



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3506, **Version:** 1

Subject:

Waiver Request, Re: Waiver of Wall Requirement for Waste Management (21WV00022)(District 1)

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 are adjacent to residential zoning classification.

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.

Applicant is proposing an alternate design to the required masonry wall along the boundary abutting residential zoning for the expansion of the existing Waste Management site. The applicant asserts that existing use of the site is not proposed to be changed and currently exist without a wall. The applicant indicates that the waiver application is an attempt to save as many existing trees as possible that would otherwise be removed in order to install the required wall.

There is existing fencing and mature vegetation along the western and southern boundaries of the property in the location of the required wall. The landscaping has been reviewed and it meets type A buffer requirements pursuant to the Landscaping, Land Clearing & Tree Protection, Sec. 62-4342 which states, "...Where a fence or wall is required by article VI of this chapter, the Type A buffer, as defined in this subsection, may be utilized in lieu of the required fence or wall. This buffer classification shall be used to separate commercial, institutional, public or industrial uses from residential uses."

The Brevard County Natural Resources Management Department is in support of the waiver request. Supplementary plantings have been added to the landscape plan that is currently under review, and a note has been added that the existing Type A buffer is to be protected during construction with silt fence and tree barriers, and that any gaps in the Type A buffer after construction would need to be augmented. Additionally, the Waste Management site and the adjacent residential uses have been coexisting for decades, with no code

enforcement complaints on record. The proposed development is to pave the parking areas that are currently in-use on the site.

The Board's approval of the waiver is subject to the use of the remaining as depicted in the attached site plan, and maintaining the existing fence and vegetation pursuant to the attached landscape plan.

Clerk to the Board Instructions: