



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.4.

10/11/2022

Subject:

Waiver Request, Re: Waiver of Wall Requirement for Big Scott's Warehouse (22WV00006)(21SP00027)(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) to allow the construction of a 6 foot wood fence with opaque vegetative buffer in lieu of a 6-foot masonry or solid 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.

Applicant is proposing an alternate design to the required masonry wall along the boundary abutting residential zoning for the construction of the Big Scott's Warehouse project. The applicant asserts that the property is small and that there are numerous trees offsite along the rear property line. Constructing a fence would not require the removal of tree roots in comparison to installing the footers of a wall. Therefore, a 6 foot wood fence placement will be less injurious than a masonry or solid wall.

The fence will allow the roots to the adjacent property to main with minimal disruption, and provide an opaque buffer to the abutting vacant residential property to the south. The applicant's proposed landscape plans add 10 Live Oaks and 2 layers of shrubs to the rear property, which will provide an additional buffer.

The Brevard County Natural Resource Management Department is in support of the waiver on the condition that a required tree survey of Protected-sized and Specimen-sized trees is submitted at the time of site plan submittal. NRM noted a fence will allow for more tree preservation along the south boundary and that specimen trees shall be preserved to the Greatest Extent Feasible. Mitigation requirements apply for Protected and Specimen trees removed.

The Board's approval of the waiver is subject to the criteria 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

October 12, 2022

M E M O R A N D U M

TO: Tad Calkins, Planning and Development Director

RE: Item F.4., Waiver Request of Wall Requirement for Big Scott's Warehouse (22WV00006)
(21SP00027)

The Board of County Commissioners, in regular session on October 11, 2022, granted a waiver of Section 62-3202(h)(10) to allow the construction of a 6-foot fence with opaque vegetative buffer in lieu of a 6-foot masonry or solid wall.

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.

Application Type:

☐ Subdivision Waiver ☒ Site Plan Waiver ☐ Other

If other, please indicate

Tax Account Numbers:

24-35-34-00-45

Tax Account 1

Tax Account 2

Project Information and Site Address:

Big Scotts Warehouse **Kim Fischer**

Project Name

Property Owner

520

Cocoa

FL

32922

Street

City

State

Zip Code

Applicant Information:

Kim Fischer

Cycorp Engineering, inc

Applicant Name

Company

1614 White Dove Drive

Winter Springs

FL

32708

Street

City

State

Zip Code

407-405-7819

kim@cycorpengineers.com

Primary Phone

Secondary Phone

Email Address

Engineer/Contractor (if different from applicant):

same

Engineer or Project Manager

Company

Street

City

State

Zip Code

Primary Phone

Secondary Phone

Email Address

Description of Waiver Request and Code Section:

Sec 62.3202(h)(10)

Request waiver to construct a fence in lieu of a wall along south property line

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



Owner/Applicant Signature

Kim Hall Fischer

Print Name

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.

The property is small and there are numerous trees offsite along the rear property line - to construct a fence requires removal of the roots in order to install the footers of the wall. A fence can be placed without encroachment

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

The fence will less injurious to the wall which requires a footer

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.

The fence will allow the roots to the adjacent property to remain with minimal disruption

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.

The fence will still provide an opaque buffer

5. Delays attributed to state or federal permits.

no delays

6. Natural disasters.

no natural disasters

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

Office Use Only

Request Date

Fees

Board Date

Original Project Number

Waiver Number

Coordinator Initials

Reference Files

County Manager/Designee Approval



