

TOWN OF GRANT-VALKARIA, FLORIDA
TOWN COUNCIL WORKSHOP
MEETING MINUTES OF WEDNESDAY, MARCH 4, 2009
TOWN HALL BUILDING, 5120 HIGHWAY US1, GRANT VALKARIA, FL 32949

The Town Council Workshop Meeting of the Town of Grant-Valkaria, Florida was called to order at 7:00 p.m. by Mayor Del Yonts followed by the Pledge of Allegiance, and roll call to the Council Members with the following present:

Mayor – Del Yonts	Town Administrator Richard Hood
Seat No. 1 – Joe Hackford	Town Clerk Susanne Krueger
Seat No. 2 – Lisette Kolar	
Seat No. 3 – Pat Bryan	
Seat No. 4 - Jason Mahaney, Vice Mayor	
Seat No. 5 – Dan Faden	

For the record, Council Member DeMott arrived at 7:05 p.m.

Mayor Yonts mentioned that he received an email from Town Attorney Bohne regarding the Business Roundtable meeting who stated that if a Council Member attends this meeting they should not speak.

WORKSHOP ITEM

- 1) Discuss Easements vs. Unpaved Roads, Unpaved Road Ordinance And Paved Road Ordinance

Town Administrator Hood stated that he has given Council Members a copy of Ordinance No. 2008-01 which contains the provisions that would allow a driveway to be built. He stated that the various ways include access by easement, flag lot, and of course construction of an unpaved road; the code however does not prioritize one method over another; a few years ago the County interpreted the code to the advantage of the applicant; in other words, whichever way was cheapest; today the County interprets the code that the unpaved road takes priority although the code does not state that.

Mr. Hood stated that there have been requests for alternate methods of access on property off Grant Road, Treadwell Lane, Corey Road and Log Cabin Lane. Access by easement require the parent tract to be a minimum of 2.5 acres in size - most of our properties are 1.3 -1.4 acres thus eliminating this alternative for most lots; access by flag lot requires both lots to be 2.5 acres including the flag - does not fit most lots; access by building the unpaved road - most expensive beyond the point of being an alternative; there are wetland issues and permitting problems that affect the cost that many time makes the project unaffordable to a single parcel owner; many of the people have purchased their property with the idea that in the future their children could build behind them and access through their lot. Mr. Hood stated that Council should be centered on the criteria for easements and flag lots and on a process to determine a priority ranking.

Mr. Hood presented the Grant Road example where there are three parcels owned by the same person on Grant Road; the eastern parcel was granted flag access by the County - flag access is parallel to a 50 foot paper road; the other two parcels run along the western side of the 50 foot

paper road; owner wants same rights to access his parcel behind the one that fronts Grant Road on the western side of the paper road; lots are eligible for access by easement or flag but not eligible because not 2.5 acres.

The following people spoke on the above topic:

- Jim Taranto - before the Town incorporated the County did not allow easements along paper roads because there is an established driveway along the paper road.
- Allen Webb - if easement granted, need to ensure that they are obligated to pay for road when constructed

Mr. Hood presented the Log Cabin Lane example where the three contiguous parcels are owned by the same person; there is a pond between the parcel where the home is located on and their lot to the east; also owns parcel immediately north of the parcel where the home is on; alongside the eastern parcel there is a 25 foot paper right-of-way which is not a sufficient size to build a road.

Mr. Hood presented the Corey Road example where the three contiguous parcels are owned by the same person; owner has a house on the northern parcel which has a driveway connecting to Corey Road; if owner combines northern parcel with the one immediately to the east it will total 2.5 acres, but the parcel to the south is not; there are wetlands at the south end of the existing dirt road which will need to be mitigated if road extended making it cost prohibitive.

It was Council consensus to have owner apply for variance for a driveway by easement, it has to be parallel to the road right-of-way using the same driveway connection, it has to be written into the easement that they have a right to a joint access, and it has to be 25 foot wide.

It was Council consensus to assess each case and prioritize in order of importance as follows:

- 1) Must try to access by unpaved road
- 2) Must try to access by easement
- 3) Must try to access by flag lot.

It was Council consensus to establish the following rules:

- 1) Must have an existing home on property
- 2) Easement cannot access more than 2 lots of 1.3 acres totaling 2.6 acres
- 3) Creation of flag cannot make it more non-conforming or increase the non-conformity
- 4) If on a 50 foot right-of-way the extenuating circumstances have to be greater than 25% of the costs of the road without the extenuating circumstance
- 5) A 10 foot natural buffer required unless abutting adjoining property owners agree in writing that they do not require it.
- 6) Parcel must be minimum 1.3 acres, if road is ever built they must join in the payment for it and easement will be vacated
- 7) If wetlands involved what percentage of wetlands are considered extenuating circumstance
- 8) All neighbors must be notified of request

- 9) Define undue hardship in a percentage - if cost is more than 25% more than the cost of project without the hardship
- 10) If right-of-way abuts wetlands, they must provide proof of wetlands
- 11) Easement cannot serve more than 2 lots and be a minimum of 1.3 acres each.
- 12) The easements shall be a minimum of 25 feet

Town Administrator Hood stated that the County mentioned that if lending improves they would be willing to come into town to do a road project. It would entail the County to borrow the money, it would be their project and they would be reimbursed through MSBU. In order for something like this to take place by the Town, the charter would have to be amended for a special assessment project, etc. Mr. Hood stated that if 100% of the adjacent property owners agree they can come up with an ordinance and method to allow them to enter into an agreement to pave the road.

ADJOURN

Motions by Council Member DeMott, second by Council Member Hackford, and vote unanimous to adjourn the meeting at 9:46 p.m.

(signature on file)

Del Yonts, Mayor

ATTEST:

(signature on file)

Susanne Krueger, Town Clerk