



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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G.4.

11/2/2023

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### Subject:

Nancy A. Santoriello, Frances Santoriello, and Jennifer L. Straight; and James J. and Jennifer L. Straight (Clayton Bennett) request a change of zoning classification from RU-1-9 to RU-1-11. (23Z00074) (Tax Accounts 2863326 & 2801026) (District 5)

### Fiscal Impact:

None

### Dept/Office:

Planning & Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential).

### Summary Explanation and Background:

The applicant is requesting to rezone the property from RU-1-9 to RU-1-11 to make the zoning consistent and compatible with the RES 4 (Residential 4) Future Land Use designation. The applicant intends to reconfigure the lots and build two single-family residential dwellings (one on each lot). The parcels are portions of lots in plat "Addition Number 2 to City Acres" recorded in July 1925. The subject parcels were split into their current configuration in May 2005. This split caused the parcels to lose their non-conforming lot of record status. If approved, the applicant will reconfigure the lots to meet the development standards for the RU-1-11 zoning classification.

The proposed RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet, and a minimum house size of 1,100 square feet.

The property is in an existing platted residential neighborhood with clearly established roads and residential lot boundaries. The closest parcels with RU-1-11 zoning are located on the north side of Miami Avenue, approximately 673 feet east of the subject property.

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

On October 16, 2023, the Planning & Zoning Board heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

Once resolution is received, please execute and return a copy to Planning & Development.

**Resolution 23Z00074**

On motion by Commissioner Feltner, seconded by Commissioner Tobia, the following resolution was adopted by a unanimous vote: (Commissioner Steele absent)

**WHEREAS, Nancy A. Santoriello, Frances Santoriello, and Jennifer L. Straight; and James J. and Jennifer L. Straight** request a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential), on property described as Lot 1.01, Block 5, City Acres Addition No. 2, as recorded in ORB 9025, Pages 1499 – 1500, of the Public Records of Brevard County, Florida; and Lot 1, Block 5, City Acres Addition No. 2, as recorded in ORB 9031, Pages 610 – 611, of the Public Records of Brevard County, Florida. **Section 02, Township 28, Range 36.** (0.65 acres) Located on the southwest corner of Miami Ave. and Arizona St. (2162 Arizona St., Melbourne; and 4215 Miami Ave., Melbourne); 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; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from RU-1-9 to RU-1-11, 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 November 2, 2023.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

  
Rita Pritchett, Chair  
Brevard County Commission

As approved by the Board on November 2, 2023.

ATTEST:



RACHEL SADOFF, CLERK

(SEAL)



P&Z Board Hearing – October 16, 2023

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**

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 Viera, Florida 32940  
 (321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**23Z00074**

**Nancy & Frances Santoriello and James & Jennifer Straight (Clayton A. Bennett, P.E.)**

**RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential)**

Tax Account Number: 2801026 & 2863326  
 Parcel I.D.: 28-36-02-50-5-1 & 28-36-02-50-5-1.01  
 Location: Southwest corner of Miami Avenue and Arizona Street (District 5)  
 Acreage: 0.65 acres

Planning & Zoning Board: 10/16/2023  
 Board of County Commissioners: 11/02/2023

**Consistency with Land Use Regulations**

- Current zoning cannot be considered 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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-9	RU-1-11
<b>Potential*</b>	0 Single-family units	2 Single-family units
<b>Can be Considered under the Future Land Use Map</b>	NO RES 4	YES RES 4

\* 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 property from RU-1-9 (Single-Family Residential Use) to RU-1-11 (Single -Family Residential) to have the zoning classification consistent and compatible with the Residential 4 (RES 4) Future Land Use Map designation. Currently, the existing RU-1-9 zoning classification is not consistent with the RES 4 (FLUM) designation per #62-1255. Rezoning this property will correct this inconsistency.

The applicant intends to build two single-family detached residential dwelling on two parcels. The parcels are portions of lots in plat "Addition Number 2 to City Acres" recorded in Plat Book 4, Page 82, on July 02, 1925. The subject parcels were split into their current configuration on

May 18, 2005. This parcel split caused the parcels to lose their status of being nonconforming to the RES 4 Future Land Use designation.

If this request is approved, the applicant will reconfigure the lots to meet the development standards for the RU-1-11 zoning classification.

The subject parcels are undeveloped and were zoned RU-1-9 per County Ordinance Z-2980 on June 01, 1972. Access will be through Miami Avenue and Arizona Street; both are County maintained roadways.

**Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Single-family residence across Miami Avenue	RU-1-7	NC
<b>South</b>	Single-family residence	RU-1-9	RES 4
<b>East</b>	Single-family residence across Arizona Street	RU-1-9	RES 4
<b>West</b>	Single-family residence	RU-1-9	RES 4

The current RU-1-9 classification permits single family residential development on lots of 6,600 square feet (minimum) with a minimum width of 66 feet and depth of 100 feet. The minimum house size is 900 square feet.

The proposed RU-1-11 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet.

**Future Land Use**

The subject property is currently designated as Residential 4 (RES 4) Future Land Use Map (FLUM) Designation. The current RU-1-9 zoning is not consistent with the existing RES 4 FLUM Designation. The proposed RU-1-11 zoning is consistent with the existing RES 4 FLUM Designation.

**FLUM Policy 1.7** – The Residential 4 Future land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits a maximum density of up to four (4) units per acre, except as otherwise may be provided for within the Future Land Use Element.

The applicant's request can be considered consistent with the existing Future Land Use. 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;

**The applicant intends to build two single-family homes. This request is not anticipated to diminish the enjoyment of safety or quality of life in existing neighborhood within the area.**

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

**Only a certified MAI (Master Appraiser Institute) appraisal can determine if 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 patterns can be characterized as single-family residences on properties less than one (1) acre in size.**

**To the north across Miami Ave. are single-family residences with Neighborhood Commercial (NC) FLUM.**

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

**There have been no FLU changes within 0.5 miles.**

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

**There has been no development approved within the past three years.**

- 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.

**The closest parcels with RU-1-11 zoning are located easterly 673 feet, two parcels on the north side of Miami Avenue with single-family residences. The proposed request of RU-1-11 could be seen as an introduction of RU-1-11 in this area. However, it will provide consistency with the FLUM and zoning classification. It will also recognize existing development trends. The only difference between the proposed and existing zoning is the size of the lot.**

**The request is not anticipated to materially or adversely impact the surrounding established 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.

**The property is located in an existing platted residential neighborhood. There are clearly established roads and residential lot boundaries.**

- 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 is not for commercial use. It is located in an existing single-family residential neighborhood.**

- 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 primarily single-family residential with no commercial zoning nearby.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is W. New Haven Avenue located between S. John Roads Blvd. and S. Wickham Road, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 76.36% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.05%. The corridor is anticipated to operate at 76.41% 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 parcels are not within any public potable water or sewer lines. The applicant will be installing a well for potable water and septic.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

All of Parcel No. 2801026 and the eastern half of Parcel No. 2863326 are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Any portion of a septic system within the mapped Overlay is subject to 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.

### **For Board Consideration**

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



**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Zoning Review & Summary**  
**Item No. 23Z00074**

**Applicant:** Clayton Bennett (Owners: Nancy and Frances Santoriello - 2162 Arizona St. and James and Jennifer Straight - 4215 Miami Ave.)

**Zoning Request:** RU-1-9 to RU-1-11

**Note:** rezoning both parcels to have zoning consistent with FLU

**Zoning Hearing:** 10/16/2023; **BCC Hearing:** 11/02/2023

**Tax ID Nos:** 2863326 & 2801026

- 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
- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

All of Parcel No. 2801026 and the eastern half of Parcel No. 2863326 are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Any portion of a septic system within the mapped Overlay is subject to 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 Use Comments:**

**Hydric Soils**

Both parcels are mapped with hydric soils (Basinger sand) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design or building permit submittal. Per Section 62-3694(c)(2), 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 would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property acreage. Any permitted wetland impacts must meet the requirements of Section 62 3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at (321) 633-2016 prior to any plan or permit submittal.

### **Aquifer Recharge Soils**

Basinger sand can also function as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. A topographic survey should be completed prior to development to confirm elevations. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

All of Parcel No. 2801026 and the eastern half of Parcel No. 2863326 are mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Any portion of a septic system within the mapped Overlay is subject to 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.

### **Protected and Specimen Trees**

Protected and Specimen Trees likely exist on the parcels. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements.

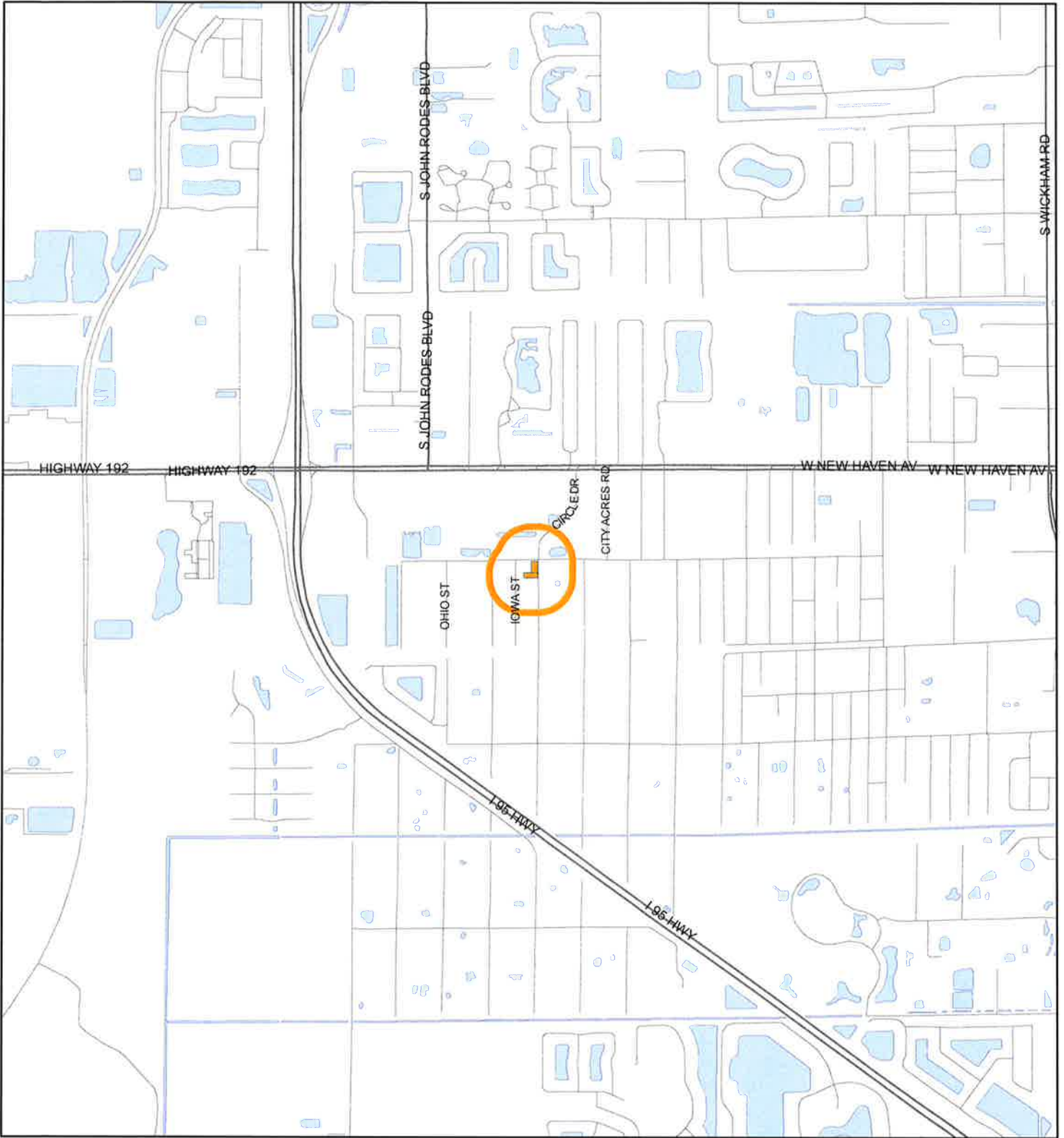
Information available to NRM indicates that unpermitted land clearing activities may have occurred on Parcel No. 2801026. The discovery of unpermitted land clearing activities may result in code enforcement action.

### **Protected Species**

Federally and/or state protected species may be present on properties with aquifer recharge soils and/or wetlands. Specifically, there is potential for existence of Gopher Tortoises in recharge soils. Should any protected species be present, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service prior to any plan, permit submittal, or development activity, including land clearing, as applicable.

# LOCATION MAP

Nancy & Frances Santoriello, James & Jennifer Straight  
23Z00074





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

Buffer Distance: 500 feet

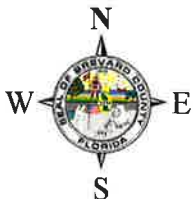
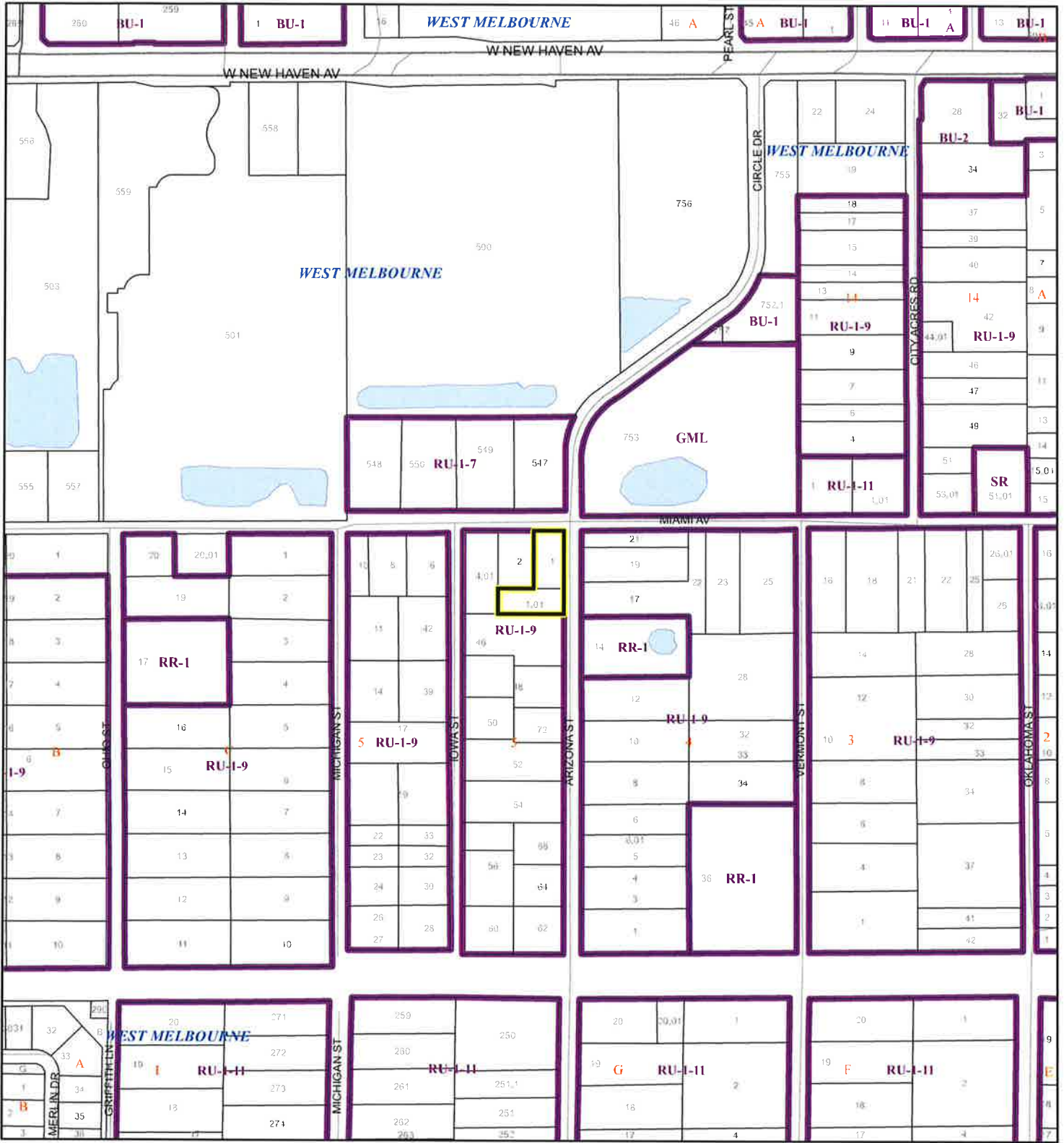
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/15/2023

-  Buffer
-  Subject Property

# ZONING MAP

Nancy & Frances Santoriello, James & Jennifer Straight  
23Z00074



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

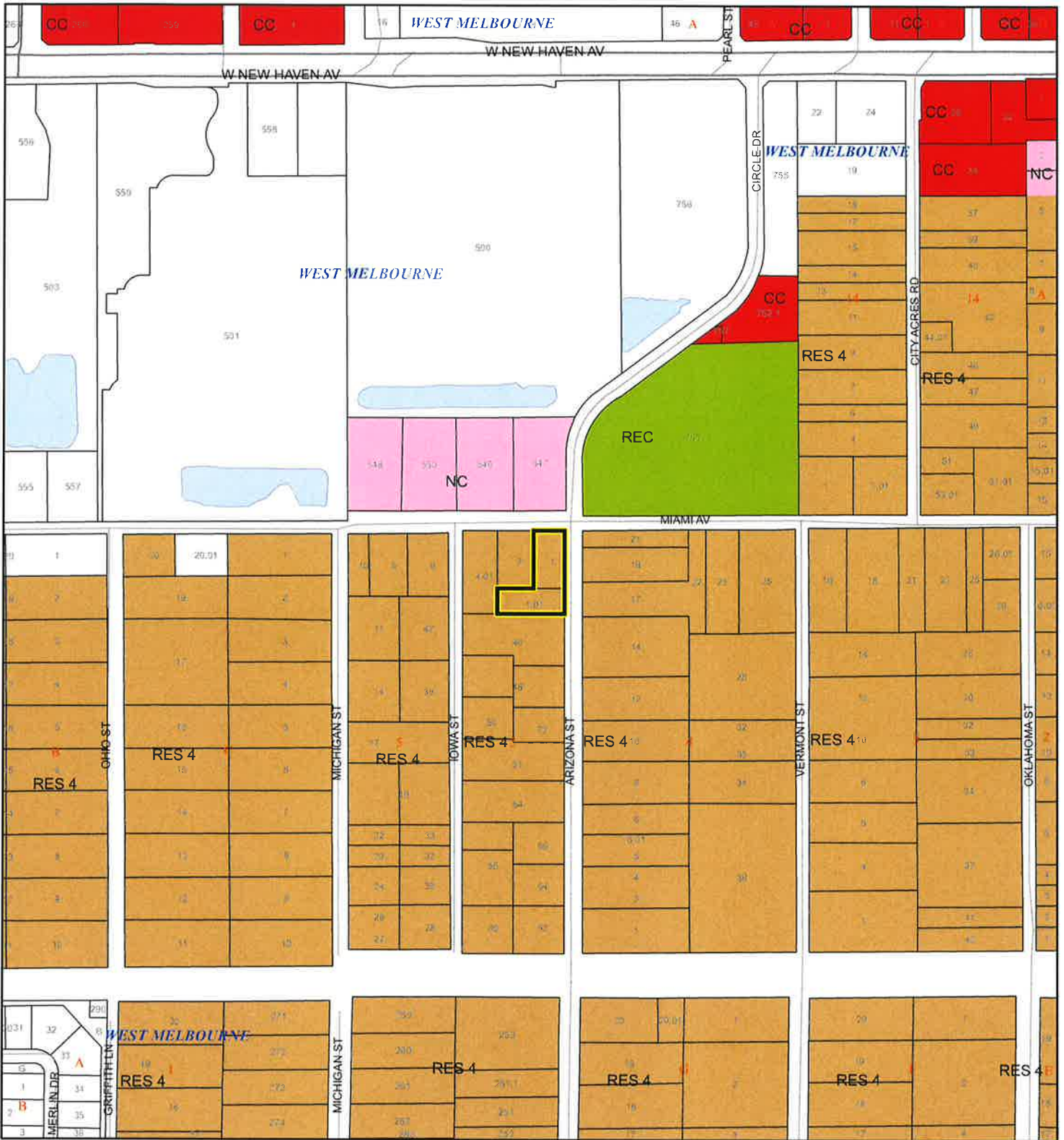
 Zoning

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: 9/15/2023

# FUTURE LAND USE MAP

Nancy & Frances Santoriello, James & Jennifer Straight  
23Z00074



1:4,800 or 1 inch = 400 feet

Subject Property  
 Parcels

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: 9/15/2023

# AERIAL MAP

Nancy & Frances Santoriello, James & Jennifer Straight

23Z00074





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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.

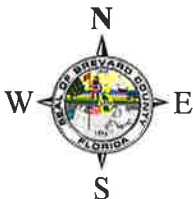
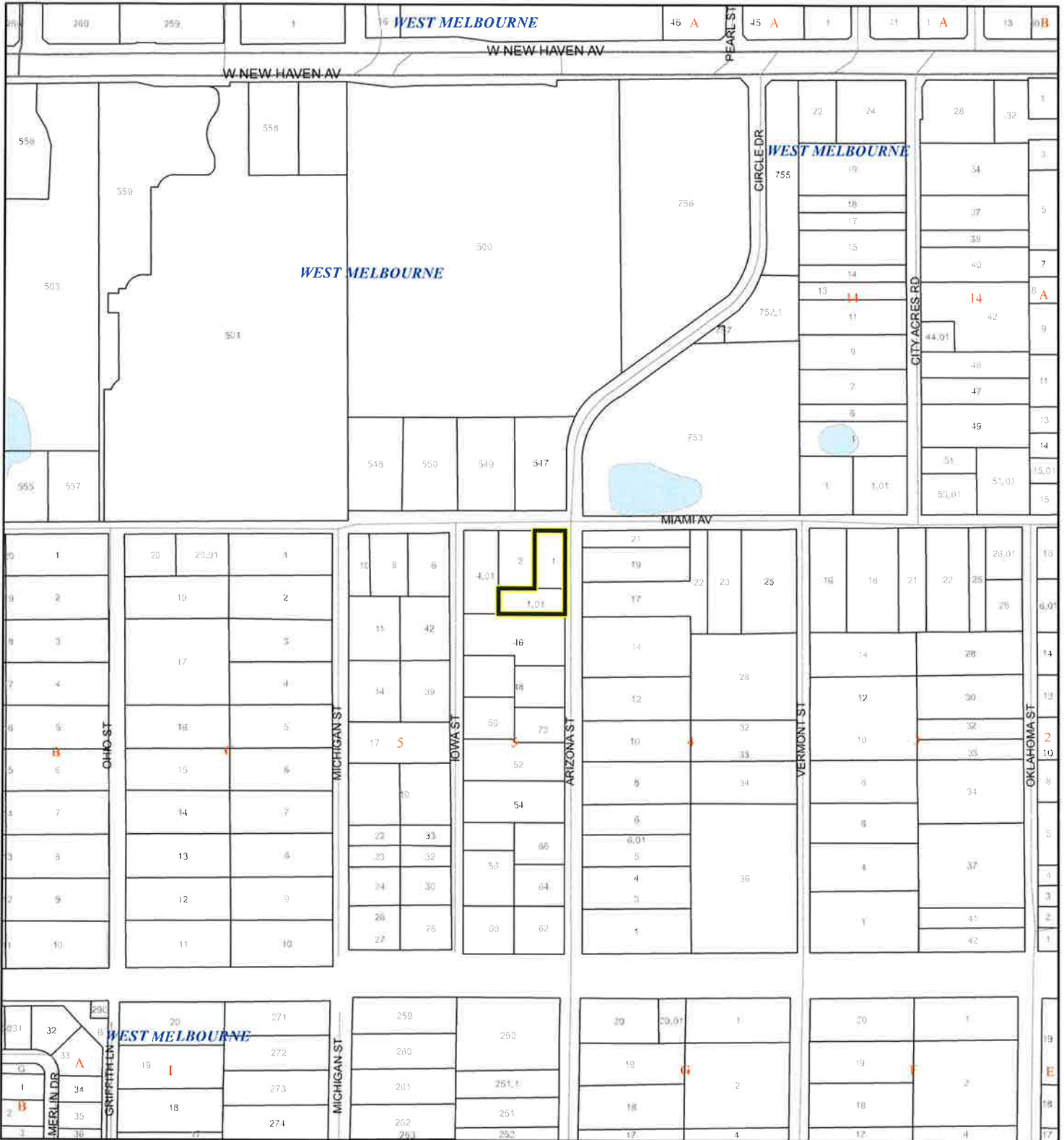
Produced by BoCC - GIS Date: 9/15/2023

 Subject Property  
 Parcels

# NWI WETLANDS MAP

Nancy & Frances Santoriello, James & Jennifer Straight

23Z00074



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.

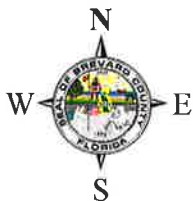
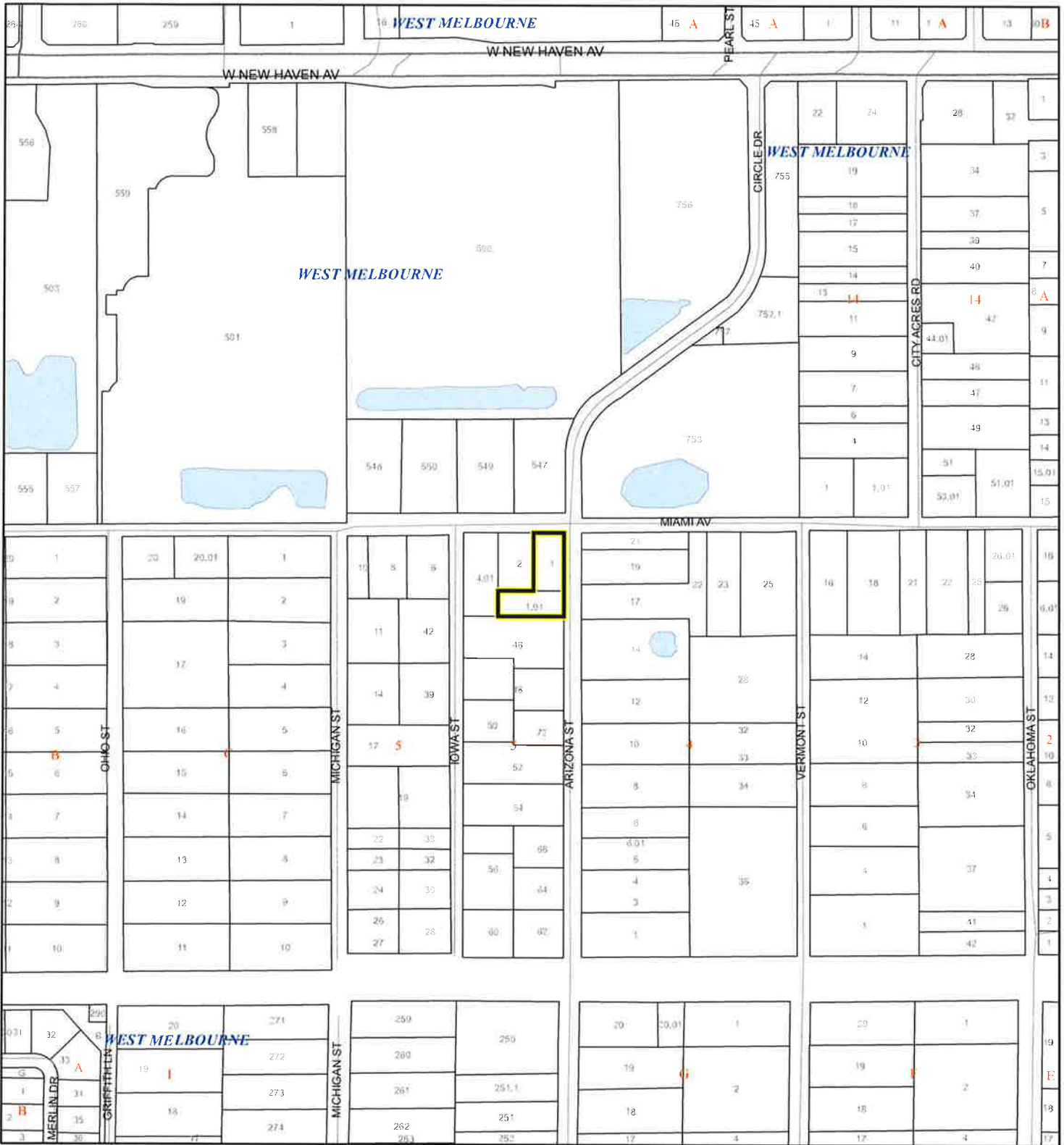
Produced by BoCC - GIS Date: 9/15/2023

- National Wetlands Inventory (NWI)**
-  Estuarine and Marine Deepwater
  -  Estuarine and Marine Wetland
  -  Freshwater Emergent Wetland
  -  Freshwater Forested/Shrub Wetland
  -  Freshwater Pond
  -  Lake
  -  Other
  -  Riverine
  -  Subject Property
  -  Parcels

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Nancy & Frances Santoriello, James & Jennifer Straight

23Z00074



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: 9/15/2023

## 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

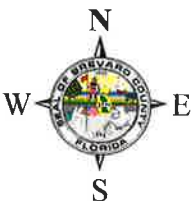
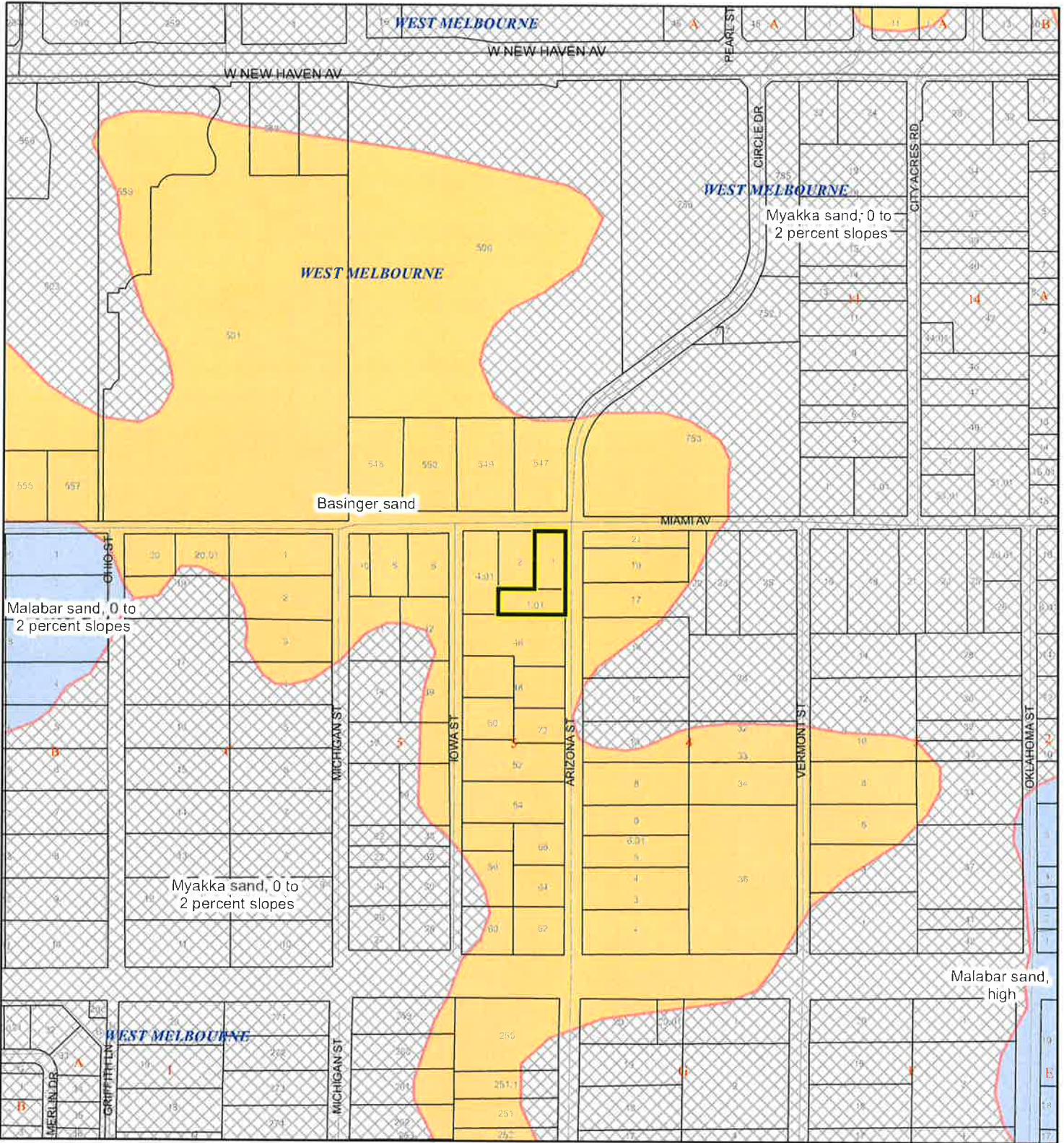
Parcels



# USDA SCSSS SOILS MAP

Nancy & Frances Santoriello, James & Jennifer Straight

23Z00074



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: 9/15/2023

### USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

Nancy & Frances Santoriello, James & Jennifer Straight

23Z00074



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.

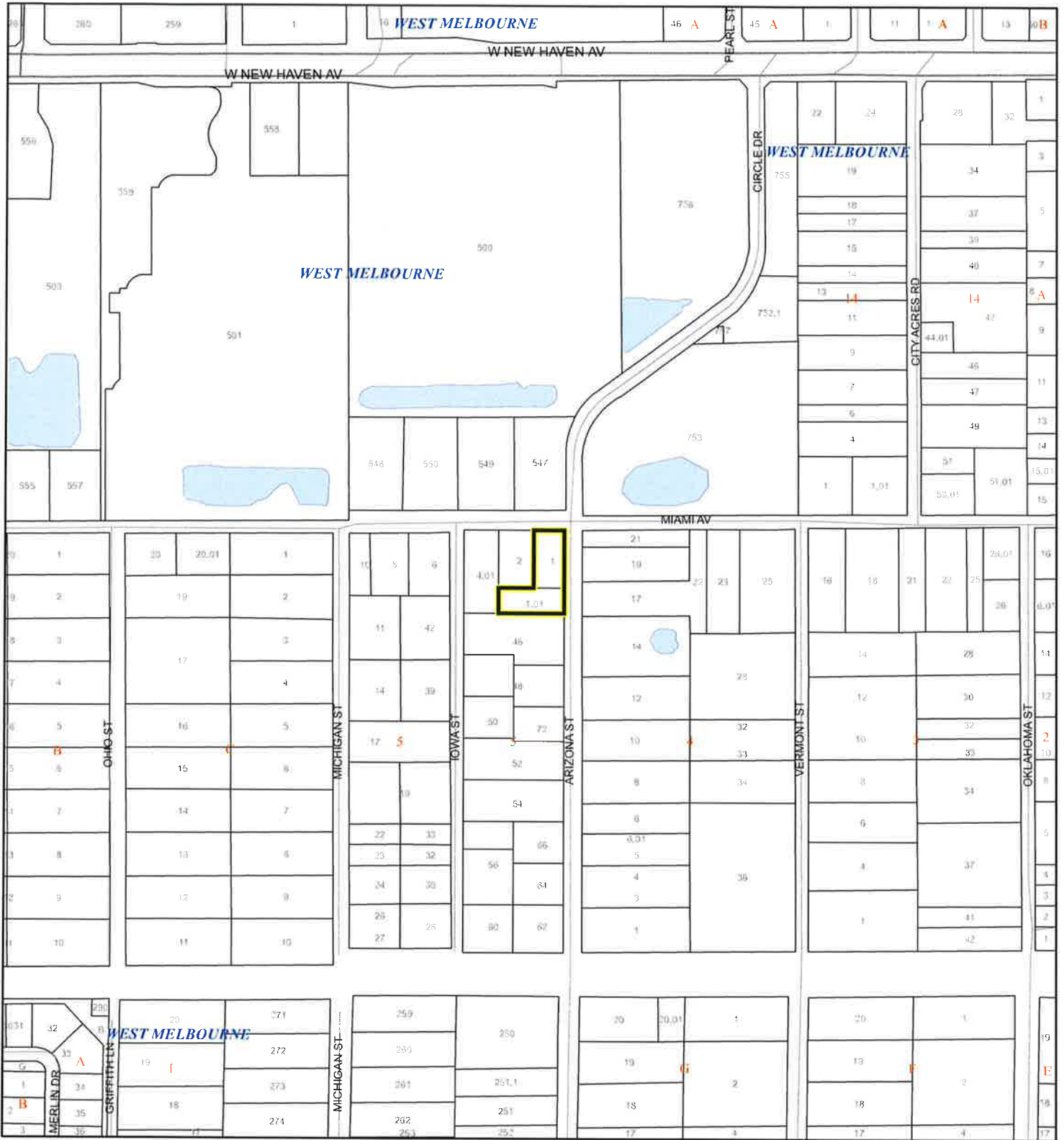
Produced by BoCC - GIS Date: 9/15/2023

- FEMA Flood Zones**
- A
  - AE
  - AH
  - AO
  - Open Water
  - VE
  - X
  - Subject Property
  - Parcels

# COASTAL HIGH HAZARD AREA MAP

Nancy & Frances Santoriello, James & Jennifer Straight

23Z00074



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: 9/15/2023

 Subject Property

 Parcels

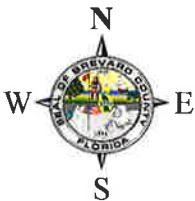
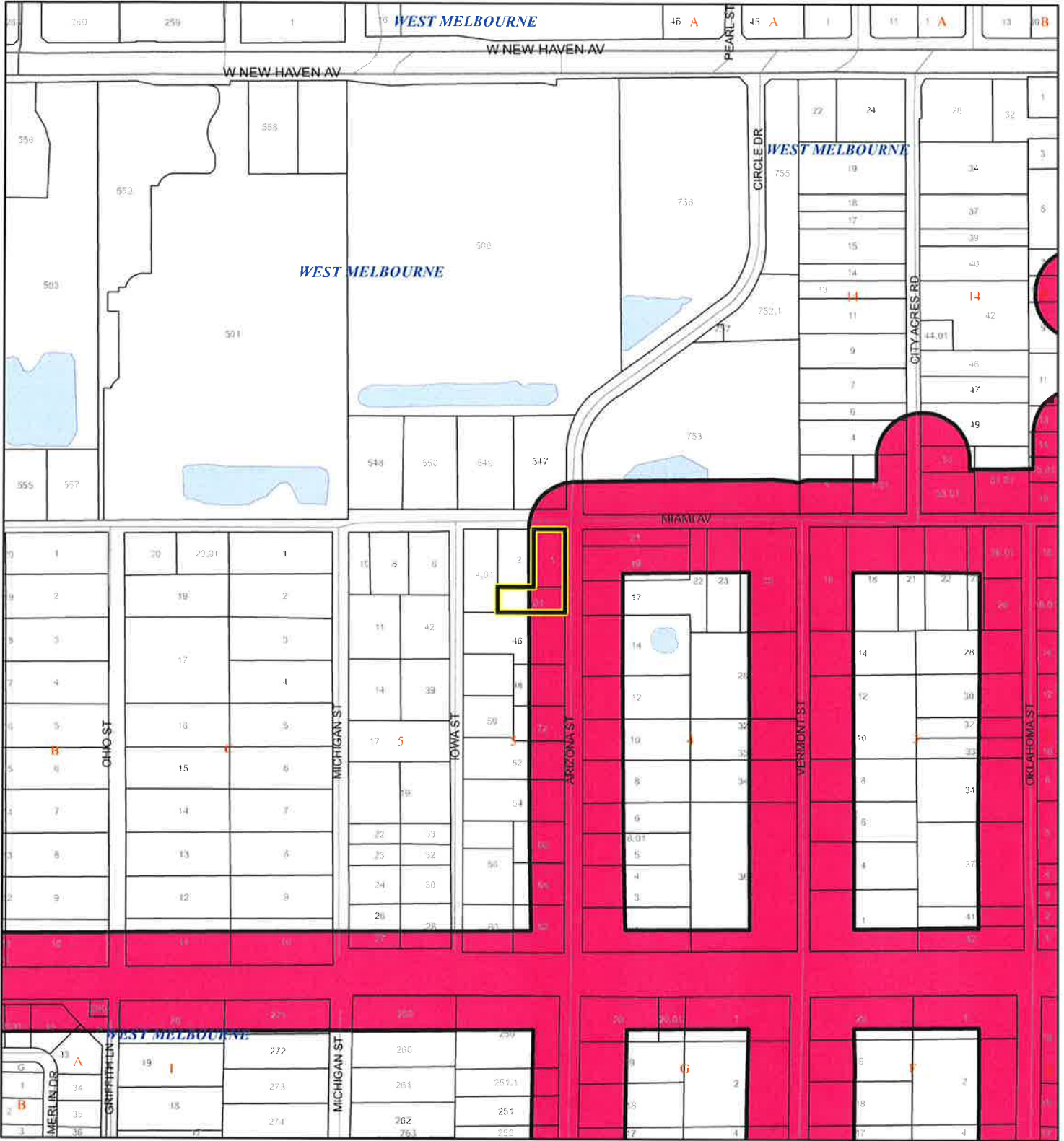
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Nancy & Frances Santoriello, James & Jennifer Straight






23Z00074



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.

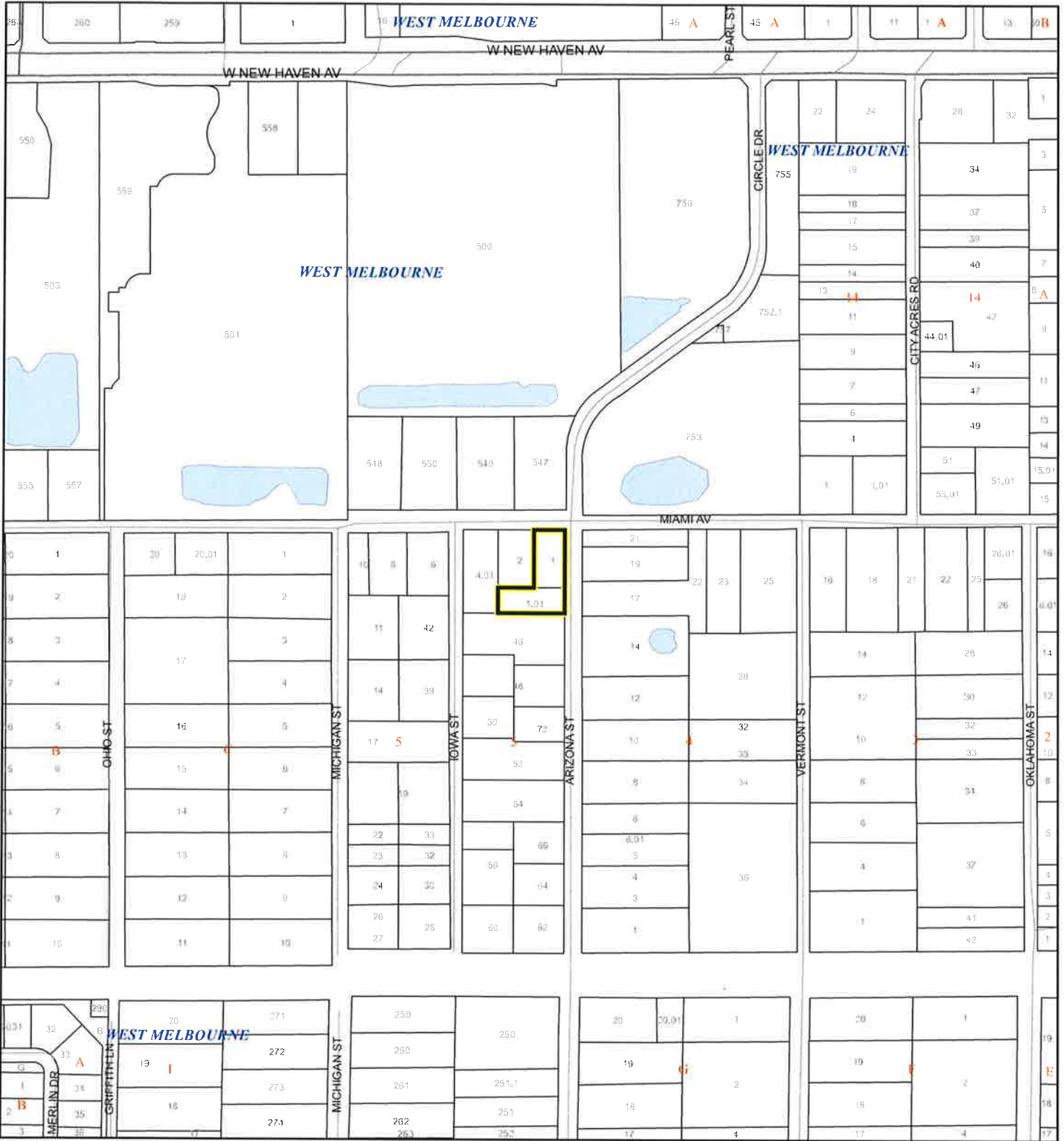
Produced by BoCC - GIS Date: 9/15/2023

-  Subject Property
-  Parcels
- Septic Overlay**
-  40 Meters
-  60 Meters
-  All Distances

# EAGLE NESTS MAP

Nancy & Frances Santoriello, James & Jennifer Straight

23Z00074



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

 Eagle Nests FWS

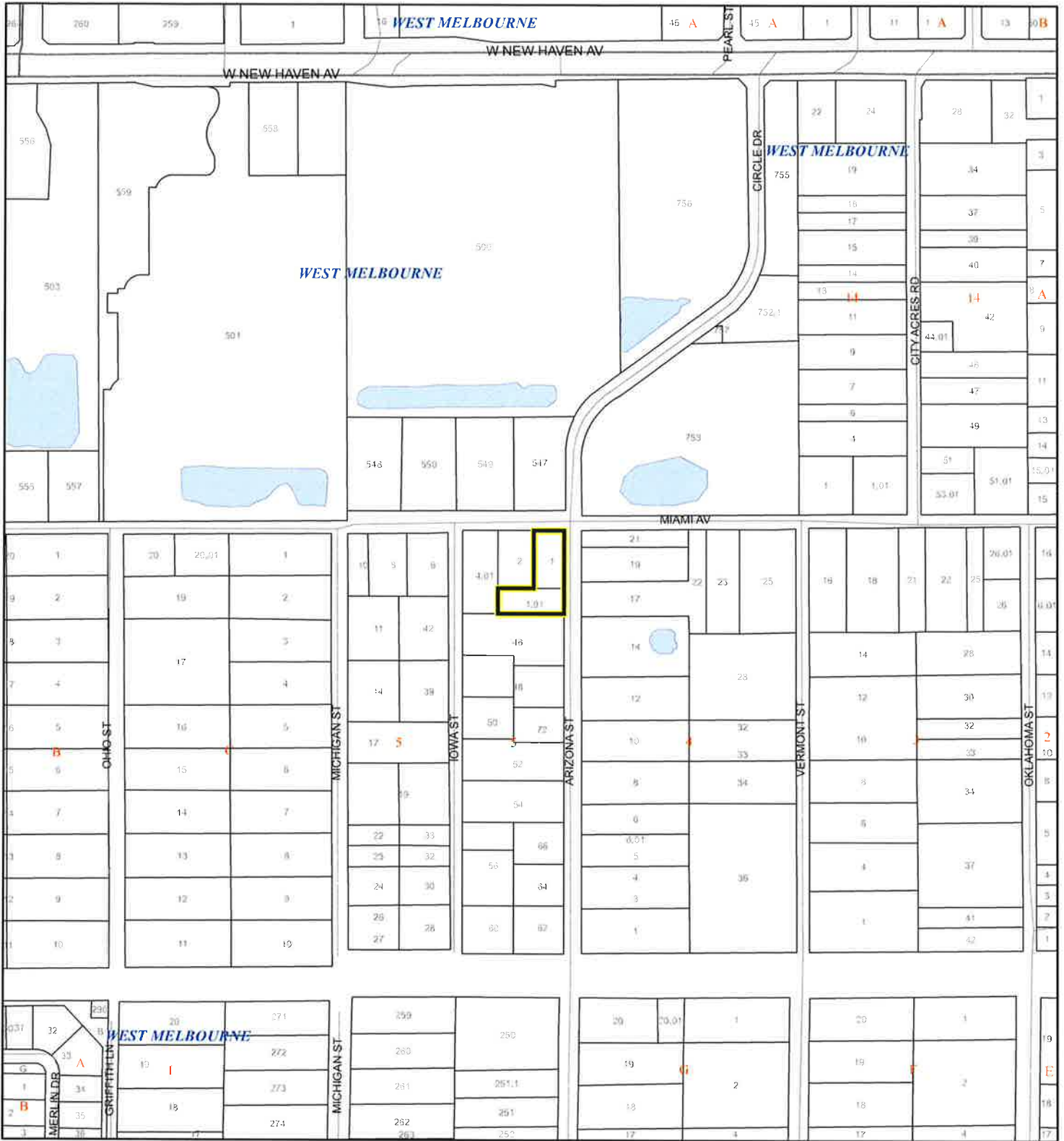
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/15/2023




# SCRUB JAY OCCUPANCY MAP

Nancy & Frances Santoriello, James & Jennifer Straight

23Z00074



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

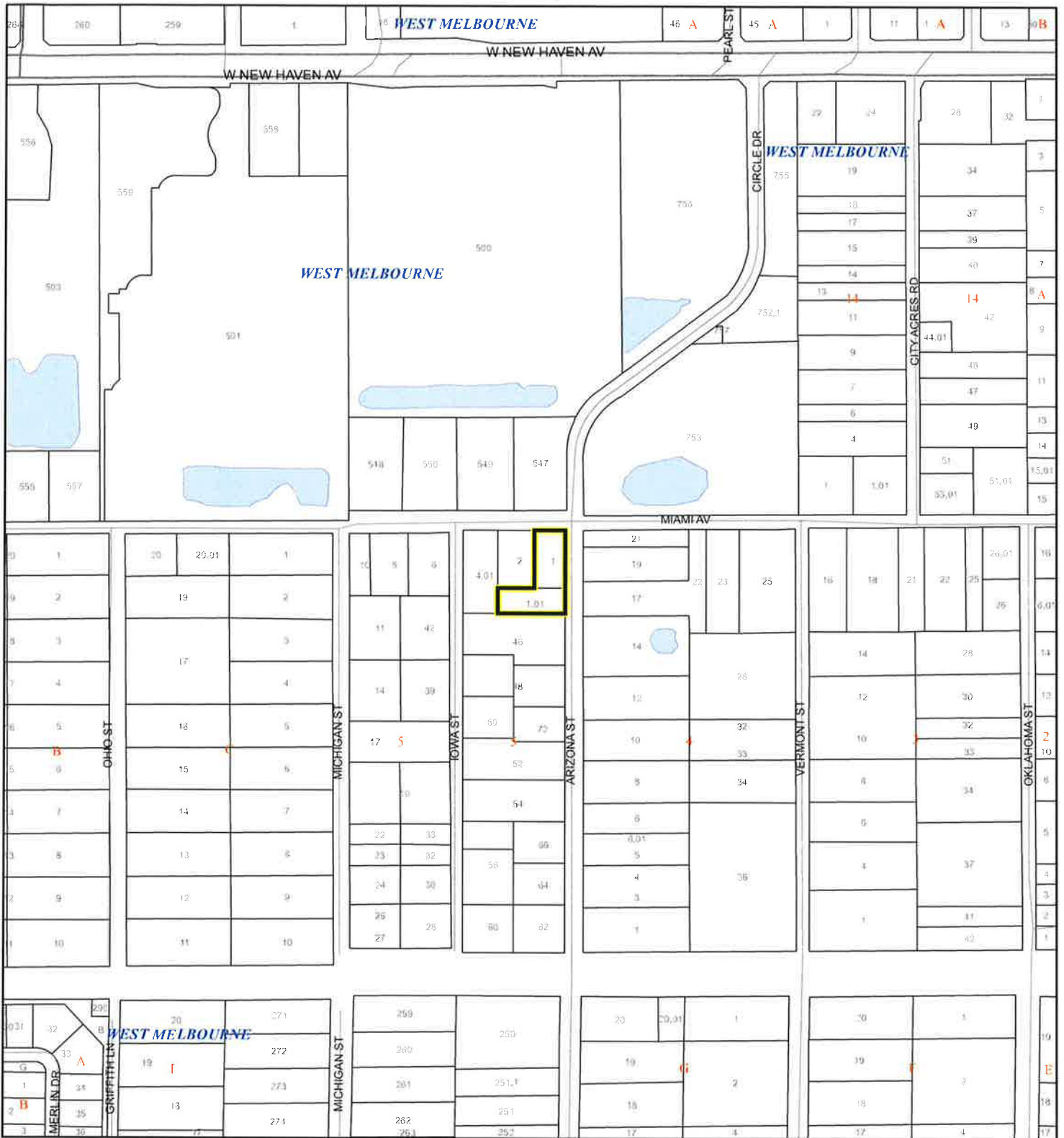
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/15/2023

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Nancy & Frances Santoriello, James & Jennifer Straight

23Z00074



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: 9/15/2023

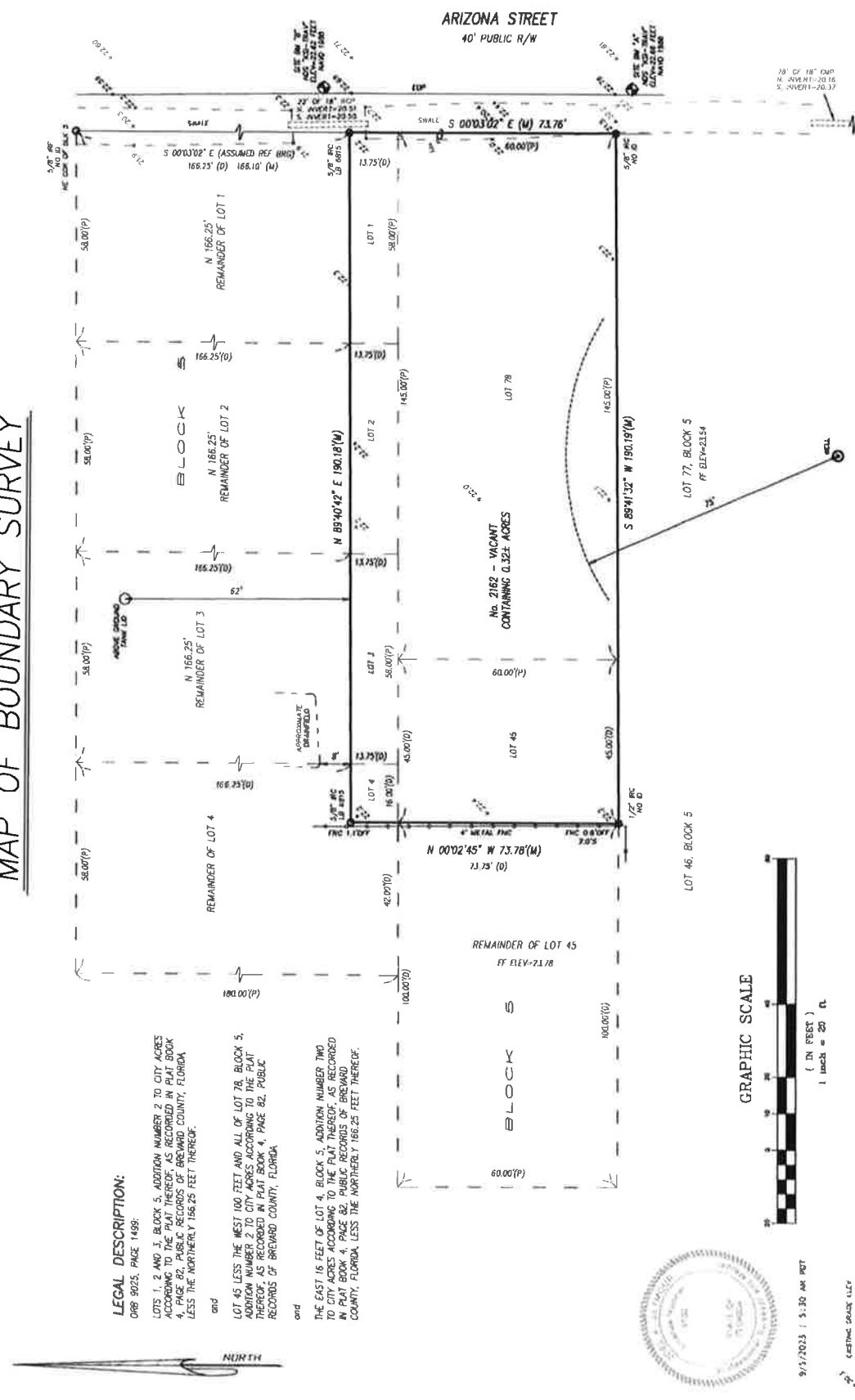
### SJRWMD FLUCCS Upland Forests

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

Subject Property

Parcels

# MAP OF BOUNDARY SURVEY



**LEGAL DESCRIPTION:**  
ORB 9025, PAGE 1499;  
LOTS 1, 2 AND 3, BLOCK 5, ADDITION NUMBER 2 TO CITY ACRES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 82, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS THE NORTHERLY 166.25 FEET THEREOF;  
and  
LOT 45 LESS THE WEST 100 FEET AND ALL OF LOT 78, BLOCK 5, ADDITION NUMBER 2 TO CITY ACRES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 82, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA;  
and  
THE EAST 16 FEET OF LOT 4, BLOCK 5, ADDITION NUMBER TWO TO CITY ACRES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 82, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS THE NORTHERLY 166.25 FEET THEREOF.

REMAINDER OF LOT 45  
FF ELEV=21.18

LOT 45  
60.00(P)

LOT 46, BLOCK 5  
100.00(T)

LOT 77, BLOCK 5  
FF ELEV=21.54

LOT 78  
145.00(P)

LOT 79  
13.75(T)

LOT 80  
58.00(P)

LOT 81  
13.75(T)

LOT 82  
145.00(P)

LOT 83  
13.75(T)

LOT 84  
58.00(P)

LOT 85  
13.75(T)

LOT 86  
145.00(P)

LOT 87  
13.75(T)

LOT 88  
58.00(P)

LOT 89  
13.75(T)

LOT 90  
145.00(P)

LOT 91  
13.75(T)

LOT 92  
58.00(P)

LOT 93  
13.75(T)

LOT 94  
145.00(P)

LOT 95  
13.75(T)

LOT 96  
58.00(P)

LOT 97  
13.75(T)

LOT 98  
145.00(P)

LOT 99  
13.75(T)

LOT 100  
58.00(P)



9/7/2023 1:53 PM EDT  
ESTIMON SCALE VLT

<p><b>CERTIFIED TO:</b> WALDEN CUSTOM BUILDERS - 2162 ARIZONA</p>		<p><b>LEGEND</b></p> <p>FCM = FEDERAL COMMUNICATIONS MANAGEMENT AGENCY FFM = FEDERAL FLOOR FFL = FEDERAL FLOOR ELEVATION FFR = FEDERAL ROOF FFS = FEDERAL SIDEWALK FFM = FEDERAL MANSION FFB = FEDERAL BENCH FFC = FEDERAL CURB FFD = FEDERAL DRIVE FFI = FEDERAL INTERSECTION FFJ = FEDERAL JUNCTION FFK = FEDERAL KICK FFL = FEDERAL LAMP FFM = FEDERAL MANTLE FFN = FEDERAL NAIL FFO = FEDERAL OAK FFP = FEDERAL PINE FFQ = FEDERAL QUARTZ FFR = FEDERAL ROOF FFS = FEDERAL SIDEWALK FFT = FEDERAL TANK FFU = FEDERAL UTILITY FFV = FEDERAL VALVE FFW = FEDERAL WALL FFX = FEDERAL X FFY = FEDERAL Y FFZ = FEDERAL Z</p>
<p><b>CERTIFICATION:</b> I, HEREBY CERTIFY THAT THE ATTACHED SURVEY WAS DONE UNDER MY PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN GOOD STANDING WITH THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN COMPLIANCE WITH THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.</p> <p>JOEL A. SETHLAK, PROFESSIONAL LAND SURVEYOR AND MAPPER DATE: 9/5/23 STATE OF FLORIDA, No. 6113</p> <p>DRAWN BY: JKL SCALE: 1 INCH = 20 FEET</p>		
<p><b>NOTES:</b> 1. THIS SURVEY IS BASED ON THE 4 1/4" X 6 1/4" L&amp;P BEING 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.</p>		<p>DATE: 4/21/23 JOB NO. 42797 FILE NO. 23-2-57 CITY/MARICOPA/PHOENIX</p>
<p><b>BOUNDARY:</b></p>		

**Kane Surveying, Inc.**  
FLORIDA LICENSED BUSINESS No. LB 7638  
505 SOUTH WILSON AVENUE  
MELBOURNE, FLORIDA 32904  
(321) 679-0427  
FAX (321) 984-1446





## PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, October 16, 2023**, 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: Board members present were: Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodggers (D2); Ben Glover (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4 Alt); Bruce Moia; (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Billy Prasad, Strategic Operations Manager; Paul Body, Senior Planner; and Jennifer Jones, Special Projects Coordinator.

### Excerpt of Complete Agenda

**Nancy A. Santoriello, Frances Santoriello, and Jennifer L. Straight; and James J. and Jennifer L. Straight** (Clayton Bennett)

A change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-11 (Single-Family Residential). The property is 0.65 acres, located on the southwest corner of Miami Ave. and Arizona St. (2162 Arizona St., Melbourne; and 4215 Miami Ave., Melbourne) (23Z00074) (Tax Accounts 2863326 & 2801026)

Clayton Bennett, Bennett Engineering and Consulting, 4940 Ranchland Road, Melbourne, stated the subject property was once a combined parcel that met the zoning lot size requirements, but when it was subdivided approximately 20 years ago, the zoning wasn't consistent with the Future Land Use, so the owners would like to rezone to make it consistent. He added, rezoning from RU-1-9 to RU-1-11 will also make the lot sizes increase.

Public comment.

James Straight, 166 Alamera Drive, Palm Bay, stated he and his wife own both properties and they just want to be able to build a home.

Motion by Debbie Thomas, seconded by Logan Luse, to recommend approval of a change of zoning classification from RU-1-9 to RU-1-11. The motion passed unanimously.



**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**  
**COMMISSIONER JOHN TOBIA, DISTRICT 3**

---

2539 Palm Bay Rd NE, Suite 4  
Palm Bay, FL 32905  
www.Brevardfl.gov

Phone: (321) 633-2075  
Fax: (321) 633-2196  
John.Tobia@Brevardfl.gov

November 1, 2023

To: Jennifer Jones  
From: John Tobia, Brevard County Commissioner, District 3  
Re: Meeting and Phone Disclosure

Ms. Jones,

Regarding the upcoming agenda item G.4 on the Brevard County Zoning meeting on November 2, 2023, please be advised in advance that I met with Mr. Kyle Walden in my district office on August 15, 2023.

The meeting lasted approximately fifteen minutes, during which Mr. Walden provided information regarding the situation surrounding the application.

I also had a follow-up phone call with Mr. Walden on October 31, 2023 for approximately 5 minutes regarding the same issue, item G.4, in which he provided some additional information.

Sincerely,

John Tobia  
County Commissioner, District 3



**BOARD OF COUNTY COMMISSIONERS**

**District 3 Includes:**

Palm Bay, Melbourne Beach, Melbourne, Malabar, Grant-Valkaria, West Melbourne, Micco

**From:** [Bond, Brian](#)  
**To:** [Richardson, Carol](#)  
**Subject:** FW: Miami Ave and Arizona St.  
**Date:** Wednesday, November 1, 2023 9:45:28 AM  
**Attachments:** [NoticeToApplicant-SIGNED.PDF](#)  
[2162\\_Arizona\\_St\\_survey.pdf](#)  
[4215\\_Miami\\_Avenue\\_survey.pdf](#)  
[Applicaition-Revised.pdf](#)  
[auth2act-SIGNED-Frances.pdf](#)  
[auth2act-SIGNED-James.pdf](#)  
[auth2act-SIGNED-Jennifer.pdf](#)  
[auth2act-SIGNED-Nancy.pdf](#)  
[Deed-Arizona.pdf](#)  
[Deed-Miami.pdf](#)  
[Legal\\_Description.pdf](#)

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**From:** Clayton A Bennett <claytonabennett@gmail.com>  
**Sent:** Friday, September 8, 2023 11:40 AM  
**To:** Body, Paul <Paul.Body@brevardfl.gov>; Ball, Jeffrey <Jeffrey.Ball@brevardfl.gov>  
**Cc:** Calkins, Tad <tad.calkins@brevardfl.gov>; Bond, Brian <Brian.Bond@brevardfl.gov>; 'Kyle Walters' <kyle@waldencustombuilders.com>; 'Astrid Wright' <astrid@waldencustombuilders.com>; Prasad, Billy <Billy.Prasad@brevardfl.gov>; Wilbrandt, Melissa <Melissa.Wilbrandt@brevardfl.gov>; bec\_permitting@outlook.com  
**Subject:** RE: Miami Ave and Arizona St.

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

Paul,

Attached is a revised zoning application package to incorporate both parcels. Please update the County files for application 23Z00074 with the attached documents which brings both parcels under a single zoning application.

If the revised application package is acceptable to rezone the two parcels, then we would like to withdraw application 23Z00073 and request a refund of the application fee.

Let me know if you have any questions.

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

**From:** Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Sent:** Thursday, September 7, 2023 3:55 PM

**To:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>; Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bond, Brian <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>; Prasad, Billy <[Billy.Prasad@brevardfl.gov](mailto:Billy.Prasad@brevardfl.gov)>; Wilbrandt, Melissa <[Melissa.Wilbrandt@brevardfl.gov](mailto:Melissa.Wilbrandt@brevardfl.gov)>; [bec\\_permitting@outlook.com](mailto:bec_permitting@outlook.com)  
**Subject:** RE: Miami Ave and Arizona St.

Hello Clayton, this is a follow up to the phone call today. After talking with Tad today, the best way forward is to have both parcels included on the same rezoning application. This will save your clients money and after rezoning is approved reconfigure the parcel on Arizona Street to meet the 75 feet lot width requirement for the RU-1-11 zoning classification.

Paul Body, Planner III  
Brevard County Planning & Development  
321-350-8261

This office can only provide zoning and comprehensive plan information. 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.

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Sent:** Wednesday, September 6, 2023 3:22 PM  
**To:** Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>; Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bond, Brian <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>; Prasad, Billy <[Billy.Prasad@brevardfl.gov](mailto:Billy.Prasad@brevardfl.gov)>; Wilbrandt, Melissa <[Melissa.Wilbrandt@brevardfl.gov](mailto:Melissa.Wilbrandt@brevardfl.gov)>; [bec\\_permitting@outlook.com](mailto:bec_permitting@outlook.com)  
**Subject:** RE: Miami Ave and Arizona St.

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

Good afternoon Paul,

Following up on the emails below. Let me know which option(s) works to move the rezoning request forward.

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Sent:** Tuesday, September 5, 2023 10:57 AM  
**To:** 'Body, Paul' <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>; 'Ball, Jeffrey' <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Cc:** 'Calkins, Tad' <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; 'Bond, Brian' <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>; 'Prasad, Billy' <[Billy.Prasad@brevardfl.gov](mailto:Billy.Prasad@brevardfl.gov)>; 'Wilbrandt, Melissa' <[Melissa.Wilbrandt@brevardfl.gov](mailto:Melissa.Wilbrandt@brevardfl.gov)>; [bec\\_permitting@outlook.com](mailto:bec_permitting@outlook.com)  
**Subject:** RE: Miami Ave and Arizona St.

Paul,

Perhaps another option would be to rezone both parcels under a single zoning application with multiple owners and two deeds. The combined parcel to be rezoned would then comply with the RU-1-11 zoning regulations. After the zoning has been approved, we could work with the owners to subdivide the parcel into two conforming lots.

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Sent:** Tuesday, September 5, 2023 10:51 AM  
**To:** 'Body, Paul' <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>; 'Ball, Jeffrey' <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Cc:** 'Calkins, Tad' <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; 'Bond, Brian' <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>; 'Prasad, Billy' <[Billy.Prasad@brevardfl.gov](mailto:Billy.Prasad@brevardfl.gov)>; 'Wilbrandt, Melissa' <[Melissa.Wilbrandt@brevardfl.gov](mailto:Melissa.Wilbrandt@brevardfl.gov)>; [bec\\_permitting@outlook.com](mailto:bec_permitting@outlook.com)  
**Subject:** RE: Miami Ave and Arizona St.

Paul,

You identified two avenues for moving forward. One is to obtain a Lot width variance and the second is to subdivide the parcels so that the Arizona parcel complies with the required Lot width for the RU-1-11 zoning classification.

Regarding the variance route, how can a hardship be defined if the current zoning for the parcel is RU-1-9 and the subject parcel complies with the minimum lot width? In order to get a Lot width variance, the rezone would need to occur first. After the rezoning has occurred, a hardship exists whereby a zoning variance can be applied for.

The subdivision route would require that new deeds be recorded in the public records prior to the requested zoning classification being approved. The recording of new deeds prior to the RU-1-11 zoning being approved would seem to be premature.

It would seem to be most appropriate to rezone the two parcels to RU-1-11, subject to either a Lot width variance being granted, or the Lot width increased to comply with the RU-1-11 zoning classification within a defined reasonable timeframe.

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

**From:** Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Sent:** Tuesday, September 5, 2023 10:31 AM  
**To:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>; Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bond, Brian <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>; Prasad, Billy <[Billy.Prasad@brevardfl.gov](mailto:Billy.Prasad@brevardfl.gov)>; Wilbrandt, Melissa <[Melissa.Wilbrandt@brevardfl.gov](mailto:Melissa.Wilbrandt@brevardfl.gov)>; [bec\\_permitting@outlook.com](mailto:bec_permitting@outlook.com)  
**Subject:** RE: Miami Ave and Arizona St.

Clayton, as the parcel at 2163 Arizona Street does not meet the 75 feet minimum lot width for RU-1-11 the parcel will need to be subdivided to meet the minimum lot width or a variance application will need to be applied for before the rezoning application can move forward.

Paul Body, Planner III  
Brevard County Planning & Development  
321-350-8261

This office can only provide zoning and comprehensive plan information. 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.

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>

**Sent:** Friday, September 1, 2023 3:43 PM

**To:** Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>; Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>

**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bond, Brian <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>; Prasad, Billy <[Billy.Prasad@brevardfl.gov](mailto:Billy.Prasad@brevardfl.gov)>; Wilbrandt, Melissa <[Melissa.Wilbrandt@brevardfl.gov](mailto:Melissa.Wilbrandt@brevardfl.gov)>; [bec\\_permitting@outlook.com](mailto:bec_permitting@outlook.com)

**Subject:** RE: Miami Ave and Arizona St.

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

Paul,

We will be submitting the application this afternoon for 4215 Miami Ave and 2162 Arizona St to rezone the parcels from RU-1-9 to RU-1-11. The parcel located at 4215 Miami Ave meets the minimum lot size requirements for the RU-1-11 zoning classification. After the parcels have been rezoned, we propose to alter the common boundary line between 4215 Miami and 2162 Arizona to increase the lot width of 2162 Arizona St to a minimum of 75 feet similar to that shown on the attached drawing. The altered lot line should avoid the need for a zoning lot width variance. I trust that this approach is acceptable to the Zoning Department to allow the two parcels to move forward with a building permit. Let me know if you have any questions or concerns.

Thanks,

Clayton Bennett, PE

**Bennett Engineering & Consulting, LLC**

321-622-4462

**From:** Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>

**Sent:** Wednesday, August 30, 2023 11:18 AM

**To:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>; Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>

**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bond, Brian <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>; Prasad, Billy <[Billy.Prasad@brevardfl.gov](mailto:Billy.Prasad@brevardfl.gov)>

**Subject:** RE: Miami Ave and Arizona St.



Clayton, The parcels at 4225, 4215 Miami Ave. and 2162 Arizona Street are zoned RU-1-9 and have a Future Land Use of RES 4. The Zoning Classification of RU-1-9 is not consistent with the Future Land Use RES 4.

Our research of the parcels at 4225, 4215 Miami Ave. and 2162 Arizona Street appears to show that the parcels at 4225 and 4215 Miami Ave. were subdivided on August 09, 2006 per Deed recorded in ORB 5692, Page 2747. This deed severed the south 13.75 feet of the Platted Lots from 4225 and 4215 Miami Ave. Under zoning interpretation 2004-01, the lots would need to be put back into its original platted configuration to qualify. See attached zoning interpretation 2004-01.

The lot split on August 09, 2006 of 4225, 4215 Miami Ave. created these lots to now be inadequate to qualify as nonconforming lots of record, per Section 62-1188, to the RES 4 Future Land Use as they do not have a complete lot as recorded in the plat of "City Acres Addition No. 2 in Plat Book 4, Page 82, which is after the adoption of the Comprehensive Plan in 1988.

*Per section 62-2102, Alteration of lot:*

*No person shall sever any lot in such a manner that a violation of any of the provisions of this chapter would be created on any new or altered lot, including their uses or structures.*

As the Alteration of the lots has created a code violation for the parcels at 4225, 4215 Miami Ave. and 2162 Arizona Street.

The most appropriate remedy would be to apply for a variance to the lot width and apply to be rezoned to RU-1-11 zoning classification which is consistent with the RES 4 FLU.

**Paul Body, Planner III**  
**Brevard County Planning & Development**  
**321-350-8261**

This office can only provide zoning and comprehensive plan information. 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.

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Sent:** Tuesday, August 29, 2023 4:05 PM  
**To:** Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bond, Brian <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>  
**Subject:** RE: Miami Ave and Arizona St.

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

Good afternoon Jeffrey,

Any update on the status of the zoning review?

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

**From:** Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Sent:** Wednesday, August 23, 2023 9:30 AM  
**To:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bond, Brian <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>  
**Subject:** RE: Miami Ave and Arizona St.

Paul is out sick. Once we meet, I will reach out.

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>

**Sent:** Monday, August 21, 2023 10:42 AM  
**To:** Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bond, Brian <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>; 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>  
**Subject:** RE: Miami Ave and Arizona St.

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

Good morning, Jeff,

Following up on the status of the zoning verification request.

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

**From:** Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Sent:** Monday, August 14, 2023 2:19 PM  
**To:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Cc:** Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Bond, Brian <[Brian.Bond@brevardfl.gov](mailto:Brian.Bond@brevardfl.gov)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Subject:** RE: Miami Ave and Arizona St.

We are currently reviewing the documents that were submitted and have an internal meeting setup next week. Please note: this is a very complicated issue. Once I have something to share, I will reach out to you.

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Sent:** Friday, August 11, 2023 12:54 PM  
**To:** Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>; Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>  
**Cc:** 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Subject:** RE: Miami Ave and Arizona St.

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

Tad / Jeff,

Following up to confirm that you have all the information you need to process the zoning verifications. Please advise us of the status of the review.

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Sent:** Monday, August 7, 2023 11:35 AM  
**To:** 'Ball, Jeffrey' <[Jeffrey.ball@brevardfl.gov](mailto:Jeffrey.ball@brevardfl.gov)>; 'Calkins, Tad' <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>  
**Cc:** 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>; 'Body, Paul' <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Subject:** RE: Miami Ave and Arizona St.

Tad / Jeffrey,

Can we schedule a conference call to discuss this further?

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

**From:** Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Sent:** Monday, August 7, 2023 11:27 AM  
**To:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Subject:** RE: Miami Ave and Arizona St.

Clayton, the deeds were requested by Tad and Jeffrey. You should schedule an appointment with Tad to further discuss if the deeds you have provide are sufficient.

Paul Body, Planner III  
Brevard County Planning & Development  
321-350-8261

This office can only provide zoning and comprehensive plan information. 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.

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>

**Sent:** Monday, August 7, 2023 11:19 AM

**To:** Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>; Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>

**Cc:** 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>

**Subject:** RE: Miami Ave and Arizona St.

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

Paul,

Can we schedule a phone call to discuss this further?

Thanks,

Clayton Bennett, PE

**Bennett Engineering & Consulting, LLC**

321-622-4462

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>

**Sent:** Monday, July 31, 2023 9:42 AM

**To:** 'Ball, Jeffrey' <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>; 'Calkins, Tad' <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; 'Body, Paul' <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>

**Cc:** 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>

**Subject:** RE: Miami Ave and Arizona St.

Paul,

Attached are the deeds for the parcels as requested. Let me know if you need anything else.

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Sent:** Wednesday, July 12, 2023 3:58 PM  
**To:** 'Ball, Jeffrey' <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>; 'Calkins, Tad' <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; 'Body, Paul' <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Cc:** 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>  
**Subject:** RE: Miami Ave and Arizona St.

Jeff,

With the deeds showing ownership and configuration, what would need to be demonstrated to confirm that the lots are nonconforming lots of record? Which parcels will you be looking at 4215 Miami Ave, 4225 Miami Ave, and/or 2162 Arizona St?

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

***Note that effective July 3, 2023, my old email address [cbennett@cfl.rr.com](mailto:cbennett@cfl.rr.com) is no longer active and I will not receive emails sent to that email address. Please update your records and send new emails to [ClaytonABennett@Gmail.com](mailto:ClaytonABennett@Gmail.com).***

**From:** Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>  
**Sent:** Tuesday, July 11, 2023 11:04 AM  
**To:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>; Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Cc:** 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>  
**Subject:** RE: Miami Ave and Arizona St.

Clayton,

I apologize, Paul was going to contact you last week before he went on vacation. With that being said, in order for staff to consider the property as a non-conforming lot of record, please provide copies of the historical deeds to verify ownership and configuration.

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Sent:** Tuesday, July 11, 2023 10:37 AM  
**To:** Ball, Jeffrey <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>; Calkins, Tad <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; Body, Paul <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Cc:** 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>; 'Astrid Wright' <[astrid@waldencustombuilders.com](mailto:astrid@waldencustombuilders.com)>  
**Subject:** RE: Miami Ave and Arizona St.

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

Tad,

Following up on our June 28<sup>th</sup> meeting regarding the subject parcels. Will you be able to issue the non-conforming lot of record letter for each lot?

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

***Note that effective July 3, 2023, my old email address [cbennett@cfl.rr.com](mailto:cbennett@cfl.rr.com) is no longer active and I will not receive emails sent to that email address. Please update your records and send new emails to [ClaytonABennett@Gmail.com](mailto:ClaytonABennett@Gmail.com).***

**From:** Clayton A Bennett <[claytonabennett@gmail.com](mailto:claytonabennett@gmail.com)>  
**Sent:** Wednesday, July 5, 2023 9:18 AM  
**To:** 'Ball, Jeffrey' <[Jeffrey.Ball@brevardfl.gov](mailto:Jeffrey.Ball@brevardfl.gov)>; 'Calkins, Tad' <[tad.calkins@brevardfl.gov](mailto:tad.calkins@brevardfl.gov)>; 'Body, Paul' <[Paul.Body@brevardfl.gov](mailto:Paul.Body@brevardfl.gov)>  
**Cc:** 'Kyle Walters' <[kyle@waldencustombuilders.com](mailto:kyle@waldencustombuilders.com)>  
**Subject:** RE: Miami Ave and Arizona St.

Tad,

Following up from our meeting last week... Will you be to issue a non-conforming lot of record letter for the two lot?

Thanks,  
Clayton Bennett, PE  
**Bennett Engineering & Consulting, LLC**  
321-622-4462

***Note that effective July 3, 2023, my old email address [cbennett@cfl.rr.com](mailto:cbennett@cfl.rr.com) is no longer active and I will not receive emails sent to that email address. Please update your records and send new emails to [ClaytonABennett@Gmail.com](mailto:ClaytonABennett@Gmail.com).***

-----Original Appointment-----

**From:** Chase, Beatrice Mae <[Beatrice.Chase@brevardfl.gov](mailto:Beatrice.Chase@brevardfl.gov)>

**Sent:** Monday, June 19, 2023 2:05 PM

**To:** Ball, Jeffrey; Calkins, Tad; Body, Paul; [cbennett@cfl.rr.com](mailto:cbennett@cfl.rr.com)

**Cc:** 'Kyle Walters'

**Subject:** Miami Ave and Arizona St.

**When:** Wednesday, June 28, 2023 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

**Where:** PDWestConfRm

Planning & Development Department  
West Conf. Room  
2725 Judge Fran Jamieson Way,  
Bldg A, Room 114  
Viera, FL 32940

Attendees:

Jeffrey Ball  
Tad Calkins  
Paul Body  
Clayton Bennett  
Kyle Walters

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead,



contact this office by phone or in writing."

## Notice to Applicants for Change of Land Use

The Planning and Zoning Office staff will be preparing a package of written comments concerning your request. These comments will be provided to the Planning and Zoning Board and Board of County Commissioners. The comments will address the following:

The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.

The proposed zoning of the property along with its development potential and Consistency with the Board County Comprehensive Plan use and density restrictions.

The proposal's impact on services, such as roads and schools.

The proposal's impact upon hurricane evacuation, if applicable.

Environmental factors.

Compatibility with surrounding land uses.

Consistency with the character of the area.

You may place your own written comments regarding these items into the record. Up to two typewritten pages can be included in the package if received 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. *An Applicant presentation to the Planning and Zoning Board is required regardless of written submittals.* The board may approve the requested classification or a classification which is more intensive than the existing classification, but less intensive than the requested classification.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an e-mail address or fax number below. Alternatively, a copy of staff's comments will be mailed via the U.S. Postal Service.

### NOTES:

- If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, etc., you are advised to meet with concerned parties in an effort to resolve differences prior to the BCC taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning & Zoning Board/Local Planning Agency (P&Z/LPA). During the course of conducting the public hearing, if the P&Z/LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the P&Z/LPA may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request in order for you to meet with interested parties, if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning & Zoning Office.
- BCC approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Please transmit staff's comments via:

Clayton A Bennette <sup>Gmail.Com</sup> or ( )  
e-mail address fax number

or U.S. Mail

Yes/No

I have received a copy of this notice:

[Signature]  
(APPLICANT SIGNATURE)



BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, Jennifer L Straight

authorize Bennett Engineering & Consulting, LLC, Clayton A. Bennett, PE

to act on my behalf, which may include representing me in public hearings pertaining to the submittal of the attached application.

Choose the applicable application type. More than one may apply.

- Administrative Action
Development Plan
Variance
Comprehensive Plan Amendment
Rezoning

Signature [Handwritten Signature]

Date 9/01/23

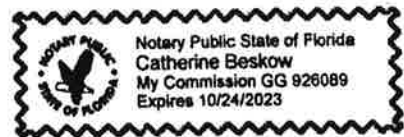
State of Florida

County of Brevard

The foregoing instrument was acknowledged before me this 1st day of Sept, 20 23 by Jennifer Straight, who is personally known to me or has produced as identification, and who did or did not take an oath.

Signature of Notary [Handwritten Signature]

Seal:







BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, Nancy A Santoriello

authorize Bennett Engineering & Consulting, LLC, Clayton A. Bennett, PE

to act on my behalf, which may include representing me in public hearings pertaining to the submittal of the attached application.

Choose the applicable application type. More than one may apply.

- Administrative Action
Development Plan
Variance
Comprehensive Plan Amendment
Rezoning

Signature [Handwritten Signature]

Date 9/1/2023

State of Brevard Florida

County of Brevard

The foregoing instrument was acknowledged before me this 1st day of Sept, 20 23 by Nancy A Santoriello, who is personally known to me or has produced as identification, and who did or did not take an oath.

Signature of Notary [Handwritten Signature]

Seal:



# MAP OF BOUNDARY SURVEY

### GRAPHIC SCALE



( IN FEET )  
1 inch = 20 feet

20' OF 1" HORIZ  
SCALE: 1" = 20'  
DATE: 9/5/2023

MIAMI AVENUE  
50' PUBLIC R/W

ARIZONA STREET  
40' PUBLIC R/W

### LEGAL DESCRIPTION:

ORB 9031, PAGE 610:  
THE NORTH 166.25 FEET OF LOT 1 AND THE NORTH 166.25 FEET OF THE EAST 29.06 FEET OF LOT 2, BLOCK 5, ADDITION NUMBER 2 TO CITY ACRES ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 4, PAGE 82, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA



9/5/2023 | 5:30 AM PDF

**CERTIFICATION:**  
I HEREBY CERTIFY THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE STANDARDS AND PRACTICES SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 11-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

**Joel Semour**  
JOEL A. SEMOUR, PROFESSIONAL LAND SURVEYOR AND MAPPER  
STATE OF FLORIDA No. 6133

DRAWN BY: JAL      SCALE: 1"=20 FEET      EXISTING GRADE ELEV.

### LEGEND

- A = MET
- BY = MEAS ELEVATION
- BUD = BUILDING
- BLK = BLOCK
- BR = BRICKWORK
- BRG = BRIDGE
- CD = CALCULATED
- CO = ON-CENTRE
- COE = CONCRETE ROOF STRUCTURE
- COF = CONCRETE
- COG = CHAIN LINK FENCE
- COH = CONCRETE FOUNDATION FOUND
- COI = CONCRETE
- COJ = CONCRETE
- COK = CONCRETE
- COL = CONCRETE
- COM = CONCRETE
- CON = CONCRETE
- COO = CONCRETE
- COQ = CONCRETE
- COU = CONCRETE
- COV = CONCRETE
- COX = CONCRETE
- COY = CONCRETE
- COZ = CONCRETE
- CP = CONCRETE
- CR = CONCRETE
- CS = CONCRETE
- CT = CONCRETE
- CU = CONCRETE
- CV = CONCRETE
- CW = CONCRETE
- CX = CONCRETE
- CY = CONCRETE
- CZ = CONCRETE
- D = DIMENSION
- D1 = DIMENSION
- D2 = DIMENSION
- D3 = DIMENSION
- D4 = DIMENSION
- D5 = DIMENSION
- D6 = DIMENSION
- D7 = DIMENSION
- D8 = DIMENSION
- D9 = DIMENSION
- D0 = DIMENSION
- E = ELEVATION
- EL = ELEVATION
- EM = ELEVATION
- EN = ELEVATION
- EO = ELEVATION
- EP = ELEVATION
- EQ = ELEVATION
- ER = ELEVATION
- ES = ELEVATION
- ET = ELEVATION
- EU = ELEVATION
- EV = ELEVATION
- EW = ELEVATION
- EX = ELEVATION
- EY = ELEVATION
- EZ = ELEVATION
- F = FENCE
- F1 = FENCE
- F2 = FENCE
- F3 = FENCE
- F4 = FENCE
- F5 = FENCE
- F6 = FENCE
- F7 = FENCE
- F8 = FENCE
- F9 = FENCE
- F0 = FENCE
- G = GROUND
- G1 = GROUND
- G2 = GROUND
- G3 = GROUND
- G4 = GROUND
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- G9 = GROUND
- G0 = GROUND
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- H3 = HOLE
- H4 = HOLE
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- H6 = HOLE
- H7 = HOLE
- H8 = HOLE
- H9 = HOLE
- H0 = HOLE
- I = IRON
- I1 = IRON
- I2 = IRON
- I3 = IRON
- I4 = IRON
- I5 = IRON
- I6 = IRON
- I7 = IRON
- I8 = IRON
- I9 = IRON
- I0 = IRON
- J = JUNCTION
- J1 = JUNCTION
- J2 = JUNCTION
- J3 = JUNCTION
- J4 = JUNCTION
- J5 = JUNCTION
- J6 = JUNCTION
- J7 = JUNCTION
- J8 = JUNCTION
- J9 = JUNCTION
- J0 = JUNCTION
- K = KITCHEN
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- K6 = KITCHEN
- K7 = KITCHEN
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- K9 = KITCHEN
- K0 = KITCHEN
- L = LIGHT
- L1 = LIGHT
- L2 = LIGHT
- L3 = LIGHT
- L4 = LIGHT
- L5 = LIGHT
- L6 = LIGHT
- L7 = LIGHT
- L8 = LIGHT
- L9 = LIGHT
- L0 = LIGHT
- M = MASONRY
- M1 = MASONRY
- M2 = MASONRY
- M3 = MASONRY
- M4 = MASONRY
- M5 = MASONRY
- M6 = MASONRY
- M7 = MASONRY
- M8 = MASONRY
- M9 = MASONRY
- M0 = MASONRY
- N = NORTH
- N1 = NORTH
- N2 = NORTH
- N3 = NORTH
- N4 = NORTH
- N5 = NORTH
- N6 = NORTH
- N7 = NORTH
- N8 = NORTH
- N9 = NORTH
- N0 = NORTH
- O = OTHER
- O1 = OTHER
- O2 = OTHER
- O3 = OTHER
- O4 = OTHER
- O5 = OTHER
- O6 = OTHER
- O7 = OTHER
- O8 = OTHER
- O9 = OTHER
- O0 = OTHER
- P = PLANT
- P1 = PLANT
- P2 = PLANT
- P3 = PLANT
- P4 = PLANT
- P5 = PLANT
- P6 = PLANT
- P7 = PLANT
- P8 = PLANT
- P9 = PLANT
- P0 = PLANT
- Q = QUANTITY
- Q1 = QUANTITY
- Q2 = QUANTITY
- Q3 = QUANTITY
- Q4 = QUANTITY
- Q5 = QUANTITY
- Q6 = QUANTITY
- Q7 = QUANTITY
- Q8 = QUANTITY
- Q9 = QUANTITY
- Q0 = QUANTITY
- R = ROAD
- R1 = ROAD
- R2 = ROAD
- R3 = ROAD
- R4 = ROAD
- R5 = ROAD
- R6 = ROAD
- R7 = ROAD
- R8 = ROAD
- R9 = ROAD
- R0 = ROAD
- S = SAND
- S1 = SAND
- S2 = SAND
- S3 = SAND
- S4 = SAND
- S5 = SAND
- S6 = SAND
- S7 = SAND
- S8 = SAND
- S9 = SAND
- S0 = SAND
- T = TYPICAL
- T1 = TYPICAL
- T2 = TYPICAL
- T3 = TYPICAL
- T4 = TYPICAL
- T5 = TYPICAL
- T6 = TYPICAL
- T7 = TYPICAL
- T8 = TYPICAL
- T9 = TYPICAL
- T0 = TYPICAL
- U = URBAN
- U1 = URBAN
- U2 = URBAN
- U3 = URBAN
- U4 = URBAN
- U5 = URBAN
- U6 = URBAN
- U7 = URBAN
- U8 = URBAN
- U9 = URBAN
- U0 = URBAN
- V = VACANT
- V1 = VACANT
- V2 = VACANT
- V3 = VACANT
- V4 = VACANT
- V5 = VACANT
- V6 = VACANT
- V7 = VACANT
- V8 = VACANT
- V9 = VACANT
- V0 = VACANT
- W = WALL
- W1 = WALL
- W2 = WALL
- W3 = WALL
- W4 = WALL
- W5 = WALL
- W6 = WALL
- W7 = WALL
- W8 = WALL
- W9 = WALL
- W0 = WALL
- X = X-TYPE
- X1 = X-TYPE
- X2 = X-TYPE
- X3 = X-TYPE
- X4 = X-TYPE
- X5 = X-TYPE
- X6 = X-TYPE
- X7 = X-TYPE
- X8 = X-TYPE
- X9 = X-TYPE
- X0 = X-TYPE
- Y = Y-TYPE
- Y1 = Y-TYPE
- Y2 = Y-TYPE
- Y3 = Y-TYPE
- Y4 = Y-TYPE
- Y5 = Y-TYPE
- Y6 = Y-TYPE
- Y7 = Y-TYPE
- Y8 = Y-TYPE
- Y9 = Y-TYPE
- Y0 = Y-TYPE
- Z = Z-TYPE
- Z1 = Z-TYPE
- Z2 = Z-TYPE
- Z3 = Z-TYPE
- Z4 = Z-TYPE
- Z5 = Z-TYPE
- Z6 = Z-TYPE
- Z7 = Z-TYPE
- Z8 = Z-TYPE
- Z9 = Z-TYPE
- Z0 = Z-TYPE

CERTIFIED TO: WALDEN CUSTOM BUILDERS - 4215 MIAMI

- NOTES:**
- 1. BEARS BASED ON THE N 87° W LINE BEING S 02°30' E 1 AS PER ASSUMED BOUNDARY SURVEY.
  - 2. FLORIDA ZONE 17, MAP No. 12000050500 COMMUNITY No. 125092, WARPED 1/1, 2014. FLOOD ZONE 40 (HIGHER PROTECTED AREA) IS APPROXIMATE. FLORIDA ZONE 17, MAP No. 12000050500 COMMUNITY No. 125092, WARPED 1/1, 2014.
  - 3. HORIZONTAL CLOSELY MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS FOR SURVEYING LAND AS PER FLORIDA STATUTE 11-17-001.
  - 4. BEARINGS DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DATA OR RECORD UNLESS SHOWN OTHERWISE.
  - 5. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED SEAL OF A LICENSED SURVEYOR AND MAPPER. ADDITIONS OF CHANGES OR DELETIONS OF SURVEY DATA OR POINTS BY OTHER THAN THE SURVEYOR OR MAPPER IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEYOR.
  - 6. THE SURVEYOR HAS NOT LOCATED NOR ATTEMPTED TO LOCATE ANY UNDERGROUND UTILITIES, FOUNDATIONS OR STRUCTURES OTHER THAN THOSE SHOWN ON THE SURVEY.
  - 7. THE SURVEYOR HAS NOT ATTEMPTED TO LOCATE ANY UNDERGROUND UTILITIES, FOUNDATIONS OR STRUCTURES OTHER THAN THOSE SHOWN ON THE SURVEY.
  - 8. ALL BOUNDARY CORNER MONUMENTS AS SHOWN HEREON ARE TO BE USED FOR THE LOCATION AND CONSTRUCTION OF IMPROVEMENTS.
  - 9. UNLESS OTHERWISE INDICATED, THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR ATTORNEY'S TITLE OPINION.

DRAWN BY	DATE	9/5/23	JOB No.	2308
			FILE No.	23-2-57
			CITY/TOWNSHIP	1183

Kane Surveying, Inc.  
FLORIDA LICENSED SURVEYOR No. 18 7638  
505 DISTRIBUTION DRIVE  
MELBOURNE, FLORIDA 32904  
(321) 476-5637 FAX (321) 984-1446

This Instrument prepared by and return to:  
Patricia B. Wright  
Alliance Title Insurance Agency, Inc.  
10 S. Harbor City Boulevard  
Melbourne, FL 32901  
as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):  
28-36-02-50-5-1.01  
File No.: 121010113

**WARRANTY DEED**

This Warranty Deed, Made the 18 day of February, 2021, by  
Lynda Ulrich, a single woman, and as Trustee of the Lynda Ulrich Revocable Trust u/d/t July 27,  
2017,

whose post office address is: 168 Bayshore Drive, Melbourne Beach, FL 32951,  
hereinafter called the "Grantor", to:

Nancy A. Santoriello, a single woman, as to an undivided 1/3 interest; Frances Santoriello, a single  
woman, as to an undivided 1/3 interest; and Jennifer L. Straight, a married woman, as to an  
undivided 1/3 interest, AS TENANTS IN COMMON,

whose post office address is: 166 Alamere Drive SW, Palm Bay, FL 32908,  
hereinafter called the "Grantee".

**WITNESSETH:** That said Grantor, for and in consideration of the sum of Fifty Seven Thousand Five  
Hundred Dollars and No Cents (\$57,500.00) and other valuable considerations, receipt whereof is hereby  
acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the  
Grantee, all that certain land situate in Brevard County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

**The property is not the homestead of the Grantor(s) under the laws and constitution of the  
state of Florida in that neither Grantor(s) nor any member of the household of Grantor(s) reside  
thereon.**

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise  
appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee  
simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor  
hereby fully warrants the title to said land and will defend the same against the lawful claims of all  
persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent  
to December 31, 2020, reservations, restrictions and easements of record, if any.

*(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)*

**IN WITNESS WHEREOF**, Grantor has hereunto set Grantor's hand and seal the day and year first above  
written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES  
**TWO SEPARATE DISINTERESTED WITNESSES REQUIRED**

Witness Signature: Laura DeFillippo Lynda Ulrich  
Printed Name: Laura DeFillippo Lynda Ulrich, Individually and as Trustee of the  
Lynda Ulrich Revocable Trust u/d/t July 27, 2017

Witness Signature: Patricia B. Wright  
Printed Name: Patricia B. Wright

State of Florida  
County of Brevard

The foregoing instrument was acknowledged before me by means of  physical presence or  online  
notarization, this 18 day of February, 2021 by Lynda Ulrich, Individually and as Trustee of the Lynda  
Ulrich Revocable Trust u/d/t July 27, 2017. She is  Personally Known OR  Produced  
FL D.L. as Identification.

Patricia B. Wright  
Notary Public Signature (SEAL)  
Printed Name:  
My Commission Expires:



Online Notary (Check Box if acknowledgment done by Online Notarization)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lots 1, 2 and 3, Block 5, Addition Number 2 to City Acres, according to the plat thereof, as recorded in Plat Book 4, Page 82, of the Public Records of Brevard County, Florida, less the Northerly 166.25 feet thereof.

Lot 45, Less the West 100 feet and All of Lot 78, Block 5, Addition Number 2 to City Acres, according to the plat thereof, as recorded in Plat Book 4, Page 82, of the Public Records of Brevard County, Florida.

The East 16 feet of Lot 4, Block 5, Addition Number 2 to City Acres, according to the plat thereof as recorded in Plat Book 4, Page 82, of the Public Records of Brevard County, Florida, Less the Northerly 166.25 feet thereof.





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

**BOARD OF COUNTY COMMISSIONERS**

**Application for Zoning Action, Comprehensive Plan Amendment, or Variance**

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # \_\_\_\_\_

Existing FLU: RES 4 Existing Zoning: RU-1-9

Proposed FLU: RES 4 Proposed Zoning: RU-1-11

**PROPERTY OWNER INFORMATION**

If the owner is an LLC, include a copy of the operating agreement.

Nancy Santoriello; Frances Santoriello, James Straight & Jennifer Straight

Name(s)		Company	
<u>166 Alamere Dr</u>	<u>SW Palm Bay</u>	<u>FL</u>	<u>32908</u>
Street	City	State	Zip Code
<u>jstraight@mhwilliams.com</u>			
Email	Phone	Cell	

**APPLICANT INFORMATION IF DIFFERENT FROM OWNER:**

Attorney  Agent  Contract Purchaser  Other Engineer

<u>Clayton A. Bennett, PE</u>		<u>Bennett Engineering &amp; Consulting, LLC</u>	
Name(s)		Company	
<u>4940 Ranchland Road</u>	<u>Melbourne</u>	<u>FL</u>	<u>32934</u>
Street	City	State	Zip Code
<u>ClaytonABennett@Gmail.com</u>	<u>321-622-4462</u>	<u>321-288-1888</u>	
Email	Phone	Cell	

**APPLICATION NAME**

- Large Scale Comprehensive Plan Amendment (CP) (greater than 50 acres)
- Small Scale Comprehensive Plan Amendment (CP) (less than 50 acres)
- Text Amendment (CP): Element \_\_\_\_\_
- Other Amendment (CP): \_\_\_\_\_
- Rezoning Without CUP (RWOC)
- Combination Rezoning and CUP (CORC)
- Conditional Use Permit (CUP)
- Binding Development Plan (BDP)
- Binding Development Plan (BDP) (Amendment)
- Binding Development Plan (BDP) (Removal)
- Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- Administrative Approval of Flag Lot or Easement
- Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- Other Action: \_\_\_\_\_

Acreage of Request: 0.65 +/-

Reason for Request:

Rezoning the parcels from RU-1-9 to RU-1-11 to be consistent with the FLU of RES-4.

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- An approval of this application does not entitle the owner to a development permit.
- For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

[Signature]  
Signature of Property Owner or Authorized Representative

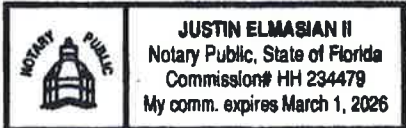
9/8/2023  
Date

State of Florida  
County of Brevard

Subscribed and sworn before me, by X physical presence or \_\_\_\_\_ online notarization, this 8<sup>th</sup> day of September, 2023, personally appeared Clayton Bennett, who is personally known to me or produced FL DL as identification, and who did / did not take an oath.

[Signature]  
Notary Public Signature

Seal

[Signature] 

**Office Use Only:**

Accela No. \_\_\_\_\_ Fee: \_\_\_\_\_ Date Filed: \_\_\_\_\_ District No. \_\_\_\_\_

Tax Account No. (list all that apply) \_\_\_\_\_

Parcel I.D. No.

\_\_\_\_\_ Twp \_\_\_\_\_ Rng \_\_\_\_\_ Sec \_\_\_\_\_ Sub \_\_\_\_\_ Block \_\_\_\_\_ Lot/Parcel \_\_\_\_\_

Planner: \_\_\_\_\_ Sign Issued to: \_\_\_\_\_ Notification Radius: \_\_\_\_\_

**MEETINGS**

**DATE**

**TIME**

- |                                    |       |       |
|------------------------------------|-------|-------|
| <input type="checkbox"/> P&Z       | _____ | _____ |
| <input type="checkbox"/> PSJ Board | _____ | _____ |
| <input type="checkbox"/> NMI Board | _____ | _____ |
| <input type="checkbox"/> LPA       | _____ | _____ |
| <input type="checkbox"/> BOA       | _____ | _____ |
| <input type="checkbox"/> BCC       | _____ | _____ |

Wetland survey required by Natural Resources  Yes  No Initials \_\_\_\_\_

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?

Yes  No If yes, list \_\_\_\_\_

Location of subject property:

Description of Request:

**Prepared By and Return To:**  
Cantwell & Goldman, P.A.  
Attn: Mitchell S. Goldman, Esq.  
96 Willard Street, Suite 302  
Cocoa, FL 32922

Order No.: 21-2083

Property Appraiser's Parcel I.D. (folio) Number:  
28-36-02-50-5-1

### **WARRANTY DEED**

THIS WARRANTY DEED dated February 22, 2021, by Miami Avenue, LLC, a Florida limited liability company, existing under the laws of Florida, and having its principal place of business at 390 Roosevelt Avenue, Satellite Beach, Florida 32937 (the "Grantor"), to James J. Straight and Jennifer L. Straight, Husband and Wife, whose post office address is 166 Alamere Drive SW, Palm Bay, Florida, 32908 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of Brevard, State of Florida, viz:

**The North 166.25 feet of Lot 1 and the North 166.25 feet of the East 29.06 feet of Lot 2, Block 5, Addition Number 2 to CITY ACRES, according to the plat thereof, recorded in Plat Book 4, Page 82, Public Records of Brevard County, Florida.**

SUBJECT PROPERTY IS VACANT LAND AND NOT THE GRANTOR'S HOMESTEAD PROPERTY, NOR ADJACENT THERETO.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: 2021.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Miami Avenue, LLC, a Florida limited liability company

BY: Shalom Lerner  
Shalom Lerner  
Manager

**Grantor Address:**  
390 Roosevelt Avenue  
Satellite Beach, FL 32937

Signed, sealed and delivered in presence of:

[Signature]  
Witness Signature

Mitchell S. Gold  
Printed Name of First Witness

[Signature]  
Witness Signature

Jenni Muan Gilbert  
Printed Name of Second Witness

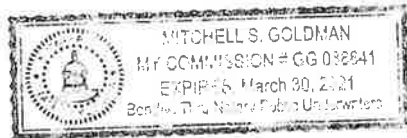
STATE OF FLORIDA

COUNTY OF Put

The foregoing instrument was executed and acknowledged before me by means of  Physical Presence or  Online Notarization on February 17, 2021, by Shalom Lerner, Manager of Miami Avenue, LLC, a Florida limited liability company.

Personally known   
or Produced Identification   
Type of Identification Produced [Signature]

[Signature]  
Notary Public  
Print Name:  
My Commission Expires:





BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, Frances Santoriello

authorize Bennett Engineering & Consulting, LLC, Clayton A. Bennett, PE

to act on my behalf, which may include representing me in public hearings pertaining to the submittal of the attached application.

Choose the applicable application type. More than one may apply.

- Administrative Action
Development Plan
Variance
Comprehensive Plan Amendment
Rezoning

Signature [Handwritten Signature]

Date Sept 1 2023

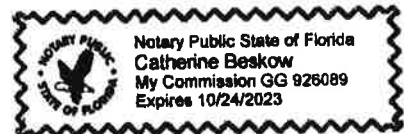
State of Florida

County of Brevard

The foregoing instrument was acknowledged before me this 1st day of Sept, 20 23 by Frances Santoriello, who is personally known to me or has produced as identification, and who did or did not take an oath.

Signature of Notary [Handwritten Signature]

Seal:



## Legal Description

BEC – 23.240

**Accounts:** 2801026 & 2863326

**Site Address:** 4215 Miami Ave & 2162 Arizona St, Melbourne, FL 32904

**The North 166.25 feet of Lot 1 and the North 166.25 feet of the East 29.06 feet of Lot 2, Block 5, Addition Number 2 to CITY ACRES, according to the plat thereof, recorded in Plat Book 4, Page 82, Public Records of Brevard County, Florida.**

Together with

Lots 1, 2 and 3, Block 5, Addition Number 2 to City Acres, according to the plat thereof, as recorded in Plat Book 4, Page 82, of the Public Records of Brevard County, Florida, less the Northerly 166.25 feet thereof.

Lot 45, Less the West 100 feet and All of Lot 78, Block 5, Addition Number 2 to City Acres, according to the plat thereof, as recorded in Plat Book 4, Page 82, of the Public Records of Brevard County, Florida.

The East 16 feet of Lot 4, Block 5, Addition Number 2 to City Acres, according to the plat thereof as recorded in Plat Book 4, Page 82, of the Public Records of Brevard County, Florida, Less the Northerly 166.25 feet thereof.

Miami (Below)



Arizona (Below)







BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, James J Straight

authorize Bennett Engineering & Consulting, LLC, Clayton A. Bennett, PE

to act on my behalf, which may include representing me in public hearings pertaining to the submittal of the attached application.

Choose the applicable application type. More than one may apply.

- Administrative Action
Development Plan
Variance
Comprehensive Plan Amendment
Rezoning

Signature [Handwritten Signature]

Date 9/01/23

State of Florida

County of Brevard

The foregoing instrument was acknowledged before me this 1st day of Sept, 20 23 by James J Straight, who is personally known to me or has produced

as identification, and who did or did not take an oath.

Signature of Notary [Handwritten Signature]

Seal:

