



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

1/25/2022

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:



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

January 26, 2022

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

RE: Item F.1., Waiver Request of Wall Requirement for Waste Management, (21WV00022)

The Board of County Commissioners, in regular session on January 25, 2022, tabled consideration for a waiver request of a wall requirement for Waste Management, to the February 3, 2022, Planning and Zoning Meeting.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board



BOARD OF COUNTY COMMISSIONERS

Planning and Development
Planning and Zoning
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

LAND DEVELOPMENT WAIVER APPLICATION

This form should be used for all waiver requests or appeals associated with the Code of Ordinances, Section 62, as it relates to Subdivisions, Minor Subdivisions, and Site Plans. Fees for Waivers are \$775.00.

Office Use Only		
10/26/21	\$775	
Request Date	Fees	Board Date
21SP00021	21WV00022	
Original Project Number	Waiver Number	
TC		
Coordinator Initials	Reference Files	
County Manager/Designee Approval		

APPLICATION TYPE: ☐ Subdivision Waiver ☐ Site Plan Waiver ☒ Other

Wall Waiver

If other, please indicate

Tax Parcel Identification:

24	35	36	00	21 and 25
Township	Range	Section	Subdivision	Block/Parcel Lot

Tax Account Numbers (list all) 2409588 2409568

Waste Management - Cocoa	Waste Management Inc. of Florida
Project Name	Property Owner

Site Address:

3303 and 3345 Lake Drive Cocoa FL 32926
Street City State Zip Code

CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THE ADDRESS BELOW:

Ron Kaplan Waste Management Inc. of Florida
Applicant Name Company
2700 Wiles Road Pompano Beach FL 33073
Street City State Zip Code
954-648-8626
Phone Number Cell Phone Number Fax Number Email Address

ENGINEER/CONTRACTOR (if different from applicant)

MBV Engineering, Inc. David Bassford, P.E.
Company Engineer or Project Manager
1250 W Eau Gallie Blvd Ste H Melbourne FL 32935
Street City State Zip Code
321-253-1510 321-253-0911 davidb@mbveng.com
Phone Number Cell Phone Number Fax Number Email Address

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Subject property is proposing an alternate design to the required masonry wall along the western boundary. This is an existing site with an existing land use that is not proposed to be changed. Application of this waiver is in an effort to save as many of the existing trees as possible that would otherwise be removed in order to install the required wall.


Owner/Applicant Signature

Ron Kaplan

Print Name

AST Sec

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 AND 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.

This is an existing site with an existing land use and operations. Additionally there is an existing fence and landscaping along the western property boundary. Application of this waiver is in an effort to save as many of the existing trees that would otherwise be removed in order to install the required wall. The existing fence and landscaping has provided sufficient buffer between the properties for many years.

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

This is an existing site with an existing land use and operations. The request for a waiver is to continue operating as the site currently does. It does not adversely impact the adjacent properties.

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.

This is an existing site with an existing land use and operations. The request for a waiver is to continue operating as the site currently does. It does not adversely impact the adjacent properties.

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.

We feel that by maintaining and enhancing the existing fence and landscaping the project is maintaining compliance with the applicable code that the project was originally permitted under.

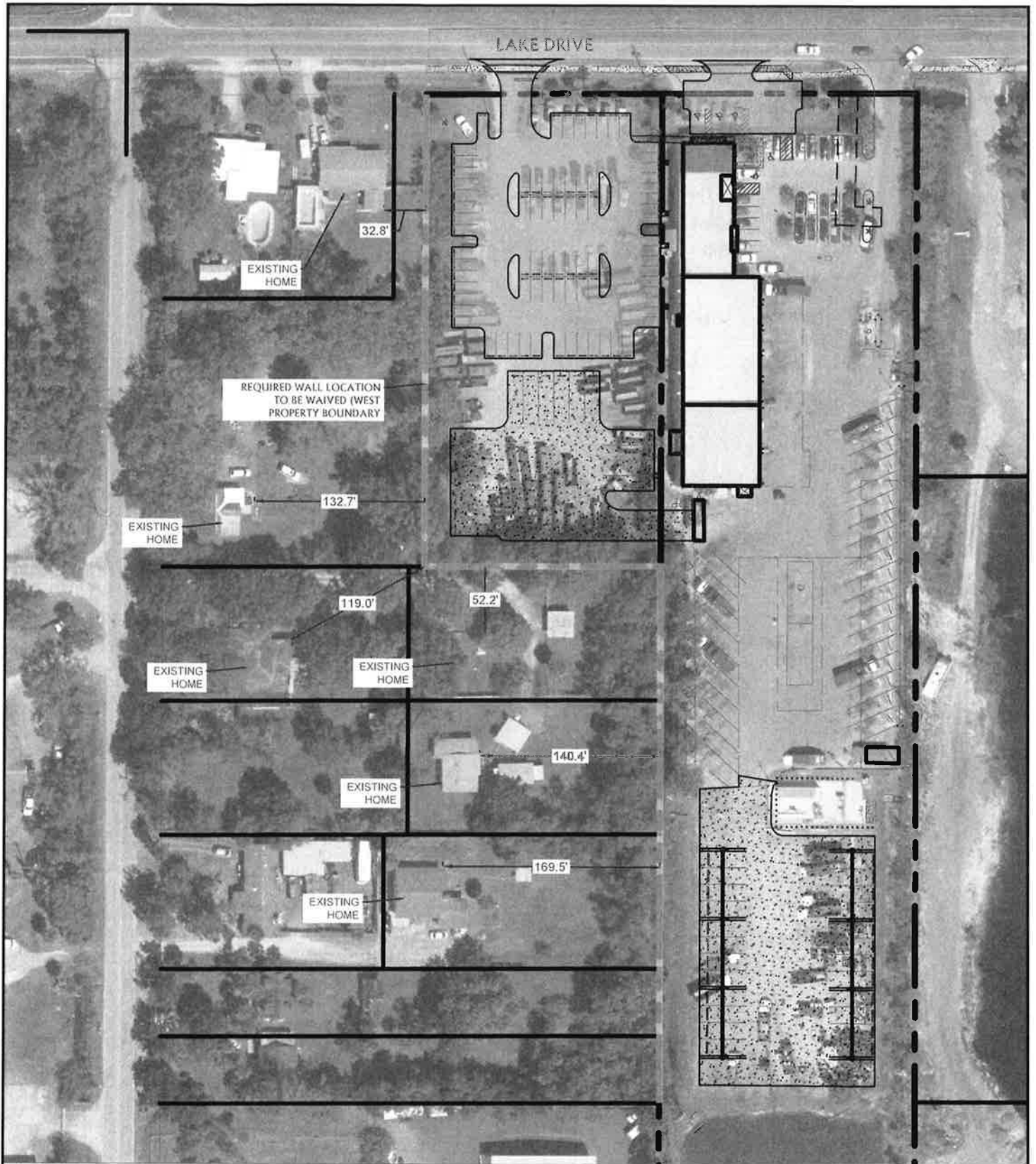
5. Delays attributed to state or federal permits.

None.

6. Natural disasters.

None.

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



SCALE 1" = 100'

MBV
ENGINEERING, INC.
HOMER BOYD & VILLARREAL & ASSOCIATES

CIVIL • STRUCTURAL • SURVEYING • ENVIRONMENTAL

WALL WAIVER EXHIBIT

WASTE MANAGEMENT
(COCOA)

JOB NO.	21-0033
DESIGNED	
DRAWN	DWB
CHECKED	DWB
DATE	10/18/2

NOTES

1. See Plans for notes and details. All notes, symbols, legends, and details are to be followed. The Engineer is not responsible for any errors or omissions in the Plans or Specifications. The Contractor shall be responsible for the accuracy of the information furnished by the Owner.
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PLANT LEGEND AND SPECIFICATIONS

SYMBOL	Tree Name	Scientific Name	Quantity	Notes
	Tree 1	Scientific Name 1	Quantity 1	Notes 1
	Tree 2	Scientific Name 2	Quantity 2	Notes 2
	Tree 3	Scientific Name 3	Quantity 3	Notes 3
	Tree 4	Scientific Name 4	Quantity 4	Notes 4
	Tree 5	Scientific Name 5	Quantity 5	Notes 5
	Tree 6	Scientific Name 6	Quantity 6	Notes 6
	Tree 7	Scientific Name 7	Quantity 7	Notes 7
	Tree 8	Scientific Name 8	Quantity 8	Notes 8
	Tree 9	Scientific Name 9	Quantity 9	Notes 9
	Tree 10	Scientific Name 10	Quantity 10	Notes 10

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