



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.6.

2/23/2021

Subject:

Waiver Request, Re: Waiver of Wall Requirement for Brevard Tower Communications, Inc. (21WV00005)
(District 5)

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 to allow a 50 foot vegetative buffer in lieu of the required wall.

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.

The applicant is proposing to develop an outdoor storage facility for recreational vehicles upon successful completion of a change of zoning action from GU to BU-2 (20Z00015). The property abutting the subject property to the north is zoned GU and is developed with a communication tower and single-family residence. The property immediately east of the subject property is vacant, unimproved property located in the City of West Melbourne. Abutting the subject property to the west is a large retention pond for the Sawgrass Lakes residential community, also located within the City of West Melbourne. South of the subject property is Norfolk Parkway.

The applicant asserts that the property is heavily wooded on the northern and western boundaries. The applicant further states that property is elevated 30 feet or more in the center and along the perimeters of the property. The applicant contends that the required 6-foot wall would not be as effective as the proposed 50-foot vegetative buffer, and that the waiver better meets the intent of providing adequate buffering.

Pursuant to Section 62-4342 of the Landscaping, Land Clearing and Tree Protection Code, a Type A compatibility buffer may be utilized in lieu of the required wall. Type A buffers must be completely opaque

from the ground up to a height of at least six feet, except where located within 25 feet of a road, where it shall be four feet in height. In conjunction with the buffer, a minimum 20-foot vegetated area must be provided. The opaque buffer may utilize fencing, landscaped earth berm, planted or existing vegetation or any combination thereof, that maintains a completely opaque buffer. The Natural Resources Management (NRM) and Planning and Development (P&D) Departments concur that given the elevations and existing vegetation on the property, the wall would likely provide no additional visual screening benefit for the adjacent residents. During the landscaping review process, NRM will ensure that the proposed 50-foot vegetative buffer meets or exceeds the opacity and planting requirements of Sec. 62-4342. Should site design be proposed during the review process to negate the elevation or reduce the proposed 50-foot vegetative buffer, the wall waiver shall be reconsidered. Lastly, the approval of this waiver is subject to the Board's acceptance and recordation of the Binding Development Plan presented with 20Z00015 at the February 4, 2021 Board of County Commissioners' Zoning Meeting.

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

February 24, 2021

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

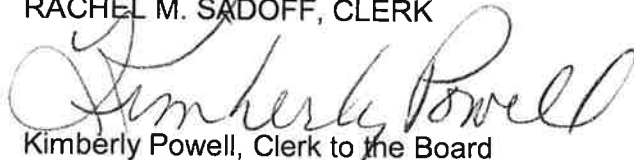
RE: Item F.6., Waiver Request for Waiver of Wall Requirement for Brevard Tower Communications, Inc. (21WV00005)

The Board of County Commissioners, in regular session on February 23, 2021, granted a waiver of Section 62-3202(h)(10) which requires a 6-foot masonry or solid wall when commercial developments are adjacent to a residential zoning classifications, to allow a 50-foot vegetative buffer in lieu of the required wall.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

BREVARD COUNTY 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 specifically to Unpaved Roads, Subdivisions, Minor Subdivisions, and Site Plans.

APPLICATION TYPE

- ☐ SUBDIVISION WAIVER
☐ UNPAVED ROAD WAIVER
☐ SITE PLAN WAIVER
☒ OTHER

Land Development Use Only

Request Date: 2/3/2021 Fees \$ 775 Board Date: _____
Original Project # 20700015 Waiver # 21WV00005
Coordinator Initials: TC Reference Files: _____
County Manager/Designee approval _____

Tax Parcel Identification: Twp. 28 Rng. 36 Sec. 13 S/D 00 Blk/Par _____ Lot(s) 756, 758 (List all parcels)

Tax Account # ('s): 2802676, 2802674 (List all account numbers)

Project Name: Norfolk Warehouse Property Owner: _____

Site Address: 3545 Carriage Gate Drive Unit Tower, Melbourne FL 32904

ALL CORRESPONDENCE TO BE PROVIDED TO APPLICANT AT THIS ADDRESS:

Name: Andy Gardner Company: Condev Properties, LLC
Address: 921 N Pennsylvania Avenue E-Mail: andyg@condevfl.com
City: Winter Park State FL Zip 32789
Phone 407 679-1748 Fax _____ Cell _____

ENGINEER/CONTRACTOR (if different from applicant):

Company Name: MBV Engineering, Inc. Eng. or Proj. Mgr.: Bruce Moia P.E.
Address: 1250 W. Eau Gallie Blvd, Melbourne, 32935 Ph # (321) 253-1510 Fax (321) 253-0911

DESCRIPTION OF WAIVER REQUEST AND CODE SECTION:

Request to waive required wall on north and west side of boundary line, replacing with a vegetative buffer.

per code section 62-3202(h)(10)

Owner/Applicant Signature: [Signature] Print Name: Andy Gardner, Manager

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. Their decision approving or disapproving the waiver or interpretation is final.

Fees for Waivers are \$775.

APPLICATION FEES: A schedule of fees and charges for review is established and adopted by the Board of County Commissioners of Brevard County, Florida, and may, from time to time, be amended.

PLEASE MAKE CHECKS PAYABLE TO: THE BOARD OF COUNTY COMMISSIONERS

LAND DEVELOPMENT APPLICATIONS – DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Waiver Criteria below	Alternative Plan Design				8 1/2 x 11 vicinity map		Fees
Waiver - Site Plan	1	Y	-		-	-	1	-	Y
Waiver - Subdivision	1	Y	-				1		Y

WAIVER CRITERIA (SUBDIVISION, UNPAVED ROADS & 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:

- 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.
Site is heavily wooded on the north and west boundaries. It is also elevated as much as 30' or more in the center and along these perimeters. A 6' wall would not be as effective as the proposed 50' natural buffer.
- The granting of the waiver will not be injurious to the other adjacent property.
It would be an improvement over the use of a wall, and not injurious to the adjacent properties.
- The conditions, upon which a request for waiver 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 site is uniquely elevated, more so than an other property in the area.
- The waiver is consistent with the intent and purpose of the county zoning regulations, the county land use plan of the county and the requirements of this article.
Yes. This waiver is consistent with all zoning and land use regulations and requirements. It also better meets the intent of providing adequate buffering.
- Delays attributed to state or federal permits.
N/A
- Natural disasters.
N/A
- County development engineer and affected agencies concur that an undue hardship was placed on the applicant. (To be filled out by County staff)

EX-04

SHEET

NOT FOR CONSTRUCTION
THIS DRAWING IS A CONCEPTUAL
DESIGN AND IS NOT TO BE USED FOR
CONSTRUCTION. IT IS THE USER'S
RESPONSIBILITY TO OBTAIN ALL
NECESSARY PERMITS AND
VERIFICATION FROM THE
APPLICABLE AGENCIES.

BAYLARD COUNTY
NORFOLK STORAGE - CONDEV

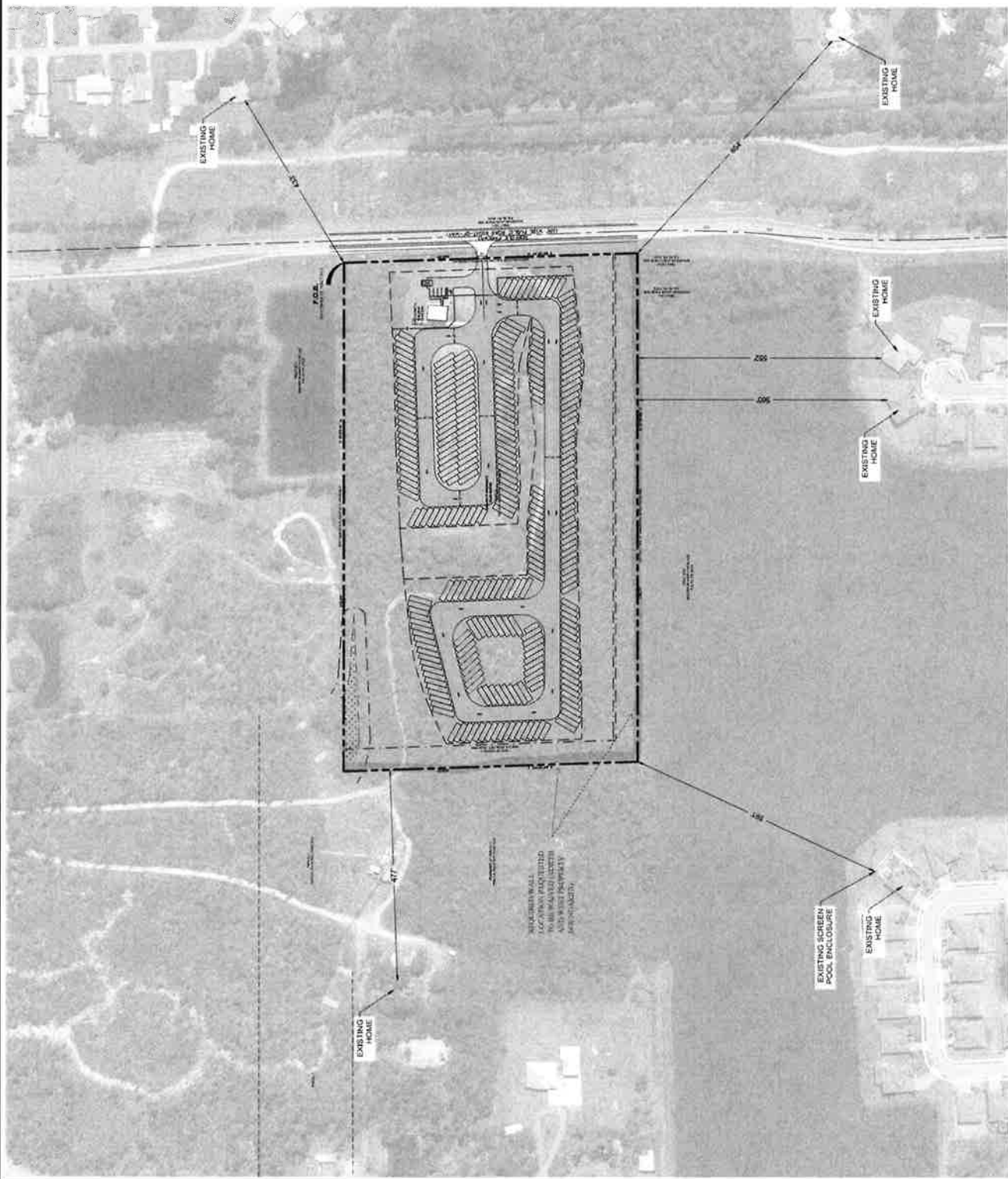
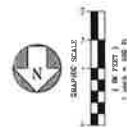
FLOORPLAN

CONCEPTUAL SEPARATION LAYOUT
REGIONAL SEPARATION EXHIBIT

IMBY
ENGINEERING, INC.
10000 W. 10TH AVE. SUITE 100
DENVER, CO 80202
TEL: 303.733.1100
WWW.IMBY-ENGINEERING.COM

DATE: 05-10-2023
DRAWN BY: JLD
CHECKED BY: JLD
DATE: SEPTEMBER 2023
REVISIONS

REVISIONS	DATE
1. INITIAL DESIGN	05-10-2023
2. REVISED DESIGN	
3. REVISED DESIGN	
4. REVISED DESIGN	
5. REVISED DESIGN	
6. REVISED DESIGN	
7. REVISED DESIGN	
8. REVISED DESIGN	
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West Melbourne