



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2444, **Version:** 1

Subject:

Waiver Request, Re: Waiver of Wall Requirement for Fraternal Order of Eagles (20SP00008)(District 3)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

The applicant is requesting that the Board of County Commissioners grant a waiver of Section 62-3202(h)(10) which requires a 6-foot masonry or solid wall when commercial developments within BU-1, BU-2, or industrial zoning classifications are adjacent to residential zoning.

Summary Explanation and Background:

Section 62-3202(h)(10) stipulates that 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.

The applicant states that the subject property that will be developed for a new Fraternal Order of Eagles clubhouse. The property is zoned BU-1 (General retail, commercial) and is abutted to the east by a property zoned AU (Agricultural residential) owned by Florida Power and Light Company and developed and operated as an electrical transformer substation. The FPL property is located 172 feet east of the proposed clubhouse, and contains improvements of an outbuilding, fencing, stabilized and paved surfaces, and numerous electrical transformers.

The applicant asserts that the granting of the waiver will not be injurious to the FPL property, and that the waiver is consistent with the intent and purpose of zoning regulations as well as the County's Comprehensive Plan to buffer any residential uses from a commercial use. In this case, the FPL property has an agriculture residential zoning designation, but is being used for a non-residential use. The applicant also asserts that it is unlikely that FPL will vacate the property and the site redeveloped for residential uses given that the properties surrounding the FPL property are zoned for commercial uses.

Clerk to the Board Instructions: