



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 2714, **Version:** 1

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### **Subject:**

Waiver Request, Re: Waiver of wall requirement for Cypress Trust Company (21AD00003)(District 4)

### **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 6-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 property abuts a residential zoning classification.

The applicant states that the property of the Cypress Trust Bank is the site of the old Petty's Meat Market, and the developer of the recent multi-family development to the north and east is constructing a landscape buffer, and has already installed an enhanced fence along both property lines. The fence is six feet tall and has concrete columns spaced to enhance the appearance and durability.

The applicant claims that the presence of the fence adds to the hardship of constructing a wall along the property lines as it would be in conflict for access and maintenance. The applicant also states that there is an existing dry retention pond along the east property line that has a narrow bank and height, and that the shape and topography of the area would add to the hardship for construction of the wall and potentially have a negative impact on the site drainage. Lastly, the applicant offers that there are existing power lines, and existing pavement within three feet of the north property line that is being maintained and striped for emergency access to the Cypress Trust building.

The Natural Resources Management and Planning and Development Departments concur that the existing enhanced six-foot fence and vegetative buffer being provided on the adjacent property, in lieu of a wall, would allow for reduced impact and preservation of the functionality of the site drainage. The Board's waiver

approval, if granted, would apply specifically to the conditions of site plan application 21AD00003. Any future development, redevelopment, or alteration of the subject property that modifies the aforementioned site plan or reduces the vegetative buffer along the east and north sides of the subject property will void the wall waiver.