



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.1.

11/10/2020

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### Subject:

Waiver Request, Re: Waiver of Wall Requirement for Wrubel Contractor's Office Site Plan (20SP00025 and 20WV00019)

### 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 a BU-1, BU-2, or Industrial 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.

In this case, the subject property abuts two residentially zoned properties to the west, with approximately 124' between the closest residence to the northwest and the location of the required wall. The proposed contractor's office will be located 195' east of the western boundary where the wall, if required, would be built.

The applicant asserts that a masonry wall will negatively affect the existing wetlands along the western boundary of the subject property, and granting the waiver will prevent additional wetland impacts and tree removal.

Please be advised that the Board's approval applies specifically to the conditions of Site Plan application 20SP00025. Any future development, redevelopment, or land alteration of the subject property that modifies the aforementioned site plan or reduces the vegetative buffer will void the wall waiver.

**Clerk to the Board Instructions:**



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

November 12, 2020

**M E M O R A N D U M**

**TO:** Tad Calkins, Planning and Development Director

**RE:** Item F.1., Waiver Request for Waiver of Wall Requirement for Wrubel Contractor's Office Site Plan (20SP00025 and 20WV00019)

The Board of County Commissioners, in regular session on November 10, 2020, granted a waiver of Section 62-3202(h)(10) which requires a six-foot masonry or solid wall when commercial developments within a BU-1, BU-2, or Industrial are adjacent to residential zoning.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Kimberly Powell, Clerk to the Board

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**Site Address:**

3828 Mc Cullough Rd	Mims	FL	32754
Street	City	State	Zip Code

**CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THE ADDRESS BELOW:**

Richard R. Wrubel Jr. &amp; Gina M. Wrubel Trust

Applicant Name		Company	
3885 Richy Rd.	Mims	FL	32754
Street	City	State	Zip Code
321-289-3400			rwrubel@puroclean.com
Phone Number	Cell Phone Number	Fax Number	Email Address

**ENGINEER/CONTRACTOR (if different from applicant)**

Maser Consulting		Giacomo Licari, P.E.	
Company		Engineer or Project Manager	
5471 W. Waters Ave.	Tampa	FL	33634
Street	City	State	Zip Code
813-207-1061 ext: 4941	813-298-4473		glicari@maserconsulting.com
Phone Number	Cell Phone Number	Fax Number	Email Address

**DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:**

Request a waiver from the wall requirement between a commercial and residential property use pursuant to Sec. 62-4342

	
Owner/Applicant Signature	Print Name

If you wish to appeal any decision made by the county staff on the waiver, you may request the Board of County Commissioners to make a determination. The Board's decision approving or disapproving the waiver or interpretation is final.

## **LAND DEVELOPMENT APPLICATION DOCUMENT SUBMITTAL REQUIREMENTS**

Waivers for Site Plans or Subdivisions require an application, waiver criteria (listed below), an 8 ½-inch x 11 inch vicinity map, and a fee of \$775.00.

### **WAIVER CRITERIA FOR SUBDIVISIONS AN SITE PLANS**

For a waiver to be considered and approved by staff, your request must comply with all of the following criteria. Please explain, in detail, how your request meets the following conditions.

1. The particular physical conditions, shape, or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out.

The wall is required along the northwest and western sides of the property where the residential use abuts the proposed commercial use. There are existing wetlands at the northwest and southwest corners of the property which are to be preserved. We are also proposing the storm water retention pond at the western side of the site between the two wetlands, and preservation of existing trees along the east property line, adding additional buffer to the proposed development.

2. The granting of the waiver will not be injurious to the other adjacent property.

The waiver from the wall in the buffer does not cause adverse impacts to the adjacent properties and it would prevent additional/unnecessary wetland impacts and tree removal.

3. The conditions, upon which a request for waivers are based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.

Construction of the a wall along the west and northwest buffer would require additional wetland impacts and trees removal. Proper screening is still be provided by the existing wetland, trees and alternative means (i.e. scrubs or similar).

4. The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan, and the requirements of this article.

Proper screening will still be provided, which is the purpose for the wall being required.

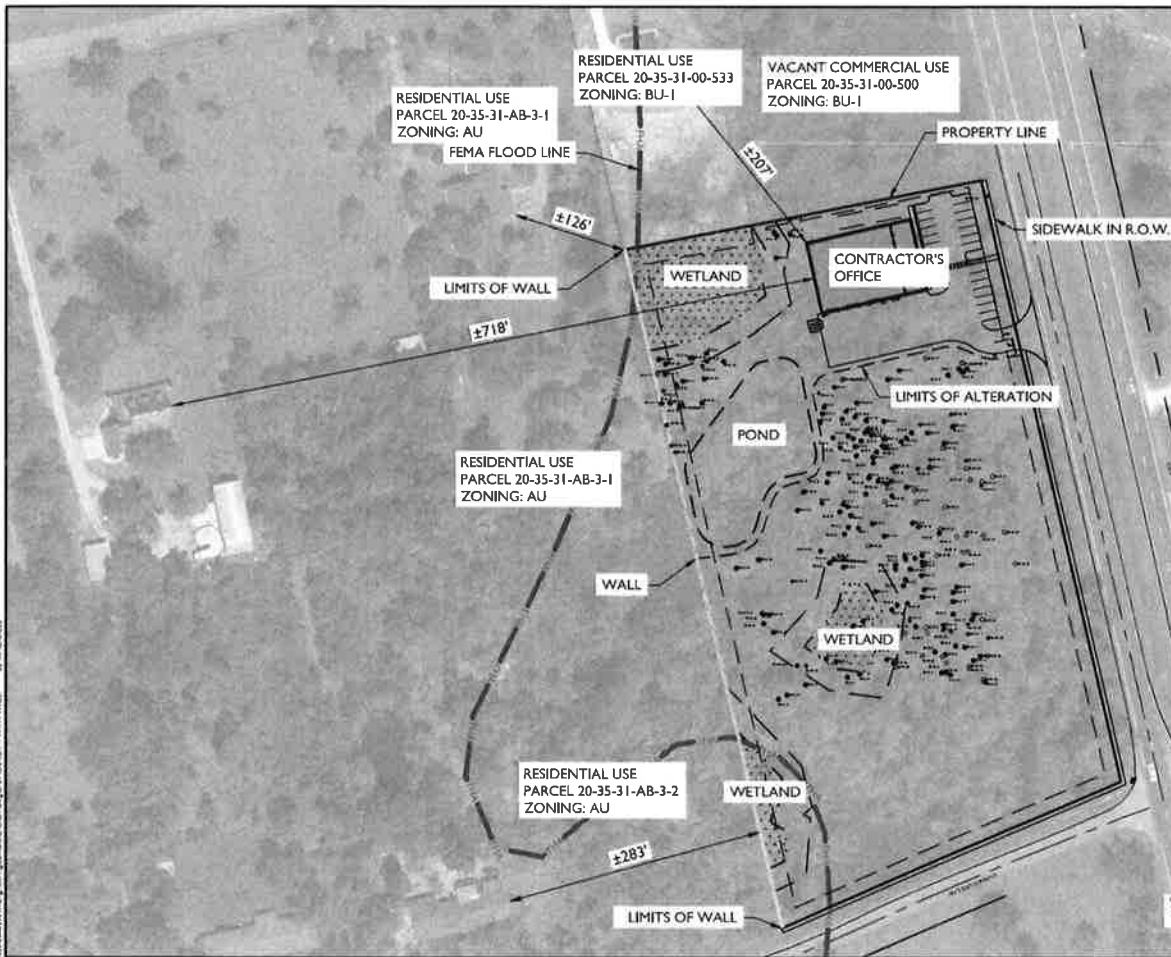
5. Delays attributed to state or federal permits.

Construction of the wall within the wetland would require additional state or federal permits.

6. Natural disasters.

N/A

7. County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by county staff)



**MASER**  
 CONSULTING  
 10000 N. W. 10th Ave., Suite 100  
 Fort Lauderdale, FL 33304  
 (954) 571-1111  
 www.maserconsulting.com

**811**  
 Before You Dig  
 Call 811  
 or visit 811fl.com

DATE	BY	REVISION

PRELIMINARY/SITE PLAN  
 FOR  
 PUROCLEAN  
 DISASTER SERVICE

BREVARD COUNTY  
 FLORIDA



DATE: 01/11/2017  
 TIME: 10:00 AM  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN

WITH WALL  
 1 of 1

1/11/2017 10:00 AM J:\Projects\20-35-31-00-533\20-35-31-00-533.dwg J. B. BROWN 1/11/2017 10:00 AM



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**From:** [Craven, Tim](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** FW: Property on McCullough Rd.  
**Date:** Tuesday, November 3, 2020 9:28:12 AM

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Jennifer,

Please enter the below forwarded email into the Legistar system for the 20WV00019 Wrubel Wall Waiver. This email is from the adjacent property owner.

Thank you,

*Tim*

Tim Craven, Planner I  
Land Development Section  
Brevard County Planning & Development Department  
(321) 350-8266  
[Tim.Craven@brevardfl.gov](mailto:Tim.Craven@brevardfl.gov)

This office can only provide information regarding the Site Plan Section (Chapter 62, Article VIII) of the Brevard County Code of Ordinances. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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**From:** Donjan Mock <ramblingacresfarm@gmail.com>  
**Sent:** Tuesday, November 3, 2020 9:24 AM  
**To:** Craven, Tim <Tim.Craven@brevardfl.gov>  
**Subject:** Property on McCullough Rd.

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you for contacting us. We are opposed to anything but what the County recommends. Since Mr. Wrubel bought the properties next to our homestead and opened them up, we have had problems with our ducks and geese being killed, plus have had items stolen from our property. With Mr. Wrubel wanting to put a contractor's office on the U.S.1 property, that would open up our homestead even more vandalism..

We have lived here almost 24 years and love it but we should be entitled to peace, privacy and not having to worry about ourselves or our homestead being threatened.. We would really appreciate a solid wall be built as vegetation is not now preventing trespass now and am sure it wouldn't in the future.

Thank you and stay safe.

Donald and Janice Mock  
3864 McCullough Rd.  
Mims, FL 32754  
321-567-3148