



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.10.

12/11/2025

Subject:

Sandra Walsh and Terrie Canada (Monica Pritchard) request a zoning classification change from AU to RR-1. (25Z00036) (Tax Account 2005444) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential).

Summary Explanation and Background:

The applicant is requesting to rezone the subject property from AU (Agricultural Residential) to RR-1 (Rural Residential). The purpose of the request is to split the 2.94-acre lot into two lots by creating a flag lot on the southern portion. The applicant has provided a boundary survey outlining lot 1, depicting the current single-family residential dwelling, and the creation of lot 2.

The subject property was platted as a Replat of Section 17 of Indian River Park, a subdivision of The Bernardo Segui Grant Block 20, recorded on August 18, 1916, in PB 2, PG 75. The subject property retains the original zoning classification of AU when the Brevard County zoning code was established in 1958. The subject property also retains the original FLU, Residential 1 (RES 1) established in the 1988 Brevard County Comprehensive Plan.

The subject property is within the septic moratorium area. Any proposed development requiring a septic permit could potentially be affected by this moratorium. For further information regarding the septic moratorium, the property owner would need to reach out to Department of Environmental Health, which issues septic permits.

North of the subject property are three (3) parcels: The first parcel is 2.51 acres, developed with a single-family residence. The second parcel is 3.59 acres of vacant land. The third parcel is 1.56 acres, developed with a single-family residence. South of the subject property are two (2) parcels: the first parcel is 5.0 acres, developed with a single-family residence and has AU zoning with RES 1 FLU designation. The second parcel is 3.75 acres, developed with a single-family residence. East of the subject property is a 2.94-acre parcel, developed with a single-family residence. West of the subject property is a 2.94-acre parcel, developed with a single-family residence.

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

On November 17, 2025, the Planning and Zoning Board considered the request and voted 11:2 to recommend approval.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return a copy to Planning and Development.

Resolution 25Z00036

On motion by Commissioner Adkinson, seconded by Commissioner Feltner, the following resolution was adopted by a vote of 4:1:

WHEREAS, Sandra Walsh and Terrie Canada (Monica Pritchard) request a zoning classification change from AU (Agricultural Residential) to RR-1 (Rural Residential), on property described as Tax Parcel 2, as recorded in OR Book 10098, Page(s) 1700 of the Public Records of Brevard County, Florida. **Section 17, Township 20G, Range 35.** (2.94 acres) Located 2,450 ft. east of Hwy 1 on the south side of Aurantia Rd. (3495 Aurantia Rd., Mims); and

WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

WHEREAS, the Board, after considering said application and the Planning and Zoning Board’s recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended with a BDP; now therefore,

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from AU to RR-1 with a BDP, limiting the use to one single-family residence across the entire parcel for the next 3 years, be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

BE IT FURTHER RESOLVED that this resolution shall become effective as of December 11, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Thad Altman, Chair
Brevard County Commission

As approved by the Board on December 11, 2025.

ATTEST:



RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – November 17, 2025

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way
 Building A, Room 114
 Viera, Florida 32940
 (321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
 25Z00036**

Sandra Walsh & Terrie Canada

AU (Agricultural Residential) to RR-1 (Rural Residential)

Tax Account Number: 2005444
 Parcel I.D.: 20G-35-17-AL-20-2
 Location: 3495 Aurantia Road, Mims, FL 32754 (District 1)
 Acreage: 2.94 acres

Planning & Zoning Board: 11/17/2025
 Board of County Commissioners: 12/11/2025

Consistency with Land Use Regulations

- Current zoning is consistent under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	AU	RR-1
Potential*	1 Single-family residence	1 Single-family residence
Can be Considered under the Future Land Use Map	YES RES 1	YES RES 1

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The applicant is requesting to rezone the subject property from AU (Agricultural Residential) to RR-1 (Rural Residential). The purpose of the request is to split the 2.94-acre lot into two lots by creating a flag lot on the southern portion. The applicant has provided a boundary survey outlining lot 1, depicting the current single-family residential dwelling, and the creation of lot 2.

The subject property was platted as A Replat of Section 17 of Indian River Park, a subdivision of The Bernardo Segui Grant Block 20, recorded on August 18, 1916, in PB 2, PG 75.

The subject property retains the original zoning classification of AU when the Brevard County zoning code was established in 1958. The subject property also retains the original FLU, Residential 1 (RES 1) established in the 1988 Brevard County Comprehensive Plan.

The subject property is within the septic moratorium area. Any proposed development requiring a septic permit could potentially be affected by this moratorium. For further information regarding the septic moratorium, the property owner would need to reach out to Department of Environmental Health, which issues septic permits.

The subject property is not located the recommended FLUM density reduction area adopted within the 2007 Mims Small Area Study on April 10, 2007.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5-acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl, and beekeeping.

The proposed RR-1 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns, and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses is accessory to a principal residence within the RR-1 zoning district.

The subject parcel is located on the south side of Aurantia Road, a county-maintained road approximately 0.46 miles east of Highway 1.

There are no current code enforcement complaints on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	(2) Single-family residences, vacant land	AU	RES 1
South	(2) Single-family residences	AU	RES 1
East	Single-family residence	AU	RES 1
West	Single-family residence	AU	RES 1

North of the subject property are three (3) parcels: The first parcel is 2.51 acres, developed with a single-family residence. The second parcel is 3.59 acres of vacant land. The third parcel is 1.56 acres, developed with a single-family residence. South of the subject property are two (2) parcels: The first parcel is 5.0 acres, developed with a single-family residence and has AU

zoning with RES 1 FLU designation. The second parcel is 3.75 acres, developed with a single-family residence.

East of the subject property is a 2.94-acre parcel, developed with a single-family residence.

West of the subject property is a 2.94-acre parcel, developed with a single-family residence.

All of the noted properties are zoned with AU classification and RES 1 FLU designation.

The AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5-acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl, and beekeeping.

Future Land Use

The subject property's AU zoning classification is considered consistent with the RES 1 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The applicant's request for RR-1 zoning classification is considered consistent under the current RES 1 FLUM designation.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area:

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

Approval of this request would permit a single-family residence on the proposed creation of a second lot which is not anticipated to significantly diminish the enjoyment, safety, or quality of life. The proposed use would need to meet Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if a material reduction has or will occur due to the proposed request.

C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

The historical land use pattern of the surrounding development is characterized as single-family residential lots that vary in size from approximately 0.78 acres to 10 acres. There is one parcel, ± 205 acres in size, located approximately 0.25-mile northeast of the subject property, which is government-managed land.

Single-family residential development is the predominant pattern of development within the area.

This area was platted in 1916, with lot sizes of ± 126 feet in width and ± 305 feet in depth, and up to 10-acre lot sizes. The AU classification is the original zoning in the area established on May 22, 1958. There are numerous parcels with the AU zoning that do not meet today's 2.5-acre lot size requirement. Either they remain in their original platted configurations, or they were reconfigured at some point.

There are five (5) FLU designations: RES 1:2.5, RES 1, PUB, NC, and CC within a 0.5-mile radius of the subject property. RES 1 and RES 1:2.5 are the more prevalent FLU designations.

There are multiple zoning classifications within a 0.5-mile radius of the subject property: AU, RR-1, GML(H), SR, RU-1-7, and BU-1 zoning classifications. AU is the prominent zoning classification within the area.

The closest property with RR-1 zoning classification is approximately 0.1 miles south of the subject property off Maebert Road.

2. actual development over the immediately preceding three years; and

New development within 0.5 miles of the subject property within the last three years has been limited to a small number of single-family homes.

3. development approved within the past three years but not yet constructed.

There has not been any approved development within this area in the preceding three (3) years that has yet to be constructed.

There is one pending zoning action approximately 0.3 miles west of the subject property at the Aurantia Road and Highway 1 intersection, under 25Z00003, to change the zoning from BU-1 with a BDP to BU-1 without a BDP.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Traffic from the potential development of a single-family residence will have a minimal impact on the surrounding area, while the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 21.90% of capacity daily. Specific concurrency issues will be addressed at the time of site plan review.

Based on staff analysis, the requested rezoning from AU to RR-1 zoning classification is not anticipated to materially or adversely affect the surrounding developments. This request is not anticipated to have a measurable impact on the area in terms of trip generation or parking. No commercial or industrial activity is proposed.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The subject property is not located within a residential neighborhood. However, the area can be considered a residential area with established roads.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The request does not include commercial uses.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial, or other non-residential uses have been applied for and approved during the previous five (5) years.

The area is single-family residential. The closest commercial zoning is located approximately 0.3 miles directly west of the subject property at Aurantia Road and Highway 1.

Analysis of Administrative Policy #7

Proposed use(s) shall not cause or substantially aggravate any (a) Substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

A portion of the subject parcel contains mapped hydric soils which indicates wetlands may be present on the property. A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal. The northern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay.

Please refer to the full NRM comments at the end of this report.

Preliminary Concurrency

The closest concurrency management segment to the subject property is U.S.1 between Burkholm Road and the Volusia County Line, which has a Maximum Acceptable Volume (MAV) of 21,800 trips per day, a Level of Service (LOS) of C, and currently operates at 21.83% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.07%. The corridor is anticipated to operate at 21.90% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided, as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject property is not within any public potable water or available sewer lines. If the proposed creation of a second lot is developed with a single-family residence, the property owner would have to provide their own services for water and sewer.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00036

Applicant: Monica Pritchard (Owners: Sandra Walsh and Terrie Canada)

Zoning Request: AU to RR-1

Note: to split into two lots and create a flag lot

Zoning Hearing: 11/17/2025; **BCC Hearing:** 12/11/2025

Tax ID No.: 2005444

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements

Land Use Comments:

Hydric Soils

A portion of the subject parcel contains mapped hydric soils (Wabasso sand, 0 to 2 percent slopes; and Copeland-Bradenton-Wabasso complex, limestone substratum); indicators that wetlands may be present on the property. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6). Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in Brevard County in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

Indian River Lagoon Nitrogen Reduction Septic Overlay

The northern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

LOCATION MAP

Sandra Walsh & Terrie Canada
25Z00036



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

-  Buffer
-  Subject Property

ZONING MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

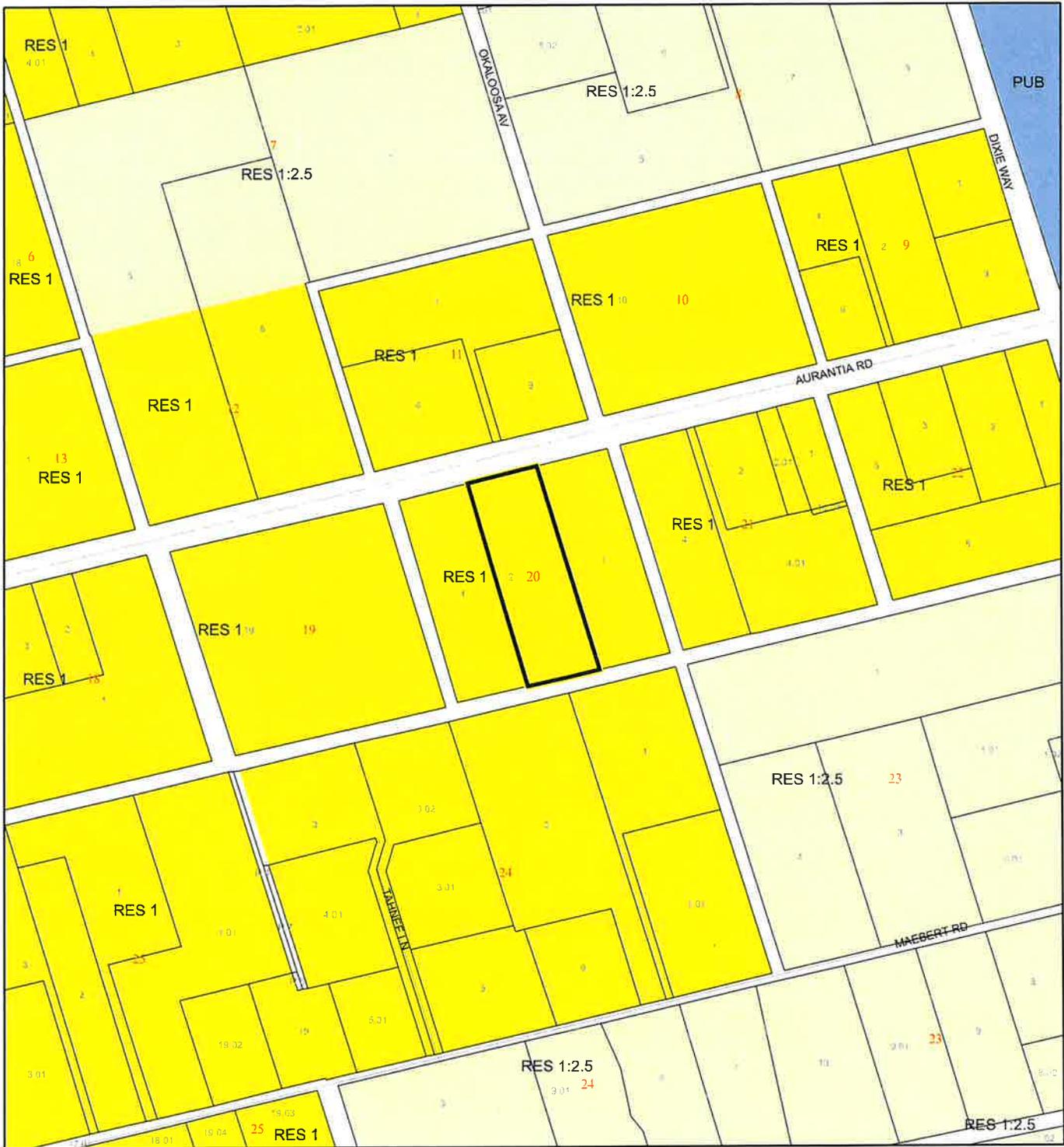
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels

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AERIAL MAP

Sandra Walsh & Terrie Canada

25Z00036



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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-  Subject Property
-  Parcels

NWI WETLANDS MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

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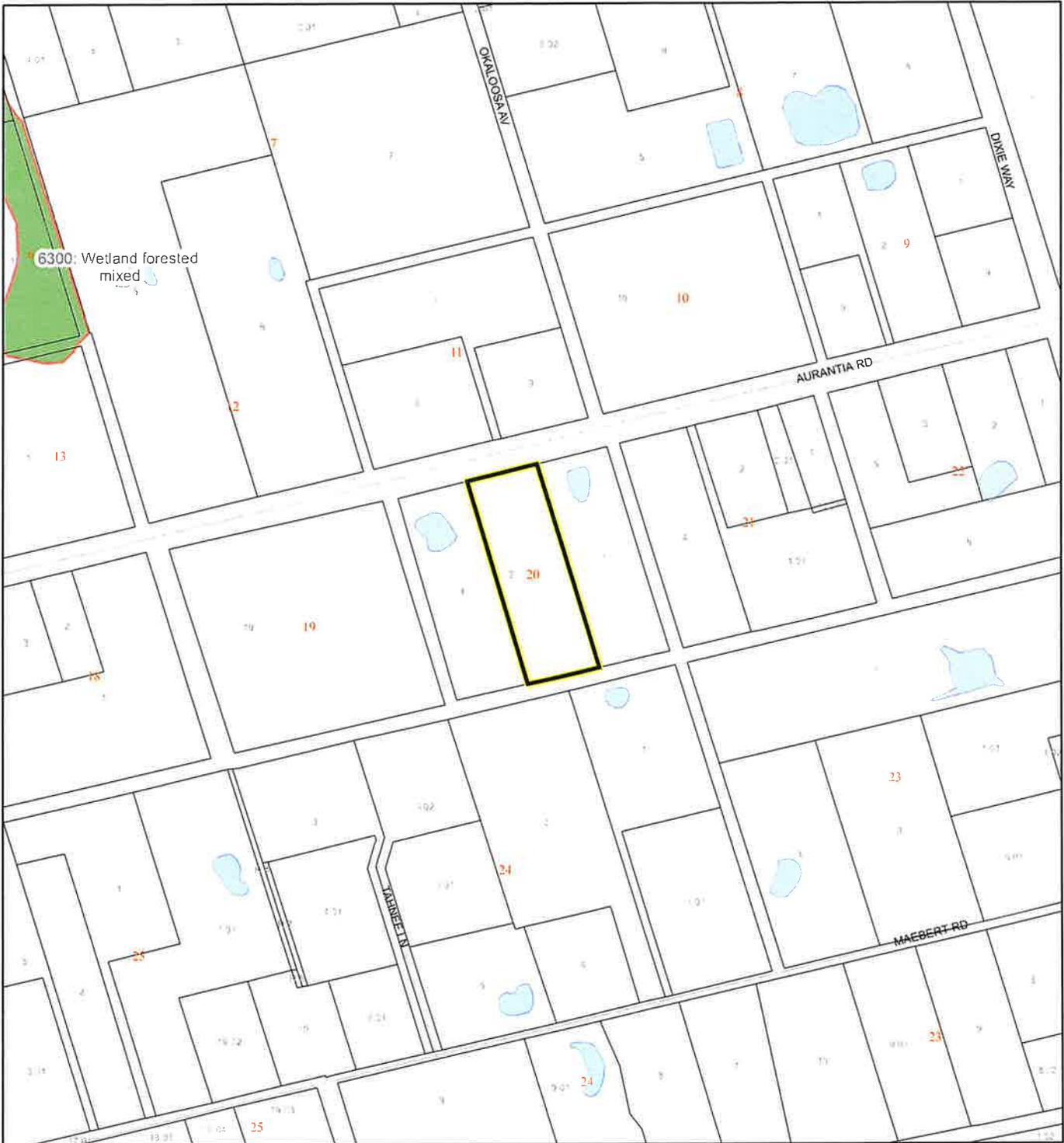
Produced by BoCC - GIS Date: 9/8/2025

National Wetlands Inventory (NWI)

- | | |
|---|--|
|  Estuarine and Marine Deepwater |  Freshwater Pond |
|  Estuarine and Marine Wetland |  Lake |
|  Freshwater Emergent Wetland |  Other |
|  Freshwater Forested/Shrub Wetland |  Riverine |
|  Subject Property |  Subject Property |
|  Parcels |  Parcels |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

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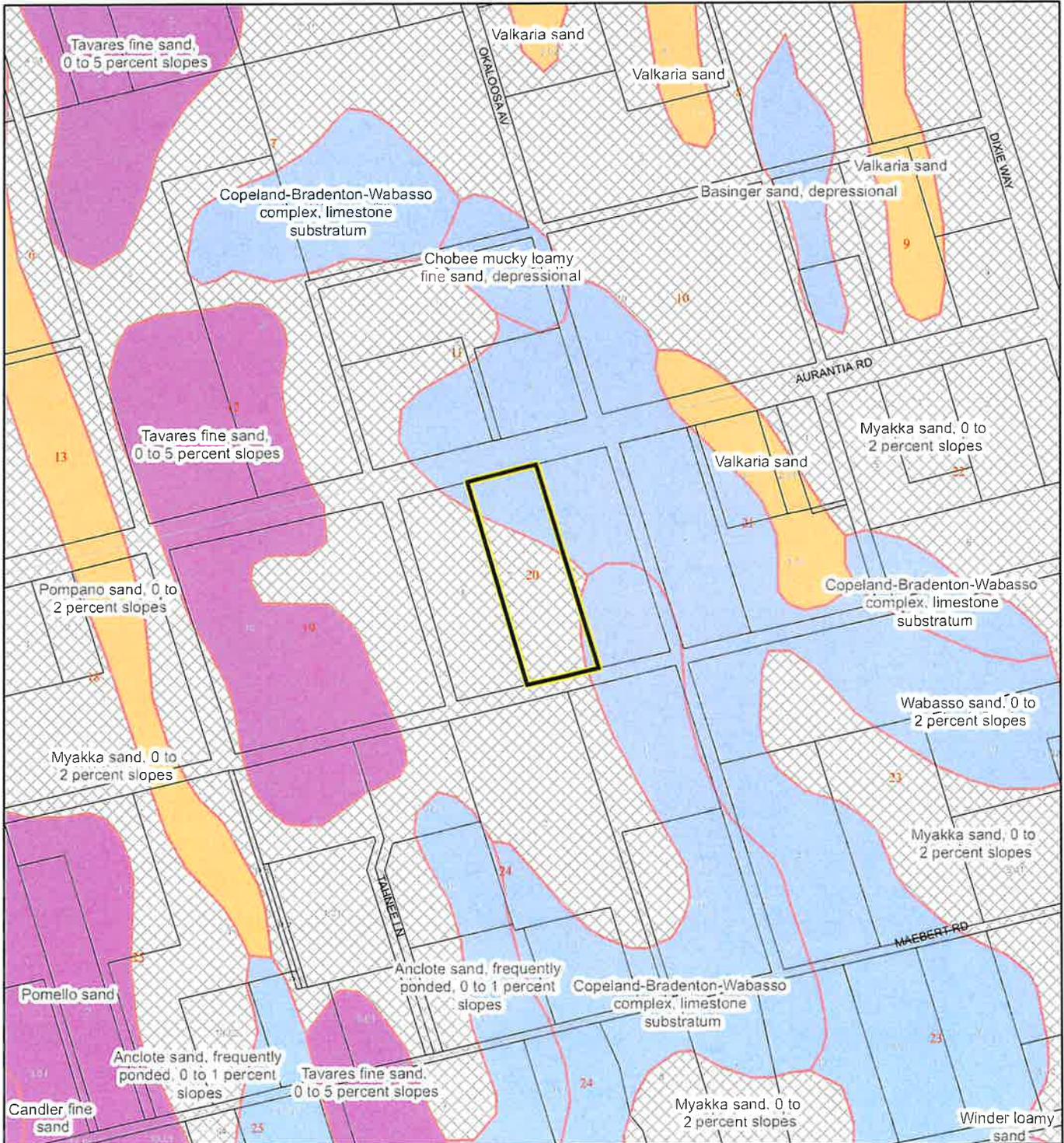
SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property Parcels

USDA SCSSS SOILS MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/8/2025

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

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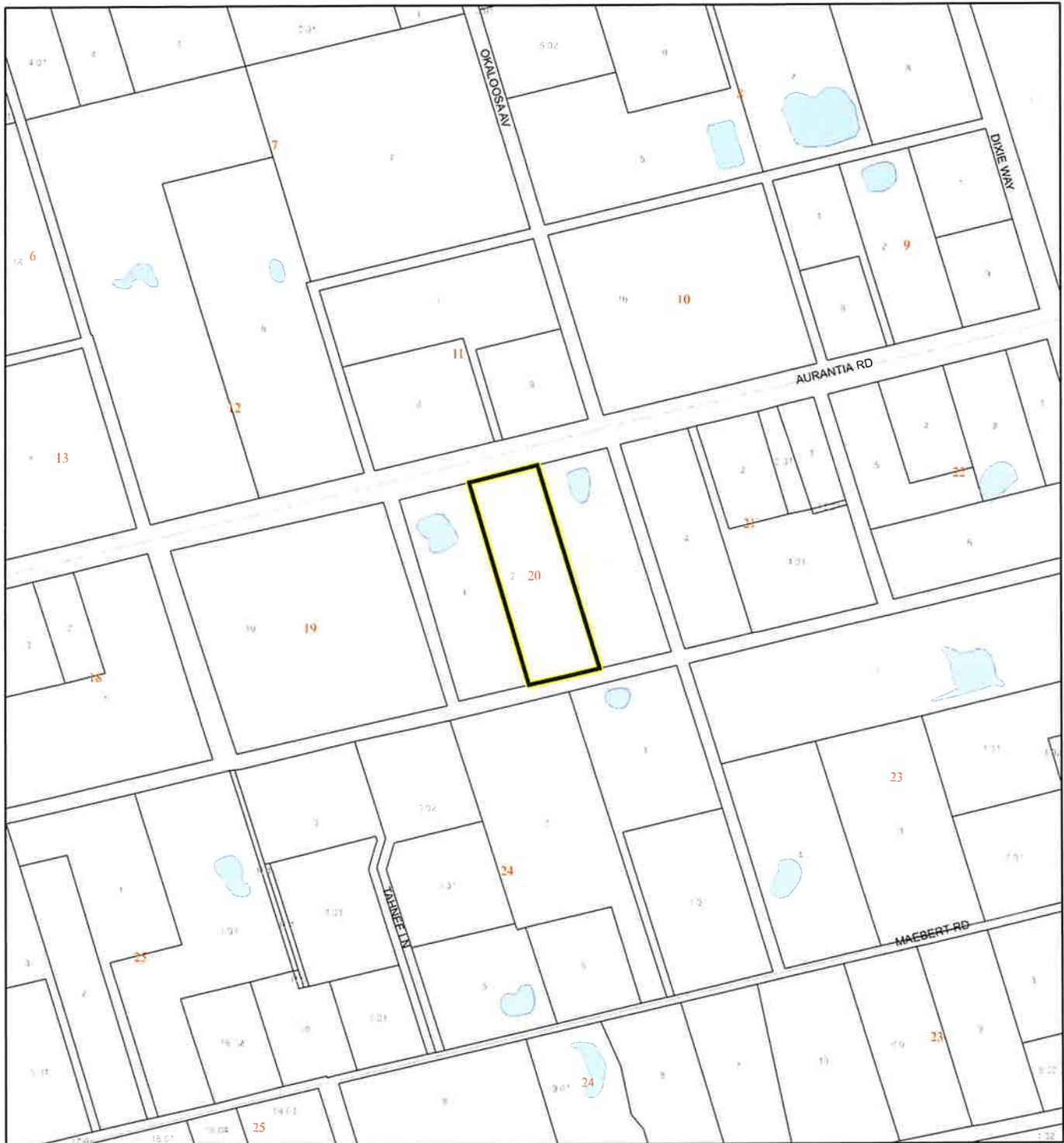
Produced by BoCC - GIS Date: 9/8/2025

FEMA Flood Zones

- | | | |
|--|--|---|
|  A |  AO |  X |
|  AE |  Open Water | |
|  AH |  VE | |
|  Subject Property |  Parcels | |

COASTAL HIGH HAZARD AREA MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

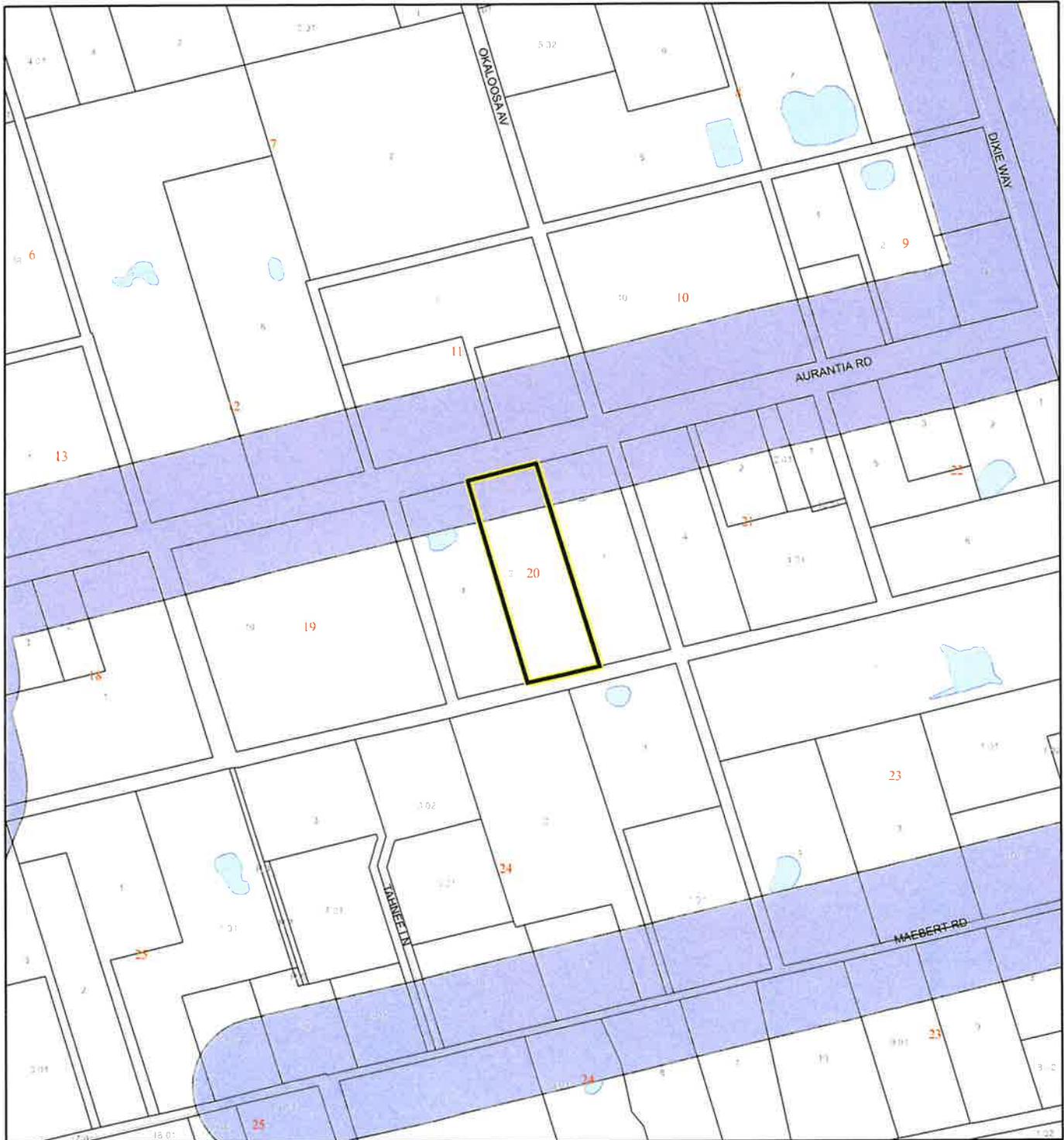
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Sandra Walsh & Terrie Canada

25Z00036



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

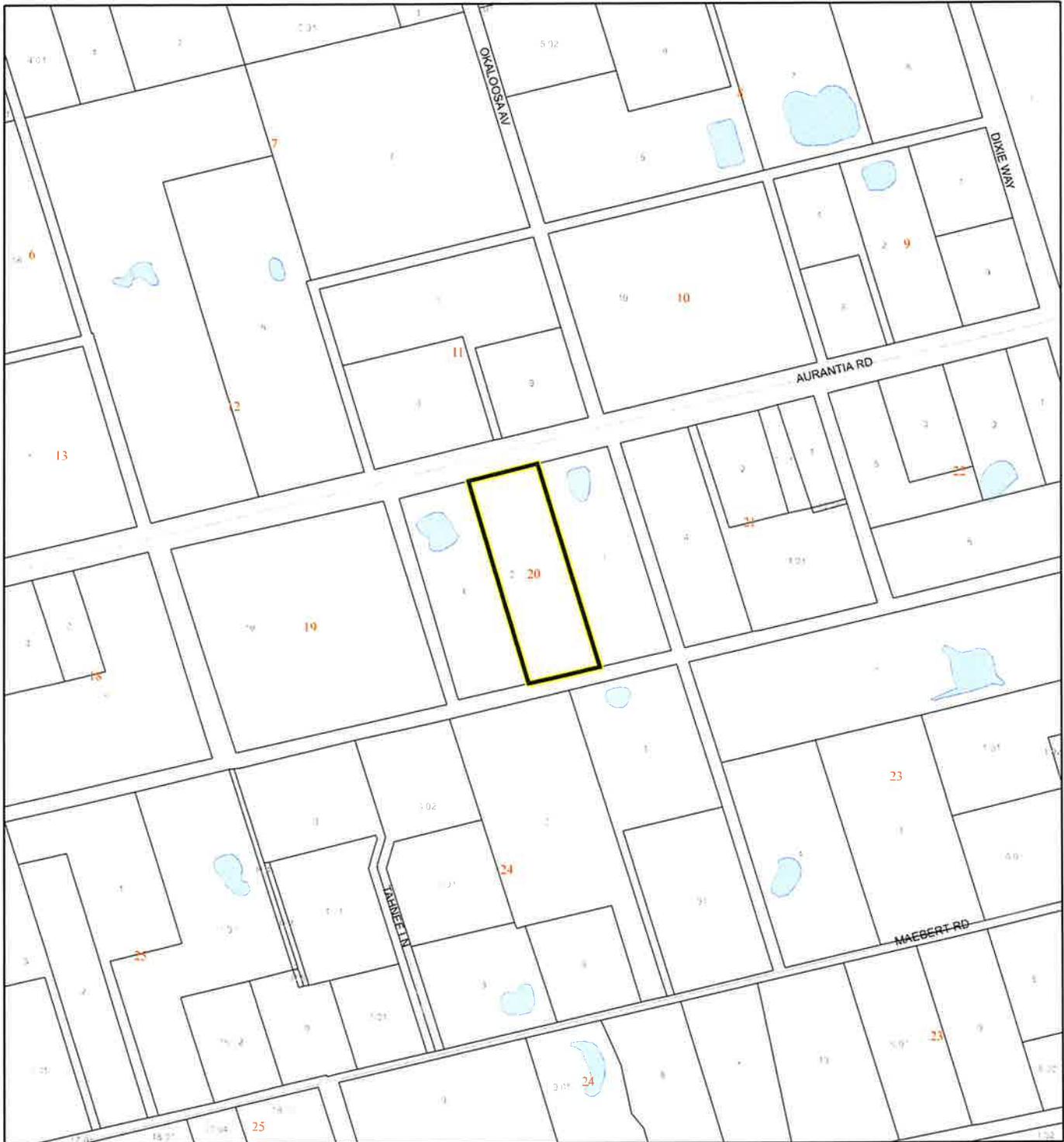
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

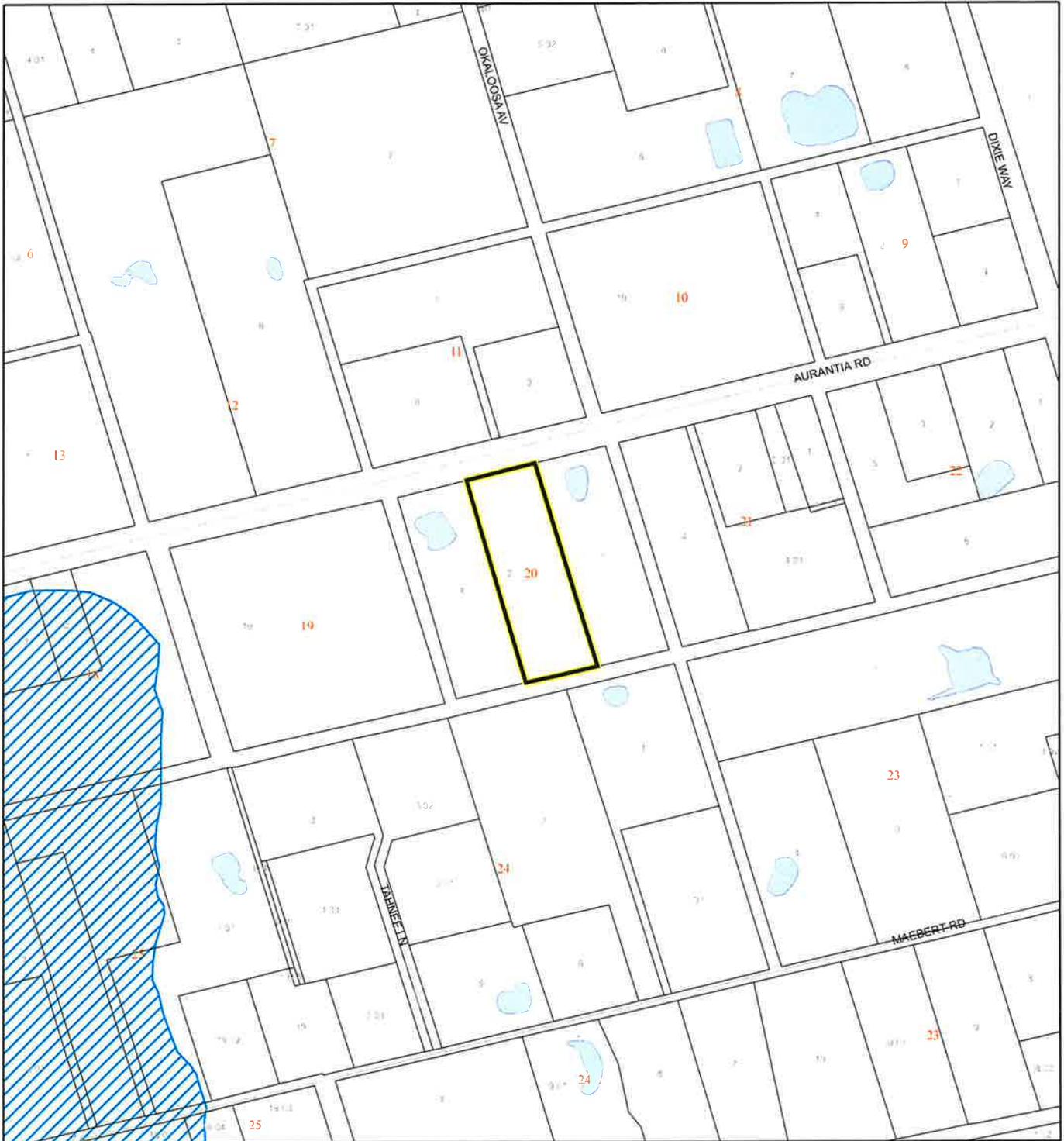
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

-  Subject Property
-  Parcels
-  Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/8/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Sandra Walsh & Terrie Canada
25Z00036



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/8/2025

SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 17, 2025, at 3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5); Neal Johnson (D4); Ana Saunders (D5); Greg Nicklas (D3); Erika Orriss (D3); and Debbie Thomas (D4).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Tim Craven, Planner; Alex Esseeesse, Deputy County Attorney; and Jordan Sagosz, Operations Support Specialist.

H.5. Sandra Walsh and Terrie Canada (Monica Pritchard) request a zoning classification change from AU (Agricultural Residential) to RR-1 (Rural Residential). (25Z000369) (Tax Account 2005444) (District 1)

Paul Body read the item into the record.

Monica Pritchard spoke to the application. Stated she represents Miss Sandra Walsh and Miss Terry Canada. They would like to go from AU to RR-1. Miss Walsh lives next door, and I know that you've had previous conversation. You just said that Mr. Atkins. Her and her husband own the house next door. Miss Terry and Miss Andrew's mom passed away on the neighboring lot and they inherited that property, and they want to put a flag lot there eventually, but they intend to keep it as family property between the two lots and they would like the ability to possibly develop it in the future, but they have no intention of developing it right now. I think there's currently a septic moratorium. I'm happy to answer any questions, but there's nothing exciting going on there.

No Public Comment

Mr. Hopengarten asked if the existing property that the Walsh's own, are they going to change that one also? Just this one in the middle.

Ms. Pritchard responded no, just this one. They're thinking that maybe eventually, they took care of the mom, so they're thinking that eventually maybe their kids will take care of them. It's wishful thinking. Maybe they can put something back there, their kids can live there, something like that in the future. But like I said, I think there's a septic moratorium. They realize that they may never potentially be able to develop this, but they would like to split it up. Also, I think the sisters intend to financially buy each other out. Miss Walsh intends to keep the back lot. Sister intends to keep the front lot with the house. But they intend to keep between those two lots. It's going to be family property, family owned. That's the intention.

Mr. Hopengarten stated there is an existing house on that property. Correct? Are they planning to put a second house on it?

Ms. Pritchard responded if they developed the back lot, the flag lot, then eventually, yes, if it is possible. But right now, you can't do that. You can't pull the permits for it. There's a septic moratorium and they know that. Miss Walsh intends to keep the back lot. Miss Canada intends to keep the house

in the front and they're going to separate the properties, buy each other out, but it's sisters. And then Miss Walsh and her husband own the property next door.

Mr. Hopengarten stated that just complicated everything.

Ms. Pritchard responded did I make it clear as mud? I'm sorry. Okay, this property is owned by the two sisters. It was inherited and Miss Sandra Walsh and her husband own the property next door. They live next door. So, it's two parcels side by side. This property, Miss Canada intends, I believe, to keep the front house and they would like to put a flag lot in the back and Miss Walsh would like to keep that property and potentially, if possible, develop it one day.

Ms. Amato stated I don't have questions per se, but maybe discussion. There is a septic moratorium in the area. There's also an active investigation with St. John's River Water Management due to wells going dry in the area and drainage in the area is a known problem. And the back part is wetlands. That would be a question.

Ms. Pritchard replied I do not have the answer to that question. I don't know if you're looking to staff.

Ms. Amato responded anybody who might have the question. I thought that it's the staff report mentioned it.

Ms. Gilliam responded the staff report mentions hydric soils may be present. So, any development would require wetland delineation to be submitted.

Ms. Orriss asked to have that repeated.

Ms. Gilliam responded in the staff report in the natural resources section they do note that there may be hydric soils on the property which may be an indication of wetlands. So, prior to any development they would need to submit a wetland delineation report.

Ms. Amato stated I just don't think it's a really good idea to be splitting and rezoning with a bunch of complications in the area already. Not just the wetlands, but the drainage. If anybody's been out there after any of these storms, what receives the water to the east of them is a lot.

Ms. Orriss stated I think the only other thing is that if you're not planning on doing a building immediately then it doesn't really affect you because you can't because of the septic moratorium and you said you aren't planning on building immediately.

Ms. Pritchard responded no, the clients don't intend on building immediately and they may never build.

Ms. Orriss stated so maybe then, when some of these other issues have been addressed, that might be a more appropriate time for us to have this discussion on splitting the lot.

Ms. Pritchard responded I think that to split the lot, the only way that you can split it is to rezone it. And I think that they would like to, it's two sisters. They're going to end up owning the parcels, but they would like to financially buy each other out. Miss Walsh would like the back end. Miss Canada would take the house. So, the only way that they can accomplish that instead of just mutually owning the whole property together is by rezoning.

P&Z Minutes
August 18, 2025
Page 3

Motion to recommend denial of Item H.5. by Ruth Amato, seconded by Erika Orriss. The motion failed.

Motion to recommend approval of Item H.5 by Debbie Thomas, seconded by Robert Brothers. The motion passed by a vote of 11:2.

Meeting adjourned at 4:27 p.m.