR #13-2025



City of Titusville  
"Gateway to Nature and Space"

REPORT

**To:** Members of the Board of Adjustments and Appeals  
**From:** Brad Parrish, Community Development Director  
**Subject:** **Variance 14-2025 - 450 Christian Court**  
**Department/Office:** Planning

**Recommended Action:**

Consider the requested variance to allow lot areas to be less than the required 2,000 square feet, to allow less than the required 25-foot front yard setback for a primary structure, to allow less than the required 25-foot rear yard setback for a primary structure, for property located at Parcel ID # 21-35-32-64-\*5.

**Summary Explanation & Background:**

The applicant is requesting a variance to the Land Development Regulations, Chapter 28, Section 28-307. Multifamily High Density Residential (R-3). Section 28-307(c) – To allow lot areas to be less than the required 2,000 square feet, and Section 28-307(c) – To allow less than the required 25-foot front yard setback for a primary structure, and Section 28-307(c) – To allow less than the required 25-foot rear yard setback for a primary structure, for property located in the Multifamily High Density (R-3) zoning district, located at Parcel ID # 21-35-32-64-\*5, as submitted by John Morris, Applicant for Silvestri Investments of FL, 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 14-2025 Staff Report
2. Application
3. Site Plan
4. Maps
5. Code



# City of Titusville Community Development

1 **BOARD OF ADJUSTMENTS AND APPEALS**

2 **Variance (VAR) No. 14-2025, Parcel ID # 21-35-32-64-\*-5, 450 Christian Court**

3 **Meeting Date:** May 28, 2025

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

5 **Applicant:** John Morris, Applicant for Silvestri Investments of FL, Owner

6 **Background**

7 (a) Variance request: The applicant is requesting a variance to the following Land  
8 Development Regulations for property located in the Multifamily High Density (R-  
9 3) zoning district, located at Parcel ID # 21-35-32-64-\*-5, as submitted by John  
10 Morris, Applicant for Silvestri Investments of FL, Owner:

- 11 • Chapter 28, Section 28-307. Multifamily High Density Residential (R-3).  
12 Section 28-307(c) – To allow lot areas to be less than the required 2,000  
13 square feet
- 14 • Section 28-307(c) – To allow less than the required 25-foot front yard  
15 setback for a primary structure
- 16 • Section 28-307(c) – To allow less than the required 25-foot rear yard  
17 setback for a primary structure.

18 (b) Location: Tax No. 2111317. Parcel I.D. 21-35-32-64-\*-5

19 (c) Land Description: GARDEN STREET ASSOC SUBDIVISION, REPLAT LOT 5  
20 EXC ORB 3970 PG 1223

21 (d) Future Land Use: High Density Residential

22 (e) Zoning: Multi-Family High Density (R-3)

23 (f) Surrounding Zoning Districts.

24 1. North: Single-Family Medium Density (R-1B)

**Board of Adjustments and Appeals: Variance No. 14-2025**

- 1           2. South: Regional Commercial (RC) and Community Commercial (CC)
- 2           3. East: Single-Family Medium Density (R-1B)
- 3           4. West: Regional Commercial (RC) and Community Commercial (CC)

4           (g) Lot Characteristics: The subject property is 7.67 acres (334,105.2 sq. ft). The lot is  
5           irregular in shape and has primary frontage off Christian Ct. These dimensions meet  
6           the minimum standards for the R-3 zoning district.

7           (h) Uses: Vacant Land – PSP24-0095 currently under Site Plan review

8           **Powers of the BAA**

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

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

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

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

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

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

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

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

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

## Board of Adjustments and Appeals: Variance No. 14-2025

### 1 Analysis

2 The subject property is located near Garden Street, off Christian Court, and is  
3 currently zoned Multifamily High Density (R-3). The property was originally platted  
4 in 1996 as part of the Garden Street Associates Subdivision, with a subsequent replat  
5 in 1997. In 2005, the property received site plan approval for a proposed multifamily  
6 development known as Mercedes Townhomes. Infrastructure improvements,  
7 including private roadways and utilities, were installed in accordance with the  
8 approved plans; however, the townhomes were never constructed, and the property  
9 has remained vacant.

10 The applicant initially pursued residential development of the site under a  
11 condominium ownership structure. However, following two rounds of site plan  
12 review, the application has been amended to propose development as fee simple  
13 townhomes. This change in the proposed development type has introduced new  
14 challenges, as the proposed parcel configurations and previously installed  
15 infrastructure do not fully conform to the current dimensional standards for  
16 townhome development in the R-3 zoning district. To proceed under the revised  
17 development concept, a replat of the property will also be required to establish the  
18 proposed lot configurations.

19 The applicant is requesting three variances from the Land Development Regulations  
20 Section 28-307(c) to allow for the development of townhomes:

21 1. **Lot Area:** A reduction from the required 2,000 square feet to 1,830 square  
22 feet per lot.

23 2. **Front Yard Setback:** A reduction from the required 25 feet to 20 feet.

24 3. **Rear Yard Setback:** A reduction from the required 25 feet to 15 feet.

25 The applicant states these variances are necessary to align the proposed development  
26 with the existing infrastructure layout.

27 The property's history and existing conditions appear to present challenges for  
28 development under the current dimensional standards of the R-3 zoning district. The  
29 installation of infrastructure following a previously approved site plan has created  
30 fixed constraints that limit the potential for full compliance with the minimum lot  
31 area and setback requirements. Given that the infrastructure has been in place since  
32 the mid-2000s and the parcel was originally platted in the 1990s, the limitations on  
33 the site do not appear to be the result of recent actions taken by the applicant.

**Board of Adjustments and Appeals: Variance No. 14-2025**

1 In addition, the property may meet the definition of infill development as outlined in  
2 Policy 1.7.7 of the City’s Comprehensive Plan Future Land Use Element. The  
3 property was platted over 20 years ago and contains infrastructure from a prior  
4 development effort that may no longer be economically feasible to redevelop. Policy  
5 1.7.9 of the City’s Comprehensive Plan encourages *standards and administrative*  
6 *processes to facilitate infill development.*

7 While alternative development types—such as condominiums—may not require  
8 variances, the existing infrastructure suggest that some level of flexibility may be  
9 necessary to allow the site to be developed in the proposed configuration.  
10 Consideration of the requested variances may provide a path forward for  
11 development of a long-vacant property.

12 **Recommendation**

13 The staff recommends **approval** to allow lot areas to be less than the required 2,000  
14 square feet **with the condition that the variance approval is contingent upon**  
15 **approval of a replat to support the proposed development.** The literal  
16 interpretation of the code places a hardship onto the proposed development and will  
17 deprive the owner of rights commonly enjoyed by others in the same zoning district.  
18 Special conditions and circumstances do not result from the actions of the applicant.  
19

20 The staff recommends **approval** to allow less than the required 25-foot front yard  
21 setback for a primary structure **with the condition that the variance approval is**  
22 **contingent upon approval of a replat to support the proposed development.** The  
23 literal interpretation of the code places a hardship onto the proposed development and  
24 will deprive the owner of rights commonly enjoyed by others in the same zoning  
25 district. The granting of the variance will preserve the spirit of the ordinance and  
26 remain in harmony with its general purpose and intent.  
27

28 The staff recommends **approval** to allow less than the required 25-foot rear yard  
29 setback for a primary structure **with the condition that the variance approval is**  
30 **contingent upon approval of a replat to support the proposed development.** The  
31 literal interpretation of the code places a hardship onto the proposed development and  
32 will deprive the owner of rights commonly enjoyed by others in the same zoning  
33 district. The granting of the variance will preserve the spirit of the ordinance and  
34 remain in harmony with its general purpose and intent.



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.

<b>1. Project Location</b>	Property Address/Location Description <b>Christian Court</b>			
<b>2. Applicant/ Owner</b>	Name of Applicant/Contact <b>Eastern Capital Land</b>		Name of Owner <b>Silvestri Investments of FL</b>	
	Street Address <b>4001 Ainsley Ave</b>		Street Address <b>1215 Gessner Road</b>	
	City <b>Orlando, FL</b>	State <b>32833</b>	City <b>Houston TX</b>	State <b>77055</b>
	Telephone # <b>772-971-5659</b> Fax #		Telephone # Fax #	
	E-Mail Address <b>njmorrisholdings@gmail.com</b>		E-Mail Address	
<b>3. Applicant Status</b>	<input type="checkbox"/> Owner <input type="checkbox"/> Tenant <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Other			
<b>4. Parcel ID</b>	<b>21-35-32-64-*-5</b>	<b>Tax Acct.</b>	<b>2111317</b>	
<b>5. Site Size</b>	Acres: <b>7.87</b>	Square Feet:		
<b>6. Property Information</b>	Current Zoning <b>R-3</b>		Current Use of Property <b>HDR</b>	
<b>7. Variance(s) Requested</b>	<i>Section Number</i>	<i>LDR Requirement</i>	<i>Variance Requested</i>	
	1) 28-307(c)	1) lot area 2,000 sf	1) reduction to 1,830 sf	
	2) 28-307 (c)	2) front setback 25'	2) reduction to 20'	
	1) 28-307(c)	3) rear setback 25'	3) reduction to 15' rear	
	4)	4)	4)	
5)	5)	5)		
<b>8. Narrative</b>	<p>Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application)</p> <p>because the infrastructure is already in place, these are the lot layout / setbacks that were previously approved and built. The perimeter setbacks would follow code</p>			

**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/

(Signature\*)



(Date) 4/16/2025

*\* 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: \_\_\_\_\_

## 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 site was previously built and constructed but never received final clearance due to market conditions during the economic downturn.

what is being requested is the same layout that was previously approved and built.

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 infrastructure is existing and the lots are already created but not platted

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, we are only requesting what was already once approved and subsequently built.

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 site is existing. Just need to build the actual buildings.



## SUBMITTAL CHECKLIST

Please fill out the following and submit the documents to the Community Development Department electronically. Payment of fees does not ensure a favorable decision. Additional information may include documents initially waived at the pre-application meeting but subsequently determined necessary by staff.

1.	Complete Application and Fees
2.	Warranty Deed
3.	Notarized Owner Authorization Form (If applicable)
4.	Legal Description (from a certified survey)
5.	Certified Survey (sealed and containing permanent reference points as described by Chapter 177, Florida Statutes, with bearings, distances and closures) in electronic PDF format.
6.	Digital plot or site plan, drawn to scale, illustrating the variance requested.
7.	Names, addresses and address labels for all property owners within 100 feet of the subject property. <i>Note: This listing is available from either the Brevard County Property Appraiser's Office or the City of Titusville Planning Department. Current charge for this service is \$35.00.</i>
8.	Pre-Application Meeting Held – Date: Staff in Attendance:

Applicant Signature\*\*

Date

5/20/2024

/s/

**\*\*** 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.



**FEE SCHEDULE**  
**(Updated July 1, 2018)**  
 Resolution No. 11-2018

APPEALS

Appeals from decision of administrative official - \$475 plus advertisement fee  
 \*\*\**Variances and Appeals Advertisement* - \$150 each advertisement

VARIANCES

Single-family and multi-family zoning districts - \$265 plus advertisement fee  
 All other zoning districts - \$525 plus advertisement fee  
 Subsequent items processed at the same time as the first item \$100 per additional request  
 \*\*\**Variances and Appeals Advertisement* - \$150 each advertisement  
 \*\*\**The applicant will be responsible for all re-advertising fees when an applicant deferral is initiated*

VACATIONS

Vacating rights-of-way, streets and alleys - \$935 plus advertisement fee  
 \*\*\**Street Vacations Advertisement* - \$400 total for 2 advertisements

Vacating easement - \$935 plus advertisement fee  
 \*\*\**Easement Vacations Advertisement* - \$400 total for 2 advertisements

ANNEXATIONS, CPA's & SSA's

Comprehensive Plan (Map) Amendment (CPA)  
 Annexation and/or Land Use Change - \$1,575 plus \$8 per acre plus advertisement fee  
 (*Applications may be combined*)  
 \*\*\**Comprehensive Plan Amendment Advertisement (display ad)* <sup>1</sup> - \$1,675 total for 2 advertisements  
 \*\*\**Annexation Advertisements (display ad)* \$1,250 total for 2 advertisements

Comprehensive Plan (Text) Amendment - \$735 plus advertisement fee  
 \*\*\**Text Change Advertisement (display ad)* - \$1,675 total for 2 advertisements

Small Scale Comprehensive Plan Amendment <sup>1</sup> (SSA)  
 Annexation <sup>1</sup> and/or Land Use Change - \$1,575 plus \$8 per acre plus advertisement fee  
 (*Applications may be combined*)  
 (exclusive of those annexations accompanying water service agreements)  
 \*\*\**Small Scale Amendment Advertisement* <sup>1</sup> - \$200 advertisement fee  
 \*\*\**Annexation Advertisements (display ad)* - \$1,250 total for 2 advertisements

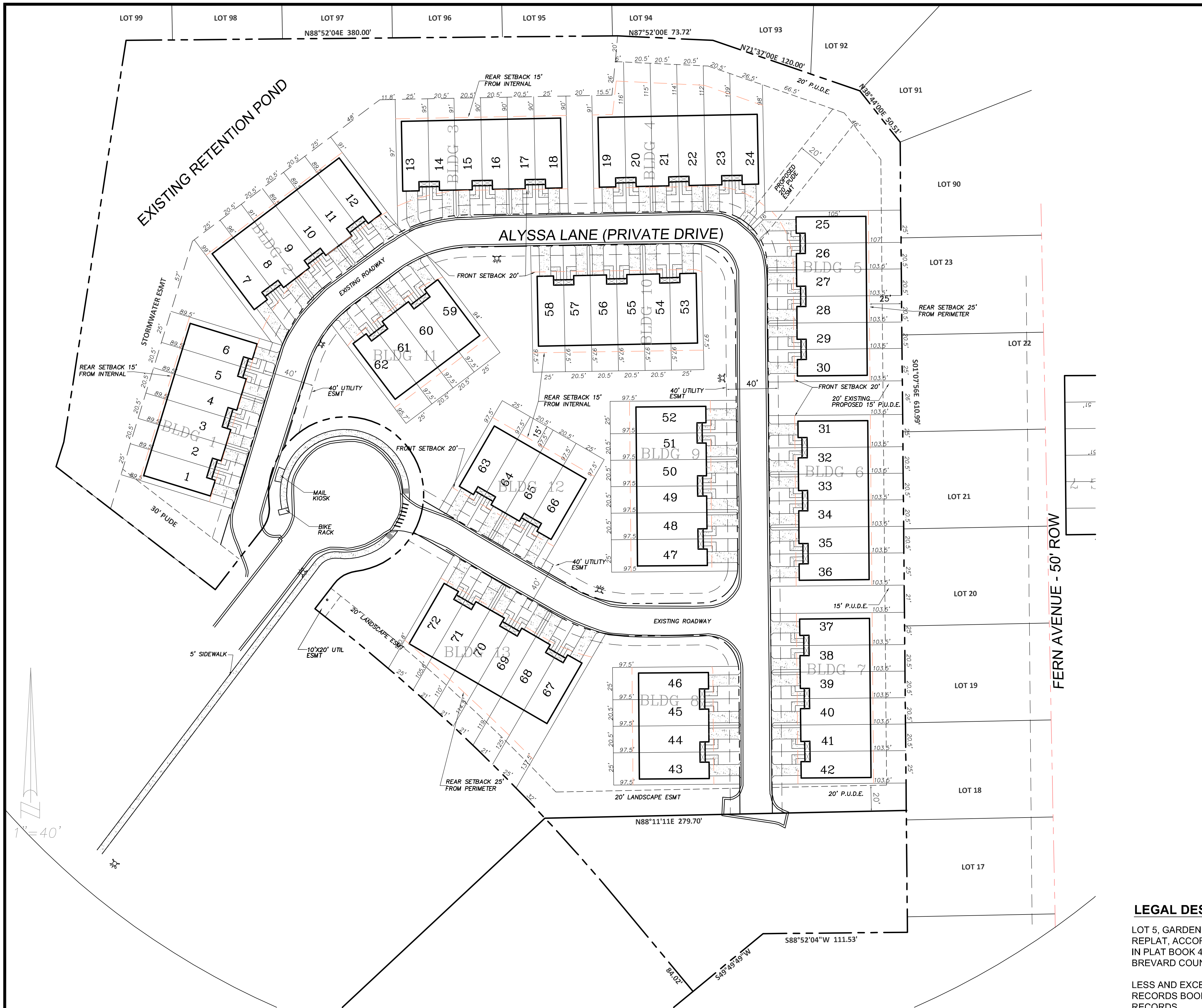
ZONING/REZONINGS

Zoning/Rezoning (when not accompanied by a CPA/SSA) - \$1,575 plus \$8 per acre plus  
 \*\*\**Zoning/Rezoning Advertisement* <sup>2</sup> - \$200 advertisement fee

CONDITIONAL USE PERMITS

Conditional Use Permit (CUP)- \$1,575 plus \$8 per acre plus  
 \*\*\**Conditional Use Permit Advertisement* - \$175 advertisement fee

Note #1: In the event that more than one amendment to the City's Comprehensive Plan is considered in a given submittal, the City reserves the right to adjust the advertising costs to reflect any economy realized by advertising more than one request in a single ad. Such adjustments will be at the discretion of the City Manager and will be accomplished in the form of a refund to the applicant after the advertising costs have been incurred. For those properties currently located outside the city limits lying south of Parrish Road, north of Kings Highway/Ranch Road, west of the Indian River, and east of the St. Johns River, the collection of annexation fee, comprehensive plan amendment fee as related to annexation petitions, and associated legal advertising fees shall be waived for all annexations under ten (10) acres or annexations defined as an improved enclave until September 30, 2014 and automatically reinstated on October 1, 2014. The said waiver of fees shall not apply to fees charges to the City by other agencies of Brevard County of annexation related services.



**SITE DATA**

**JURISDICTION: (permitting)**

SITE PERMITTING -	CITY OF TITUSVILLE
WATER -	CITY OF TITUSVILLE
SEWER -	CITY OF TITUSVILLE
STORMWATER MANAGEMENT DISTRICT -	ST. JOHNS WATER MANAGEMENT DISTRICT

**PROJECT SCOPE:**  
TO CONSTRUCT 72 TOWNHOMES ON EXISTING INFRASTRUCTURE

**PROPOSED PERMITTED USES:**  
TOWNHOMES - 72 UNITS

**PROPERTY LOCATION:**  
END OF CHRISTIAN COURT (BEHIND MCDONALDS)

**PARCEL ID No.:**  
21-35-32-64\*-5

**PROPERTY ZONING:**  
EXISTING ZONING: R-3  
EXISTING FLU: HDR

**EXISTING LAND USE:**  
VACANT

**PROPOSED DENSITY**  
MAXIMUM LOTS: 15 UNIT/ ACRE  
PROPOSED = 72 UNITS / 7.17 ACRES  
= 10.04 UNITS / ACRE

**PROPOSED LOT SIZE**  
MINIMUM = 89.5 X 20.5 = 1,834 SF

**EXISTING PROPERTY AREA:**  
TOTAL = 7.17 ACRES

**BUILDING DATA & SETBACKS**  
MAXIMUM BUILDING HEIGHT ALLOWED = 25 FEET  
PROPOSED BUILDING HEIGHT = 25 FEET - 2 FLOORS  
TYPE III CONSTRUCTION  
MAXIMUM:  
4 UNIT BUILDING SIZE = 4428 SF (82X54)  
6 UNIT BUILDING SIZE = 6642 SF (123X54)  
MINIMUM BUILDING SETBACKS:  
REAR 15'  
FRONT 20'  
SIDE INTERIOR 0'

**LANDSCAPE BUFFERS**

MINIMUM REQUIRED	MINIMUM PROPOSED
PERIMETER 20'	PERIMETER* 5'
	BETWEEN BUILDINGS 10'

\* PERMITTER CONTAINS A SWALE

**OPEN SPACE**

TOTAL PROJECT AREA:	312,326 S.F.	7.17 ACRES
BUILDINGS:	79,704 S.F.	25.55%
ROADWAY:	30,640 S.F.	9.82%
SIDEWALKS:	1,360 S.F.	0.4%
WALKWAYS:	3,132 S.F.	1.0%
DRIVEWAY:	16,560 S.F.	5.3%
POTENTIAL PATIOS:	3,600 S.F.	1.2%
A/C PADS:	648 S.F.	0.2%
STORMWATER:	46,198 S.F.	14.8%
WETLANDS:	0 S.F.	0%
PERVIOUS:	130,484 S.F.	41.8%
TOTAL:	312,326 S.F.	100.00%

IMPERVIOUS SURFACE AREA  
TOTAL IMPERVIOUS: 135,644 S.F. 43.4% (3.1 ACRES)  
ALLOWABLE IMPERVIOUS AREA = 3.84 ACRES

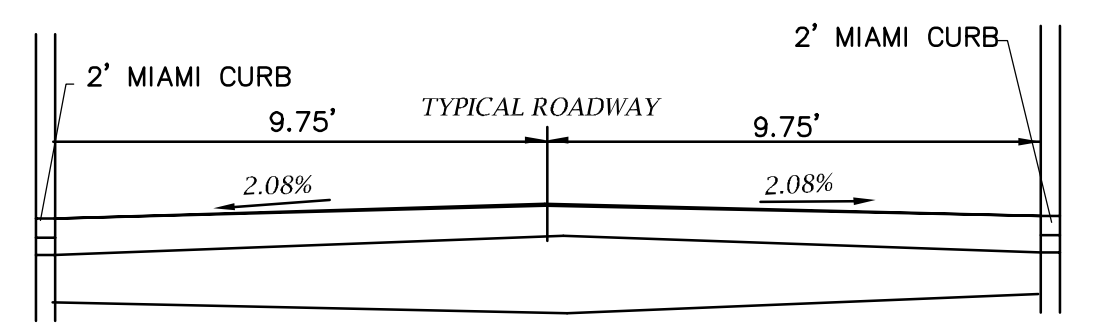
**FLOOD ZONE:**  
THE LOT DESCRIBED HEREON WAS DETERMINED TO LIE WITHIN FLOOD ZONE 'X' AND 'A' PER FIRM PANEL

**LEGAL DESCRIPTION**  
LOT 5, GARDEN STREET ASSOCIATES SUBDIVISION REPLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 44, PAGE 8, OF HTE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

LESS AND EXCEPT THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3970, PAGE 1223, OF SAID PUBLIC RECORDS

**SITE LEGEND**

- PROPOSED DRAINAGE INLET
- PROPOSED CURB
- SITE BOUNDARY LINE
- EXISTING EDGE OF PAVEMENT
- DRAINAGE PIPE
- PROPOSED EASEMENT
- SANITARY MAIN
- WATER MAIN
- SANITARY MANHOLE
- PROPOSED CONCRETE PMT
- TYP
- S/W
- R5
- LF
- SF
- WATER METER
- DOUBLE SANITARY SERVICE
- DRAINAGE MES
- FIRE HYDRANT



EX. PRIVATE ROAD SECTION

**INFRASTRUCTURE IS EXISTING**

USE	UNITS	GPD/UNIT	TOTAL AVG DAY
WATER	72	300 GPD	21,600 GPD
SEWER	72	225 GPD	16,200 GPD

UTILITY DEMANDS FOR RESIDENTIAL  
CITY OF TITUSVILLE WILL SUPPLY WATER AND SEWER

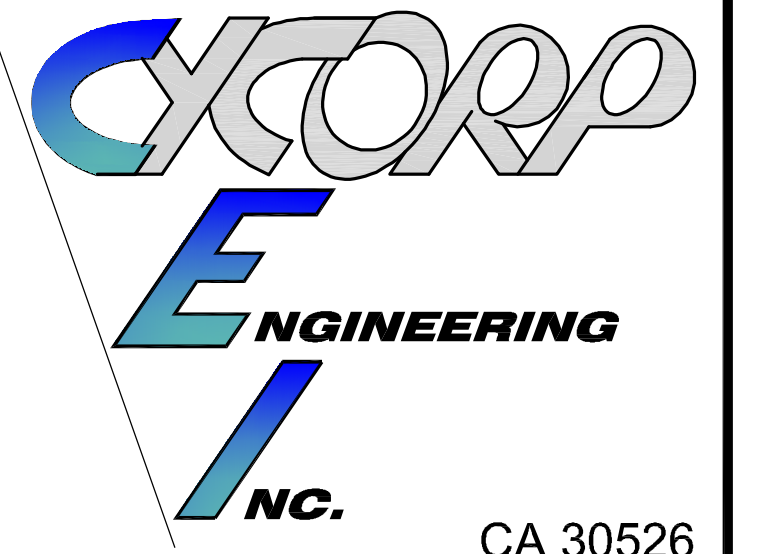
ITE	UNITS	ADT	PEAK HOUR	PM IN	PM OUT
230	72	418	37	25	12

TRAFFIC IMPACTS  
per ITE 10th edition

**GARBAGE PICKUP**  
TO BE CURB SIDE

**NOTES:**

1. ANY IMPROVEMENTS ASSOCIATED WITH THE BUILDING, MECHANICAL ELECTRICAL AND PLUMBING SYSTEMS SHALL REQUIRE PERMITTING FROM THE BUILDING DEPARTMENT. ANY IMPROVEMENTS ASSOCIATED WITH SIGNS SHALL ALSO REQUIRE PERMITTING THROUGH BLDG DEPT.
2. SEWER TO BE PRIVATELY OWNED
3. GARBAGE TO BE PICKED UP CURBSIDE
4. IRRIGATION WILL BE PROVIDED VIA POTABLE METER OPTIONAL WELL MAY BE UTILIZED DURING FINAL ENGINEERING
5. NO DIRT IS TO BE REMOVD FROM SITE



**CIVIL ENGINEERS  
LAND PLANNERS**

1614 White Dove Drive  
Winter Springs, Florida 32708  
Tel: (407) 405-7819

KIM@CYCORPENGINEERS.COM

CHRISTIAN CT  
CONDOMINIUMS

CONSTRUCTION  
PLANS

TITUSVILLE

REVISIONS

Description	Date	By
1 CITY COMMENTS	9/16/24	By
2		
3		
4		
5		

SITE  
PLAN

Date:  
APRIL 2024

Scale:  
40 SCALE

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY KIM FISCHER, PE ON THE DATE AND/OR TIME STAMP SHOWN USING A DIGITAL SIGNATURE.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

4/25/2024  
K. FISCHER, P.E.# 56942  
NOT VALID UNLESS SIGNED & EMBOSSED BY A REGISTERED ENGINEER

Sheet Number:  
3



# FEMA FLOOD HAZARD AREAS

## VAR #14-2025

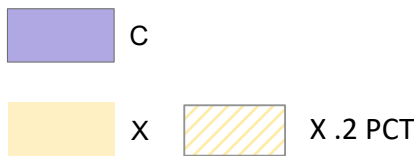
### Special Flood Hazard Area Zones



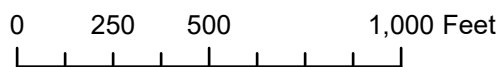
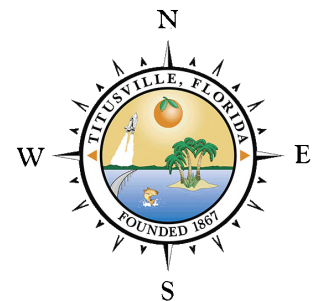
### Moderate Flood Hazard Area Zone

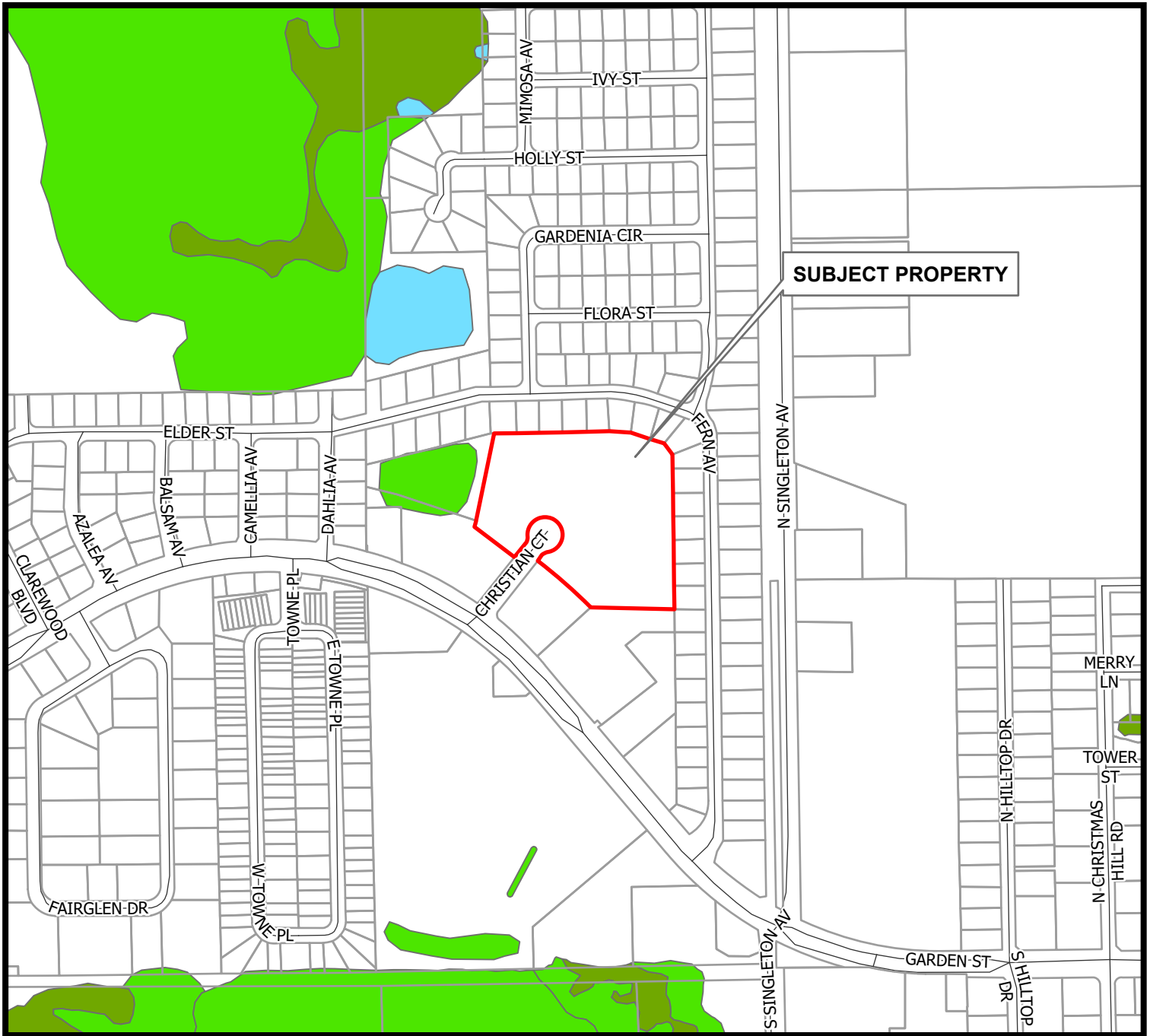


### Minimal Flood Hazard Zones



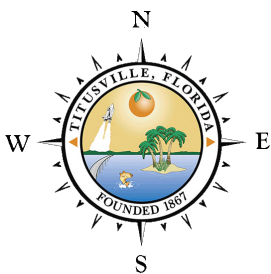
### Other Flood Zone Areas





# WETLANDS IN VICINITY OF PROPERTY

## VAR #14-2025



### WETLAND\_TY

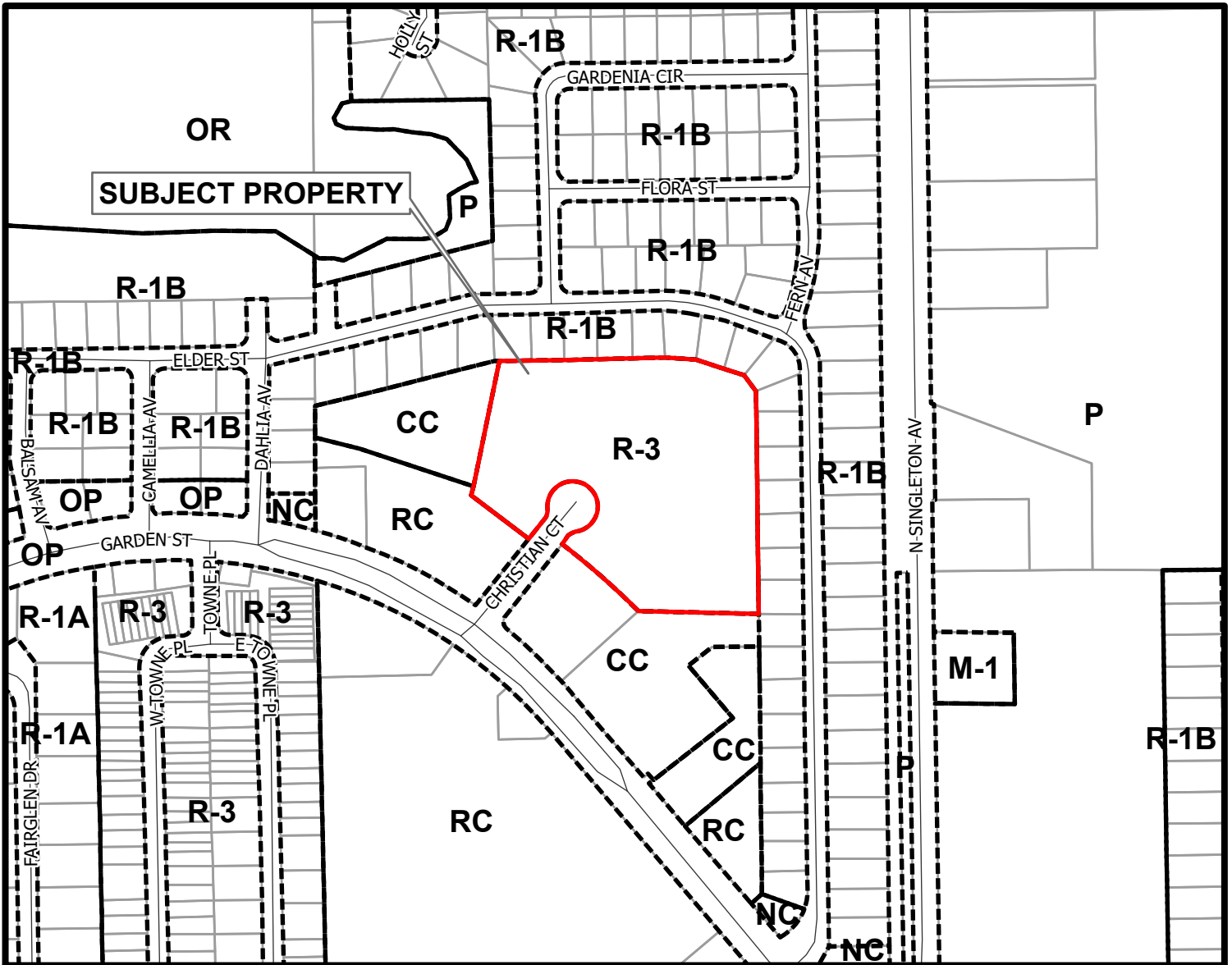
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland

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

4/25/2025

Scale:1:6,000

Community Development Department  
Source: USFWS NWI (2023)



# 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

## 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

## INDUSTRIAL DISTRICTS

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

## OVERLAY DISTRICTS

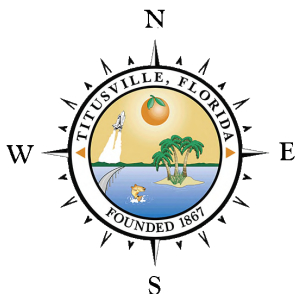
- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREA
- ACC AREA OF CRITICAL CONCERN
- HPA HISTORIC PRESERVATION AREA

## Base Map

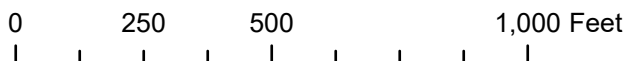
City Limits

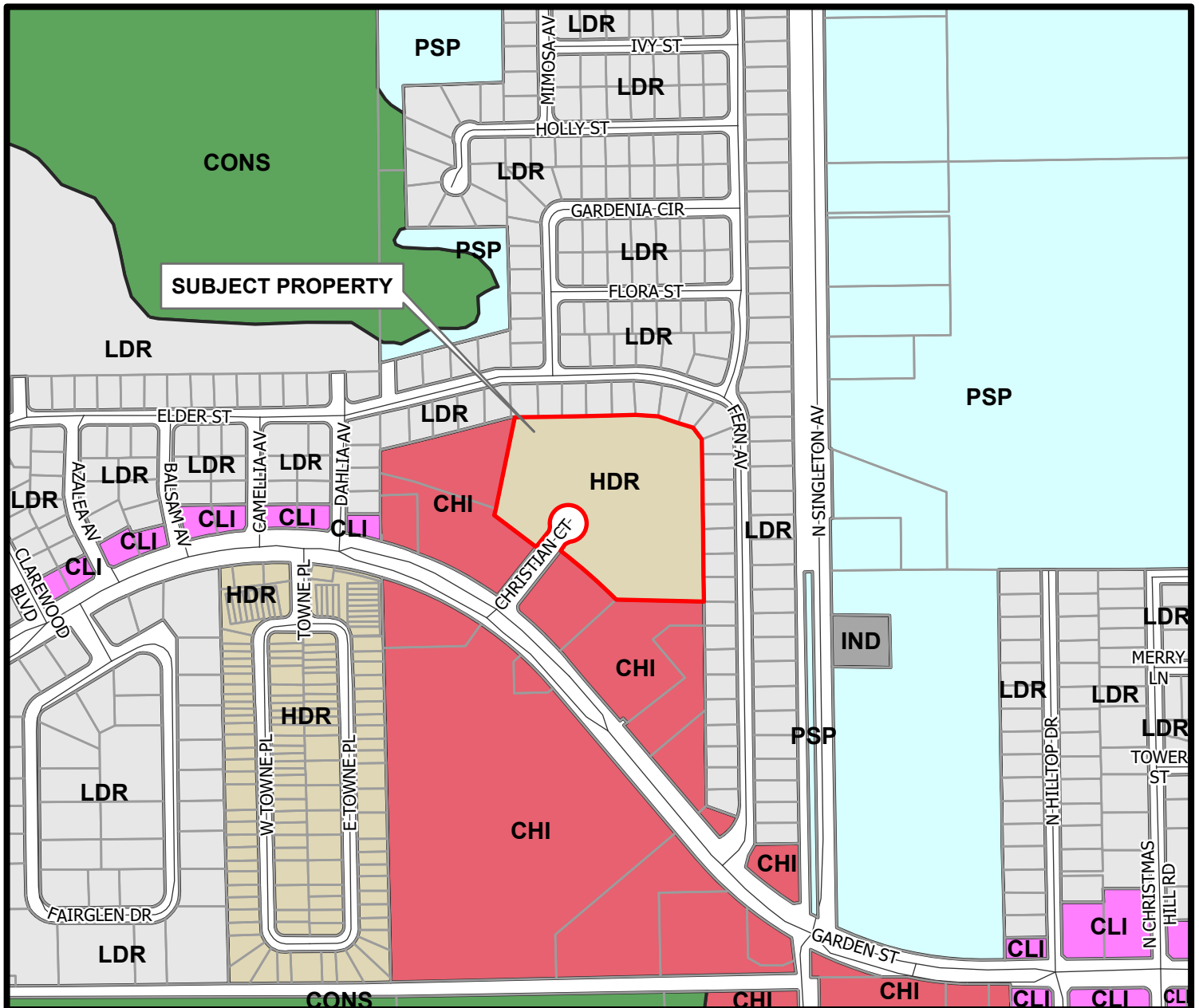
Zoning

Subject



## VAR #14-2025

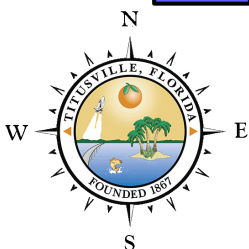




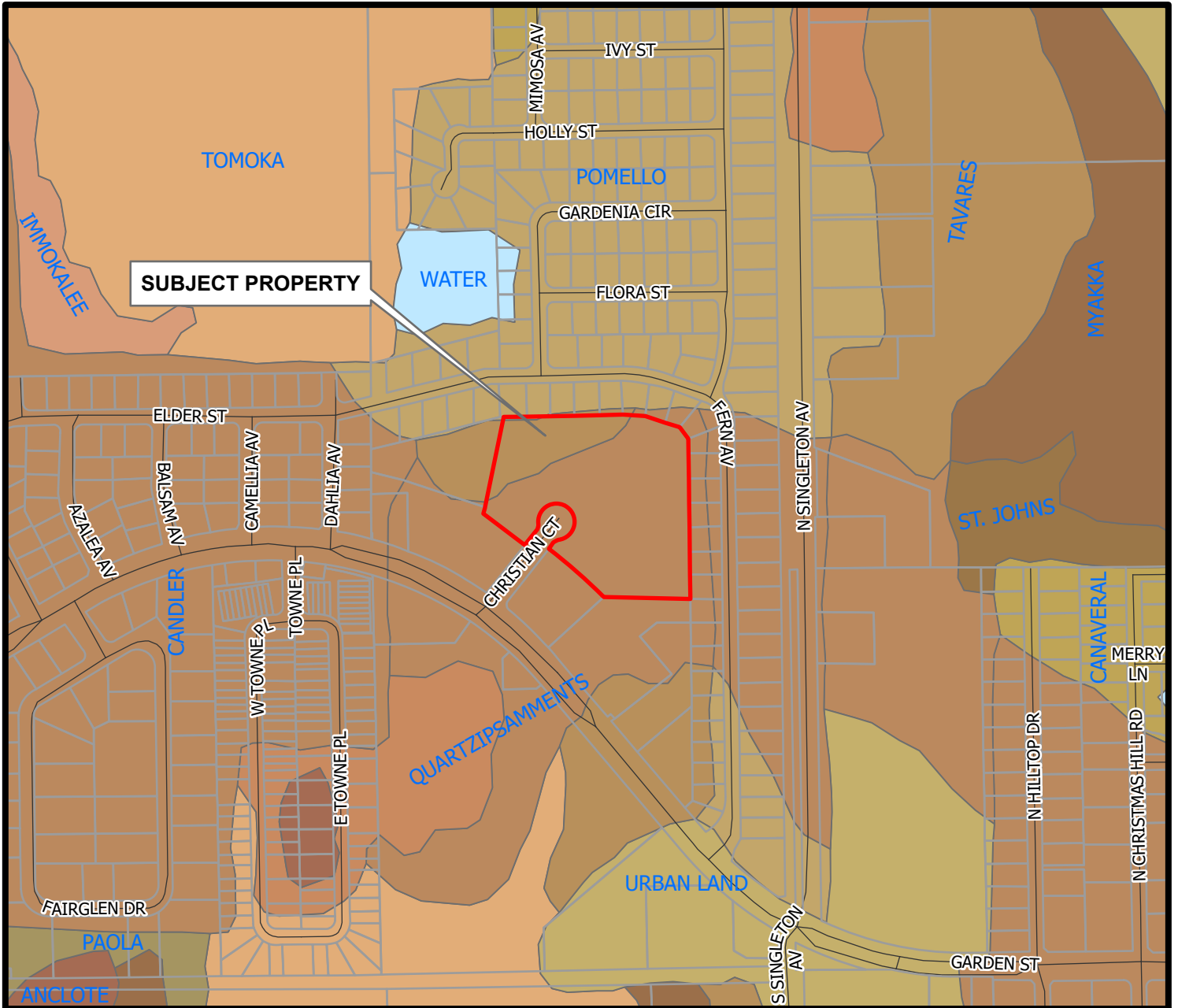
## LOCATION OF PROPERTY AND FUTURE LAND USE MAP

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














Subject

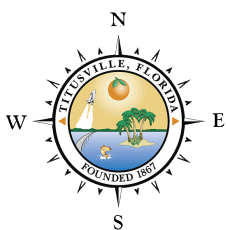


0 250 500 1,000 Feet



## SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR #14-2025

SoilName	 POMELLO
 ANCLOTE	 QUARTZIPSAMMENTS
 CANAVERAL	 ST JOHN
 CANDLER	 TAVARES
 IMMOKALEE	 TOMOKA
 MYAKKA	 URBANLAND
 PAOLA	 WATER



Community Development Department

0 250 500 1,000 Feet

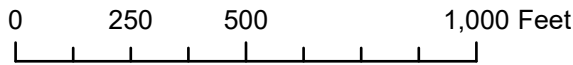
Soils data source: The U.S. Department of Agriculture, Natural Resources Conservation Service. (2019)

4/25/2025



**SUBJECT PROPERTY**

# Aerial 2024 VAR #14-2025



**Sec. 28-307. Multifamily High Density Residential (R-3).**

<b>Multifamily High Density Residential (R-3)</b>	
<i>(a) Purpose</i>	
<p>The Multifamily High Density Residential (R-3) district is intended to allow the development of a variety of housing types at a maximum density of fifteen (15) units per acre. This district is further intended to satisfy the need for a high concentration of population, is located adjacent to arterial or collector streets and is well served by public services and facilities. When adjacent to R-1 zoning districts, the development within the district shall be designed carefully to provide maximum compatibility with adjacent development by proper architectural design, landscaping, screening, and parking.</p>	
<i>(b) Use Standards</i>	
See Chapter 28 Article IV and Article V	
<i>(c) Intensity and Dimensional Standards</i>	
Lot area, minimum (sq. ft.)	Townhomes: 2,000 Multifamily: 2,500 per DU
Lot width, minimum (ft.)	Townhomes: 20 Multifamily: None
Density, maximum (du/ac)	15
Floor area per dwelling unit, minimum (sq. ft.)	Townhomes: 800 Multifamily: Efficiency - 600 1 Bedroom - 700 2 Bedroom - 800 3 Bedroom - 900
Building coverage, maximum (% of lot area)	50
Lot Coverage, maximum (% of lot area)	NA
Height, maximum (ft.)	35
Front yard setback, minimum (ft.)	25 <sup>1, 2</sup>
Side corner yard setback, minimum (ft.)	20 <sup>2</sup>

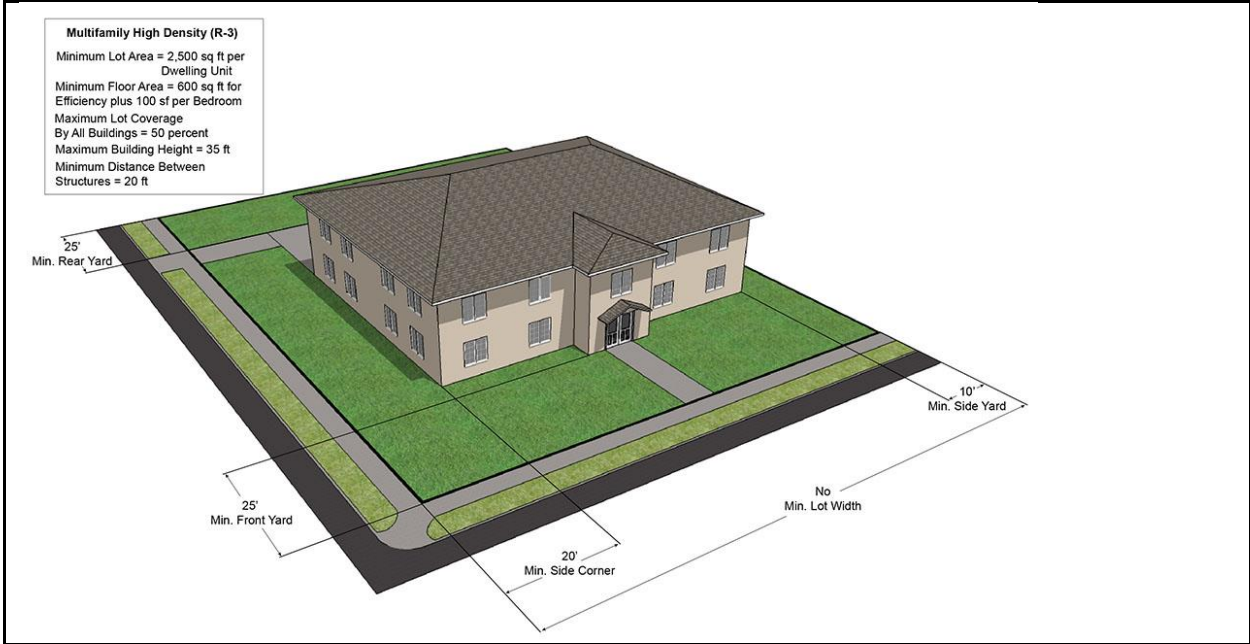
Interior side yard setback, minimum (ft.)	10 <sup>2</sup>	
Rear yard setback, minimum (ft.)	25 <sup>1, 2</sup>	
Accessory Use Development Standards	See Chapter 28 Article VII	

**NOTES:**

- Townhouse and Multifamily developments shall have a minimum distance between structures of 20 feet.
  - A maximum of six (6) dwelling units shall be allowed in a building group of townhouse units.
  - Staggered setbacks are encourage to lessen the straight row effect.
  - Multifamily units shall contain a private storage area of thirty-two (32) square feet per unit.
- <sup>2</sup> For townhome developments, see Section 30-151, Projections.

*Typical Development Configuration (For illustrative purposes only)*





(Ord. No. 53-2018, § 1, 11-13-17)

**City of Titusville**  
"Gateway to Nature and Space"

REPORT

**To:** Members of the Board of Adjustments and Appeals  
**From:** Brad Parrish, Community Development Director  
**Subject:** **Variance 15-2025 - 2001 South Street**  
**Department/Office:** Planning

**Recommended Action:**

Consider the requested variance to allow the floor area per dwelling unit to be less than the required 700 square feet for a one-bedroom unit, and to remove the required thirty-two (32) square feet private storage unit for multifamily units for property located at 2001 South St.

**Summary Explanation & Background:**

The applicant is requesting a variance to the Land Development Regulations, Chapter 28, Section 28-307. Multifamily High Density Residential (R-3). Section 28-307(c) – To allow the floor area per dwelling unit to be less than the required 700 square feet for a one-bedroom unit, and Section 28-307(c) – To remove the required thirty-two (32) square feet private storage unit for multifamily units, for property located in the Multifamily High Density (R-3) zoning district, located at 2001 South St, Titusville, FL 32796, as submitted by Kimberly Rezanka, authorized applicant for IT Fitz Homes, Inc, 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 15-2025 Staff Report
2. Application
3. Maps
4. Code



# City of Titusville Community Development

1 **BOARD OF ADJUSTMENTS AND APPEALS**

2 **Variance (VAR) No. 15-2025, 2001 South Street**

3 **Meeting Date:** May 28, 2025

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

5 **Applicant:** Kimberly Rezanka, authorized applicant for IT Fitz Homes, Inc, Owner

6 **Background**

7 (a) Variance request: The applicant is requesting a variance to the Land Development  
8 Regulations, Chapter 28, Section 28-307. Multifamily High Density Residential (R-  
9 3). Section 28-307(c) – To allow the floor area per dwelling unit to be less than the  
10 required 700 square feet for a one-bedroom unit, and Section 28-307(c) – To  
11 remove the required thirty-two (32) square feet private storage unit for multifamily  
12 units, for property located in the Multifamily High Density (R-3) zoning district,  
13 located at 2001 South St, Titusville, FL 32796, as submitted by Kimberly Rezanka,  
14 authorized applicant for IT Fitz Homes, Inc, Owner.

15 (b) Location: 2001 South St, Titusville, FL 32796. Tax No. 2201402. Parcel I.D. 22-  
16 35-04-00-514.

17 (c) Land Description: PART OF GOVT LOTS 3 & 4 AS DESC IN ORB 1223 PG 947  
18 EXC ORB 1072 PG 453 & 2272 PG 1009.

19 (d) Future Land Use: Downtown Mixed Use, High Density Residential &  
20 Conservation.

21 (e) Zoning: Multifamily High Density (R-3) & Open Space & Recreation (OR)

22 (f) Surrounding Zoning Districts.

23 1. North: Open Space & Recreation (OR) & General Use (GU)

24 2. South: Single-Family Medium Density (R-1B)

25 3. East: Public (P), Community Commercial (CC) & Single-Family Medium  
26 Density (R-1B)

**Board of Adjustments and Appeals: Variance No. 15-2025**

1           4. West: Public (P) & Open Space & Recreation (OR)

2           (g) Lot Characteristics: The subject property is a rectangular lot consisting of 11.96  
3           acres. The lot has primary frontage off S.R 405/South Street. These dimensions  
4           meet the minimum standards for the R-3 zoning district.

5           (h) Uses: Vacant Land –PSP25-0034 currently under Site Plan review

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,  
10          or impose an unnecessary hardship upon the applicant. In order to authorize any  
11          variance to the provisions of such ordinance, the Board must consider the following  
12          criteria:

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

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

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

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

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

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

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

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

31          **Analysis**

32          The applicant is requesting two variances to Land Development Regulations (LDR)  
33          Section 28-307(c) to accommodate a proposed multifamily residential development.  
34          The first variance request seeks to reduce the minimum required floor area for one

**Board of Adjustments and Appeals: Variance No. 15-2025**

1 bedroom dwelling units from 700 square feet to 616 square feet. The second variance  
2 request is to eliminate the required private storage area of thirty-two (32) square feet  
3 per unit.

4 The subject property is approximately 11.96 acres of vacant land located at 2001  
5 South Street and is zoned Multifamily High Density (R-3) and Open Space and  
6 Recreation (OR). The proposed development will be located solely within the R-3  
7 portion of the site. The proposed residential development has eighty (80) dwelling  
8 units in total. Eight (8) of the units are 2-bedroom units, requiring a minimum of 800  
9 square feet per Section 28-307. – Multifamily High Density Residential. The  
10 remaining seventy-two (72) units are 1-bedroom units, which require a minimum of  
11 700 square feet per Section 28-307.

12 The requested variances are a decrease in the established development standards  
13 intended to ensure minimum livability and functionality for multifamily residential  
14 units. The requests are not supported by any unique site conditions that would  
15 necessitate deviation from the established development standards. The property is a  
16 regularly shaped, undeveloped parcel with no apparent physical constraints or special  
17 conditions that would impair the ability to meet code requirements. It is comparable  
18 in size and configuration to other properties in the same zoning district that are  
19 subject to the same standards. Since there are no special conditions related to the land  
20 itself, there is no clear justification for the requested variances.

21 **Recommendation**

22 Staff recommend **denial** of the requested variance to reduce the minimum floor area  
23 per one bedroom dwelling unit from 700 square feet to 616 square feet. There are no  
24 special conditions or circumstances which are peculiar to the land. The lot is vacant  
25 and meets the development standards of the R-3 zoning district. Granting the variance  
26 could provide a special privilege that is otherwise denied by ordinance

27  
28 Staff recommend **denial** of the requested variance to eliminate the required thirty-  
29 two (32) square feet of private storage area per unit. There are no special conditions  
30 or circumstances which are peculiar to the land. Granting the variance could provide  
31 a special privilege that is otherwise denied by ordinance.



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.

<b>1. Project Location</b>	Property Address/Location Description 2001 South St., Titusville, FL 32796		
<b>2. Applicant/ Owner</b>	Name of Applicant/Contact Kimberly Rezanka		Name of Owner IT Fitz Homes, Inc.
	Street Address 6013 Farcenda Pl. Suite 101		Street Address 927 S. Ridgewood Ave., Suite A2
	City	State	Zip
	Melbourne, FL	32940	Edgewater FL 32132
	Telephone # 321-608-0892		Telephone # 321-543-3362
Fax #		Fax #	
E-Mail Address krezanka@llr.law		E-Mail Address robinfisher66@gmail.com	
<b>3. Applicant Status</b>	Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other <input checked="" type="checkbox"/>		
<b>4. Parcel ID</b>	22-35-04-00-514	<b>Tax Acct.</b>	2201402
<b>5. Site Size</b>	Acre(s): 11.94 ddd	<b>Square Feet:</b>	520,106 SF
<b>6. Property Information</b>	Current Zoning R-3	Current Use of Property Vacant Land	
<b>7. Variance(s) Requested</b>	<i>Section Number</i>	<i>LDR Requirement</i>	<i>Variance Requested</i>
	1) Sec. 28-307	Floor area per dwelling unit, minimum (sq. ft.)	One bedroom unit minimum size of 616 SF. from 700 SF requirement.
	2) Sec. 28-307	2) private storage area of	2) No private storage area
	1)	3) 32 sf per unit.	3)
	4)	4)	4)
5)	5)	5)	
<b>8. Narrative</b>	Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application)  Attached		

**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/ *Kimberly Reyanka*  
(Signature\*)

*4/21/25*  
(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.*

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_  
Accepted By: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_

## 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?

See attached.

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?

See attached.

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.)

See attached.

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

See attached.



## SUBMITTAL CHECKLIST

Please fill out the following and submit the documents to the Community Development Department electronically. Payment of fees does not ensure a favorable decision. Additional information may include documents initially waived at the pre-application meeting but subsequently determined necessary by staff.

1.	Complete Application and Fees
2.	Warranty Deed
3.	Notarized Owner Authorization Form (If applicable)
4.	Legal Description (from a certified survey)
5.	Certified Survey (sealed and containing permanent reference points as described by Chapter 177, Florida Statutes, with bearings, distances and closures) in electronic PDF format.
6.	Digital plot or site plan, drawn to scale, illustrating the variance requested.
7.	Names, addresses and address labels for all property owners within 100 feet of the subject property. <i>Note: This listing is available from either the Brevard County Property Appraiser's Office or the City of Titusville Planning Department. Current charge for this service is \$35.00.</i>
8.	Pre-Application Meeting Held – Yes Date: Feb 25, 2025 Staff in Attendance: Steve Adams, KB, Mandy Lamothe, Ashleigh Smith, Et al.

Applicant Signature\*\*

Date

/s/ Kimberly B. Rozanka

4/21/2025

**\*\*** 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.



Gateway to Nature & Space

# OWNER'S AUTHORIZATION FORM



This authorization form is for:

- Annexation (ANX)
- Comprehensive Plan Amendment (CPA)
- Conditional Use Permit (CUP)
- Development Agreement (DA)
- Easement Vacation (EAS)
- Master Plan (MP)
- Planned Development (PD)
- Rezoning (REZ)
- Right-of-Way Vacation (ROW)
- Small Scale Amendment (SSA)
- Variance (VAR)

Date: \_\_\_\_\_

To: City of Titusville  
Attn: Planning Department  
555 S. Washington Avenue  
Titusville, FL 32796-3584

PROJECT DESCRIPTION: Forest Glen Apartments

PROJECT ADDRESS: 2001 South Street

PARCEL ID# OR TAX ACCT #: Tax ID 2201402

Please accept this documentation as authorization for Kim Rezanka, Esq for HTG Forest Glen Apartments, Ltd. to apply for the above selected request. (Name of Applicant)

Robin Fisher, Director, It Fitz Homes, Inc.

Property Owner Name (Please Print)

Property Owner Signature

927 S Ridgewood Ave Suite A2

Street Address

Edgewater, FL 32132

City, State, Zip code

321-543-3362

Telephone Number

**Please Note:** If the property is owned by a corporation, trust, et cetra, documentation must be included with this authorization form to prove the person signing this document has the legal authority to do so. If this documentation is not submitted, the application will not be accepted.

### TO BE COMPLETED BY NOTARY

State of Florida

County of Brevard

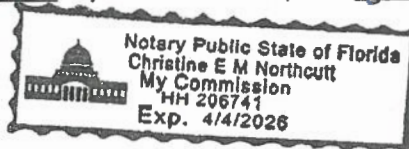
Subscribed and sworn to before me by means of  physical presence or  online notarization, this

11th day of April, 2025 by Robin Fisher who is personally known to me or produced \_\_\_\_\_ as identification.

Notary Public Signature

My Commission Expires: 04/04/2026

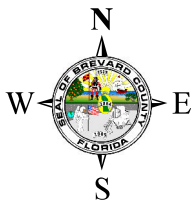
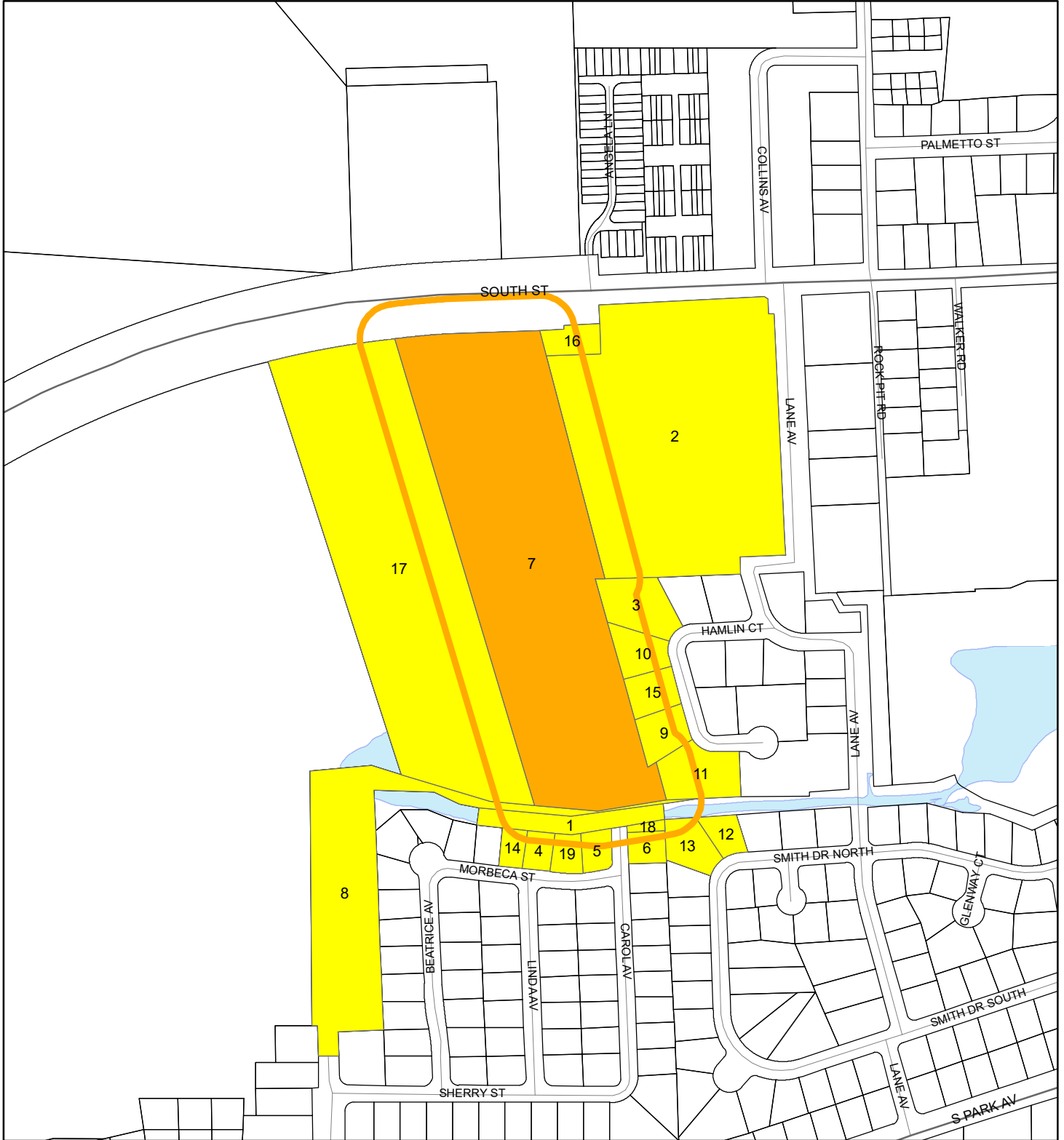
Date



# RADIUS MAP

IT FITZ HOMES INC

Alex\_Tisdail\_2201402







1:4,800 or 1 inch = 400 feet

Buffer Distance: 100 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/15/2025

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

DESCRIPTION BY SURVEYOR

THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8561, PAGE 2662, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA LYING IN THE SW 1/4 OF SECTION 4, TOWNSHIP 22 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF RESUBDIVISION OF BAKER'S SUBDIVISION UNIT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGE 86, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN N02°01'58"W A DISTANCE OF 5.06 FEET TO THE SOUTHWEST CORNER OF CITRUS HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 88, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N15°01'54"W, ALONG THE WEST LINE OF SAID CITRUS HEIGHTS, A DISTANCE OF 115.04 FEET TO THE SOUTHWEST CORNER OF LOT 7 OF SAID CITRUS HEIGHTS, (SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE S57°58'06"W, ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, A DISTANCE OF 26.16 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451; THENCE N15°01'54"W, ALONG THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, A DISTANCE OF 561.55 FEET TO THE NORTHWEST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, (SAID LINE ALSO BEING 25.00 FEET WEST OF, AS MEASURED PERPENDICULARLY, THE WEST LINE OF SAID CITRUS HEIGHTS); THENCE N88°06'30"E, ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, A DISTANCE OF 25.69 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID CITRUS HEIGHTS, (SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 9913, PAGE 776, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE N14°59'47"W, ALONG THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 9913, PAGE 776 AND THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 46, PAGE 591, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 740.55 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 405, ACCORDING TO THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP FOR STATE ROAD NO. 405, SECTION 70160-2503, SHEET 6 OF 10, LAST REVISED DECEMBER 3, 1963; THENCE S87°27'28"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 268.98 FEET TO A POINT OF TANGENCY ACCORDING TO SAID FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP FOR STATE ROAD NO. 405 AND THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 2764.93 FEET, A CENTRAL ANGLE OF 1°58'41", A CHORD LENGTH OF 95.44 FEET AND A CHORD BEARING OF S86°28'08"W), A DISTANCE OF 95.45 FEET TO THE NORTHEAST CORNER OF

THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2272, PAGE 1009, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S14°39'00"E, ALONG SAID NON-TANGENT LINE AND ALONG THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2272, PAGE 1009, A DISTANCE OF 1416.52 FEET TO THE NORTH LINE OF SAID RESUBDIVISION OF BAKER'S SUBDIVISION UNIT NO. 1; THENCE S84°14'21"E, ALONG SAID NORTH LINE, A DISTANCE OF 94.62 FEET; THENCE N82°21'19"E, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 277.84 FEET TO THE POINT OF BEGINNING. CONTAINING 11.46 ACRES, MORE OR LESS.



Gateway to Nature & Space



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- Annexation (ANX)
- Comprehensive Plan Amendment (CPA)
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- Development Agreement (DA)
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Date: \_\_\_\_\_

To: City of Titusville  
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PROJECT DESCRIPTION: Forest Glen Apartments

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### TO BE COMPLETED BY NOTARY

State of Florida

County of Brevard

Subscribed and sworn to before me by means of  physical presence or  online notarization, this 11th day of April, 2025, by Robin Fisher who is personally known to me or produced as identification.

Christine E M Northcutt

Notary Public Signature

My Commission Expires: 04/04/2026

Date



## EXHIBIT A

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### PROJECT NARRATIVE



Forest Glen is an 80-unit wood-frame garden-style development community with surface parking for elderly households whose members are at least 60 years of age and who are at or below 60% of the area median-income for the Palm Bay-Melbourne-Titusville MSA. The development will utilize 9% housing credit financing through Florida Housing Finance Corporation's RFA 2024-201 which is for Housing Credit Financing for Affordable Housing Developments located in Medium and Small Counties. The development will also utilize \$100,000 in City SHIP funding and \$360,000 of Brevard County funding. City SHIP funding will be utilized to offset utility connection fees.

The Applicant is a partnership between Housing for Homeless, Inc. and Housing Trust Group.

Forest Glen will consist of one residential building. The unit mix will consist of seventy-two (72) one bedroom one bath and eight (8) two-bedroom two bath units. The site is located at 2001 South St, Titusville, FL 32796 the Brevard County Property Appraiser Parcel ID number is 22-35-04-00-514.

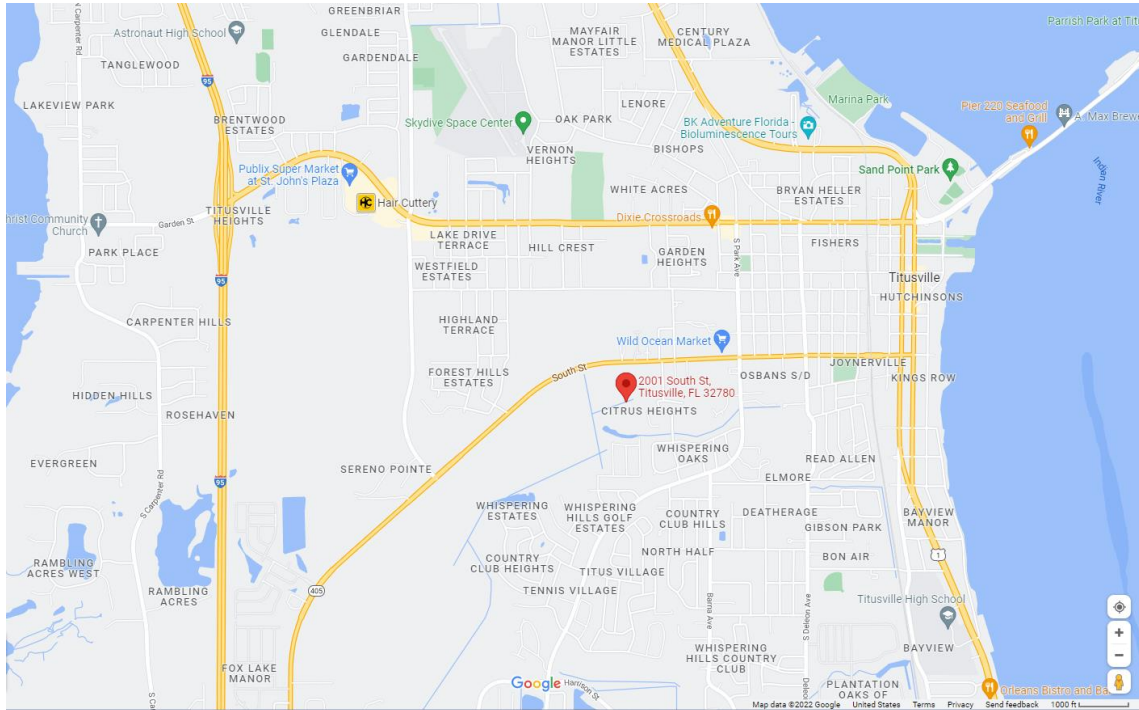
**The property is zoned R-3 with the applicant requesting one variance: a one-bedroom unit size of no less than 616 square feet.**

There will be no wetland impact, and the development is utilizing underground stormwater chambers. The development is incorporating Low Impact Design (LID).

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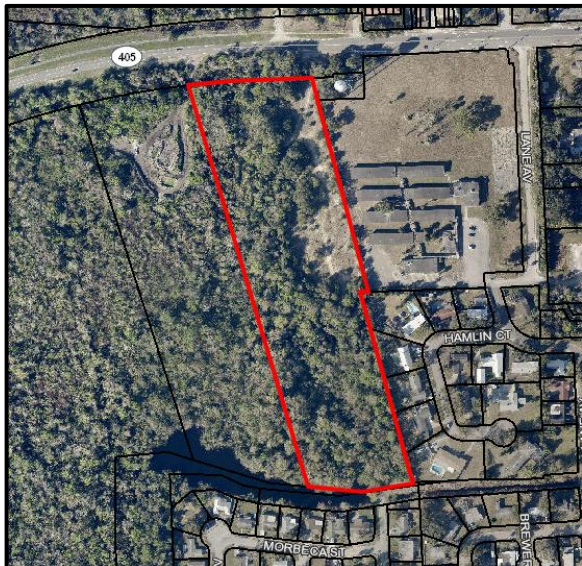
## **Location in Titusville:**

Enclosed herein is a map of the City of Titusville identifying the general location of Forest Glen. Forest Glen is located southwest of Downtown Titusville.



**Complete Project Address:** The site is located at 201 South St, Titusville, FL 32796, the Brevard County Property Appraiser Parcel ID is 22-35-04-00-514.

## **Project Location & Map:**



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**Proximity:**

The proposed development is ideally located for a senior housing community with access to major grocery stores and pharmacies including the neighborhood Publix and Walgreens, local and large-chain eateries, neighborhood shopping at the St. John's Plaza, neighborhood parks like Vern Jansen Park within walking distance, and medical care facilities like the local Florida Health Titusville Clinic that provides services to all ages, all of which are located within 1 mile of Forest Glen.

**Set-Asides:**

The development will be 100% affordable for those aged 60 years and older, with 50-year affordability restriction that will run with the land, 10% of the units will be set-aside for residents with extremely low income (ELI) at or below 40% AMI, those ELI units will be reserved for households with disabilities or special need services. The remaining units will be set-aside for residents at or below 60% of the Area Median Income.

The applicant also intends to offer an application preference to veterans and those participating in the Housing for Homeless, Inc. Veterans Service Programs.

**Community Amenities & In-Unit Features:**

Forest Glen's expansive property spans over 8 acres and will provide a safe, clean and comfortable living environment to its residents by boasting best-in-class amenities and services to include:

- **Community Amenities:**

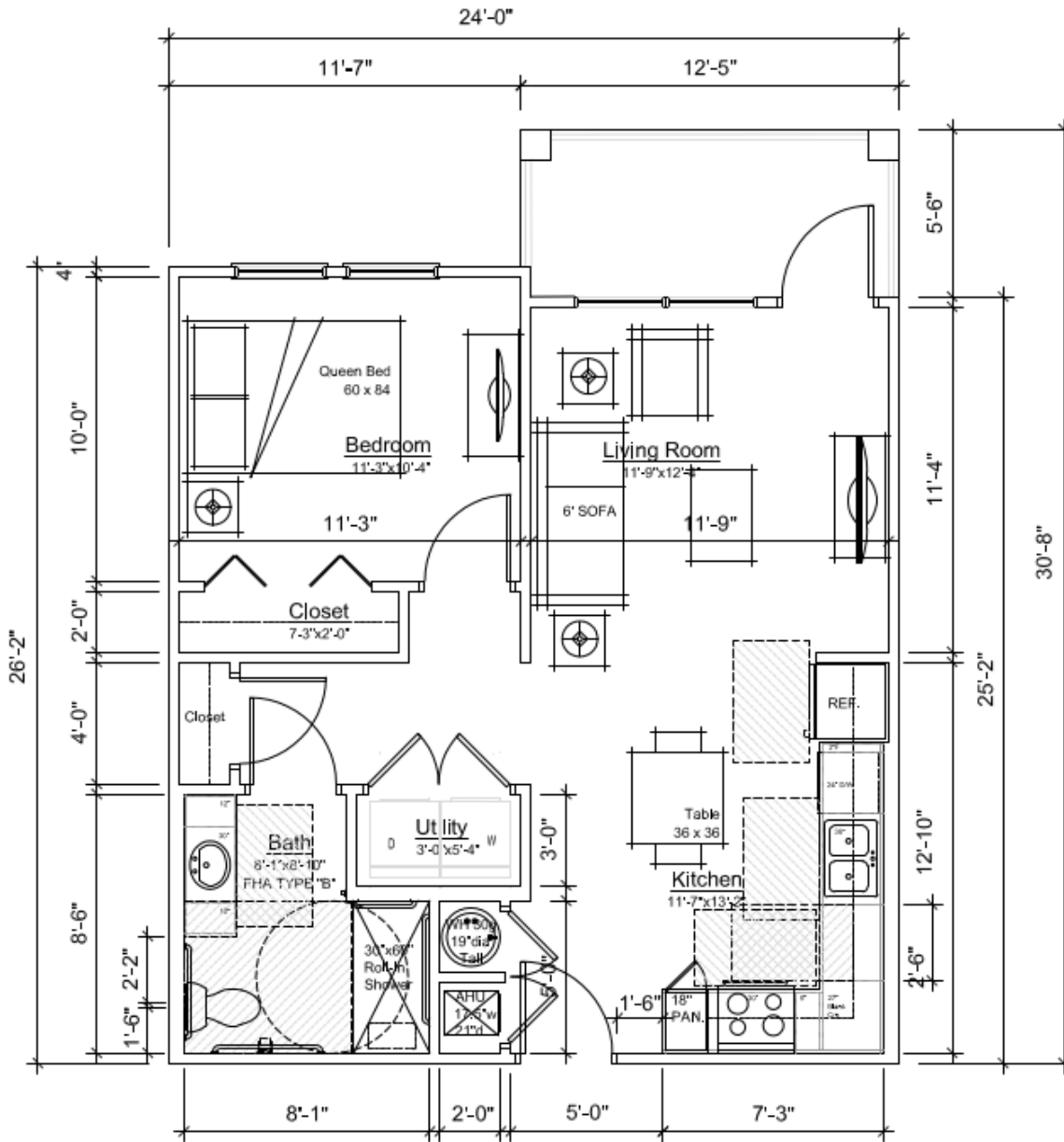
- Clubhouse with on-site management and maintenance offices
- Large community room with lounge seating and a kitchenette
- Fitness Center
- Swimming Pool with hardscape deck
- Dog Park
- Bocce Ball Court
- Green open space

Forest Glen will comply with all required Florida Housing general construction features for elderly communities which include but are not limited to:

- **In-Unit Features:**

- Washer and Dryer hook-ups in every unit
- Cable or satellite TV hook-up in each unit
- Energy-Star ceiling fans with lighting fixtures in all bedrooms
- Full-size Energy-Star appliances (dishwasher, microwave, range, refrigerator)

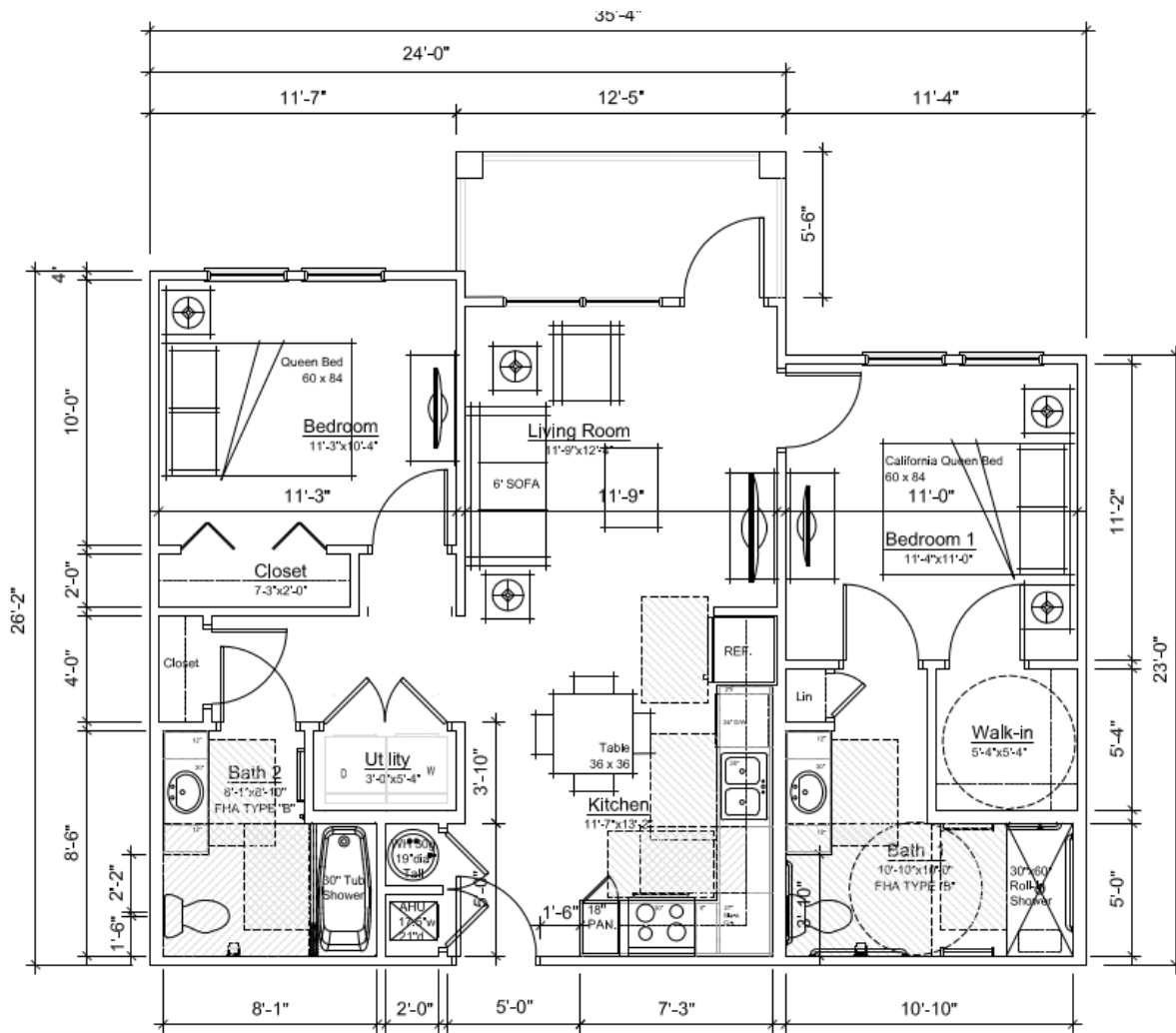
**Unit Plans**



**UNIT A1 -ONE BED ROOM - ACCESSIBLE SHOWER**  
 ANS/UFAS UNIT

SCALE: 3/16" = 1'-0"

A/C AREA=616 s.f.  
 BALCONY= 70 s.f.  
 TOTAL= 686 s.f.



**UNIT B1 - TWO BED ROOM - ACCESSIBLE SHOWER**

SCALE: 3/16" = 1'-0"

ANSI/UFAS UNIT

A/C AREA=877 s.f.  
BALCONY= 70 s.f.  
TOTAL= 947 s.f.

**Elevations**



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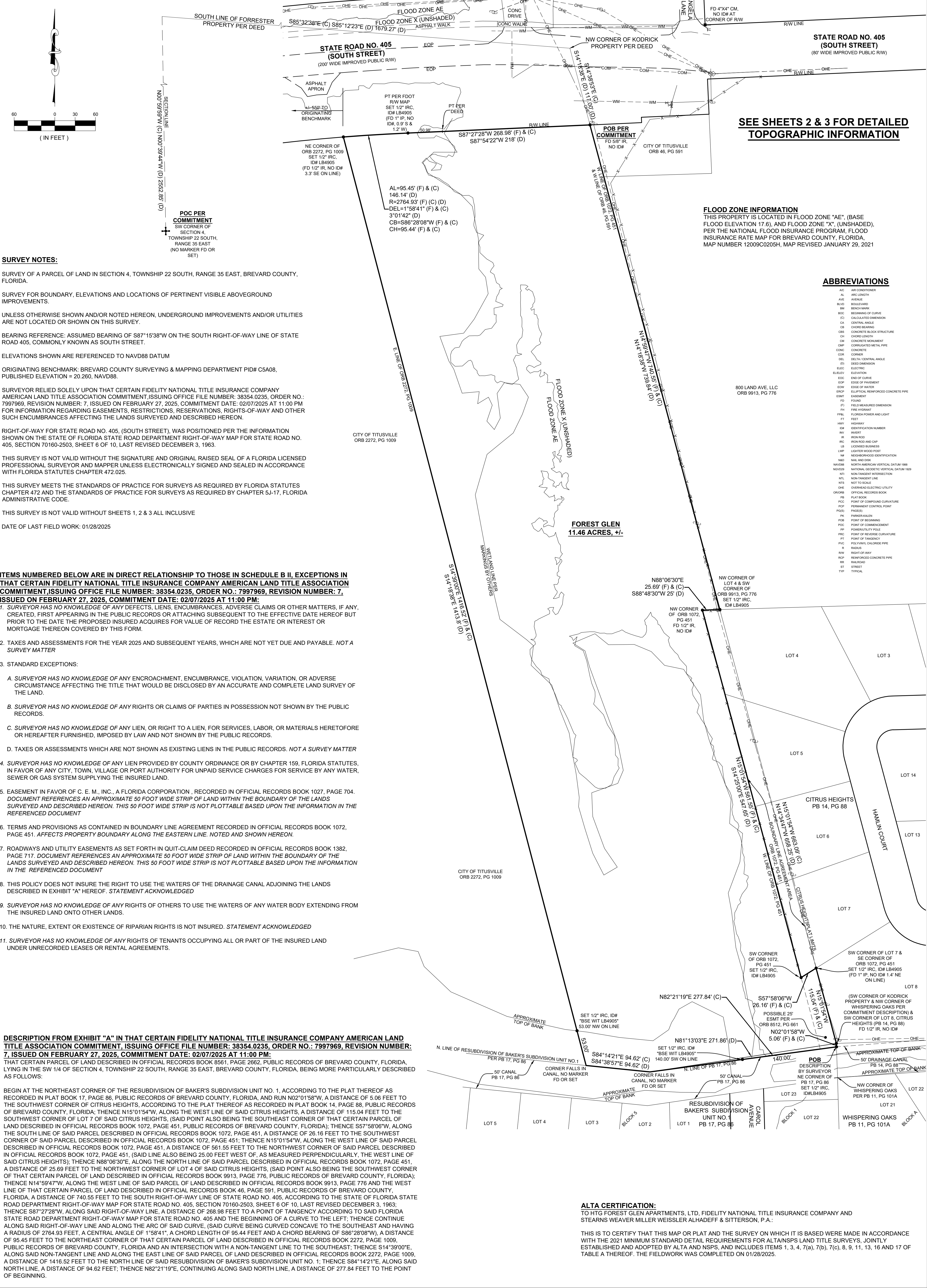
### **Required Green Building Features:**



Forest Glen will be certified to and obtain the ICC 700 National Green Building Standard Certification (NGBS), one of the three green building certification programs offered by Florida Housing, highlighting the importance of creating an environmentally friendly community for our residents and the surrounding neighborhood. Forest Glen will be energy efficient and integrate sustainable design and construction techniques as that is essential to the well-being and long-term success of our intended residents given the high cost of utilities. Forest Glen will comply with all required green building features that are required in new construction units. Other features will include windows with high performance low-e glass, native species landscaping, high Seasonal Energy Efficiency Ratio (SEER 16 or better) HVAC systems, low flow plumbing fixtures and eco-friendly materials such as Green Label flooring, formaldehyde free cabinetry and low VOC paint.

### **In Conclusion**

In conclusion, Forest Glen is a perfectly situated proposed community as it brings much needed affordable housing to a more suburban area where seniors can live peacefully while still being able to benefit from all the essential neighboring community services and are only a short drive to downtown Titusville and other localities.



**SEE SHEETS 2 & 3 FOR DETAILED TOPOGRAPHIC INFORMATION**

**FLOOD ZONE INFORMATION**  
 THIS PROPERTY IS LOCATED IN FLOOD ZONE "AE", (BASE FLOOD ELEVATION 17.6), AND FLOOD ZONE "X", (UNSHADED), PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR BREVARD COUNTY, FLORIDA, MAP NUMBER 12009C0205H, MAP REVISED JANUARY 29, 2021

**ABBREVIATIONS**

ACC	ADJACENT OWNER
AL	ARC LENGTH
AVE	AVENUE
BVD	BOULEVARD
BM	BENCH MARK
BOC	BEARING OF CURVE
CD	CALCULATED DIMENSION
CA	CENTRAL ANGLE
CB	CHORD BEARING
CB	CONCRETE BLOCK STRUCTURE
CL	CHORD LENGTH
CM	CONCRETE MOUNTING
CMF	CORRUGATED METAL PIPE
CONC	CONCRETE
COR	CORNER
CS	DELAWARE CENTRAL ANGLE
DE	DEED DIMENSION
ELC	ELECTRIC
ELEV	ELEVATION
EOC	END OF CURVE
EP	EDGE OF PAVEMENT
EPW	EDGE OF WATER
ERCP	ELLIPTICAL REINFORCED CONCRETE PIPE
ESMT	EASEMENT
FD	FOUL
FD	FIELD MEASURED DIMENSION
FI	FIRE HYDRANT
FL	FLORIDA POWER AND LIGHT
FE	FEET
Hwy	HIGHWAY
IDW	IDENTIFICATION NUMBER
INV	INVERT
IR	IRON ROD
IR	IRON ROD AND CAP
LB	LICENSED BUSINESS
LWP	LIGHTER WOOD POIST
NF	NEIGHBORHOOD IDENTIFICATION
NAD	NAD 83 DATUM
NAD	NAD AND DEED
NAD83	NORTH AMERICAN VERTICAL DATUM 1988
NAD83	NATIONAL GEODETIC VERTICAL DATUM 1988
NTL	NON-TANGENT INTERSECTION
NTL	NON-TANGENT LINE
NTS	NOT TO SCALE
OHE	OVERHEAD ELECTRO UTILITY
OROB	OFFICIAL RECORDS BOOK
PC	PLAT BOOK
PC	POINT OF COMPOUND CURVATURE
PCP	PERMANENT CONTROL POINT
PA	PAGES
PK	PARKER-KALEN
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
PP	POWER UTILITY POLE
PRC	POINT OF REVERSE CURVATURE
PT	POINT OF TANGENCY
PVC	POLYVINYL CHLORIDE PIPE
R	RADIUS
R/W	RIGHT-OF-WAY
RCF	REINFORCED CONCRETE PIPE
RR	RAILROAD
ST	STREET
TYP	TYPICAL

**SURVEY NOTES:**

SURVEY OF A PARCEL OF LAND IN SECTION 4, TOWNSHIP 22 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA.  
 SURVEY FOR BOUNDARY, ELEVATIONS AND LOCATIONS OF PERTINENT VISIBLE ABOVEGROUND IMPROVEMENTS.  
 UNLESS OTHERWISE SHOWN AND/OR NOTED HEREON, UNDERGROUND IMPROVEMENTS AND/OR UTILITIES ARE NOT LOCATED OR SHOWN ON THIS SURVEY.  
 BEARING REFERENCE: ASSUMED BEARING OF S87°15'38"W ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 405, COMMONLY KNOWN AS SOUTH STREET.  
 ELEVATIONS SHOWN ARE REFERENCED TO NAVD83 DATUM  
 ORIGINATING BENCHMARK: BREVARD COUNTY SURVEYING & MAPPING DEPARTMENT PID# C5A08, PUBLISHED ELEVATION = 20.260, NAVD83.  
 SURVEYOR RELIED SOLELY UPON THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY AMERICAN LAND TITLE ASSOCIATION COMMITMENT, ISSUING OFFICE FILE NUMBER: 38354.0235, ORDER NO.: 7997969, REVISION NUMBER: 7, ISSUED ON FEBRUARY 27, 2025, COMMITMENT DATE: 02/07/2025 AT 11:00 PM FOR INFORMATION REGARDING EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY AND OTHER SUCH ENCUMBRANCES AFFECTING THE LANDS SURVEYED AND DESCRIBED HEREON.  
 RIGHT-OF-WAY FOR STATE ROAD NO. 405, (SOUTH STREET), WAS POSITIONED PER THE INFORMATION SHOWN ON THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP FOR STATE ROAD NO. 405, SECTION 70160-2503, SHEET 6 OF 10, LAST REVISED DECEMBER 3, 1963.  
 THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025.  
 THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY FLORIDA STATUTES CHAPTER 472 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REQUIRED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.  
 THIS SURVEY IS NOT VALID WITHOUT SHEETS 1, 2 & 3 ALL INCLUSIVE  
 DATE OF LAST FIELD WORK: 01/28/2025

**ITEMS NUMBERED BELOW ARE IN DIRECT RELATIONSHIP TO THOSE IN SCHEDULE B II, EXCEPTIONS IN THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY AMERICAN LAND TITLE ASSOCIATION COMMITMENT, ISSUING OFFICE FILE NUMBER: 38354.0235, ORDER NO.: 7997969, REVISION NUMBER: 7, ISSUED ON FEBRUARY 27, 2025, COMMITMENT DATE: 02/07/2025 AT 11:00 PM:**

- SURVEYOR HAS NO KNOWLEDGE OF ANY DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS FORM.
- TAXES AND ASSESSMENTS FOR THE YEAR 2025 AND SUBSEQUENT YEARS, WHICH ARE NOT YET DUE AND PAYABLE. NOT A SURVEY MATTER
- STANDARD EXCEPTIONS:
  - SURVEYOR HAS NO KNOWLEDGE OF ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
  - SURVEYOR HAS NO KNOWLEDGE OF ANY RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS.
  - SURVEYOR HAS NO KNOWLEDGE OF ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIALS HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
  - TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS IN THE PUBLIC RECORDS. NOT A SURVEY MATTER
- SURVEYOR HAS NO KNOWLEDGE OF ANY LIEN PROVIDED BY COUNTY ORDINANCE OR BY CHAPTER 159, FLORIDA STATUTES, IN FAVOR OF ANY CITY, TOWN, VILLAGE OR PORT AUTHORITY FOR UNPAID SERVICE CHARGES FOR SERVICE BY ANY WATER, SEWER OR GAS SYSTEM SUPPLYING THE INSURED LAND.
- EASEMENT IN FAVOR OF C. E. M., INC., A FLORIDA CORPORATION, RECORDED IN OFFICIAL RECORDS BOOK 1027, PAGE 704. DOCUMENT REFERENCES AN APPROXIMATE 50 FOOT WIDE STRIP OF LAND WITHIN THE BOUNDARY OF THE LANDS SURVEYED AND DESCRIBED HEREON. THIS 50 FOOT WIDE STRIP IS NOT PLOTTABLE BASED UPON THE INFORMATION IN THE REFERENCED DOCUMENT
- TERMS AND PROVISIONS AS CONTAINED IN BOUNDARY LINE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1072, PAGE 451. AFFECTS PROPERTY BOUNDARY ALONG THE EASTERN LINE. NOTED AND SHOWN HEREON.
- ROADWAYS AND UTILITY EASEMENTS AS SET FORTH IN QUIT-CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 1382, PAGE 717. DOCUMENT REFERENCES AN APPROXIMATE 50 FOOT WIDE STRIP OF LAND WITHIN THE BOUNDARY OF THE LANDS SURVEYED AND DESCRIBED HEREON. THIS 50 FOOT WIDE STRIP IS NOT PLOTTABLE BASED UPON THE INFORMATION IN THE REFERENCED DOCUMENT
- THIS POLICY DOES NOT INSURE THE RIGHT TO USE THE WATERS OF THE DRAINAGE CANAL ADJOINING THE LANDS DESCRIBED IN EXHIBIT "A" HEREOF. STATEMENT ACKNOWLEDGED
- SURVEYOR HAS NO KNOWLEDGE OF ANY RIGHTS OF OTHERS TO USE THE WATERS OF ANY WATER BODY EXTENDING FROM THE INSURED LAND ONTO OTHER LANDS.
- THE NATURE, EXTENT OR EXISTENCE OF RIPARIAN RIGHTS IS NOT INSURED. STATEMENT ACKNOWLEDGED
- SURVEYOR HAS NO KNOWLEDGE OF ANY RIGHTS OF TENANTS OCCUPYING ALL OR PART OF THE INSURED LAND UNDER UNRECORDED LEASES OR RENTAL AGREEMENTS.

**DESCRIPTION FROM EXHIBIT "A" IN THAT CERTAIN FIDELITY NATIONAL TITLE INSURANCE COMPANY AMERICAN LAND TITLE ASSOCIATION COMMITMENT, ISSUING OFFICE FILE NUMBER: 38354.0235, ORDER NO.: 7997969, REVISION NUMBER: 7, ISSUED ON FEBRUARY 27, 2025, COMMITMENT DATE: 02/07/2025 AT 11:00 PM:**

THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 8561, PAGE 2662, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING IN THE SW 1/4 OF SECTION 4, TOWNSHIP 22 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGIN AT THE NORTHEAST CORNER OF THE RESUBDIVISION OF BAKER'S SUBDIVISION UNIT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 17, PAGE 86, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND RUN N02°01'58"W, A DISTANCE OF 5.06 FEET TO THE SOUTHWEST CORNER OF CITRUS HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 88, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE N15°01'54"W, ALONG THE WEST LINE OF SAID CITRUS HEIGHTS, A DISTANCE OF 115.04 FEET TO THE SOUTHWEST CORNER OF LOT 7 OF SAID CITRUS HEIGHTS, (SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE S57°58'06"W, ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, A DISTANCE OF 26.16 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451; THENCE N15°01'54"W, ALONG THE WEST LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, A DISTANCE OF 561.55 FEET TO THE NORTHWEST CORNER OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, AS MEASURED PERPENDICULARLY, THE WEST LINE OF SAID CITRUS HEIGHTS); THENCE N88°06'30"E, ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1072, PAGE 451, A DISTANCE OF 25.69 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID CITRUS HEIGHTS, (SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 9913, PAGE 776, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA); THENCE N14°59'47"W, ALONG THE WEST LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 9913, PAGE 776 AND THE WEST LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 46, PAGE 591, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, A DISTANCE OF 740.55 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 405, ACCORDING TO THE STATE OF FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP FOR STATE ROAD NO. 405, SECTION 70160-2503, SHEET 6 OF 10, LAST REVISED DECEMBER 3, 1963; THENCE S87°27'28"W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 268.98 FEET TO A POINT OF TANGENCY ACCORDING TO SAID FLORIDA STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP FOR STATE ROAD NO. 405 AND THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE LEFT AND HAVING A RADIUS OF 2764.93 FEET, A CENTRAL ANGLE OF 1°58'41", A CHORD LENGTH OF 95.44 FEET AND A CHORD BEARING OF S86°28'08"W), A DISTANCE OF 95.45 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2272, PAGE 1009, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S14°39'00"E, ALONG SAID NON-TANGENT LINE AND ALONG THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2272, PAGE 1009, A DISTANCE OF 1416.52 FEET TO THE NORTH LINE OF SAID RESUBDIVISION OF BAKER'S SUBDIVISION UNIT NO. 1; THENCE S84°14'21"E, ALONG SAID NORTH LINE, A DISTANCE OF 94.62 FEET; THENCE N82°21'19"E, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 277.84 FEET TO THE POINT OF BEGINNING.

**ALTA CERTIFICATION:**  
 TO HTG FOREST GLEN APARTMENTS, LTD, FIDELITY NATIONAL TITLE INSURANCE COMPANY AND STEARNS WEAVER MILLER WEISSLER ALHADEFF & SITTERSON, P.A.  
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 7(a), 7(b), 7(c), 8, 9, 11, 13, 16 AND 17 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 01/28/2025.

FIELD BOOK: ---	
PAGE(S): ---	
REVISION	DATE
1	03/03/2025
2	02/05/2025
3	02/05/2025
4	01/31/2025
DESIGN/DRAWN: LEH	DATE: 01/30/2025

**B.S.E. CONSULTANTS, INC.**  
 CONSULTING - ENGINEERING - LAND SURVEYING  
 312 SOUTH HARBOR CITY BOULEVARD, SUITE 4  
 MELBOURNE, FLORIDA 32901  
 PHONE: (321) 725-3674 FAX: (321) 723-1159  
 CERTIFICATE OF PROFESSIONAL ENGINEERS  
 BUSINESS AUTHORIZATION: 4969  
 CERTIFICATE OF LAND SURVEYING  
 BUSINESS AUTHORIZATION: LB000905

**FOREST GLEN APARTMENTS**  
**ALTA/NSPS LAND TITLE SURVEY**

SCOTT M. GLAUBITZ  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA LICENSE NUMBER 4151  
 LESLIE E. HOWARD  
 PROFESSIONAL SURVEYOR & MAPPER  
 FLORIDA LICENSE NUMBER 5611

PROJECT NO.	11734
DRAWING NO.	11734_100_001
SHEET	1 of 3

H:\Projects\ForestGlen\11734\Drawings\11734\_100\_001\_ALTA.dwg, March 3, 2025 10:15:29 AM





Prepared by and Return to:  
Tiffany Scarboro , an employee of  
First International Title, Inc.  
325 Indian River Avenue  
Titusville, FL 32796  
File No.: 152647-44

### **TRUSTEE'S DEED**

THIS INDENTURE, executed on October 4, 2019 between **Glenn Willis, Individually and as Trustee of the 2001 South Street Trust**, whose mailing address is: 4435 Indian River Dr, Cocoa, FL 32927, Grantor, and **IT FITZ HOMES, INC., a Florida Corporation**, whose mailing address is: 3605 Sparrow Hawk Trl, Mims, FL 32754 , Grantee.

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Brevard County, **Florida**, to-wit:

SEE ATTACHED EXHIBIT A

\*This property property is vacant and unimproved and is not the homestead of the grantor.

Parcel Identification Number: 22-35-04-00-514

**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

**Trustee(s)**, has/have full power to sell, transfer, mortgage said real estate.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2018.

**In Witness Whereof**, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

*Glenn Willis*

Glenn Willis, as Trustee of the 2001 South Street Trust,  
under agreement dated August 8, 2018

*Glenn Willis*

Glenn Willis

**Signed, sealed and delivered in our presence:**

*Tiffany Scarborough*

Witness Signature

Print Name: Tiffany Scarborough

*Nicole Kent*

Witness Signature

Print Name: Nicole Kent

State of FLORIDA

County of BREVARD

**The Foregoing Instrument Was Acknowledged** before me on the 4th day of October, 2019, by **Glenn Willis, Individually and as Trustee of the 2001 South Street Trust**, who is/are personally known to me or who has/have produced the following as identification: Driver's License.

*Tiffany A. Scarborough*

Notary Public

(Printed Name)

My Commission expires: \_\_\_\_\_



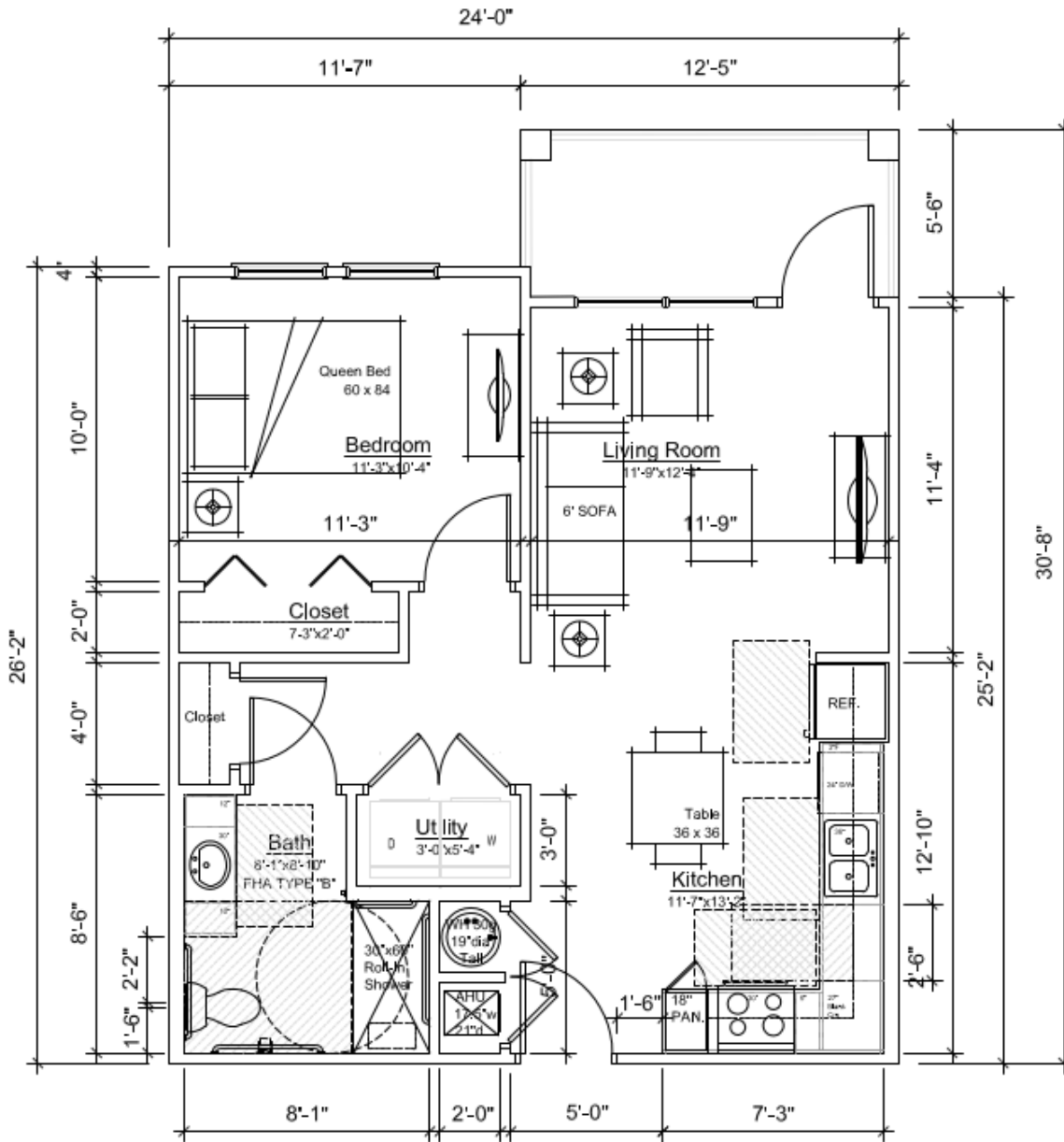
Escrow File No.: 152647-44

**EXHIBIT "A"**

**Being a part of the SW 1/4 of Section 4, Township 22 South, Range 35 East, Brevard County, Florida, and being more particularly described as follows:**

**Commence at the SW corner of Section 4, Township 22 South, Range 35 East; thence run N 0°39'44" W a distance of 2,552.85 feet to a Point on the South line of Forrester Property; thence run S 85°12'23" E a distance of 1,679.27 feet to the NW corner of Kodrick Property; thence run S 14°18'38" E a distance of 117 feet to the Point of Beginning of the following described Parcel of Land, said Point being in the South R/W line of State Road. No. 405; thence run S 87°54'22" W along the said South R/W line a distance of 218 feet to the Point of Tangency of a curve concave to the SE, being also the South R/W line of said State Road No. 405 and having a Radius of 2,764.93 feet, said Point of Tangency bearing N 02°05'38" W from the Center of said curve; thence run Southwesterly along aforesaid curve through a central angle of 3°01'42" for an Arc distance of 146.14 feet to a Point, said point bearing N 05°07'20" W from the center of said curve; thence run S 14°18'38" E for a distance of 1,413.8 feet to a point, said point being on a line which is the North boundary line of a Drainage Canal as shown on a Plat of BAKER'S RESUBDIVISION, UNIT 1, as recorded in Plat Book 17, at Page 86, Public Records of Brevard County, Florida; thence run along said line bearing S 84°38'57" E for a distance of 94.62 feet to a point; thence run N 81°13'03" E a distance of 271.86 feet to the SW corner of Kodrick Property, this being also the NW corner of WHISPERING OAKS SUBDIVISION, according to the plat thereof recorded in Plat Book 11, at Page 101 of the Public Records of Brevard County, Florida; thence run N 14°34'47" W for a distance of 658.25 feet to a point; thence run N 14°18'38" W for a distance of 739.84 feet to the Point of Beginning.**

**Unit Plans**



**UNIT A1 -ONE BED ROOM - ACCESSIBLE SHOWER**  
 SCALE: 3/16" = 1'-0"  
 ANSI/UFAS UNIT

A/C AREA=616 s.f.  
 BALCONY= 70 s.f.  
 TOTAL= 686 s.f.

## Private Storage

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

We are unable to comply with the requirement that Multifamily units in the R-3 zoning district shall contain a private storage area of thirty-two (32) square feet per unit. We are claiming a hardship and potential injustice due to the following:

- **Affordable Housing Constraints:** As highlighted previously, Forest Glen is an **affordable housing development specifically for elderly households**, utilizing limited funding sources to serve individuals at or below 60% of the area median income. Incorporating 32 square feet of private storage into each of the 80 units would significantly increase the overall building footprint and construction costs. This added expense could necessitate a **reduction in the number of affordable units** we can provide within our budget, or it could **jeopardize the financial viability** of the entire project, preventing the creation of crucial affordable senior housing.
- **Efficient Unit Design and Focus on Amenity Spaces:** To maintain affordability and align with **Low Impact Design (LID)** principles, we have prioritized **efficient interior unit layouts** and maximizing communal amenity spaces. We believe that providing slightly smaller units (as per our previous variance request) with well-designed common areas, such as the proposed **pool, bocce ball court, bar-b-que area, and sitting areas**, offers a more beneficial living experience for our senior residents than larger units with significant private storage that may not be fully utilized. The focus is on providing comfortable living spaces and shared amenities that foster community and well-being within a compact and sustainable building footprint, consistent with LID goals.

### 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?

As mentioned before, the property is a **±11.61 acres tract of vacant land**. The special circumstances justifying a variance from the private storage requirement are directly linked to the **unique nature and objectives of the proposed development**:

- **100% Affordable Senior Housing:** Forest Glen's sole purpose is to provide **deeply affordable housing for seniors aged 60 and over**. This specific demographic may have varying storage needs, and the cost associated with a mandatory 32 square feet of private storage in each unit could detract from the affordability that is central to the project's mission and public benefit. The **50-year affordability restriction** further emphasizes the long-term commitment to serving this specific population.
- **Commitment to Low Impact Development (LID):** Our dedication to **Low Impact Design (LID)** influences all aspects of the project, including building design and resource efficiency. By optimizing interior unit space and focusing on shared amenities, we aim for a more sustainable and environmentally conscious development. Requiring substantial private storage in every unit could lead to a larger, less efficient building footprint, potentially conflicting with LID principles of minimizing site disturbance and maximizing open space.
- **Public Investment for Affordable Housing:** The fact that this development is being supported by **City SHIP funding and Brevard County funding** underscores the community's recognition of the critical need for affordable senior housing. This public investment suggests that some flexibility in standard development regulations may be appropriate to ensure the successful creation of these essential units.

**3. Is your variance request the minimum change from the requirements that you need to overcome your hardship? Explain your answer.**

We are requesting a **complete waiver** of the 32 square feet of private storage requirement per unit. We believe this is the **minimum change necessary** to overcome the financial and design-related hardships associated with providing deeply affordable senior housing within an LID-focused development.

- Requiring any private storage within each unit, even less than 32 square feet, would still add to the overall construction costs and potentially necessitate either smaller living areas or a larger building footprint. Our aim is to balance comfortable and functional living spaces with shared amenities while maintaining the financial feasibility required for a 100% affordable development.
- We believe that efficient unit design, coupled with the provision of various on-site amenity spaces, adequately addresses the needs of our senior residents without the necessity of mandatory private storage within each unit. The cost savings from omitting this requirement are crucial for maximizing affordability and the number of units we can provide with the available funding.

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

Approval of this variance request to waive the private storage requirement is **unlikely to result in harm to neighboring properties or the general public** for the following reasons:

- **Internal Unit Feature:** The presence or absence of private storage within the individual units is primarily an internal design consideration that does not directly impact external factors such as **setbacks, building height (within regulations at 35 feet), or density (proposed 6.9 DU/AC, below the 15 DU/AC maximum)**. The **provided setbacks are significantly larger than the required minimums**.
- **Addressing Affordable Housing Needs:** By allowing us to forgo the mandatory private storage, we can maintain the affordability of the units and potentially provide housing to a greater number of seniors in need, directly benefiting a vulnerable segment of the public.
- **Quality of Life through Amenities:** The project offers numerous **communal amenities** that will enhance the residents' quality of life and potentially reduce the need for extensive private storage within each unit. These amenities foster a sense of community and provide alternative spaces for recreation and socializing.
- **Environmental Responsibility (LID):** Our commitment to **Low Impact Design (LID)** benefits the general public by minimizing environmental impact through responsible stormwater management, efficient resource use, and a more compact development footprint. Waiving the storage requirement contributes to this goal by allowing for potentially smaller overall building dimensions.
- **Adherence to Other Regulations:** We are committed to meeting all other applicable zoning and development regulations, ensuring that the project will be a safe and well-integrated addition to the community. The variance requested is specific to the private storage requirement and will not compromise other essential development standards.

In summary, waiving the private storage requirement will not negatively impact the physical characteristics of the development in a way that would harm neighboring properties or the general public. Instead, it is a necessary measure to maintain the affordability and viability of much-needed senior housing while aligning with principles of efficient design and environmental responsibility, ultimately benefiting the community.

## Unit Size

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

We are unable to fully comply with the minimum one-bedroom unit size requirement of 700 square feet in the R-3 zoning district. We are requesting a minimum of 616 square feet for our one-bedroom units. Complying with the 700 square foot minimum would create a hardship and potential injustice for the following reasons:

- **Affordable Housing Constraints:** Forest Glen is designed as an **affordable housing development for elderly households**. The project utilizes **9% housing credit financing, City SHIP funding, and Brevard County funding** specifically to serve individuals at or below 60% of the area median income. Adhering to a larger minimum unit size would increase the overall development costs. This could necessitate either a reduction in the number of affordable units we can provide with the limited funding available, or it could jeopardize the financial feasibility of the entire project, thus depriving the community of much-needed affordable senior housing.
- **Efficient Design and Low Impact Development:** We are committed to **incorporating Low Impact Design (LID)** principles throughout the development. LID focuses on efficient site design and minimizing environmental impact. A slightly smaller, well-designed unit can contribute to a more compact and sustainable building footprint, aligning with LID goals. We believe that a 616 square foot unit can still provide comfortable and functional living space for senior residents when thoughtfully designed, especially within a community offering various outdoor amenities. This allows us to balance providing quality affordable housing with environmentally responsible development practices. The applicant is requesting "**a one-bedroom unit size of no less than 616 square feet**", suggesting this is the minimum deemed necessary for the project's viability while maintaining suitable living standards for the target demographic.

### **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?**

While the property itself is described as a **±11.61 acres tract of vacant land**, the special circumstances justifying different treatment relate to the specific nature and goals of the proposed development:

- **Dedicated Affordable Senior Housing:** Forest Glen is explicitly designed to provide **100% affordable housing for senior citizens aged 60 and older**. This demographic often has specific housing needs and may benefit from efficiently designed, appropriately sized units within a supportive community. The commitment to a **50-year affordability restriction** that will run with the land underscores the long-term public benefit. This dedicated focus on affordable senior housing distinguishes it from market-rate developments.
- **Integration of Low Impact Design (LID):** The project's commitment to **Low Impact Design (LID)** is a special condition. By implementing practices such as underground stormwater chambers, we are demonstrating a commitment to environmental stewardship that goes beyond standard development practices. This focus on sustainability and efficient resource management supports a slightly reduced unit size as part of a holistic design approach.
- **Public Funding for Affordable Housing:** The utilization of **City SHIP funding to offset utility connection fees and Brevard County funding** highlights the public support for this affordable housing initiative. This public investment acknowledges the critical need for such housing in the community and suggests that flexibility in certain development standards can be warranted to ensure the successful delivery of this public benefit.

**3. Is your variance request the minimum change from the requirements that you need to overcome your hardship? Explain your answer.**

The applicant is requesting a minimum one-bedroom unit size of **616 square feet**, which is 84 square feet less than the current R-3 zoning requirement of 700 square feet. We believe this request represents the **minimum change necessary** to overcome the financial hardships associated with providing affordable housing while still ensuring appropriately sized living spaces for senior residents within an LID-focused development.

- A reduction of 84 square feet per unit, across 72 one-bedroom units, can lead to significant overall cost savings in construction and potentially allow for a more efficient use of the available funding to provide the planned 80 affordable units.
- While a smaller reduction might yield some cost savings, it may not be sufficient to meaningfully impact the financial feasibility or allow for the desired level of affordability for the target demographic. Conversely, a larger reduction could

compromise the quality of living space. The requested 616 square foot minimum represents a carefully considered balance. The Project Narrative explicitly requests **"a one-bedroom unit size of no less than 616 square feet"**, indicating this is the considered minimum to achieve project goals.

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

Approval of this variance request for a slightly reduced minimum one-bedroom unit size **will not result in harm to neighboring properties or the general public** for the following reasons:

- **Internal Unit Configuration:** The size of the interior dwelling units does not directly impact external factors such as setbacks, building height (which at 3 stories and 35 feet is within the R-3 regulations), or density (proposed at 6.9 DU/AC, well below the 15 DU/AC maximum). The provided setbacks are also significantly greater than the required minimums.
- **Focus on Affordable Housing:** The primary goal of Forest Glen is to provide much-needed **affordable housing for senior citizens**. Approving this variance will help facilitate the creation of these units, directly benefiting a vulnerable segment of the population and addressing a recognized community need.
- **Commitment to Quality Development:** Despite the focus on affordability, the project includes features that will enhance the quality of life for residents, such as an **automatic sprinkler system, roll-out dumpsters, dry detention ponds, underground storm water management, a pool, bocce ball, bar-b-que area, and sitting areas**. These amenities contribute to a well-rounded living environment.
- **Environmental Responsibility (LID):** The incorporation of **Low Impact Design (LID)** demonstrates a commitment to environmentally responsible development practices, which benefits the general public by minimizing stormwater runoff, protecting water quality, and promoting sustainability.
- **Connectivity to Public Services:** The development will connect to **City of Titusville water, sewer, and reuse**, ensuring proper infrastructure and service provision without negatively impacting existing public systems.
- **Proximity to Amenities:** The project is located with access to major grocery stores, pharmacies, eateries, shopping, parks, and medical care facilities, indicating residents will have convenient access to essential services.

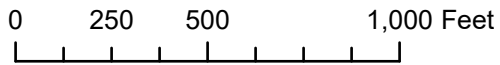
In conclusion, the requested variance pertains to the interior size of the affordable housing units and will not negatively impact the physical characteristics of the development in a way that would harm neighboring properties. Instead, it will facilitate the creation of vital affordable housing for senior citizens while adhering to environmentally conscious design principles, ultimately benefiting the community.

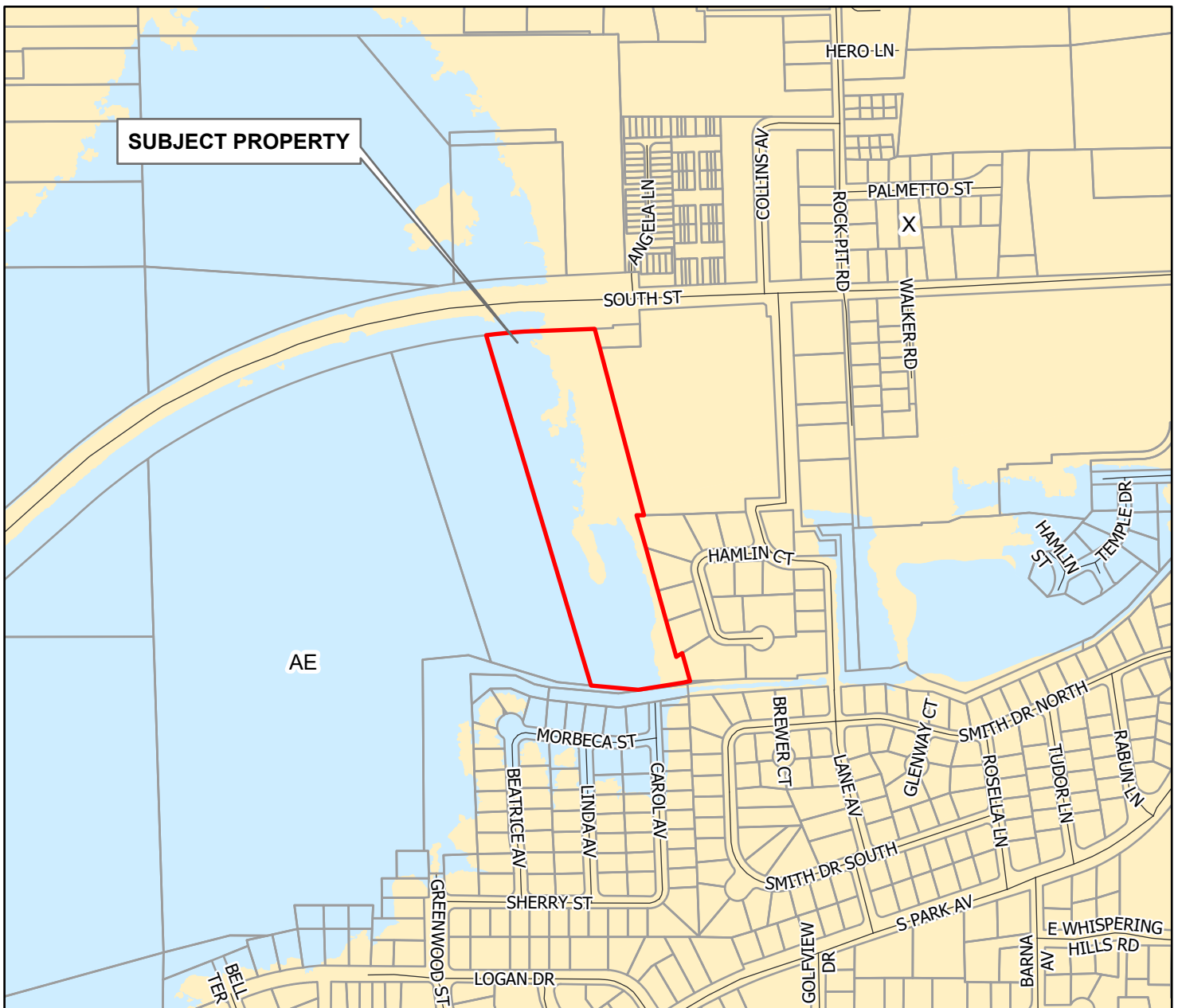


**SUBJECT PROPERTY**



# Aerial 2024 VAR #15-2025





# FEMA FLOOD HAZARD AREAS

## VAR #15-2025

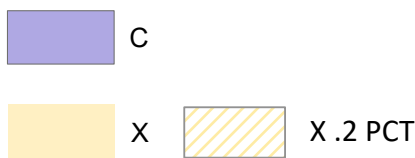
### Special Flood Hazard Area Zones



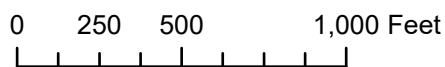
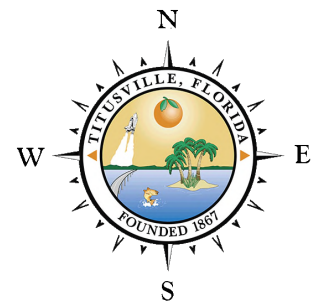
### Moderate Flood Hazard Area Zone

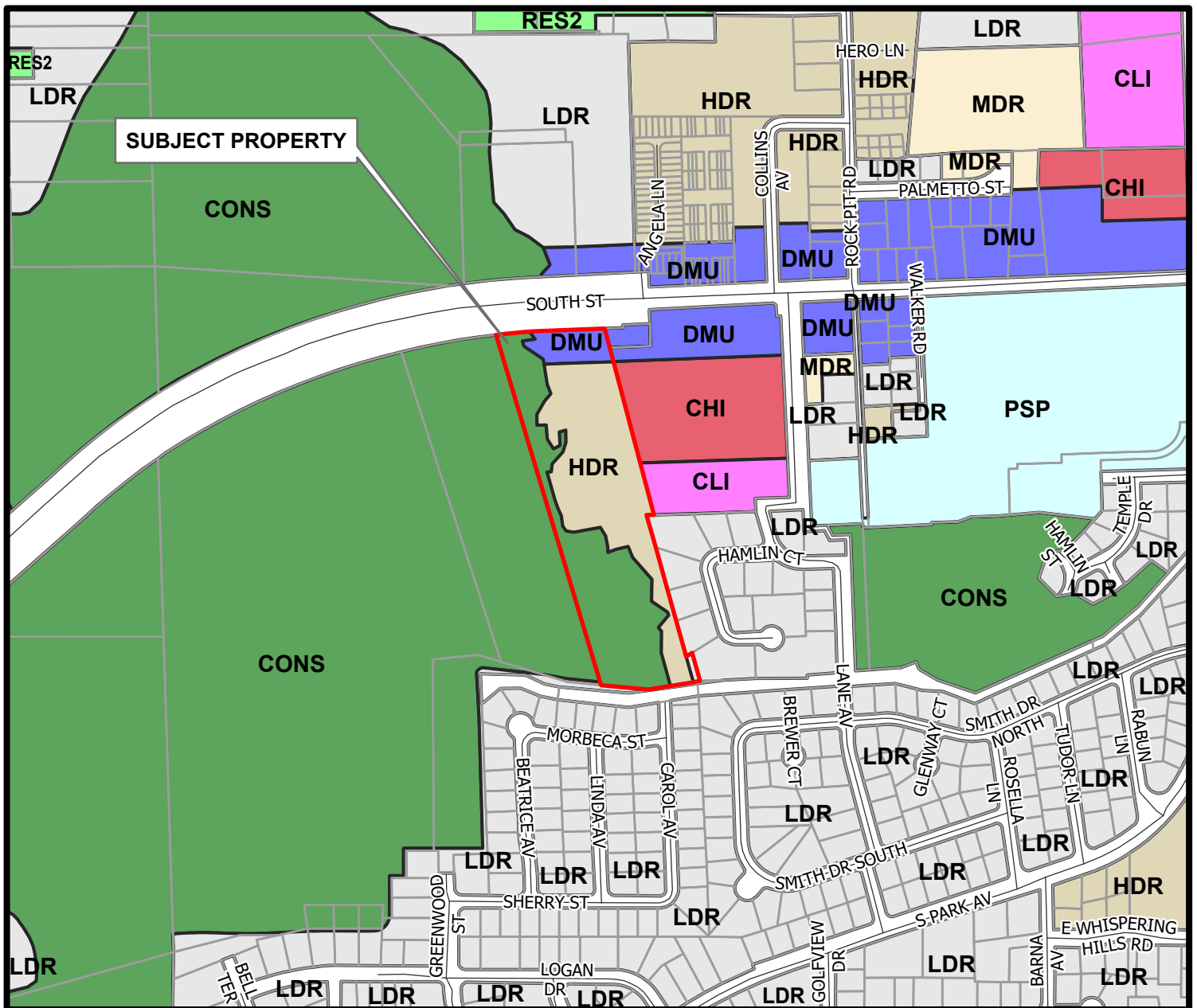


### Minimal Flood Hazard Zones



### Other Flood Zone Areas

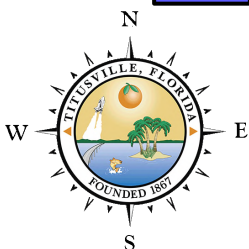




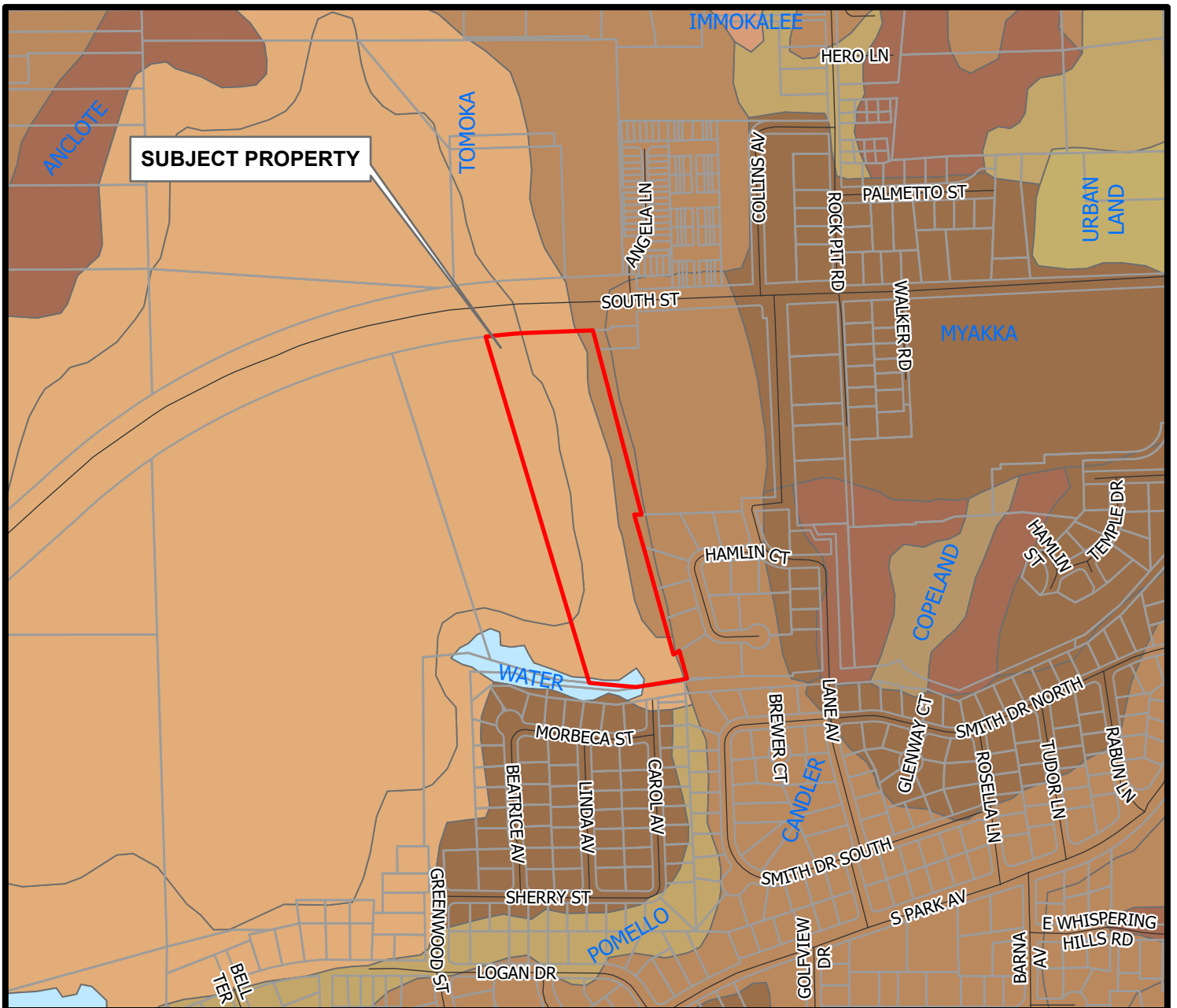
## LOCATION OF PROPERTY AND FUTURE LAND USE MAP

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










Subject

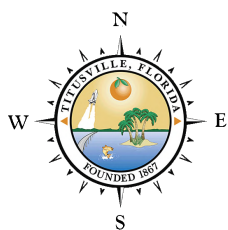


0 250 500 1,000 Feet



## SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR #15-2025

SoilName	 MYAKKA
 ANCLOTE	 POMELLO
 CANDLER	 TOMOKA
 COPELAND	 URBANLAND
 IMMOKALEE	 WATER

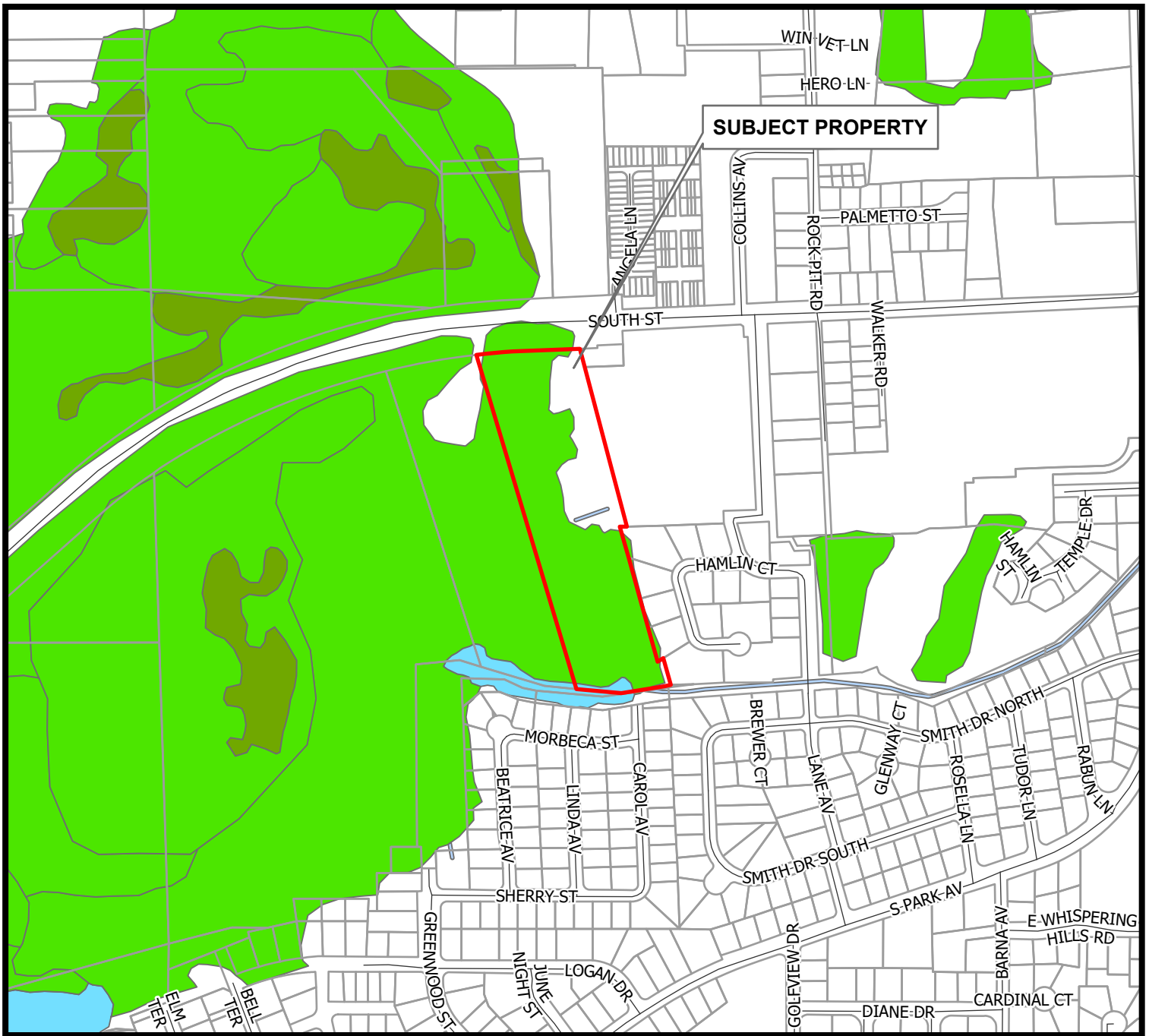


Community Development Department

0 250 500 1,000 Feet

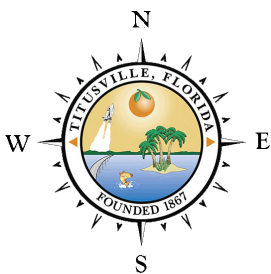
Soils data source: The U.S. Department of Agriculture, Natural Resources Conservation Service. (2019)

4/28/2025



# WETLANDS IN VICINITY OF PROPERTY

## VAR #15-2025



### WETLAND\_TY

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

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

4/28/2025

Scale:1:7,000

Community Development Department  
Source: USFWS NWI (2023)



**Sec. 28-307. Multifamily High Density Residential (R-3).**

<b>Multifamily High Density Residential (R-3)</b>		
<i>(a) Purpose</i>		
<p>The Multifamily High Density Residential (R-3) district is intended to allow the development of a variety of housing types at a maximum density of fifteen (15) units per acre. This district is further intended to satisfy the need for a high concentration of population, is located adjacent to arterial or collector streets and is well served by public services and facilities. When adjacent to R-1 zoning districts, the development within the district shall be designed carefully to provide maximum compatibility with adjacent development by proper architectural design, landscaping, screening, and parking.</p>		
<i>(b) Use Standards</i>	<i>Typical Lot Pattern</i>	
See Chapter 28 Article IV and Article V		
<i>(c) Intensity and Dimensional Standards</i>		
Lot area, minimum (sq. ft.)		Townhomes: 2,000 Multifamily: 2,500 per DU
Lot width, minimum (ft.)	Townhomes: 20 Multifamily: None	
Density, maximum (du/ac)	15	
Floor area per dwelling unit, minimum (sq. ft.)	Townhomes: 800 Multifamily: Efficiency - 600 1 Bedroom - 700 2 Bedroom - 800 3 Bedroom - 900	
Building coverage, maximum (% of lot area)	50	
Lot Coverage, maximum (% of lot area)	NA	
Height, maximum (ft.)	35	
Front yard setback, minimum (ft.)	25 <sup>1, 2</sup>	
Side corner yard setback, minimum (ft.)	20 <sup>2</sup>	

Interior side yard setback, minimum (ft.)	10 <sup>2</sup>	
Rear yard setback, minimum (ft.)	25 <sup>1, 2</sup>	
Accessory Use Development Standards	See Chapter 28 Article VII	

**NOTES:**

- Townhouse and Multifamily developments shall have a minimum distance between structures of 20 feet.
  - A maximum of six (6) dwelling units shall be allowed in a building group of townhouse units.
  - Staggered setbacks are encourage to lessen the straight row effect.
  - Multifamily units shall contain a private storage area of thirty-two (32) square feet per unit.
- <sup>2</sup> For townhome developments, see Section 30-151, Projections.

*Typical Development Configuration (For illustrative purposes only)*





(Ord. No. 53-2018, § 1, 11-13-17)

**City of Titusville**  
"Gateway to Nature and Space"

REPORT

**To:** Members of the Board of Adjustments and Appeals  
**From:** Brad Parrish, Community Development Director  
**Subject:** **Variance 16-2025 - 3410 Melody Lane**  
**Department/Office:** Planning

**Recommended Action:**

Consider the requested variance to allow a fence located in the front yard to exceed the maximum 4-foot height, for property located at 3410 Melody Lane.

**Summary Explanation & Background:**

The applicant is requesting a variance to the Land Development Regulations, Chapter 30, Section 30-182. Height and location requirements. Section 30-182(a)(1) – To allow a fence located in the front yard to exceed the maximum 4-foot height, for property located in the Single-Family High Density (R-1C) zoning district, located at 3410 Melody Lane, Titusville, FL 32796, as submitted by Matthew Suarez, 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 16-2025 Staff Report

2. Application
3. Survey
4. Code
5. All Maps VAR #16-2025



# City of Titusville Community Development

1 **BOARD OF ADJUSTMENTS AND APPEALS**

2 **Variance (VAR) No. 16-2025, 3410 Melody Lane**

3 **Meeting Date:** May 28, 2025

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

5 **Applicant:** Matthew Suarez, owner

6 **Background**

7 (a) Variance request: *Land Development Regulations, Chapter 30, Section 30-182.*  
8 *Height and location requirements. Section 30-182(a)(1) – To allow a fence located*  
9 *in the front yard to exceed the maximum 4-foot height, for property located in the*  
10 *Single-Family High Density (R-1C) zoning district, located at 3410 Melody Lane,*  
11 *Titusville, FL 32796, as submitted by Matthew Suarez, owner.*

12 (b) Location: 3410 Melody Lane, Titusville, FL 32796. Tax No. 2106260. Parcel I.D.  
13 21-35-29-54-7-7

14 (c) Land Description: BONNYMEDE ESTATES UNIT NO 1 LOT 7 BLK 7

15 (d) Future Land Use: Medium Density Residential

16 (e) Zoning: Single-Family High Density (R-1C)

17 (f) Surrounding Zoning Districts.

18 1. North: Single-Family Medium Density (R-1B)

19 2. South: Single-Family High Density (R-1C)

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

21 4. West: General Use (GU)

22 (g) Lot Characteristics: The subject property is a corner lot approximately 0.25 acres  
23 (10,890 sq. ft) with 74.20 feet of frontage along Crescent Drive and 85 feet of

**Board of Adjustments and Appeals: Variance No. 16-2025**

1 frontage along Melody Lane. These dimensions meet the minimum 6,500 sq. ft lot  
2 area and 65 ft lot width for the Single-Family High Density (R-1C) zoning district.

3 (h) Uses: Single family dwelling constructed in 1977.

4 **Powers of the BAA**

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

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

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

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

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

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

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

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

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

28 **Analysis**

29 Land Development Regulations (LDR) Section 30-182 of the LDR states, *the*  
30 *maximum height of a fence or wall in any required front yard setback shall be four*  
31 *(4) feet.* The applicant is requesting a variance to the LDR to allow for the  
32 construction of a fence 6 feet in height within the front yard along Melody Lane.

33 Section 30-139 of the LDR states, the front setback of a corner lot shall be that yard  
34 abutting the street with the least frontage, unless otherwise determined on a recorded

## Board of Adjustments and Appeals: Variance No. 16-2025

1 plat or in a recorded deed. Brevard County Property Appraiser website shows the  
2 house was built in 1977 as part of Bonnymede Estates. The plat for Bonnymede  
3 Estates was created in 1967. There is no special determination of frontage listed on  
4 the recorded plat or on the recorded deed.

5 The applicant's lot is a corner lot with approximately 74.20 feet of frontage along  
6 Crescent Drive and 85 feet of frontage along Melody Lane. These dimensions would  
7 require the front setback to be measured along Crescent Drive. The lot does not have  
8 any special conditions or circumstances that would prevent the installation of a fence  
9 4-foot in height along Crescent Drive. The applicant also has the ability to add a  
10 vegetative buffer along a 4-foot-high fence to provide additional screening.

### 11 **Recommendation**

12 The staff recommends **denial** of the variance. There are no special conditions or  
13 circumstances which exist that are peculiar to the land. The literal interpretation of the  
14 code would not deprive the owner of rights commonly enjoyed by others in the same  
15 zoning district. The applicant has the ability to provide privacy and screening through  
16 the installation of a vegetative buffer along a 4-foot-high fence.



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.

<b>1. Project Location</b>	Property Address/Location Description 3410 Melody LN, Titusville FL 32796		
<b>2. Applicant/ Owner</b>	Name of Applicant/Contact Matthew Suarez		Name of Owner Matthew Suarez
	Street Address 3410 Melody LN		Street Address 3410 Melody LN
	City	State	Zip
	Titusville	FL	32796
	Telephone # 7868537973		Telephone # 7868537973
Fax # N/a		Fax # N/a	
E-Mail Address matthewsuarez1101@gmail.com		E-Mail Address matthewsuarez1101@gmail.com	
<b>3. Applicant Status</b>	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other		
<b>4. Parcel ID</b>	21-35-29-54-7-7	<b>Tax Acct.</b>	2106260
<b>5. Site Size</b>	Acres: .25	Square Feet: 10,912	
<b>6. Property Information</b>	Current Zoning R-1C	Current Use of Property Single Family	
<b>7. Variance(s) Requested</b>	<i>Section Number</i>	<i>LDR Requirement</i>	<i>Variance Requested</i>
	1) <u>Sec. 30-139</u>	1) _____	1) <u>To allow a 6 ft fence</u>
	2) _____	2) _____	2) <u>in my yard abutting</u>
	3) _____	3) _____	3) <u>the street with the</u>
	4) _____	4) _____	4) <u>least frontage.</u>
5) _____	5) _____	5) _____	
<b>8. Narrative</b>	Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application)  My home is located on a corner lot at the intersection of Melody Lane and Crescent Drive. Although the Land Development Regulations (Sec. 30-139) state that the front setback of a corner lot is typically determined by the side with the least frontage—Crescent Drive in this case—my home is clearly oriented toward Melody Lane, where my front door, driveway, and all primary access face. The structure is built such that Melody Lane functions as the true front of the home. I would like to construct a 6-foot wooden privacy fence, along my property parallel to Crescent Drive, while maintaining a 35 ft front yard setback from the sidewalk on Melody.		

- **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/ Matthew Suarez  
(Signature\*)

04-22-25  
(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: 4-25-25

Accepted by Dustin Hutcheson

## 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?

Please see Exhibit A attached.

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?

My property has an odd shaped lot, where the home faces Melody LN, which is the side with the most frontage. My home was built in 1977 and I am not the original owner. I believe if this ordinance (Sec 30-139), was enacted during the time that this home was built, the home would be built facing Crescent Dr to allow for a privacy fence protecting the back yard of the home.

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, my variance request is the minimum change from the requirements. I will be requesting a 6 foot wooden fence in lieu of a 4 foot fence, along the side of my property with the least frontage. This will ensure the privacy and safety of my family.

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

I have received signatures of support from my neighbors (Exhibit B). I have also attached photos of corner lots nearby with similar fence placements (Exhibit C-H). I have also provided traffic safety justifications, like good visibility around the corners which show that the proposed fence will not impact visibility affecting the clear sight triangle (Exhibit I-K). This remains consistent with neighborhood character. I am also requesting minimum relief necessary to make my property safe.

## Exhibit A

### Regarding 3410 Melody LN

The area along Crescent DR serves as our backyard, and it is fully exposed to public view and access.

Over the past several years, we've experienced repeated incidents that make this exposure a serious concern for safety, privacy, and property protection:

- Neighborhood children have climbed over our existing chain-link fence and entered our yard without permission.
- Individuals have thrown trash and food into our backyard, creating sanitation and safety concerns.
- Stray dogs approaching the fence and causing disturbances.
- A culvert near the back of our property has become a gathering place, especially in the evenings. We have observed groups of unsupervised kids and, on some occasions, individuals who appear to be homeless engaging in questionable behavior in that area. This raises serious concerns for our family's safety.

Due to these ongoing issues, we have installed multiple security cameras around our property to monitor the area, but we continue to feel vulnerable because our yard remains open and visible from the street.

We are simply asking for the ability to install the same type of privacy fence that many other homes in our neighborhood already have. We're not trying to change the character of the neighborhood—we're trying to achieve the same basic privacy, protection, and peace of mind that others enjoy, based on the way their homes are situated. A properly placed privacy fence will enhance the appearance and security of our property, reduce ongoing nuisances, and support a safer environment for our family.

We appreciate your time, understanding, and consideration of our request.

### Letter of Support for Fence Variance Application

Property Address: 3410 Melody Lane, Titusville, FL 32796

To Whom It May Concern,

We, the undersigned residents and neighbors of 3410 Melody Lane, are writing in support of the homeowner's request for a variance to construct a 6-foot wooden privacy fence along Crescent Drive, parallel to the sidewalk.

We understand that this request is being made due to the homeowner's unique corner lot configuration, with the home and driveway oriented toward Melody Lane. We also recognize the homeowner's concerns regarding privacy, safety, and property security, which we agree are valid.

We do not object to the proposed fence, and we believe it will have no negative impact on the neighborhood's character, traffic visibility, or pedestrian safety. In fact, we believe it will enhance the property and contribute positively to the surrounding area.

By signing below, we confirm our support for this request and encourage the City of Titusville to approve the variance.

Name (Printed)	Signature	Address	Date
JEFFERY L. Bills		3505 MELODY LN	4/23/2025
Jim Mahoney		3405 Melody	4/23/25
James Brantley		3380 Melody Ln	4/23/25
Carol Anne Hoyt		1120 Crescent Dr	4/23/25
Jennifer Hance		1132 Crescent DR.	4/24/25
DEAN D. PRIMAVERE II Sincerely,		3400 MELODY LN	4/24/25

The Undersigned Neighbors

Exhibit C

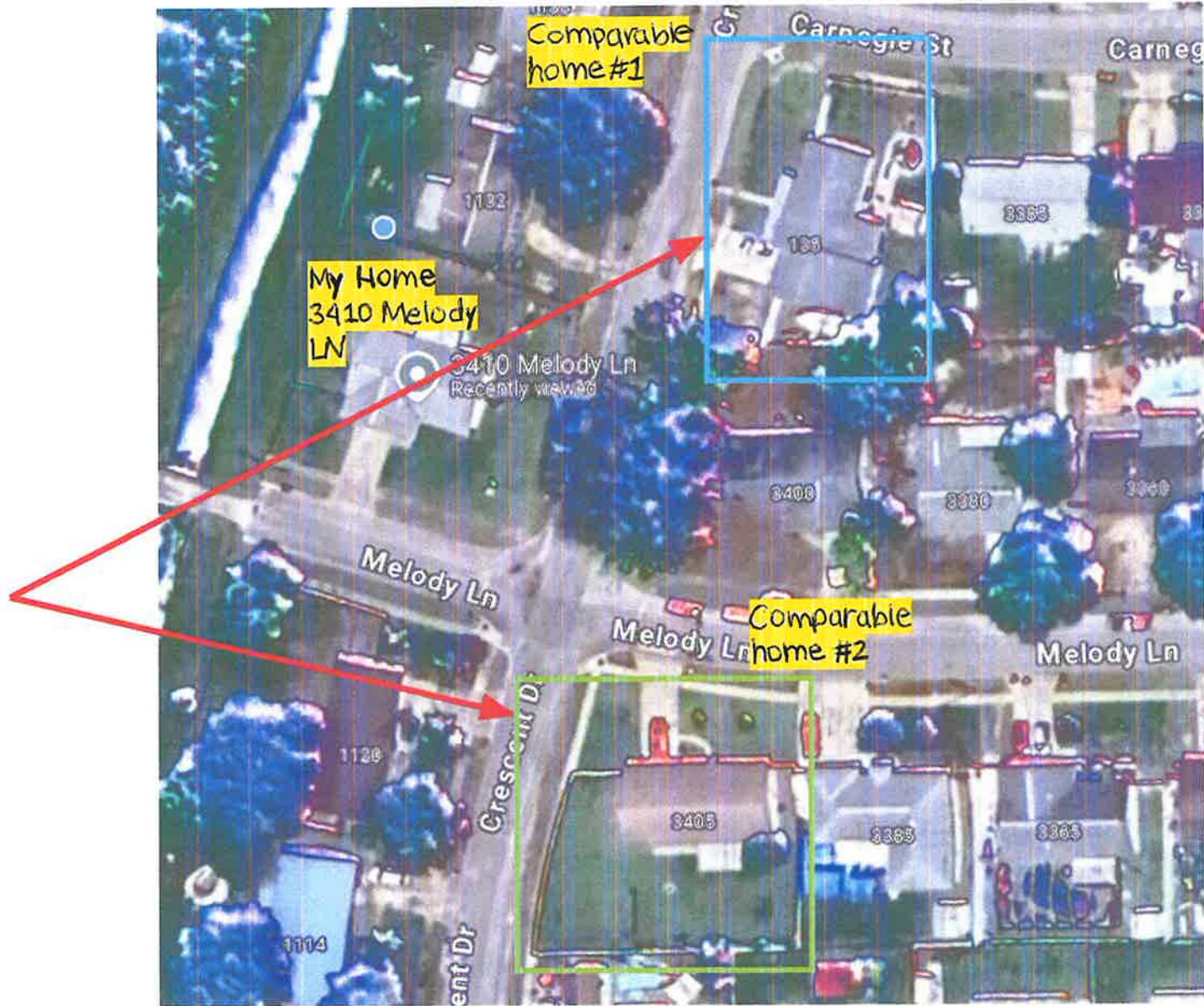


Exhibit D

My Home  
3410 Melody  
LN

Comparable  
home #1

Comparable  
home #2

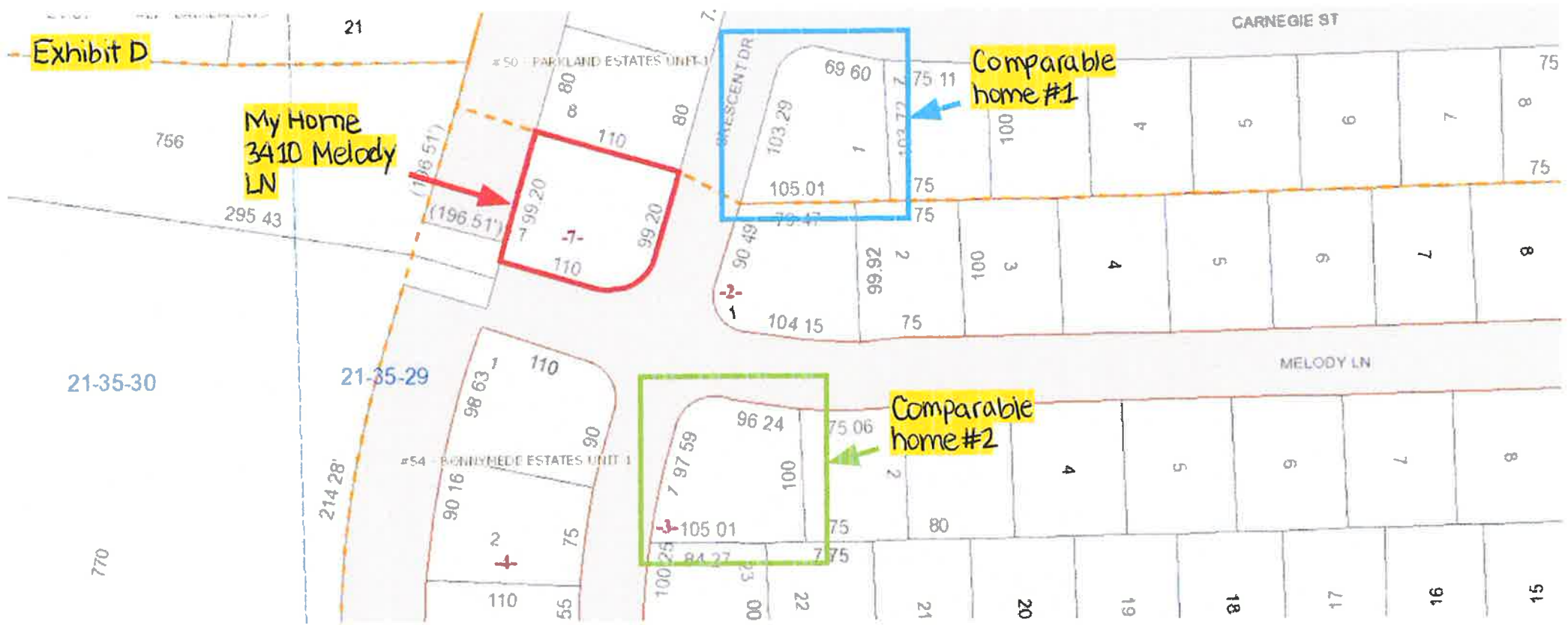


Exhibit E



Exhibit F



Exhibit G

My Home  
3410 Melody  
LN

Comparable  
House #2

Exhibit H

My Home  
3410 Melody  
LN

Comparable  
House #2

Exhibit I



Exhibit J

Proposed Fence in Yellow

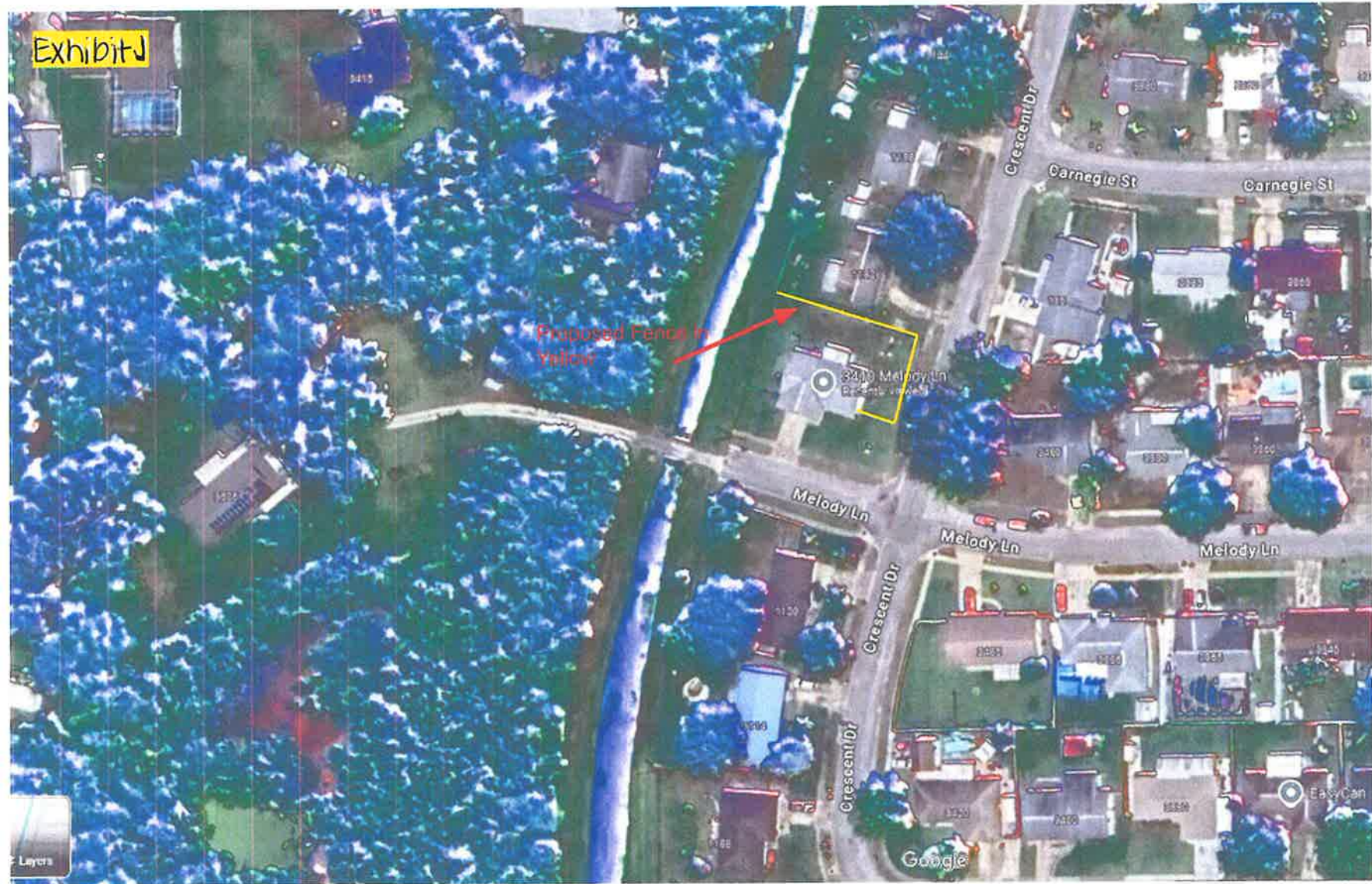
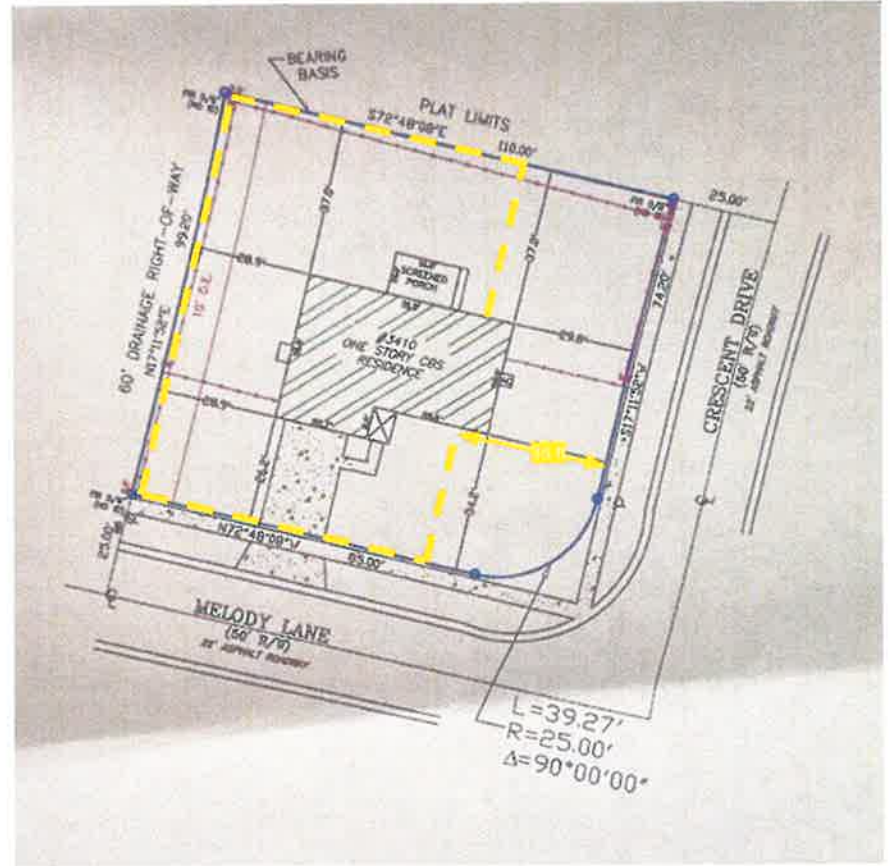
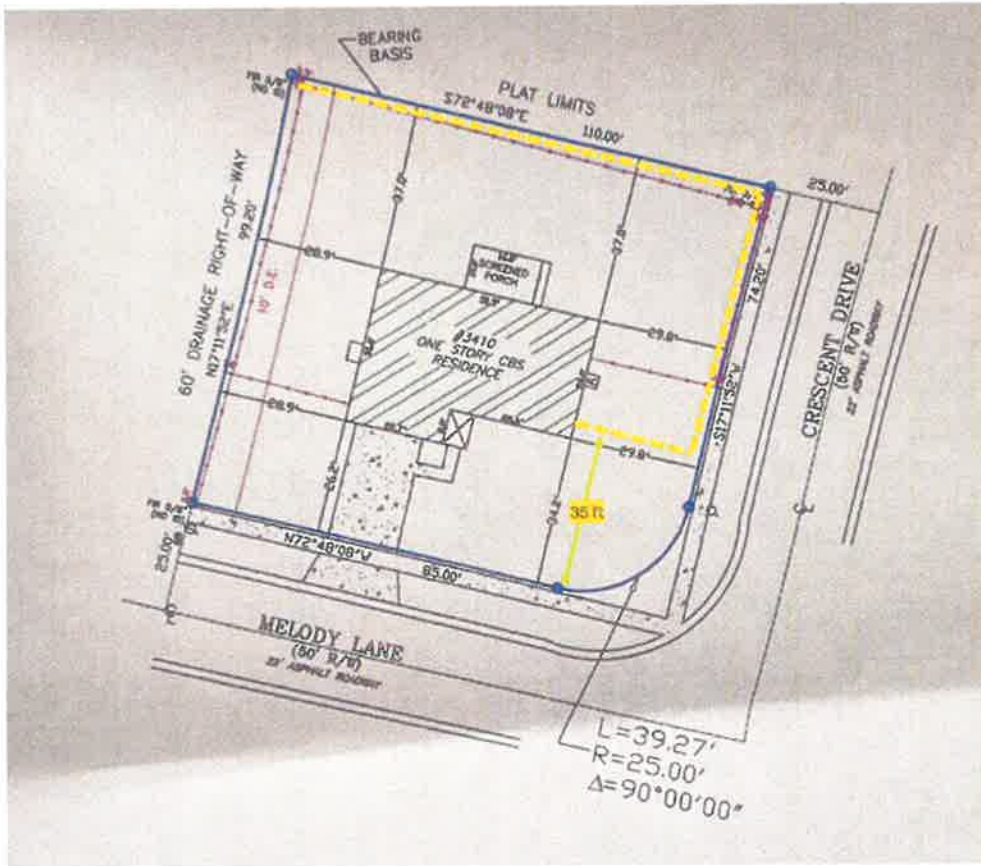
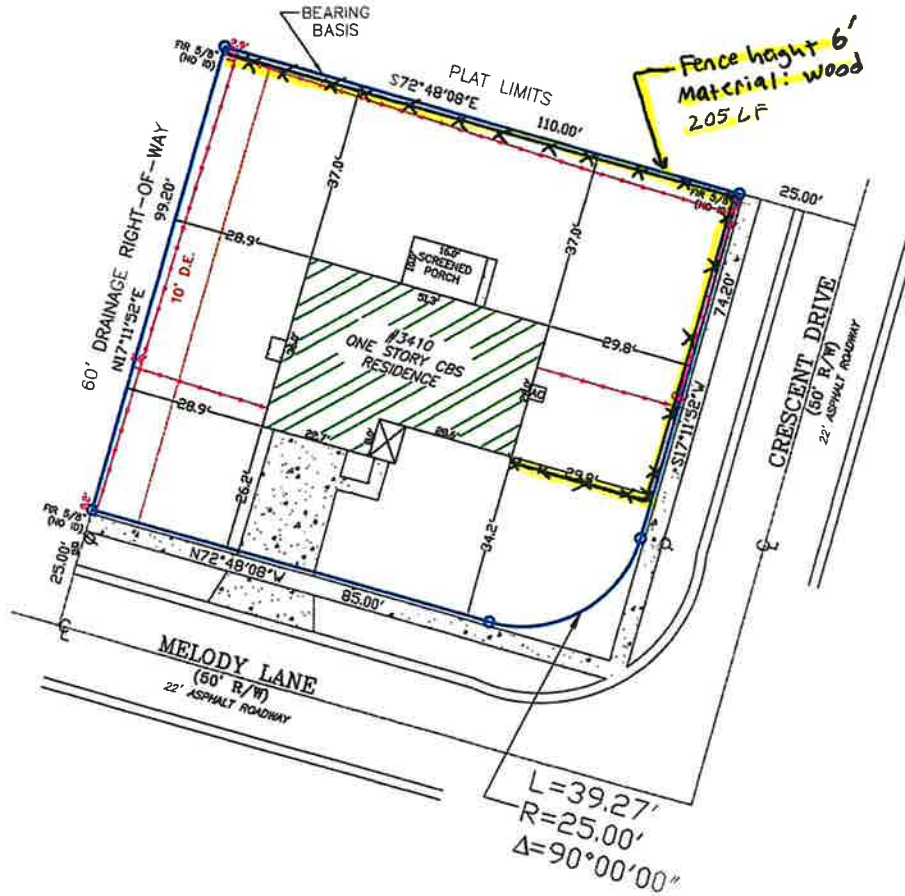


Exhibit K





**NOTABLE CONDITIONS:**  
 PROPERTY APPEARS TO BE SERVICED BY PUBLIC UTILITIES.  
 THERE IS A REAR 10' DRAINAGE EASEMENT

REC'D  
 APR 23 2023  
 DE

**NOTES:**  
 ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.  
 D.E. = DRAINAGE EASEMENT  
 BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE NORTHERLY PROPERTY LINE.



JOB # - 2205-299	REVISION -
FIELD DATE - 06/07/2022	REVISION -
DRAWN BY - N.A.	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -
FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912	

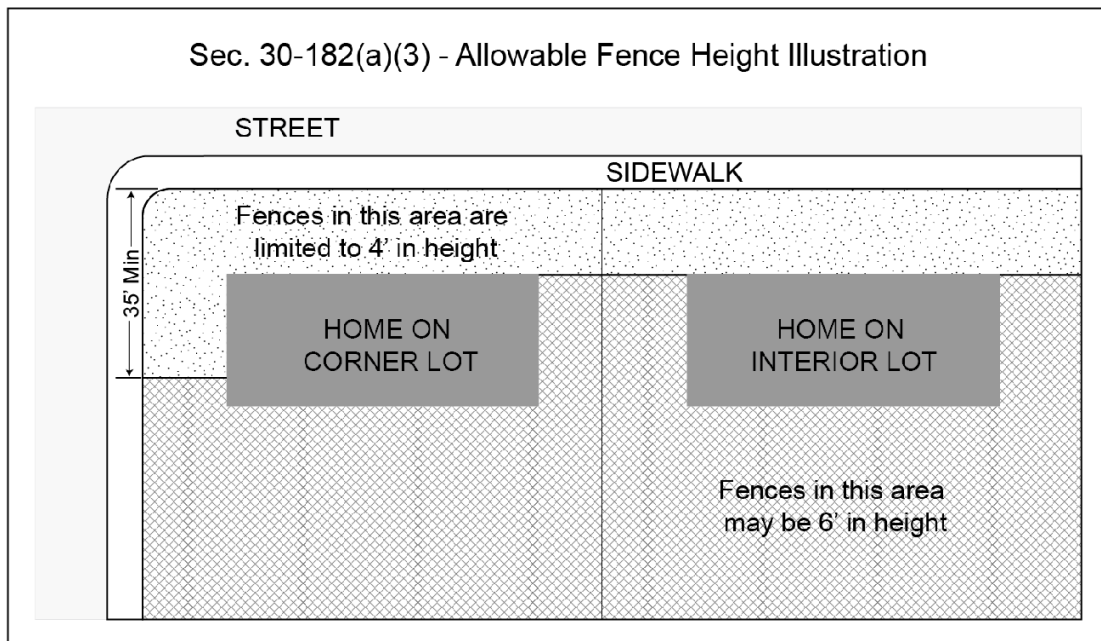
**KNOW IT NOW, INC.**  
 PROFESSIONAL SURVEYING AND MAPPING  
 5220 US HIGHWAY 1, #104  
 VERO BEACH, FL 32967  
 PHONE - (888) 396-7770  
 WWW.KINSURVEY.COM



**Sec. 30-182. Height and location requirements.**

(a) *Single-family residential uses.*

- (1) *Front yard:* The maximum height of a fence or wall in any required front yard setback shall be four (4) feet.
- (2) *Side or rear yard:* The maximum height of a fence or wall in any required side or rear yard setback shall be six (6) feet.
- (3) *Side corner yard:* The maximum height of a fence or wall in any required side corner yard setback shall be six (6) feet. Within the side corner yard of a corner lot, a fence in excess of four (4) feet in height shall be set back a minimum of thirty-five (35) feet from the property line to ensure adequate visibility for pedestrian and vehicle traffic. The graphic below illustrates this regulation. Any side corner yard setback abutting a collector or arterial roadway shall be limited to a maximum of four (4) feet within the minimum side corner yard setback established by the zoning district.



- (4) No high security fence or wall may be permitted with a single-family residential use.
- (b) *Multifamily residential uses.*
- (1) *Front yard:* The maximum height of a fence or wall in any required front yard setback shall be six (6) feet.
  - (2) *Side or rear yard:* The maximum height of a fence or wall in any required side or rear yard setback shall be six (6) feet.
  - (3) *Side corner yard:* The maximum height of a fence or wall in any required side corner yard setback shall be six (6) feet.
  - (4) No high security fence or wall may be permitted with a multi-family residential use.
- (c) *Commercial uses.*

- 
- (1) Front yard: No fence or wall shall be permitted in any required front yard setback, except as noted in this section.
  - (2) Side or rear yard: The maximum height of a fence or wall in any required side or rear yard setback shall be six (6) feet.
  - (3) Side corner yard: No fence or wall shall be permitted in any required side corner yard setback, except as noted in this section.
  - (4) Where security requirements of a commercial development are determined to exceed the aforementioned provisions of this section, a high security fence or wall may be permitted by the Administrator pursuant to the requirements of Section 30-183 of this article.
  - (5) The following type of fence or wall shall be exempt from the placement requirements:
    - a. Fences that are placed a distance greater than ten (10) feet from a property line.
    - b. Fences that are replacing an existing or part of an existing fence.
    - c. Fences that are installed interior to an existing fence.
    - d. Fences installed to meet screening requirements, when abutting the property line of residential zoning would be installed "good side facing the residential zoning." When a screening fence would be highly visible to a major roadway or street, the Building Official may waive the "good side out" requirement, when there would not be any adverse effect to the residential area.
    - e. Fences facing the Indian River, a lake or pond, or enclosing a retention pond may be installed with the structural supports towards the water.
- (d) *Industrial uses (applicable to the M-1, M-2, and M-3 zoning districts).* In the Highway Industrial Infill (M-3) zoning district, the site should be planned to accomplish a smooth transition from adjacent properties that differ in land use and/or design philosophy by the use of site breaks such as screens, berms, fences and walls for aesthetic appearance.
- (1) Front yard: The maximum height of a fence or wall in any required front yard setback shall be six (6) feet.
  - (2) Side or rear yard: The maximum height of a fence or wall in any required side or rear yard setback shall be six (6) feet.
  - (3) Side corner yard: The maximum height of a fence or wall in any required side corner yard setback shall be six (6) feet.
  - (4) Where security requirements of industrial development are determined to exceed the provisions of this section, a high security fence may be permitted by the Administrator pursuant to the requirements of Section 30-183 of this article.
  - (5) The following type of fence or wall shall be exempt from these placement requirements:
    - a. Fences that are placed a distance greater than ten (10) feet from a property line.
    - b. Fences that are replacing an existing or part of an existing fence.
    - c. Fences that are installed interior to an existing fence.
    - d. Fences installed to meet screening requirements, when abutting the property line of residential zoning would be installed "good side facing the residential zoning." When a screening fence would be highly visible to a major roadway or street, the Building Official may waive the "good side out" requirement, when there would not be any adverse effect to the residential area.

- 
- e. Fences facing the Indian River, a lake or pond, or enclosing a retention pond may be installed with the structural supports towards the water.
- (e) *Planned Industrial Development (applicable to the PID zoning district).*
- (1) Front yard: No fence or wall shall be permitted in any required front yard setback.
  - (2) Side or rear yard: The maximum height of a fence or wall in any required side or rear yard setback shall be eight (8) feet.
  - (3) Side corner yard: No fence or wall shall be permitted in any required side corner setback.
  - (4) Where security requirements of planned industrial developments are determined to exceed the provisions of this section, an interior high security fence may be permitted by the Administrator pursuant to the requirements of Section 30-183 of this article. There shall be a minimum clear zone of fifteen (15) feet between an exterior fence and any interior high security fence. The use of barbed wire, razor wire, or electric wire is permitted on any interior high security fence; however, if electric wire [is] used, an "electrified fence" sign of at least two (2) square feet shall be posted at least every fifty (50) feet within the clear zone. The interior high security fence shall be illuminated during darkness and over low light hours. The interior high security fence shall not exceed twelve (12) feet in height, including any barbed wire, razor wire, or other fencing material.
  - (5) The following type of fence or wall shall be exempt from these placement requirements:
    - a. Fences that are placed a distance greater than ten (10) feet from a property line.
    - b. Fences that are replacing an existing or part of an existing fence.
    - c. Fences that are installed interior to an existing fence.
    - d. Fences installed to meet screening requirements, when abutting the property line of residential zoning would be installed "good side facing the residential zoning." When a screening fence would be highly visible to a major roadway or street, the Building Official may waive the "good side out" requirement, when there would be any adverse effect to the residential area.
    - e. Fences facing the Indian River, a lake or pond, or enclosing a retention pond may be installed with the structural supports towards the water.

(Ord. No. 38-2017, § 2, 11-14-17; Ord. No. 33-2018, § 3, 7-24-18)

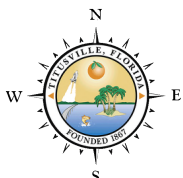


**SUBJECT PROPERTY**

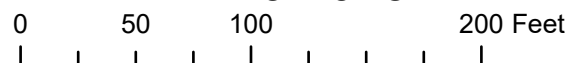
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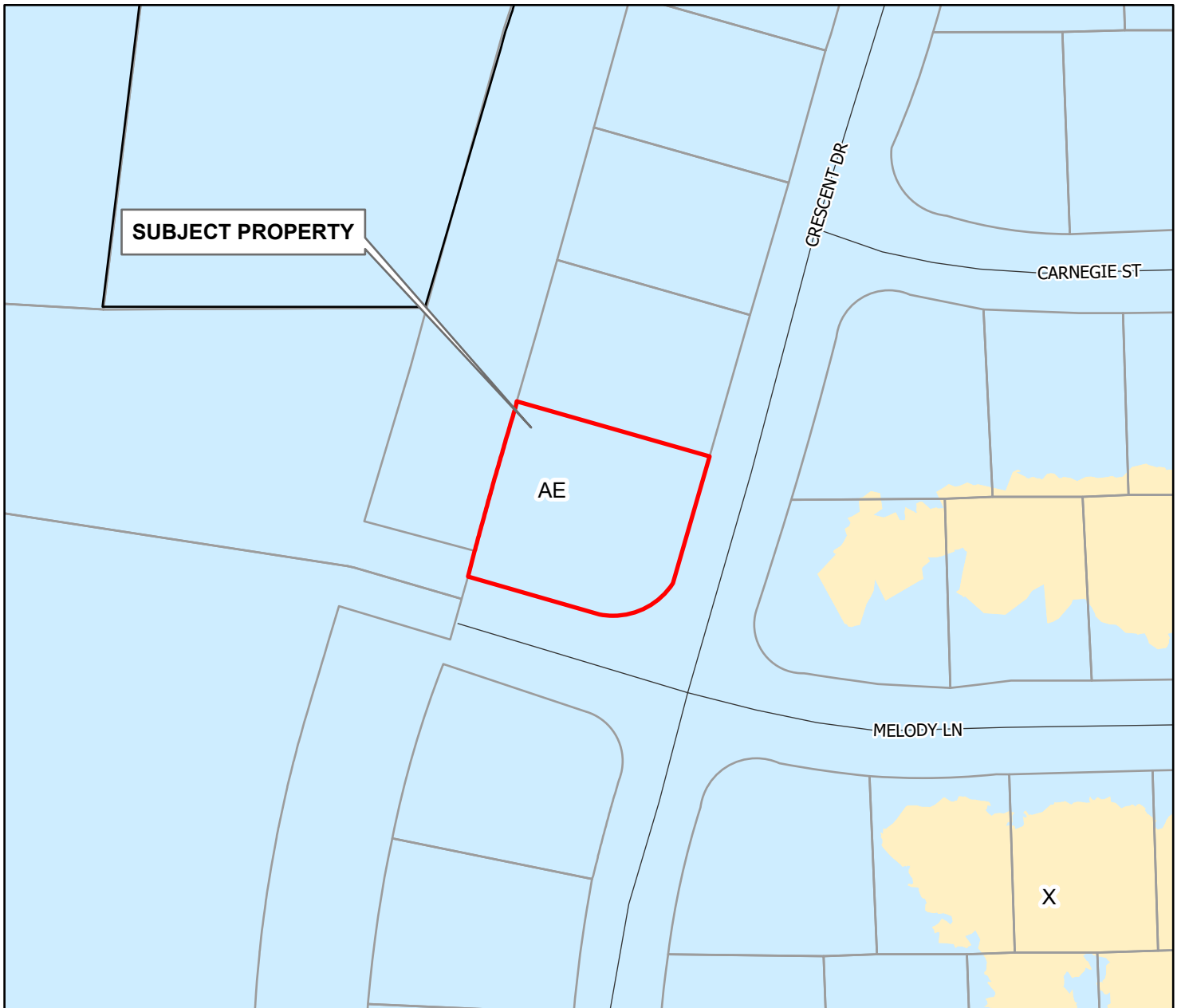
CARNEGIE ST

MELODY LN



# Aerial 2024 VAR #16-2025





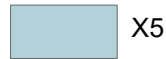
# FEMA FLOOD HAZARD AREAS

## VAR #16-2025

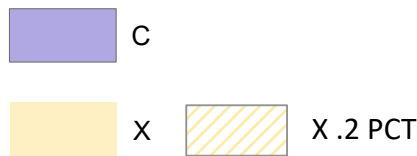
### Special Flood Hazard Area Zones



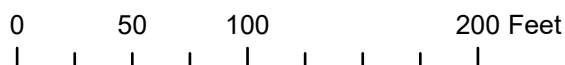
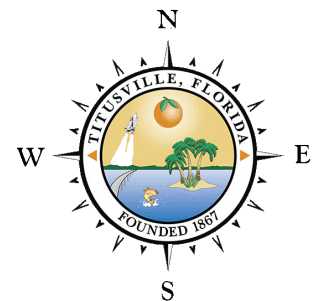
### Moderate Flood Hazard Area Zone

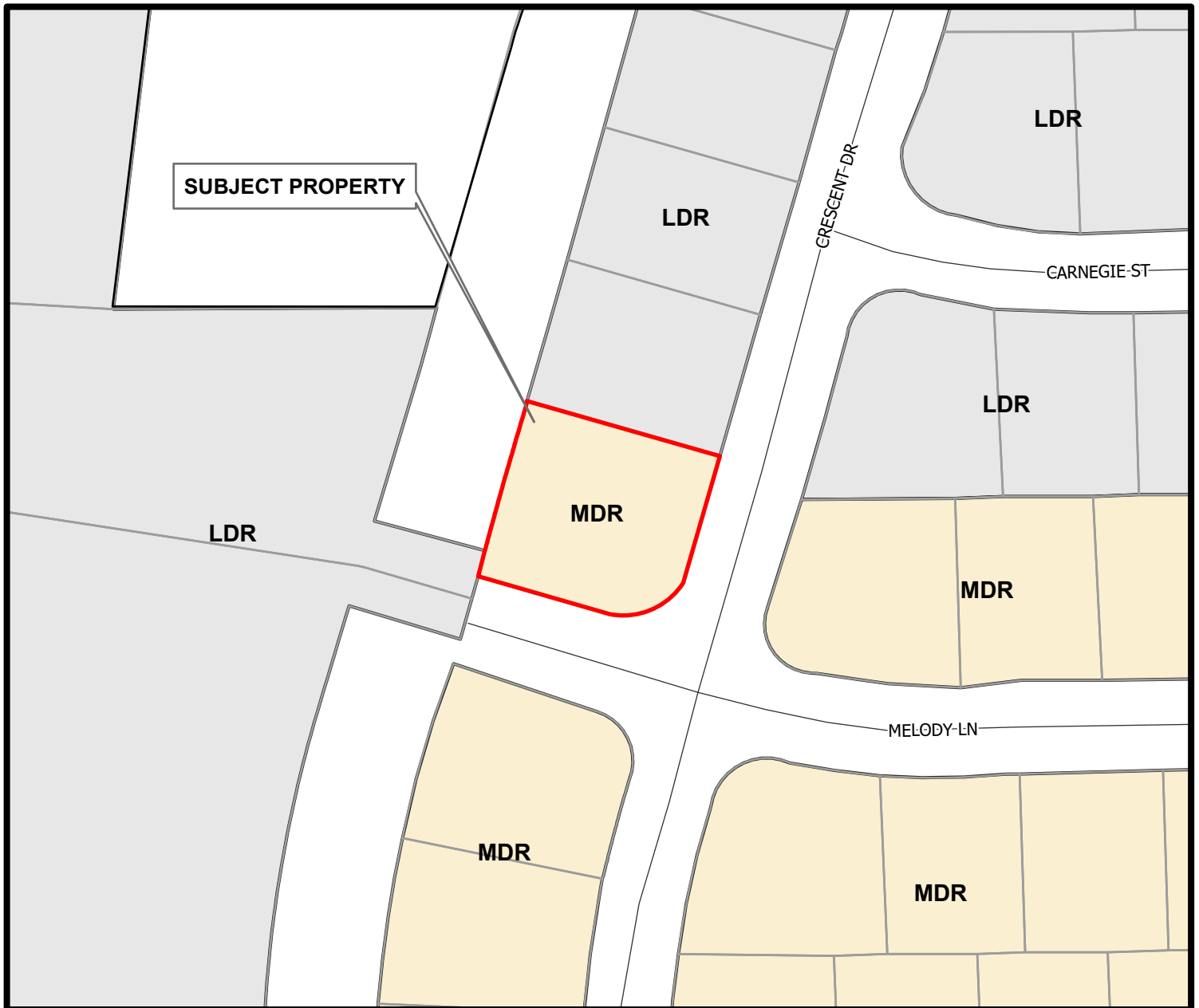


### Minimal Flood Hazard Zones



### Other Flood Zone Areas

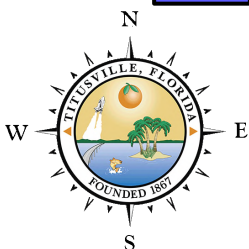




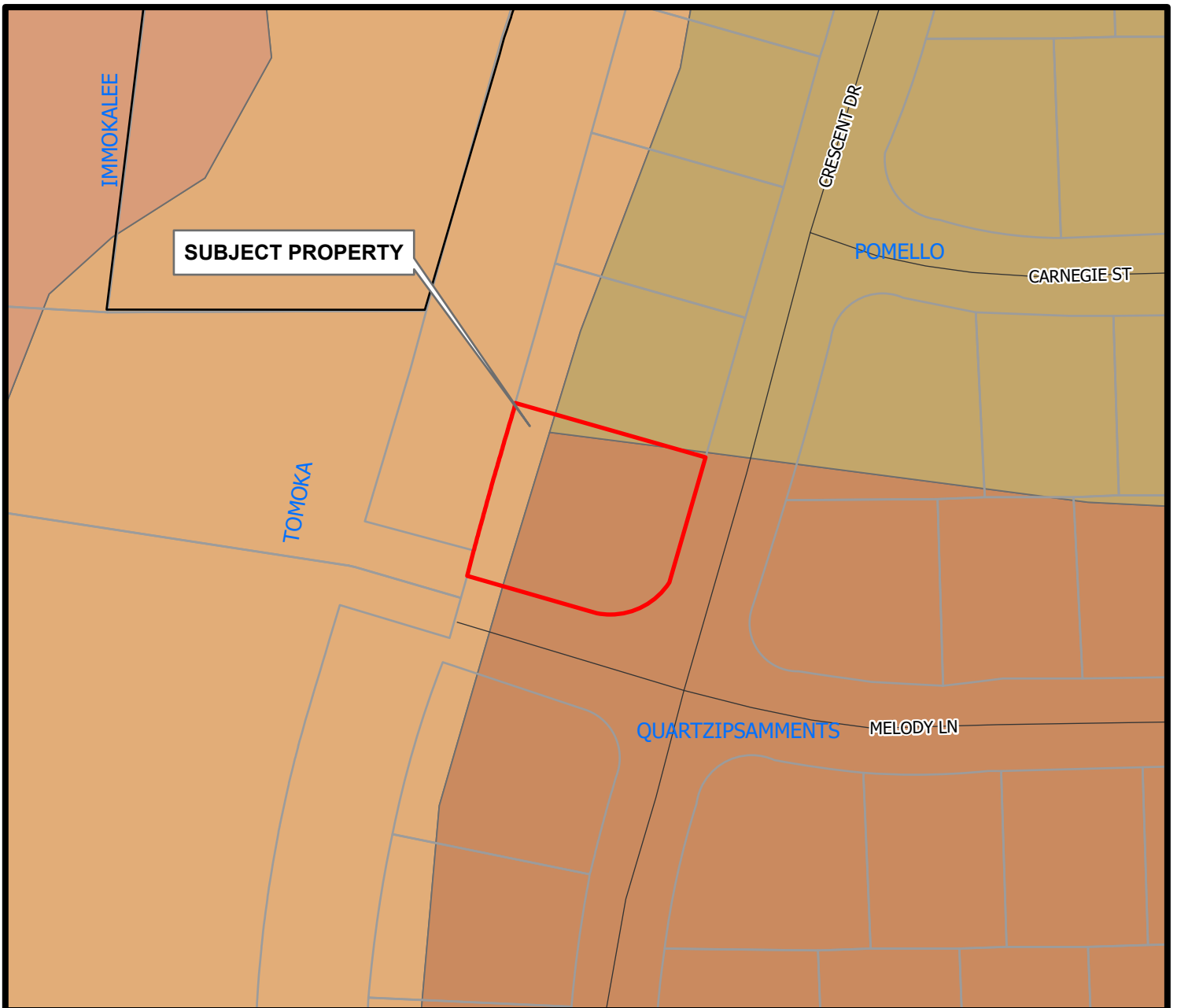
## LOCATION OF PROPERTY AND FUTURE LAND USE MAP

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

**Subject**



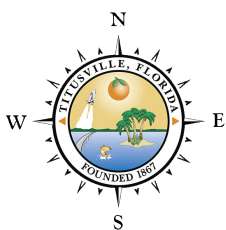
0 50 100 200 Feet



## SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR #16-2025

SoilName

- IMMOKALEE
- POMELLO
- QUARTZIPSAMMENTS
- TOMOKA

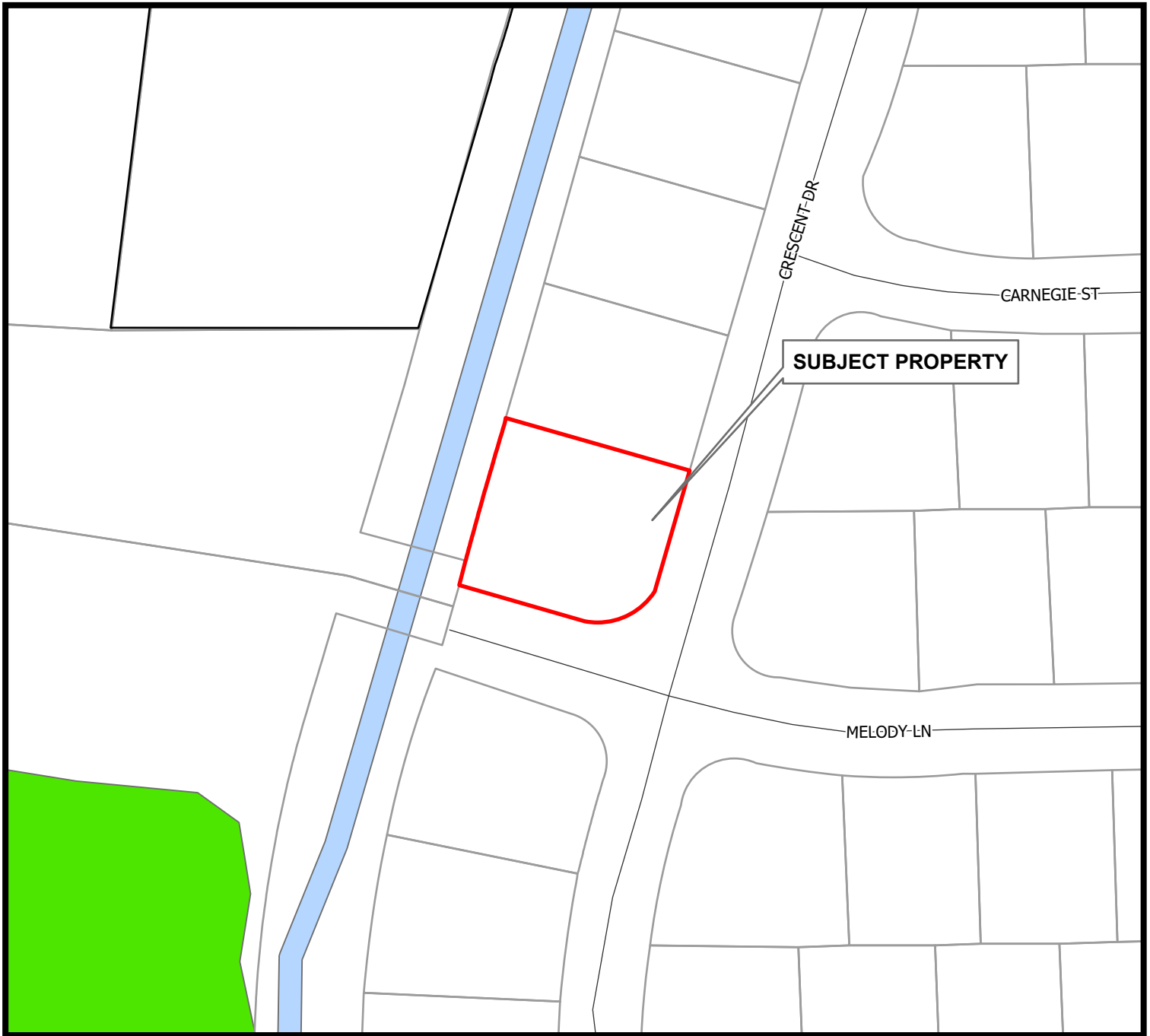


Community Development Department

0 50 100 200 Feet

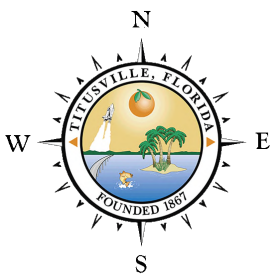
Soils data source: The U.S. Department of Agriculture, Natural Resources Conservation Service. (2019)

4/28/2025










# WETLANDS IN VICINITY OF PROPERTY

## VAR #16-2025



### WETLAND\_TY

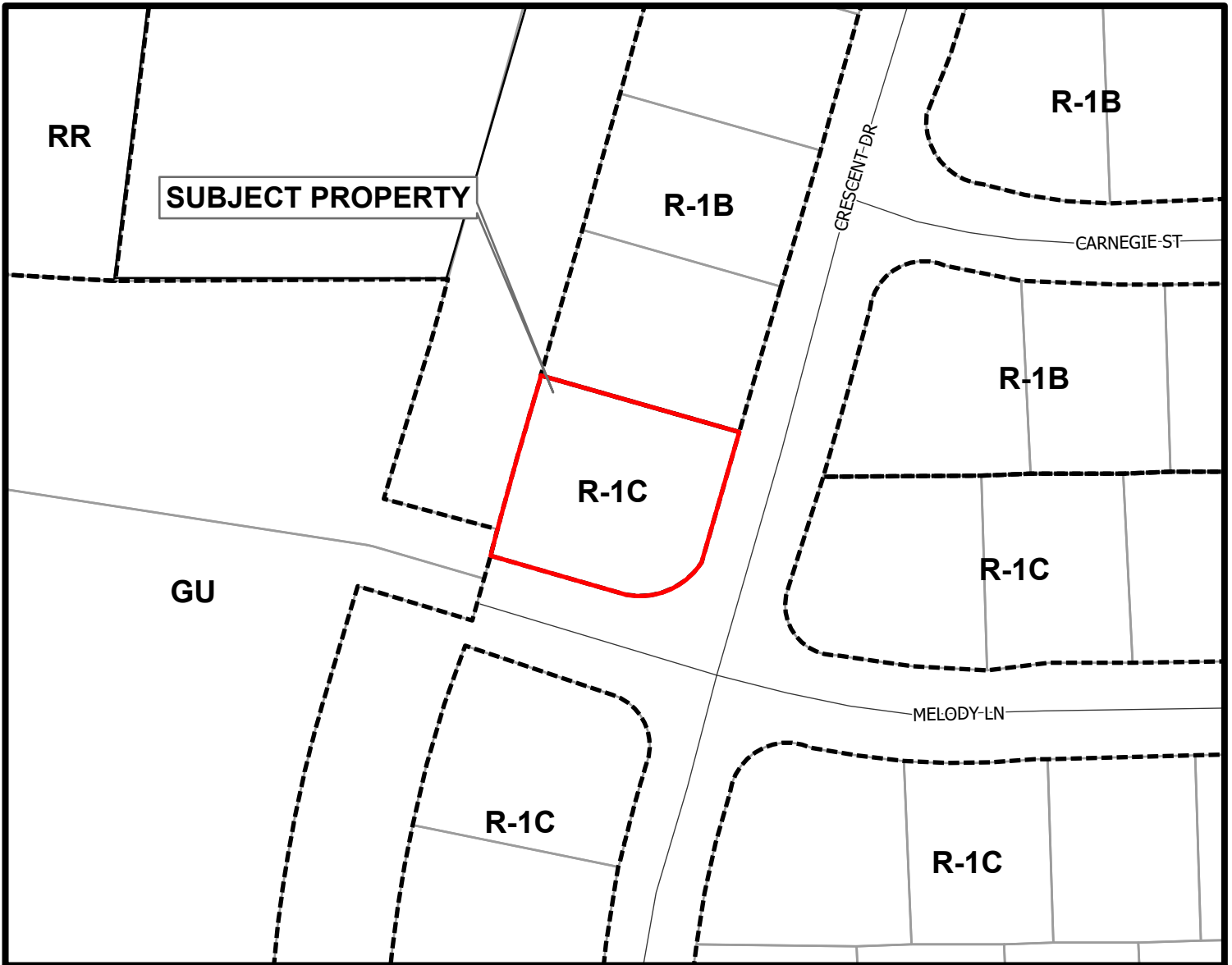
-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland

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

4/28/2025

Scale:1:1,000

Community Development Department  
Source: USFWS NWI (2023)



# 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

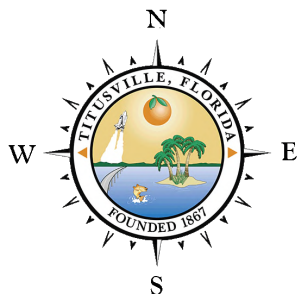
- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREA
- ACC AREA OF CRITICAL CONCERN
- HPA HISTORIC PRESERVATION AREA

## 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
- IRC-N INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRC-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

## Base Map

- City Limits
- Zoning
- Subject



## VAR #16-2025

