



Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members

FROM: Paul Body, Planner III

Thru: Jeffrey Ball, AICP, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, January 18, 2023

DATE: December 07, 2022

DISTRICT 2

1. (22V00037) Susan E. Rice (Howard Benziger) requests a variance of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2109(a), to permit a variance of 6.3 ft. over the maximum 6-ft. height limitation for a 306-ft. long retaining wall along the north property line; 2.) Section 62-2109(a), to permit a variance of 5 ft. over the maximum 6-ft. height limitation for a 163-ft. long retaining wall along the south property line, in an SEU (Suburban Estate Use) zoning classification. This request represents the applicant's request to legitimize two concrete block retaining walls with a 3 ft. picket rail safety fence on top of the retaining wall. The applicant states that their property is 3 to 4 feet higher than the abutting parcel to the north. The applicant also states that there is a drainage easement and a drainage ditch on the neighbor's parcel to the north which is why the retaining wall is this high. They also state the retain wall will control the water run off to the neighbor's parcel and is just high enough to stop a car from going over the wall from the driveway. These retaining walls were added as a revision to the Single-family house permit (**20BC13243**). The zoning review for the building permit was not turned on for review of the retaining walls. This request equates to an 83% deviation of what the code allows. There are no variances approved to the wall height in the immediate area. There is a code enforcement action (**21CE-01886**) pending with the Brevard County Planning & Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey and provided by the applicant with a as-built wall date of 06/30/2022.