

Engineer/Contractor (if different from applicant):

Steve Monroe, P.E. Monroe Engineering, Inc.
Engineer or Project Manager Company

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Description of Waiver Request and Code Section:


Code Section 62-3202(h)(10) states: Site plans within BU-1, BU-2, or industrial zoning classifications shall construct a minimum of a six-foot high masonry or solid wall, including, but not limited to, concrete block walls, pre-cast (solid) walls, or foam core/steel support with stucco finish, when the subject property abuts a residential zoning classification. (Ord. No. 13-40, § 4, 12-3-13)

Existing Condition: The northerly 2/3 of this site is existing and started being developed +/-29 years before the referenced code requirement (1984). The southerly 1/3 of the site is currently vacant. The site is zoned IU Light Industrial and abuts residential zonings along the west property line (AU, TR-1 & TR-2) with exception of one BU-1 lot.

Waiver Request:
Request Waiver of Section 62-3202(h)(10).

If you wish to appeal any decision made by County staff on the wavier, you may request that the Board of County Commissioners make a determination. The Board's decision approving or disapproving the waiver or interpretation is final.

SIGN HERE

 Mr. Robert Kinsley, II AIA, Authorized Person
Owner/Applicant Signature Print Name

Land Development Application Document Submittal Requirements

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

Waiver Criteria for Subdivisions and Site Plans

For a waiver to be considered and approved by staff, your request must comply with all of the following criteria. Please explain, in detail, how your request meets the following conditions.

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

The northerly 2/3 of this site is an existing developed industrial site, developed prior to 1999 (per Property Appraiser). The west property line has an existing 6' chain link fence installed along the property line. Application of the code would require removal & replacement of this fence.

The site is zoned IU Light Industrial and abuts residential zonings along the west property line (AU, TR-1 & TR-2) with exception of one BU-1 lot. The Brown Court right way also exists further west of the west property line. This is a 25' right of way. The residential lots in between range from 6' to 32' in depth. TR-1 & TR-2 require 25' front setback & 20' rear setback. They are not developable for residential use.

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

The northerly 2/3 of this site is existing and is a developed industrial site. The site is zoned IU Light Industrial and abuts residential zonings along the west property line (AU, TR-1 & TR-2) This is an existing condition. A future parking lot is proposed.

The southerly 1/3 of the site is proposed to be developed. The proposed building is +/-291' from the westerly property line. An existing natural buffer will be preserved and a proposed retention pond provided between the property line & proposed building. Though the westerly boundary abuts TR-1, those lands west of the property line appear to be primarily "Freshwater Emergent Wetlands" per Brevard County Natural Resources online viewer. Not injurious.

3. The conditions, upon which a request for waivers are based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.

The northerly 2/3 of the site is an existing developed Industrial site with existing developed residential to the west. The existing developed residential is separated from the site by the Brown Court right of way (25' right of way) and vacant undeveloped lots that are not developable. Both are existing conditions.

The southerly 1/3 of the site is proposed for development. The abutting TR-1 to the west appears to be wetlands. Thus, future development is not anticipated for "Single Family Mobile Home" use.

4. The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan, and the requirements of this article.

The intent of Code Section 62-3202(h)(10) is to provide a 6 foot high masonry or solid wall between residential zoning classifications and commercial zoning classifications. An existing 6' tall chain link fence exists on the northerly 2/3 of the site.

Though abutting zonings are residential (AU, TR-1 & TR-2), there space between Brown Road & the sites west property line range from 6' to 32'. These zoning classifications require a 25' front setback & 20' rear setback. Thus, these properties are undevelopable. They can not be developed for residential use.

5. Delays attributed to state or federal permits.

This project requires a SJRWMD permit & an FDEP NOI permit. No delays are anticipated.

6. Natural disasters.

Not applicable.

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

Office Use Only

Request Date

Fees

Board Date

Original Project Number

Waiver Number

Coordinator Initials

Reference Files

County Manager/Designee Approval