



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

---

**File #:** 2445, **Version:** 1

---

### **Subject:**

Waiver Request, Re: Waiver of Wall Requirement for Hampton Manor of Merritt Island (20SP00032)(District 2)

### **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:**

#### **Clerk to the Board Instructions:**

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 asserts that providing a six-foot solid wall will have a detrimental impact on the existing natural vegetation. The applicant is requesting a waiver from the wall requirement in order to preserve more existing large trees along the east property line. In lieu of the wall, the applicant is proposing to install a six-foot high opaque residential-style fence and maintains that the substitution will create a better overall buffer from residentially-zoned properties.

In this case, the subject property abuts one residentially-zoned, vacant property to the east under the same ownership, and three residentially zoned properties with existing single-family residences to the south. The applicant is not requesting a waiver from the wall requirement along the southern property line. The property to the east is preserved wetland that is not expected to be developed in the future. The proposed assisted living facility will be located 169.91 feet west of the eastern property line where the eastern required wall would be located.

The Natural Resources Management and Planning & Development Departments agree that a six-foot fence, in lieu of the required wall, would allow for reduced impact and additional preservation of the wetland and vegetation east of the subject property. The Board's waiver approval, if granted, will apply specifically to the

conditions of Site Plan application 20SP00032. Any future development, redevelopment, or land alteration of the subject property that modifies the aforementioned site plan or further reduces the vegetative buffer on the eastern portion of this site will void the wall waiver.