



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.2.

12/3/2020

### Subject:

John Haley requests a change of zoning classification from RU-1-9 to RU-1-7. (20Z00025) (Tax Account 2611673) (District 4)

### Fiscal Impact:

None

### Dept/Office:

Planning and Development

### Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-7 (Single-Family Residential).

### Summary Explanation and Background:

The applicant is requesting to change the zoning classification from RU-1-9 to RU-1-7 for the purpose of subdividing the subject property into two lots and constructing one single-family residence on each lot, of approximately 3,000 square feet of living area each. There is currently one single-family residence on the parcel, which will be demolished. The subject property has 100 feet of lot width, which under the RU-1-7 zoning classification would yield two lots with a minimum of 50 feet of width each.

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

The proposed RU-1-7 classification permits single-family residences on minimum 5,000 square-foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet. The minimum lot size for RU-1-7 is below the minimum square footage to allow both well and septic.

The subject parcel lies within the Residential 6 (RES 6) Future Land Use designation. This land use designation permits a maximum density of up to 6 units per acre, except as otherwise may be provided for within the Future Land Use Element.

The abutting parcel to the north is zoned RU-1-9 and BU-1-A and is developed with a 2,221 square-foot single-family home and residential amenities and does not have any commercial development on the BU-1-A portion of the parcel. The abutting parcel to the south is zoned RU-1-7 and developed with a 4,219 square-foot single-family home and residential amenities.

The Board may wish to consider whether this request for RU-1-7 zoning is consistent and compatible with the surrounding neighborhood which has RU-1-9 and RU-1-7 zoning.

On November 9, 2020, the Planning and Zoning Board heard the request and unanimously recommended approval.

**Clerk to the Board Instructions:**

When resolutions are received, please execute and return to Planning and Development.

**Resolution 20Z00025**

On motion by Commissioner Smith, seconded by Commissioner Tobia, the following resolution was adopted by a unanimous vote:

**WHEREAS, John Haley** has requested a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-7 (Single-Family Residential), on property described as Lot 29, Indian River Estates, as recorded in ORB 8826, Pages 1200 – 1207, of the Public Records of Brevard County, Florida. **Section 32, Township 26, Range 37.** (0.99 acres) Located on the east side of N. U.S. 1, approx. 200 ft. south of E. Elm St. (4147 N. U.S. 1, 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

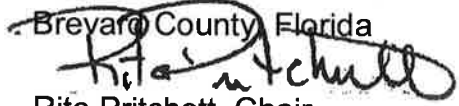
**WHEREAS,** the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

**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-1-7 be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of December 3, 2020.

BOARD OF COUNTY COMMISSIONERS

Brevard County, Florida

  
Rita Pritchett, Chair

Brevard County Commission

As approved by the Board on December 3, 2020.

ATTEST:



SCOTT ELLIS, CLERK

(SEAL)

Planning and Zoning Board Hearing – November 9, 2020

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.**



BOARD OF COUNTY COMMISSIONERS

Planning and Development

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

**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 # 20Z00025

Existing FLU: Res G Existing Zoning: RU-19

Proposed FLU: NA Proposed Zoning: RU-17

**PROPERTY OWNER INFORMATION**

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

John D. Haley  
Name(s) Company  
PO Box 410558 Melbourne FL 32941  
Street City State Zip Code  
Haley devco@aol.com 321-427-6500  
Email Phone Cell

**APPLICANT INFORMATION IF DIFFERENT FROM OWNER:**

☐ Attorney ☐ Agent ☐ Contract Purchaser ☐ Other \_\_\_\_\_

\_\_\_\_\_  
Name(s) Company  
\_\_\_\_\_  
Street City State Zip Code  
\_\_\_\_\_  
Email Phone Cell

**APPLICATION NAME**

- ☐ Large Scale Comprehensive Plan Amendment (CP) (greater than 10 acres)
- ☐ Small Scale Comprehensive Plan Amendment (CP) (less than 10 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)
- ☐ Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- ☐ Administrative Approval of Flag Lot or Easement
- ☐ Other Action: \_\_\_\_\_

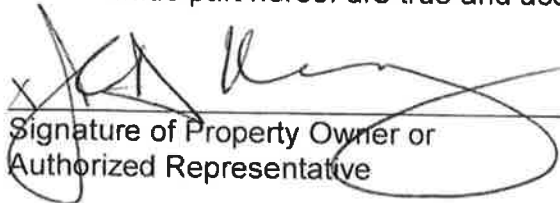
Acreage of Request: .99

Reason for Request:

*Owner wishes to split the lot into 2 lots.*

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.
- ☐ 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 of Property Owner or  
Authorized Representative

8-13-2020  
Date

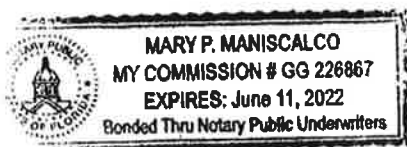
State of Florida

County of Brevard

Subscribed and sworn to me before me this 12<sup>th</sup> day of, August, 20 20,  
personally appeared John D. Haley, who is personally known to me or  
produced \_\_\_\_\_ as identification, and who did / did not take an oath.

  
Notary Public Signature

Seal



Office Use Only:

Accela No. 20200025 Fee: 588.00 Date Filed: 8-13-2020 District No. 4

Tax Account No. (list all that apply) 2611673

Parcel I.D. No.

26 37 32 52 \* 29  
Twp Rng Sec Sub Block Lot/Parcel

Planner: PB Sign Issued by: PB Notification Radius: 500 ft.

MEETINGS

DATE

TIME



P&Z

November 9, 2020

3:00pm



PSJ Board



NMI Board



LPA



BOA



BCC

December 3, 2020

5:00pm

Wetland survey required by Natural Resources ☐ Yes ☒ No Initials PB

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:

East side of N. Highway US-1,  
200 ft south of E. ELM ST.

Description of Request:

Rezone from RU-1-9 To  
RU-1-7

ACCELA # 20200025

## DOCUMENT SUBMITTAL REQUIREMENTS

Application type	Application	Authorization to Act Form <sup>1</sup>	Recorded Property Deeds	Legal Description of Request <sup>2</sup>	Certified Survey <sup>3</sup>	Property Appraisers Map	Concurrency	School Concurrency <sup>3</sup>	Wetland Survey <sup>4</sup>	CUP Worksheet & Sketch <sup>5</sup>	Comp Plan Information <sup>6</sup>	Notice to Applicants	Neighbors Affidavit <sup>7</sup>	Letter to Zoning Official	Variance Hardship Worksheet <sup>9</sup>	*Additional Documentation	Fees
	NUMBER OF COPIES REQUIRED																
Staff to check indicating receipt	✓	NA	✓	NA	✓	✓		NA	NA			✓					✓
Comprehensive Plan Amendment <sup>6</sup>	1	1	1	2	2	1		1			1					*	Y
Zoning request	1	1	1	1	1 <sup>8</sup>	1	1	1	1			1				*	Y
Conditional Use Permit (CUP)	1	1	1	1	1 <sup>8</sup>	1				1		1					Y
AA – Waiver	1	1			1	1							1	1			Y
AA – Easement or Flag lot	1	1	1	1	1	1											Y
Variance	1	1	1	1	1	1									1	*	Y

<sup>1</sup>If the property is not owned in entirety by the applicant, either an Authorization to Act form or a notarized letter from each/all property owners of the subject property is required.

<sup>2</sup>Legal Description must be typed on a separate sheet, if not easily described on the deed.

<sup>3</sup>School Board Concurrency application is required if the request represents an increase of more than one residential unit.

<sup>4</sup>Wetland Survey required on Commercial or Industrial property.

<sup>5</sup>CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

<sup>6</sup>Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

<sup>7</sup>Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

<sup>8</sup>Survey must be submitted if requested by staff.

<sup>9</sup>Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

**\*Additional information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:**

**Traffic Impact Analysis (TIA):** TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

**Environmental Impact Analysis:** The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

**Water and Sewer Demand:** Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.



# CALCULATION OF PUBLIC HEARING APPLICATION FEES -ZONING OFFICE

PUBLIC HEARING APPLICATION FEES	BASE FEE	ACREAGE FEE	UNIT FEE	SUB-TOTAL
<b>REZONING</b>				
Environmental Area	511.00			
Residential Professional	960.00			
General Use and Agricultural Use	849.00*	( -5) x 24**		
Single-Family Residential	849.00*	( -5) x 24**		<u>\$2,880.00</u>
Single-Family Mobile Home	849.00*	( -5) x 24**		
Commercial/Planned Commercial	1,184.00	( ) x 24		
Tourist Commercial	1,855.00	( ) x 45		
Industrial/Planned Industrial	1,855.00	( ) x 45		
Planned Unit Development	5,661.00	( ) x 45		
Single-Family Attached Residential	960.00		( ) x 24	
Multiple-Family Residential	960.00		( ) x 24	
Recreational Vehicle Park	1,408.00		( ) x 24	
Mobile Home Park/Mobile Home Co-op	1,408.00		( ) x 24	
<b>CUP'S OR ROU APPLICATIONS</b>				
Fee per request (with rezoning)	447.00			
Fee per request (without rezoning)	849.00			
<b>OTHER APPLICATION FEES</b>				
Consultant fee Retainer per Tower Application	6,934.00			
Transfer of Development Rights	1,520.00			
Comprehensive Plan Appeals (Vested Rights)				
One (5.0 acres or less) Single-family residential	433.00			
All other Appeals	1,733.00			
Variance/Appeals of Administrative Interpretation				
Base Fee	598.00			
Fee for each additional request	182.00			
Special Hearing Fee for P & Z / LPA	3,692.00			
Special Hearing Fee for BOA	1,872.00			
All Other Unlisted Zoning Applications	849.00			
Miscellaneous				
<b>COMPREHENSIVE PLAN AMENDMENTS</b>				
Small Scale Amendment	919.00			
Large Scale Amendment	1,785.00	\$43 per acre		
Maximum Fee on a Single Application	17,334.00			
				<b>SUB-TOTAL ***/*</b>
				<u>2,880.00</u>
				<u>300.00</u>
<b>FEES COLLECTED FOR ADMINISTRATIVE ACTIONS</b>				
Office of Natural Resources zoning review (if applicable)	300.00			
flag lot &/or easement review	360.00			
Land Development PUD review	100.00			
flag lot &/or easement review	150.00			
Address Assignment review of flag lot &/or easement	100.00			
Zoning fee	277.00			
<b>BASE FEE ADJUSTMENTS</b>				
* If area for these requests have the potential for only one more lot, the fee is	288.00			
** Maximum acreage fees for these requests shall be	2,240.00			
*** Maximum Planned Unit Development Fee shall be	13,432.00			
**** Maximum fee for all other zoning requests shall be	8,955.00			
				<b>TOTAL</b>
				<u>\$5,880.00</u>

**RECEIPT OF PAYMENT**

**Payment Date: 8/13/2020**

**Receipt #: 575385**

**Transaction Id# 10121**

Payment Method	Payment Reference #	Amount Paid	Comments
Check	10121	\$588.00	
		\$588.00	Total

**4147 N Highway 1 HWY, FL**

Zoning Rezoning \$588.00

**20Z00025**

Fee	Invoice #	Amount
NRMO	676134	\$300.00
Zoning/Variance	676134	\$288.00

**Grand Total \$588.00**

**Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.**

**To verify fees please visit the Brevard County Planning & Development Search.**

[www.brevardcounty.us/PlanningDev](http://www.brevardcounty.us/PlanningDev)

**P (321) 633-2068 F (321) 633-2052**

**Zoning Information Worksheet**

Owner(s): John D. Haley

(Does this match the warranty deed?)

Applicant(s): Same

(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 26-37-32-52-X-29

(If more than one parcel, they must share a property line to be on the same application.)

Present Zoning: RU-1-7

Is there a BDP or a CUP on the property? Yes/No: No (If yes, attach BDP)

Existing BDP states: \_\_\_\_\_

Requested Zoning/CUP: Rezone to RU-1-7

BDP Requested? Yes/No: No

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No

Previously Approved Zoning Actions on lot:

Z-2980

Is this a non-conforming lot of record? Yes/No/Why? No

Non-Conforming to: \_\_\_\_\_

Is this a substandard lot? Yes/No/Why? No

What is the FLU Designation of the property? Res C

- Is the requested zoning consistent with the FLU? No (See compatibility table)
- If no, what is the requested **small scale plan amendment**? (Must be 10 acres or less)

NA

Character of the Area – List the recent zoning changes in same section? (Last 3 years)

Action #, Date of action and State what changed?

Z# 14PZ-00106

If this is a CUP request, list all CUP's on adjacent properties: NA

Abutting property zoning: N B4-1-A/RU-1-7 S RU-1-7 E River W Road

JPA/Special Board/Special Section? Yes/No (Circle one and make a note on the application) PSJ, NMI, MIRA  
ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

Reason for Rezoning Request: Owner wants to Demo existing SFR and make Two 50 feet wide Lots for Two Future SFR

- If proposing single-family or multi-family how many units? 2
- If proposing a CUP for alcohol, how many seats? NA Bar or Restaurant? NA
  - Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
  - Do you have a site plan showing the layout and parking configuration? Yes/No
  - Do you have a CUP worksheet filled out by the applicant? Yes/No
- If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? One SFR and Residential Amenities

Describe the character of the area based upon Administration Policy 3 of FLUE (attached):

Character of area is consistent with the Res6. Abutting parcels to South were Rezoned From RU-1-9 to RU-1-7 in 2014 and Developed into a Three Lot Subdivis

Concerns raised as part of request: Is parcel on Sewer or Septic Parcel Lies on Indian River.

Other options discussed with applicant: Owner wants to make Two 50ft wide Lots as he did with the Three Lot subdivision abutting this Lot to the south.

Did you print out the Property Appraiser's Map for this property?  
Did you mark the map?  
Did you stamp the deed(s)?

Paul Body  
Planner Signature

8-13-2020  
Date

### **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 foresee ably 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 an 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.

## 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:

Haleydevco@aol.com or ( ) \_\_\_\_\_ or U.S. Mail \_\_\_\_\_  
e-mail address fax number

Yes/No

I have received a copy of this notice:

  
(APPLICANT SIGNATURE)

This Instrument Prepared by:  
Shore to Shore Title, LLC  
Kara Strausser  
On behalf of:  
SingleSource Property Solutions  
Pursuant to the Issuance of title insurance  
1000 Noble Energy Drive, Suite 300  
Canonsburg, PA 15317

THIS INSTRUMENT CONTAINS THE OFFICIAL  
RECORD BOOK AND PAGE NUMBERS DESCRIBING  
THE PARCELS TO BE ADVERTISED.

  
SIGNATURE

Property Appraisers Parcel ID #: 26-37-32-52-\*.-29  
Tax ID #2611673

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS SPECIAL WARRANTY DEED, made and executed the 4<sup>th</sup> day of AUGUST, 2020, Cascade Funding Alternative Holdings, LLC, a Delaware limited liability company, whose post office address is 3900 Capital City Blvd., Lansing, MI 48906, herein called the Grantor(s), to John Haley, a single person, whose address is PO Box 410558, Melbourne, FL 32941, hereinafter called the Grantee(s):

*(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 00/100'S (\$10.00) Dollars 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, State of Florida, viz:

**LOT 29, UNRECORDED PLAT KNOWN AS INDIAN RIVER ESTATES, NORTH EAU GALLIE, FLORIDA, MORE PARTICULARLY DESCRIBED AS PART OF GOVERNMENT LOT 4, AS DESCRIBED IN DEED BOOK 414, PAGE 77, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SECTION 32, TOWNSHIP 26 SOUTH, RANGE 37 EAST; BEGIN AT A POINT ON EAST SIDE OF U. S. HIGHWAY #1, 1960 FEET NORTH OF SOUTH LINE OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 37 EAST AND 608.52 FEET, MORE OR LESS, EAST OF WEST LINE OF U.S. LOT #3; THENCE SOUTH 22 DEGREES 51 MINUTES EAST ON EAST SIDE OF U. S. HIGHWAY #1 A DISTANCE OF 1100 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 9 MINUTES EAST PERPENDICULAR TO U. S. HIGHWAY #1 TO THE WATERS OF THE INDIAN RIVER; THENCE SOUTHEAST ALONG THE WATER LINE OF THE INDIAN RIVER TO A POINT 100 FEET SOUTHEAST FROM POINT OF BEGINNING AND AT RIGHT ANGLES TO THE EAST SIDE OF U. S. HIGHWAY #1; THENCE SOUTH 67 DEGREES 9 MINUTES WEST PERPENDICULAR TO EAST SIDE OF U. S. HIGHWAY #1; THENCE NORTH 22 DEGREES 51 MINUTES WEST ON THE EAST SIDE OF U. S. HIGHWAY #1, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.**

4147 North U.S. Highway 1, Melbourne, FL 32935

Authorized Signers and Power of Attorney attached hereto and made a part hereof.  
Certificate of Approval of Sale attached, if applicable.

Taxes and assessments for the current calendar year and all subsequent years.

**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 grantees that except as above noted, at the time of delivery of this Special Warranty Deed the premises were free of all encumbrances made by them, and they will warrant and defend the same against the lawful claims of all persons claiming by, through or under grantor.

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

Signed, sealed and delivered in the presence of:

[Signature]  
Witness #1 Signature

Anna Montgomery  
Witness #1 Printed Name

[Signature]  
Witness #2 Signature

Bryan Stiglich  
Witness #2 Printed Name

Cascade Funding Alternative Holdings, LLC, a Delaware limited liability company, by Compu-Link Corporation dba Celink, as Duly Authorized Attorney-In-Fact

[Signature]  
By: Eileen Papariella  
Title: CEO Manager

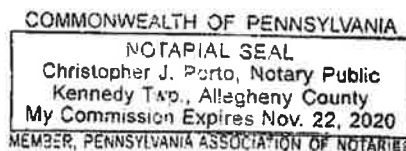
STATE OF Pennsylvania  
COUNTY OF Washington

SWORN TO AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, the foregoing instrument was acknowledged before me this 4<sup>th</sup> day of August, 2020, by Eileen Papariella (name) as CEO Manager (title) on behalf of Compu-Link Corporation dba Celink, as Duly Authorized Attorney-in-Fact, Cascade Funding Alternative Holdings, LLC, a Delaware limited liability company, on behalf of the corporation. He/she (✓) is personally known to me or ( ) has produced N/A as identification.

SEAL

[Signature]  
Notary Signature  
Christopher J. Porto  
Printed Notary Signature

My Commission Expires 11-22-2020





**SPECIAL AND LIMITED POWER OF ATTORNEY  
AND RELATED COVENANTS**

KNOW ALL MEN BY THESE PRESENTS:

For good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned Principal of Cascade Funding Alternative Holdings, LLC ("**Principal**"), located at c/o Waterfall Asset Management, 1140 Avenue of the Americas, 7<sup>th</sup> Floor, New York, NY 10036, does herein constitute, appoint, authorize and empower Compu-Link Corporation, dba Celink (the "**Attorney-in-Fact**") in the name, place and stead of Principal with respect to the Loans and related Mortgaged Property and REO Property serviced by the Attorney-in-Fact on behalf of Cascade Funding Alternative Holdings, LLC pursuant to that certain Servicing Agreement dated July 6, 2018, by and among the Attorney-in-Fact, as Servicer, Cascade Funding Alternative Holdings, LLC, and several other parties (the "**Servicing Agreement**"). The Attorney-in-Fact and Principal together are the "**Parties**." Capitalized terms used and not otherwise defined herein shall have the respective meanings ascribed to such terms in the Servicing Agreement.

The Attorney-in-Fact is hereby authorized, and empowered, as follows with respect to the Loans and related Mortgaged Property and REO Property subserviced by the Attorney-in-Fact pursuant to the Servicing Agreement:

- (i) To execute, acknowledge, seal and deliver deed of trust/mortgage note endorsements, lost note affidavits, assignments of deed of trust/mortgage and other recorded documents, satisfactions/releases/reconveyances of deed of trust/mortgage, subordinations and modifications, assumptions, tax authority notifications and declarations, deeds, bills of sale, and other instruments of sale, conveyance, and transfer, appropriately completed, with all ordinary or necessary endorsements, acknowledgments, affidavits, and supporting documents as may be necessary or appropriate to affect their execution, delivery, conveyance, recordation or filing provided that such action does not adversely affect the lien of the Mortgage or as insured.
- (ii) To execute and deliver insurance filings and claims, affidavits of debt, substitutions of trustee, substitutions of counsel, non-military affidavits, notices of sale, notices of rescission, foreclosure deeds, substitutions of trustee under deeds of trust, transfer tax affidavits, affidavits of merit, verifications of complaints, notices to quit, bankruptcy declarations for the purpose of filing motions to lift stays, other actions and execution of documents necessary to protect the interest of Principal in any bankruptcy or similar proceeding, and other documents or notice filings on behalf of Principal in connection with insurance, foreclosure, bankruptcy and eviction actions.
- (iii) To pursue any deficiency, debt or other obligation, secured or unsecured, including but not limited to those arising from foreclosure or other sale, promissory note or check. This power also authorizes the Attorney-in-Fact to collect, negotiate or otherwise settle any deficiency claim, including interest and attorney's fees.

- (iv) To endorse any checks or other instruments received by the Attorney-in-Fact and made payable to Principal.
- (v) To endorse, execute or deliver any and all documents or instruments of mortgage satisfaction or cancellation, or of partial or full release or discharge, and all other comparable instruments with respect to the Loans including, without limitation, the recording or filing with the appropriate public officials of such documents or instruments and the endorsement and deposit of any such documents or instruments in connection with the foreclosure of any Loan, or the bankruptcy or receivership of a Mortgagor.
- (vi) To execute, acknowledge, seal and deliver any and all documents, deeds, transfers, tax declarations, certificates, escrow instructions, bills of sale, closing statements and any other documents or instruments whatsoever which are necessary, appropriate, or required to transfer, sell or convey real property that constitutes REO Property or to effect evictions from such REO Property.
- (vii) To do any other act or complete any other document that arises in the normal course of servicing the Loans and related REO Property.
- (viii) To perform any and all such other acts of any kind and nature whatsoever that are necessary and prudent to service the Mortgage Loans and related REO Property, including without limitation, delegating the authority granted herein to third parties, including but not limited to law firms, trust companies and other service providers (specifically including SingleSource Property Solutions LLC and LRES Corp.) and each of their officers, directors, employees, agents and assigns.

This Special and Limited Power of Attorney and Related Covenants (the "Power of Attorney") is coupled with an interest.

The appointment of the Attorney-in-Fact is to be construed and interpreted as a limited power of attorney. The enumeration of specific items, rights, acts, of powers herein is not intended to, nor does it give rise to, and it is not to be construed as, a general power of attorney. This Power of Attorney is not intended to extend the powers granted to the Attorney-in-Fact under the Servicing Agreement or to allow the Attorney-in-Fact to take any actions with respect to Mortgages or Notes not authorized by the Servicing Agreement.

Principal covenants and agrees that it shall, from time to time after the date hereof, at the request of the Attorney-in-Fact, execute instruments confirming all of the foregoing authority of the Attorney-in-Fact. The foregoing shall not be deemed to be breached by reason of any action or omission of the Attorney-in-Fact appointed hereunder.

The limited power of attorney granted herein shall commence as of the date of execution hereof and shall continue in full force and effect until terminated, in writing, by Principal.

Unless a third party has received notice that this Power of Attorney has been terminated by Principal, such third party may rely upon the exercise of the power

granted herein. For the avoidance of doubt, this provision is not a waiver of any claims that Principal may have against the Attorney-in-Fact for any unlawful or improper use of this Power of Attorney by the Attorney-in-Fact.

No director, officer, employee or agent of the Attorney-in-Fact shall be individually liable to Principal for taking any action or for refraining to take any action in good faith or for errors in judgment with respect to this Power of Attorney.

THIS POWER OF ATTORNEY SHALL BE CONSTRUED IN ACCORDANCE WITH THE LAWS OF THE STATE OF MICHIGAN AND THE OBLIGATIONS, RIGHTS AND REMEDIES OF THE PARTIES HEREUNDER SHALL BE DETERMINED IN ACCORDANCE WITH SUCH LAWS.

IN WITNESS WHEREOF, Principal has caused this instrument to be signed by its duly authorized officer on this 29<sup>th</sup> day of April, 2019.

Cascade Funding Alternative Holdings, LLC

Kenneth Nick  
Name:  
Title

Marysis Hanna  
Witness

By: Marysis Hanna  
(Name)

R. R. Biltchok  
Witness Randall Biltchok

By: \_\_\_\_\_  
(Name)

NOTARY ACKNOWLEDGEMENT

State of New York

County of New York

On the 29<sup>th</sup> day of April in the year 2019 before me, the undersigned, a Notary Public in and for said State, personally appeared, Kenneth Nick, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

M. A. Ledesma  
Notary Signature

Prepared by: Celink  
After recording return to:  
Celink  
PO Box 40724  
Lansing, MI 48901

MARG A. LEDESMA  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 024567488  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES MAY 20, 20 22



**SECRETARY'S CERTIFICATE**

**COMPU-LINK CORPORATION, dba Celink**

The undersigned, being secretary of Compu-Link Corporation, dba Celink, certifies that the Sole Director of the Company, by Written Consent executed on November 15, 2019 appointed the officers identified on Exhibit A hereto and granted such officers the authority to execute on behalf of the Company the following types of documents.

Foreclosure related documents, including deeds in lieu of foreclosure;

Documents related to full or partial lien releases; -

Bankruptcy related documents;

Documents related to assignment of mortgage;

Documents related to the management and disposition of real estate owned properties (REO);

Documents related to evictions, title curative actions and similar routine legal proceedings; and

Such other documents as are appropriate in furtherance of the execution of any of the matters described hereinabove.

Executed as of November 15, 2019.

A handwritten signature in cursive script, reading "Karen S. Crawford".

Karen S. Crawford, Secretary



# SingleSource

SingleSource Property Solutions  
1000 Noble Energy Dr Ste 300  
Canonsburg, PA 15317

866.620.7577  
singlesourceproperty.com

To Whom It May Concern:

Please be advised that this letter will serve as Corporate Authorization for the following SingleSource Employees to execute and deliver any and all Listing Agreements, Purchase Agreements, Addendums and Instruments of sales as defined by the Limited Power of Attorney.

Eileen Papariella, REO Manager  
Salynn Williams, Closing Coordinator-Team Lead  
Julie Marth, Closing Coordinator  
Kay Milesky, Portfolio Manager  
Kim Fischetti, Asset Manager  
Jason Anderson, Asset Manager  
Marielle Brown, Portfolio Manager  
Jordan Cypher, Asset Manager  
Michelle Bertucci, Senior HOA Specialist  
Renata Holmes, Assistant Asset Manager  
Marlita Klement, Portfolio Manager  
Ericka Shuble, Closing Coordinator  
Denise Egeric, Closing Coordinator  
Eleanor Mlecsko, Closing Coordinator  
Mary Blocher, Closing Coordinator  
Nicole Rohr, Closing Coordinator  
Sandra Bracken, Title and Closing Manager  
Chris Porto, Title Production Manager  
Christine Ziccardi, Director-Title and Settlement & Marketing

Sincerely,

A handwritten signature in dark ink, appearing to read 'Brian Cullen', written over a horizontal line.

Brian Cullen  
Chief Executive Office

4/23/2020



## LEGEND

(AKA)	= ALSO KNOWN AS
C.	= CENTERLINE
C.B.	= CONCRETE BLOCK
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.L.F.	= CHAIN LINK FENCE
CLR.	= CLEAR
C.M.	= CONCRETE MONUMENT
CONC.	= CONCRETE
COR.	= CORNER
COVD	= COVERED
D	= DELTA
FD	= FOUND
ID	= IDENTIFICATION
I.P.	= IRON PIPE
I.R.	= IRON ROD
L	= LENGTH
LB	= LICENSE BUSINESS
LS	= LICENSE SURVEYOR
(M)	= MEASURED
N&D	= NAIL & DISK
(P)	= PLATTED
PC	= POINT OF CURVATURE
PT	= POINT OF TANGENCY
PL	= PROPERTY LINE
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
PRC	= POINT OF REVERSE CURVE
P.U.&D.	= PUBLIC UTILITY & DRAINAGE
R	= RADIUS
R/W	= RIGHT-OF-WAY
(TYP.)	= TYPICAL
W.F	= WOOD FENCE

## LEGAL

LOT 29, UNRECORDED PLAT KNOWN AS INDIAN RIVE  
FLORIDA, MORE PARTICULARLY DESCRIBED AS PART  
DESCRIBED IN DEED BOOK 414, PAGE 77, OF PUBLI  
COUNTY, FLORIDA, SECTION 32, TOWNSHIP 26 SOUT  
POINT ON EAST SIDE OF U.S. HIGHWAY #1, 1960 FE  
SECTION 32, TOWNSHIP 26 SOUTH, RANGE 37 EAST  
LESS, EAST OF WEST LINE OF U.S. LOT #3; THENCE  
MINUTES EAST ON EAST SIDE OF U.S. HIGHWAY #1  
THE POINT OF BEGINNING; THENCE NORTH 67 DEGRE  
PERPENDICULAR TO U.S. HIGHWAY #1 TO THE WATER  
THENCE SOUTHEAST ALONG THE WATER LINE OF TH  
FEET SOUTHEAST FROM POINT TO BEGINNING AND A  
SIDE OF U.S. HIGHWAY #1; THENCE SOUTH 67 DEGR  
PERPENDICULAR TO EAST SIDE OF U.S. HIGHWAY #1  
MINUTES WEST ON THE EAST SIDE OF U.S. HIGHWAY  
THE POINT OF BEGINNING.



# Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

## PROPERTY DETAILS

Account 2611673  
 Owners Cascade Funding Alternative Holdings LLC  
 Mailing Address 101 W Louis Henna Blvd, Ste 310 C/O Financial  
 Freedom Austin TX 78728  
 Site Address 4147 N Highway 1 Melbourne FL 32935  
 Parcel ID 26-37-32-52-\*29  
 Property Use 0819 - Two Residential Units - Not Attached  
 Exemptions None  
 Taxing District 4200 - Unincorp District 4  
 Total Acres 0.99  
 Subdivision Indian River Estates Villas Unrec  
 Site Code 0101 - U S 1 To River  
 Plat Book/Page 0000/0000  
 Land Description Indian River Estates Villas Unrec Part Of Lot 4 As Des  
 IN Db 414 Pg 77 Known As Lot 29 Of Indian River Ests  
 Villas Unrec



## VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$588,460	\$590,270	\$515,580
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$588,460	\$590,030	\$328,470
Assessed Value School	\$588,460	\$590,270	\$328,470
Homestead Exemption	\$0	\$0	\$25,000
Additional Homestead	\$0	\$0	\$25,000
Other Exemptions	\$0	\$500	\$500
Taxable Value Non-School	\$588,460	\$589,530	\$277,970
Taxable Value School	\$588,460	\$589,770	\$302,970

## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
10/15/2019	\$451,000	CT	Improved	8566/1659
01/01/1977	\$63,000	--	--	1705/0340
01/01/1975	\$450,000	--	--	1501/0911

## BUILDINGS

### PROPERTY DATA CARD #1

**Building Use:** 0110 - Single Family Residence

Materials	Details	
Exterior Wall:	Stucco	Year Built 1952
Frame:	Masnryconc	Story Height 8
Roof:	Asph/Asb Shngl	Floors 1
Roof Structure:	Hip/Gable	Residential Units 1
		Commercial Units 0
Sub-Areas	Extra Features	
Base Area (1st)	532 Outbuilding	104
Total Base Area	532 Dock	850
Total Sub Area	532 Garage Detached	672



## PROPERTY DATA CARD #2

**Building Use:** 0110 - Single Family Residence

### Materials

Exterior Wall:

Stucco

Frame:

Reinfrconc

Roof:

Bu-Tg/Mmbrn

Roof Structure:

Gmbri/Mnsrd/Mntr

### Details

Year Built

1986

Story Height

8

Floors

2

Residential Units

1

Commercial Units

0

### Sub-Areas

Balcony

48

Balcony

46

Base Area (1st)

2,035

Base Area (2nd)

810

Open Porch

89

Screen Porch

401

Total Base Area

2,845

Total Sub Area

3,429

### Extra Features

No Data Found

[illegible]

# **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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

##### **Criteria:**

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;

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

#### **Administrative Policy 6**

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

#### **Administrative Policy 7**

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

#### **Administrative Policy 8**

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.

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

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

### **CONDITIONAL USE PERMITS (CUPs)**

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

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

- (c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon

a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.

- a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
  - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
  - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:
- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
  - b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
  - c. Noise levels for a conditional use are governed by Section 62-2271.

- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.
- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

#### **FACTORS TO CONSIDER FOR A REZONING REQUEST**

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

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

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.



- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

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

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

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

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

## DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS**

**20Z00025**

**John D. Haley**

**RU-1-9 (Single-Family Residential) to RU-1-7 (Single-Family Residential)**

Tax Account Number: 2611673  
Parcel I.D.: 26-37-32-52-\*-29  
Location: East side of N. Highway US-1, approximately 200 feet south of E. Elm Street (District 4)  
Acreage: 0.99 acre

Planning and Zoning Board: 11/09/2020

Board of County Commissioners: 12/03/2020

**Consistency with Land Use Regulations**

- Current zoning can 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-1-7
<b>Potential*</b>	One Single Family Unit	Two Single Family Units
<b>Can be Considered under the Future Land Use Map</b>	YES Residential 6	YES Residential 6

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

**Background and Purpose of Request**

The applicant desires to change the zoning classification from RU-1-9 (Single-Family Residential) to RU-1-7 (Single-Family Residential) for the purposes of subdividing the subject property into two lots and constructing one single family residence on each lot of approximately 3,000 sq. ft. of living area each. There is currently one single-family residence on the parcel, which will be demolished.

The subject property has 100 feet of lot width, which under the RU-1-7 zoning classification would yield two lots with a minimum of 50 feet of width each.

March 4, 1965, zoning action **Z-1671** was denied on the west 200 feet of the parcel to change the zoning from RU-1 (Single Family Residential) to BU-1 (Neighborhood Retail Business).

June 1, 1972, zoning action **Z-2980** changed the zoning from RU-1 (Single Family Residential) to RU-1-9 (Single-Family Residential).

October 17, 1979, Variance action **V-869** approved an expansion of a non-conforming structure in RU-1-9.

The applicant rezoned the abutting parcel to the south of the subject parcel on March 18, 2015 per zoning action **14PZ-00106** from RU-1-9 to RU-1-7 with a Binding Development Plan limiting the development to a three lot subdivision. Haley Subdivision was recorded in Plat Book 61, Page 18 on July 7, 2015.

## **Land Use**

The subject property retains the RES 6 (Residential 6) Future Land Use designation. The existing RU-1-9 zoning and the proposed RU-1-7 zoning may be considered consistent with the RES 6 Future Land Use designation.

## **Environmental Constraints**

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

- Aquifer Recharge Soils
- Floodplain
- Surface Waters of the State
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

## **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Highway US-1, between Pine Street and Lee Street, which has a Maximum Acceptable Volume (MAV) of 59,900 trips per day, a Level of Service (LOS) of D, and currently operates at 75.93% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.01%. The corridor is anticipated to continue to operate at 75.94% 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 parcel is not serviced by Brevard County sewer. The closest available sewer line is approximately 2,168 north of the subject property on the west side of Highway US-1.

The parcel is serviced by City of Melbourne water.

## **Applicable Land Use Policies**

**FLUE Policy 1.6** – The Residential 6 land use designation affords a transition in density between the higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided for within this element.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.** The subject parcel lies within the Residential 6 (RES 6) Future Land Use designation. The surrounding area to the south lies within the Residential 6 Future Land Use designation. The surrounding area to the north lies within the Residential 6 and Neighborhood Commercial (NC) Future Land Use designations. The existing RU-1-9 and the proposed RU-1-7 zonings may be considered to be consistent with the Residential 6 Future Land Use designation.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The developed character of the surrounding area along Highway US-1 is developed with single-family homes under the RU-1-7, RU-1-9 and BU-1-A zoning classifications. The subject parcel and the surrounding area have a Future Land Use (FLU) designation of RES 6 and NC, which may be considered to be consistent with the existing RU-1-9 zoning and proposed RU-1-7 zoning.

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

The proposed RU-1-7 classification permits single family residences on minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet. The RU-1-7 zoning minimum lot size is below the minimum threshold to allow both well and septic.

The BU-1-A classification permits restricted neighborhood retail and personal service uses to serve the needs of nearby low-density residential neighborhoods. Minimum lot size of 7,500 square feet is required with minimum width and depth of 75 feet.

## **Surrounding Area**

The parcel lies between N. Highway US-1 and the Indian River. The abutting parcel to the north is zoned RU-1-9 and BU-1-A and is developed with a 2,221 sq. ft. single-family home and residential amenities and does not have any commercial development on the BU-1-A portion of the parcel. The abutting parcel to the south is zoned RU-1-7 and developed with a 4,219 sq. ft. single-family home and residential amenities.

There has been one zoning action within a half-mile of the subject property within the last six years.

March 18, 2015, zoning action **14PZ-00106** changed the zoning from RU-1-9 to RU-1-7 with a Binding Development Plan limiting the development to a three lot subdivision. This zoning action abuts the subject parcel to the south.

## **For Board Consideration**

The Board may wish to consider whether this request for RU-1-7 zoning is consistent and compatible with the surrounding neighborhood which has RU-1-9 and RU-1-7 zoning. The Board may also wish to consider a BDP to limit the development potential of the property.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item # 20Z00025**

**Applicant:** John Haley

**Zoning Request:** RU-1-9 to RU-1-7

**Note:** Applicant wants to develop split lot.

**P&Z Hearing Date:** 11/09/20; **BCC Hearing Date:** 12/03/20

**Tax ID No:** 2611673

- 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:**

- Aquifer Recharge Soils
- Floodplain
- Surface Waters of the State
- Indian River Lagoon Nitrogen Reduction Overlay
- Protected and Specimen Trees
- Protected Species

No noteworthy land use issues were identified. Natural Resources Management (NRM) reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

**Land Use Comments:**

**Aquifer Recharge Soils**

The entire parcel contains mapped aquifer recharge soils (Candler fine sand) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

**Floodplain**

A small area on the eastern portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area increases stormwater

runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

### **Surface Waters of the State**

The property is located on Class III surface waters designated by the State. A 25-foot surface water protection buffer (buffer) is required. Except as allowable under Section 62-3668 (7), primary structures shall be located outside the buffer. Accessory structures are permissible within the buffer with conditions (e.g., storm water management is provided, avoidance/minimization of impacts, and maximum 30% impervious). Any alteration within the buffer shall demonstrate avoidance and minimization of surface water protection buffer impacts, including the location of the alteration within the most landward portion of the buffer, as practicable. The remainder of the surface water protection buffer shall be maintained in unaltered vegetation, except for non-native invasive plants. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or permit submittal.

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

The entire parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If adequate sewer for the development is not available, then the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required. Per Section 62-3666 (14), all onsite sewage treatment and disposal systems (OSTDS) shall be set back at least 100 feet from the buffer establishment line, the safe upland line, mean high water line or ordinary high-water line.

### **Protected and Specimen Trees**

Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Per Section 62-4332, Definitions, Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

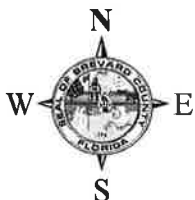
### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, 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, as applicable.

# LOCATION MAP

HALEY, JOHN

20Z00025



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: 8/18/2020

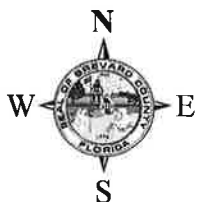
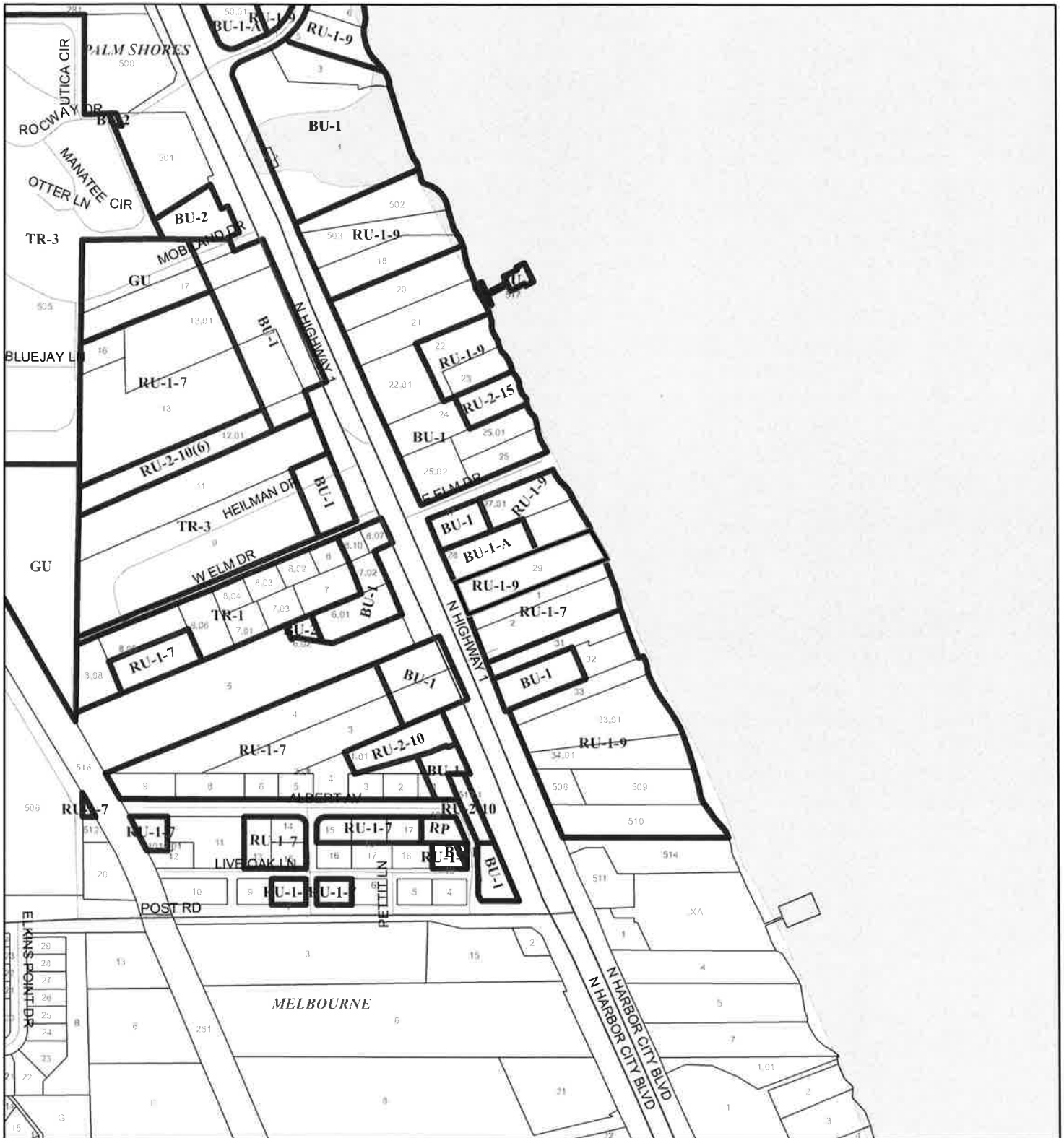
— Buffer  
■ Subject Property



# ZONING MAP

HALEY, JOHN

20Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/18/2020

Subject Property

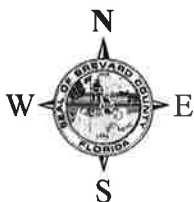
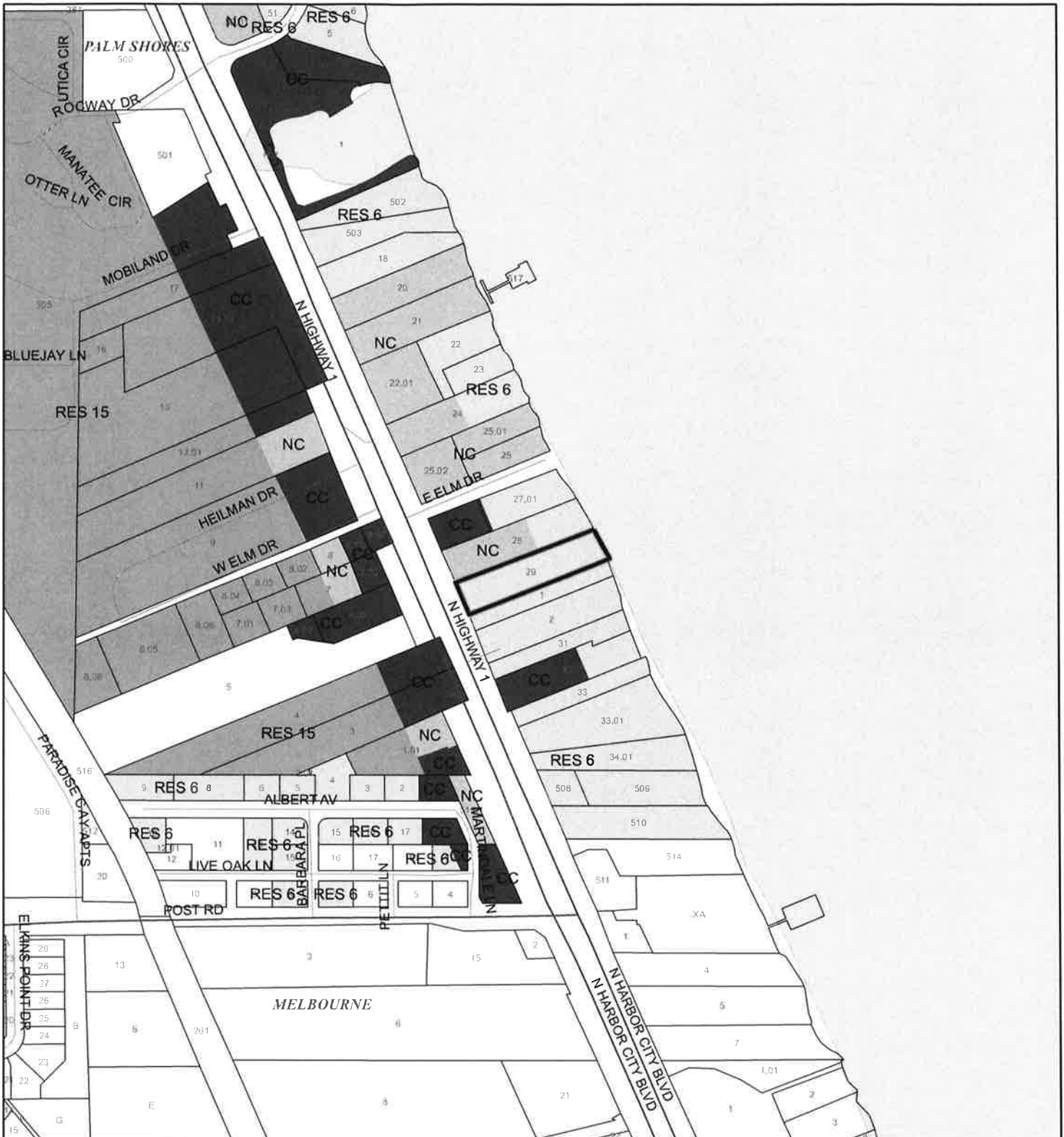
Parcels

Zoning

# FUTURE LAND USE MAP

HALEY, JOHN

20Z00025



1:4,800 or 1 inch = 400 feet

**Subject Property**  
**Parcels**

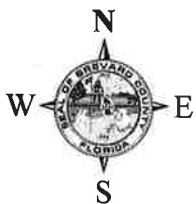
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Produced by BoCC - GIS Date: 8/18/2020

# AERIAL MAP

HALEY, JOHN

20Z00025



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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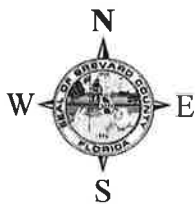
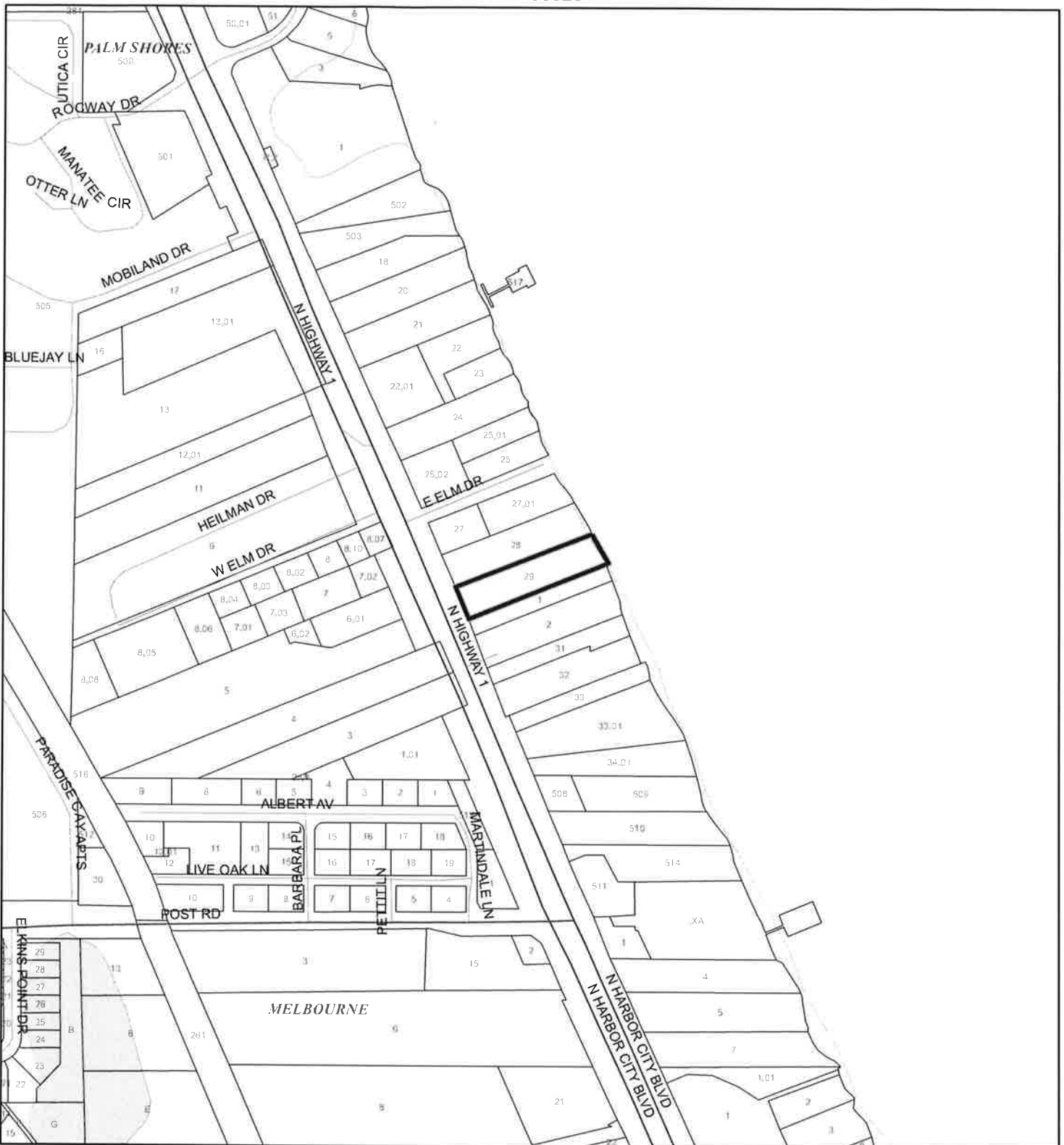
Produced by BoCC - GIS Date: 8/18/2020

 Subject Property

 Parcels

# NWI WETLANDS MAP

HALEY, JOHN  
20Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/18/2020

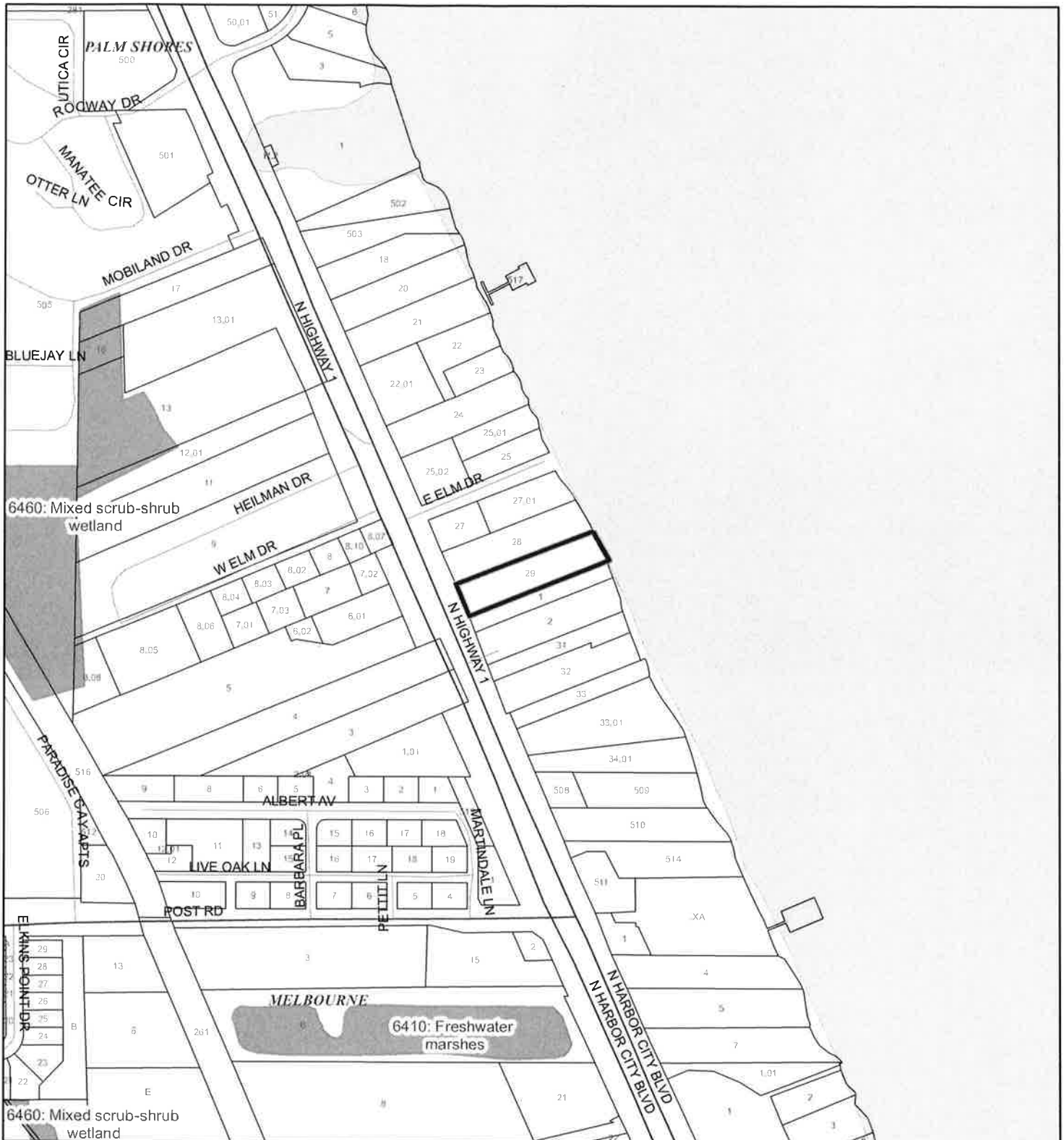
## National Wetlands Inventory (NWI)

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

# SJRWMD FLUCCS WETLANDS - 6000 Series MAP

HALEY, JOHN

20Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/18/2020

## 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

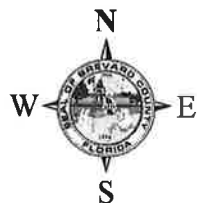
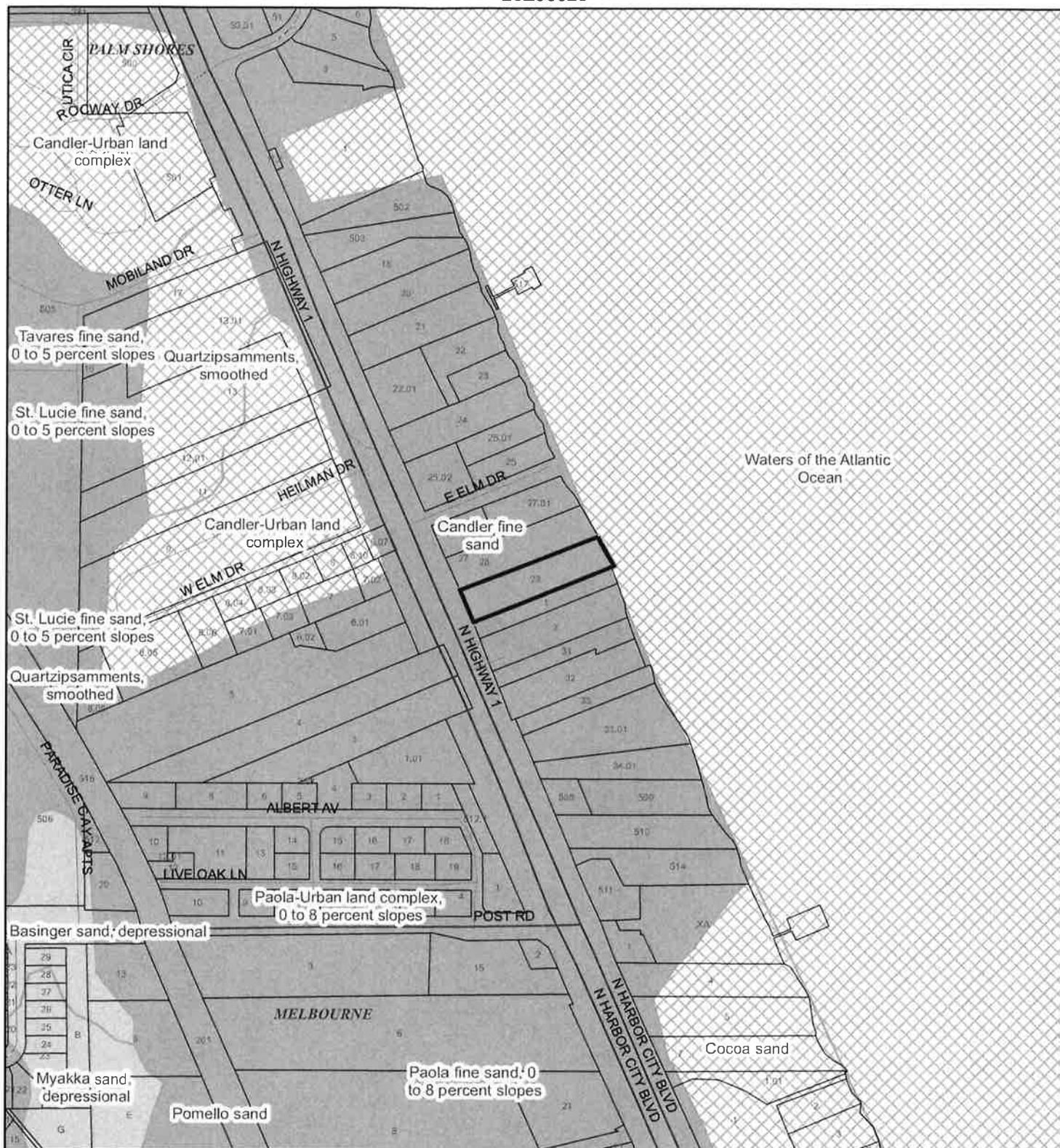
Parcels



# USDA SCSSS SOILS MAP

HALEY, JOHN

20Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/18/2020

## USDA SCSSS Soils

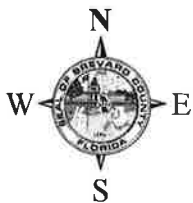
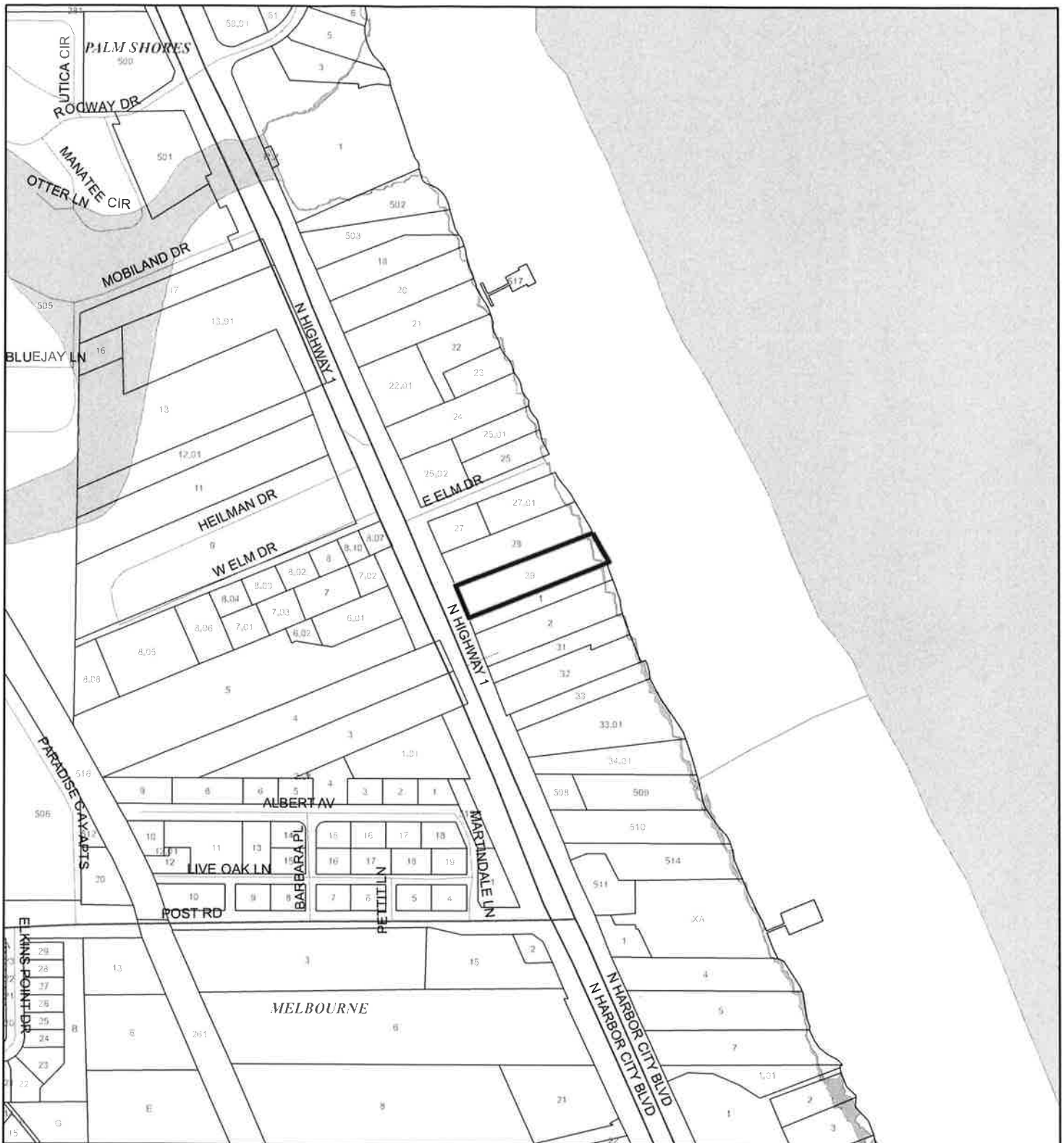
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

HALEY, JOHN

20Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/18/2020

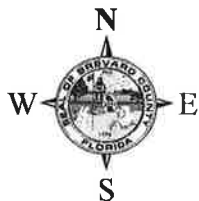
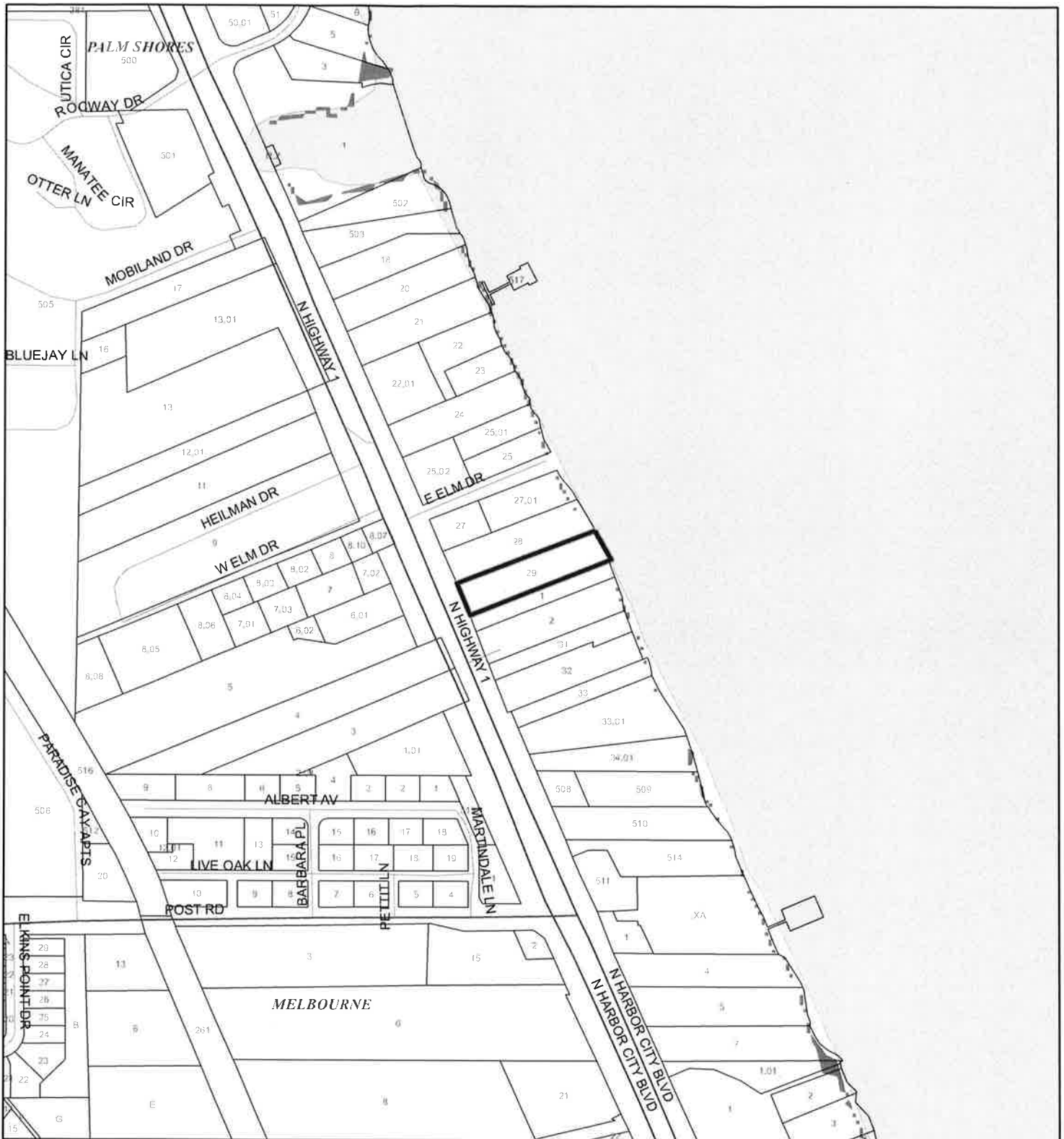
## FEMA Flood Zones

	A		AO		X
	AE		Open Water		X Protected By Levee
	AH		VE		
	0.2 Percent Annual Chance Flood Hazard				
	0.2 Percent Annual Chance Flood Hazard Contained in Channel				
	Subject Property		Parcels		

# COASTAL HIGH HAZARD AREA MAP

HALEY, JOHN

20Z00025



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 8/18/2020

 Subject Property

 Parcels

**Coastal High Hazard Area**

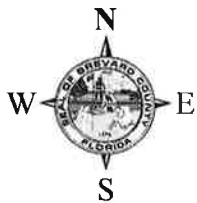
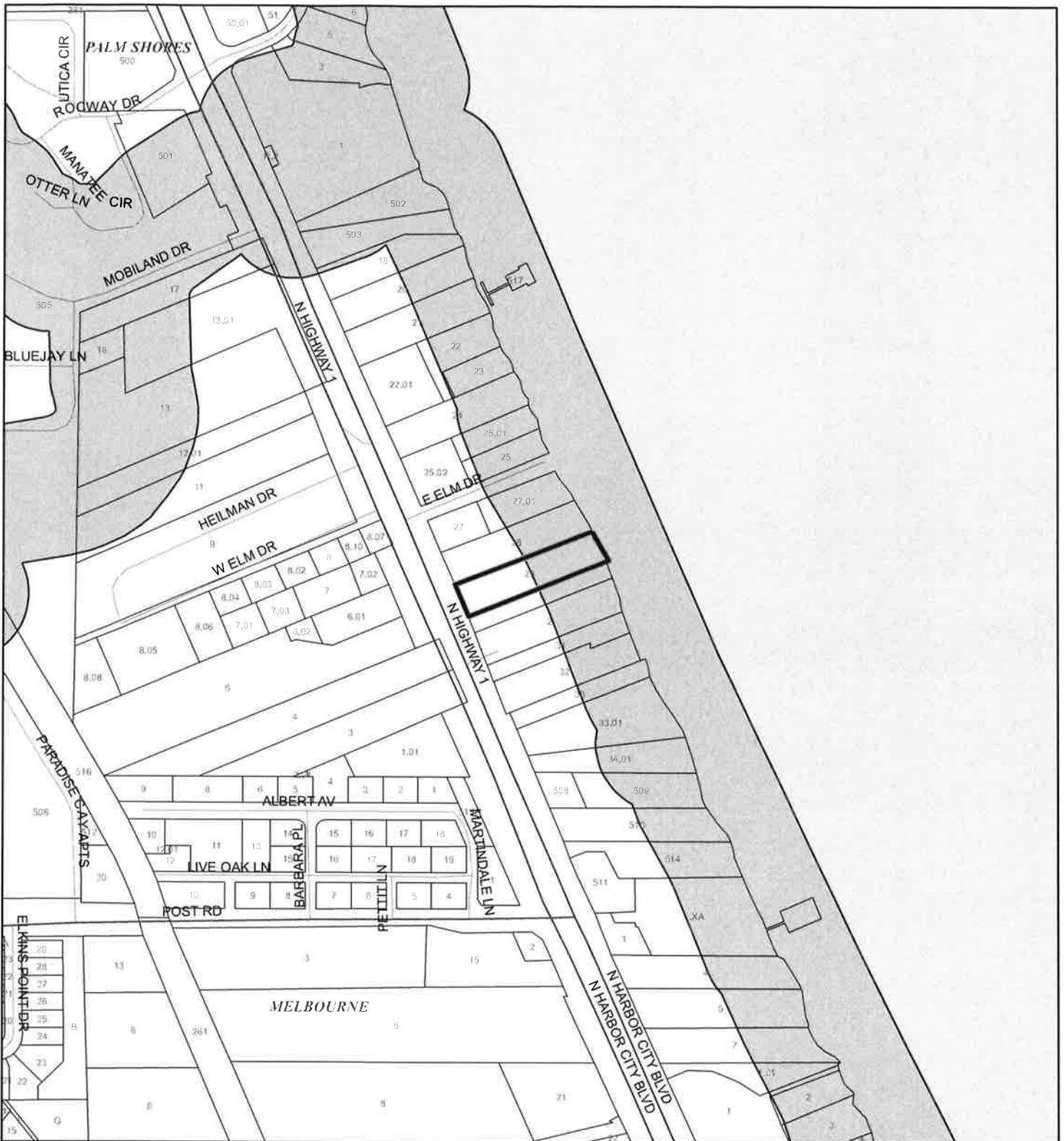
 SurgeZoneCat1



# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

HALEY, JOHN

20Z00025



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/18/2020

 Subject Property

 Parcels

## Septic Overlay

 40 Meters

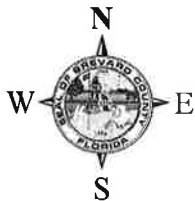
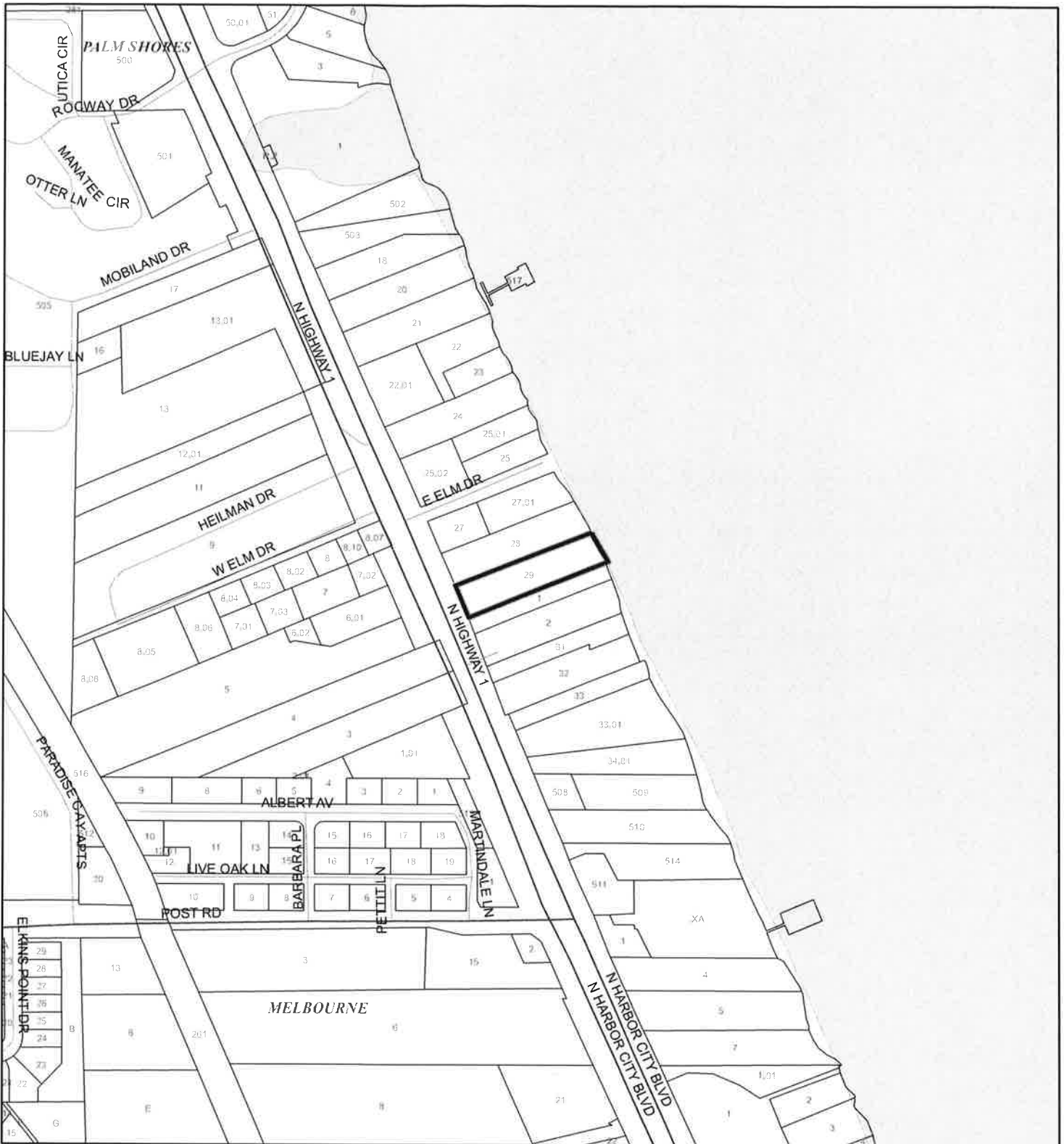
 60 Meters

 All Distances

# EAGLE NESTS MAP

HALEY, JOHN

20Z00025




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/18/2020

 Subject Property

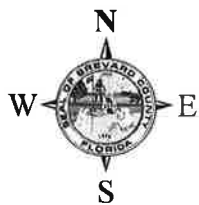
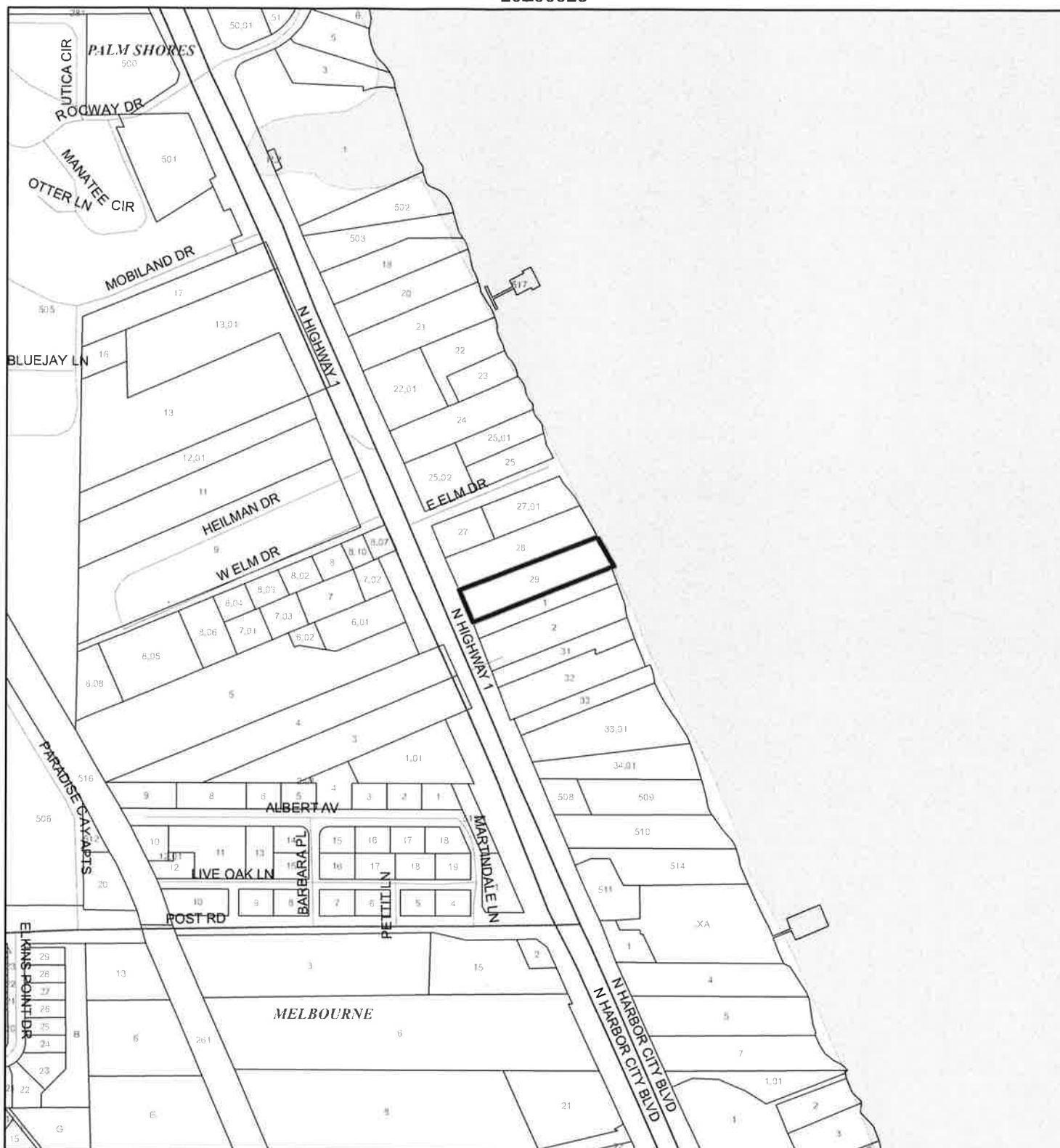
 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

HALEY, JOHN



20Z00025



1:4,800      or 1 inch = 400 feet

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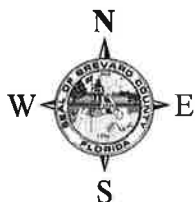
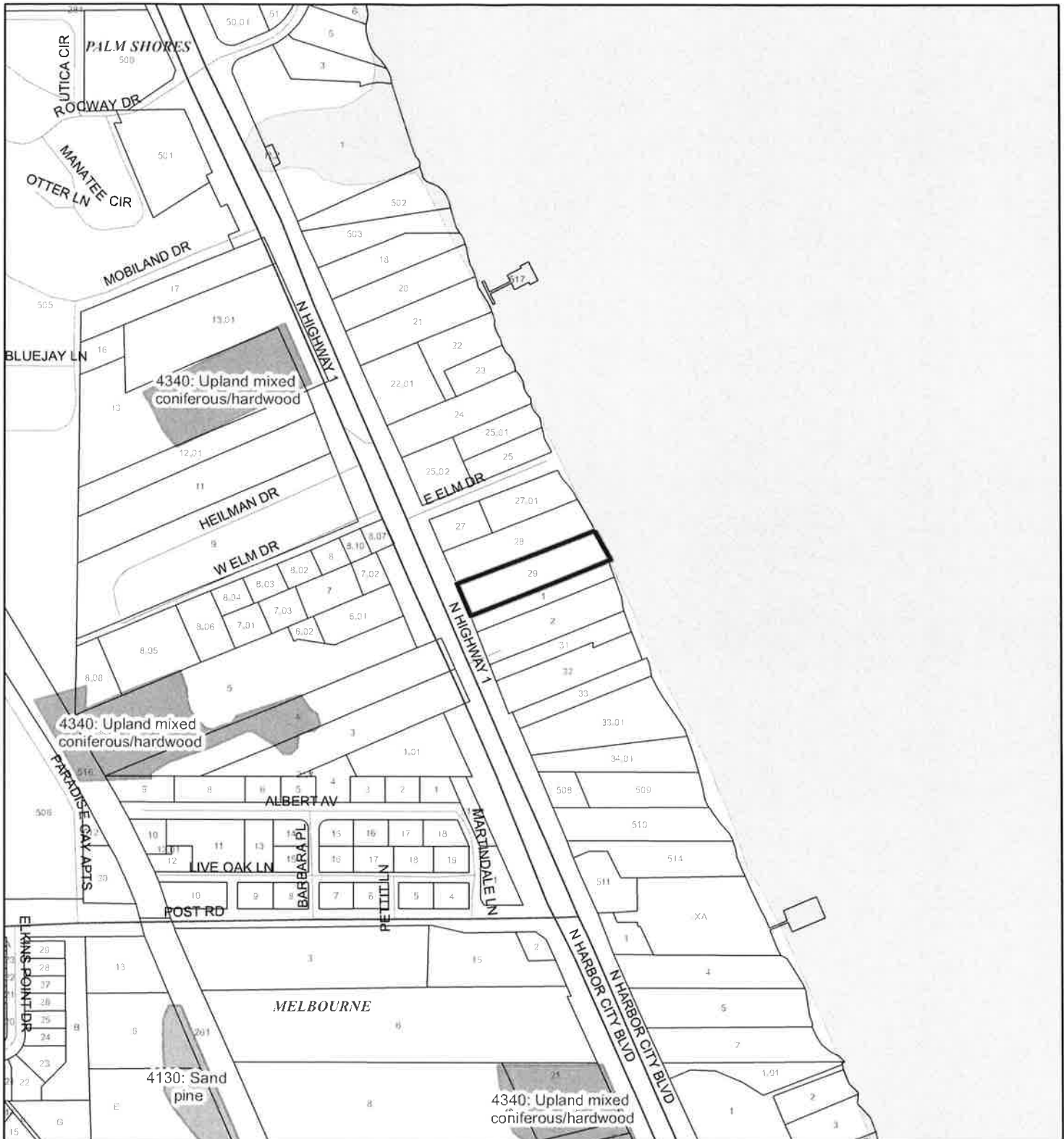
Produced by BoCC - GIS    Date: 8/18/2020

-  Subject Property  
 Parcels  
 Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

HALEY, JOHN

20Z00025





1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 8/18/2020

## 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

In Favor  
202 00025  
Haley

Thomas Trythall, Jr.  
1605 E. Elm Drive  
Melbourne, FL 32935

Brevard County Planning and Development  
Attention: Jennifer Jones  
2725 Judge Fran Jamieson Way, Ste 114  
Viera, FL 32940

Dear Ms. Jones:

I have been advised that our neighbor, John Haley, has purchased the property located at 4147 N Highway Way, Melbourne, FL 32935, and would like to rezone it to RU-1-7.

I understand that this zoning will allow him to divide the property into two lots the same or similar to his lot located at 1621 Bottle Palm Way. I have reviewed his plan and support his rezoning application.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

10-20-2020



# LEGEND

(AKA)	= ALSO KNOWN AS
C	= CENTERLINE
C.B.	= CONCRETE BLOCK
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.L.F.	= CHAIN LINK FENCE
CLR.	= CLEAR
C.M.	= CONCRETE MONUMENT
CONC.	= CONCRETE
COR.	= CORNER
COVD	= COVERED
D	= DELTA
FD	= FOUND
ID	= IDENTIFICATION
I.P.	= IRON PIPE
I.R.	= IRON ROD
L	= LENGTH
LB	= LICENSE BUSINESS
LS	= LICENSE SURVEYOR
(M)	= MEASURED
N&D	= NAIL & DISK
(P)	= PLATTED
PC	= POINT OF CURVATURE
PT	= POINT OF TANGENCY
PL	= PROPERTY LINE
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
PRC	= POINT OF REVERSE CURVE
P.U.&D.	= PUBLIC UTILITY & DRAINAGE
R	= RADIUS
R/W	= RIGHT-OF-WAY
(TYP.)	= TYPICAL
W.F	= WOOD FENCE

# LEGAL

LOT 29, UNRECORDED PLAT KNOWN AS INDIAN RIVER ESTATES, NORTH EAU GALLIE, FLORIDA, MORE PARTICULARLY DESCRIBED AS PART OF GOVERNMENT LOT 4, AS DESCRIBED IN DEED BOOK 414, PAGE 77, OF PUBLIC RECORDS-OF BREVARD COUNTY, FLORIDA, SECTION 32, TOWNSHIP 26 SOUTH, RANGE 37 EAST; BEGIN AT POINT ON EAST SIDE OF U.S. HIGHWAY #1, 1960 FEET NORTH OF SOUTH LINE OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 37 EAST AND 608.52 FEET, MORE OR LESS, EAST OF WEST LINE OF U.S. LOT #3; THENCE SOUTH 22 DEGREES 51 MINUTES EAST ON EAST SIDE OF U.S. HIGHWAY #1 A DISTANCE OF 1100 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 9 MINUTES EAST PERPENDICULAR TO U.S. HIGHWAY #1 TO THE WATERS OF THE INDIAN RIVER; THENCE SOUTHEAST ALONG THE WATER LINE OF THE INDIAN RIVER TO A POINT 100 FEET SOUTHEAST FROM POINT TO BEGINNING AND AT RIGHT ANGLES TO THE EAST SIDE OF U.S. HIGHWAY #1; THENCE SOUTH 67 DEGREES 9 MINUTES WEST PERPENDICULAR TO EAST SIDE OF U.S. HIGHWAY #1; THENCE NORTH 22 DEGREES 51 MINUTES WEST ON THE EAST SIDE OF U.S. HIGHWAY #1, A DISTANCE 100 FEET TO THE POINT OF BEGINNING.

In Favor  
20200025  
Haley

Beth Carson  
4165 N. Highway 1  
Melbourne, FL 32935

Brevard County Planning and Development  
Attention: Jennifer Jones  
2725 Judge Fran Jamieson Way, Ste 114  
Viera, FL 32940

Dear Ms. Jones:

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I understand that this zoning will allow him to divide the property into two lots the same or similar to his lot located at 1621 Bottle Palm Way. I have reviewed his plan and support his rezoning application.

Signed:



Date:

20 October, 2020



127

## LEGEND

(AKA)	= ALSO KNOWN AS
C	= CENTERLINE
C.B.	= CONCRETE BLOCK
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.L.F.	= CHAIN LINK FENCE
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P.U.&D.	= PUBLIC UTILITY & DRAINAGE
R	= RADIUS
R/W	= RIGHT-OF-WAY
(TYP.)	= TYPICAL
W.F	= WOOD FENCE

## LEGAL

LOT 29, UNRECORDED PLAT KNOWN AS INDIAN RIVER ESTATES, NORTH EAU GALLIE, FLORIDA, MORE PARTICULARLY DESCRIBED AS PART OF GOVERNMENT LOT 4, AS DESCRIBED IN DEED BOOK 414, PAGE 77, OF PUBLIC RECORDS-OF BREVARD COUNTY, FLORIDA, SECTION 32, TOWNSHIP 26 SOUTH, RANGE 37 EAST; BEGIN AT POINT ON EAST SIDE OF U.S. HIGHWAY #1, 1960 FEET NORTH OF SOUTH LINE OF SECTION 32, TOWNSHIP 26 SOUTH, RANGE 37 EAST AND 608.52 FEET, MORE OR LESS, EAST OF WEST LINE OF U.S. LOT #3; THENCE SOUTH 22 DEGREES 51 MINUTES EAST ON EAST SIDE OF U.S. HIGHWAY #1 A DISTANCE OF 1100 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 9 MINUTES EAST PERPENDICULAR TO U.S. HIGHWAY #1 TO THE WATERS OF THE INDIAN RIVER; THENCE SOUTHEAST ALONG THE WATER LINE OF THE INDIAN RIVER TO A POINT 100 FEET SOUTHEAST FROM POINT TO BEGINNING AND AT RIGHT ANGLES TO THE EAST SIDE OF U.S. HIGHWAY #1; THENCE SOUTH 67 DEGREES 9 MINUTES WEST PERPENDICULAR TO EAST SIDE OF U.S. HIGHWAY #1; THENCE NORTH 22 DEGREES 51 MINUTES WEST ON THE EAST SIDE OF U.S. HIGHWAY #1, A DISTANCE 100 FEET TO THE POINT OF BEGINNING.

In Favor  
20200025  
Haley

William & Kelly Neeley  
1611 Bottle Palm Way  
Melbourne, FL 32935

Brevard County Planning and Development  
Attention: Jennifer Jones  
2725 Judge Fran Jamieson Way, Ste 114  
Viera, FL 32940

Dear Ms. Jones:

I have been advised that our neighbor, John Haley, has purchased the property located at 4147 N Highway Way, Melbourne, FL 32935, and would like to rezone it to RU-1-7.

I understand that this zoning will allow him to divide the property into two lots the same or similar to his lot located at 1621 Bottle Palm Way. I have reviewed his plan and support his rezoning application.

Signed: \_\_\_\_\_

William Neeley

Date: \_\_\_\_\_

10/20/2020

Signed: \_\_\_\_\_

Kelly Neeley

Date: \_\_\_\_\_

10/20/2020



## LEGEND

(AKA)	= ALSO KNOWN AS
C	= CENTERLINE
C.B.	= CONCRETE BLOCK
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.L.F.	= CHAIN LINK FENCE
CLR	= CLEAR
C.M.	= CONCRETE MONUMENT
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In Favor  
20200025  
Haley

John Haley  
1621 Bottle Palm Way  
Melbourne, FL 32935

Brevard County Planning and Development  
Attention: Jennifer Jones  
2725 Judge Fran Jamieson Way, Ste 114  
Viera, FL 32940

Dear Ms. Jones:

While I am the applicant, I am also the next door neighbor and I am simply writing this letter to confirm the proposal to rezone the property located at 4147 N Highway Way, Melbourne, FL 32935 to RU-1-7.

I understand that this zoning will allow me to divide the property into two lots the same or similar to my lot located at 1621 Bottle Palm Way. I have reviewed the plan and support the rezoning application.

Signed: \_\_\_\_\_

John Haley

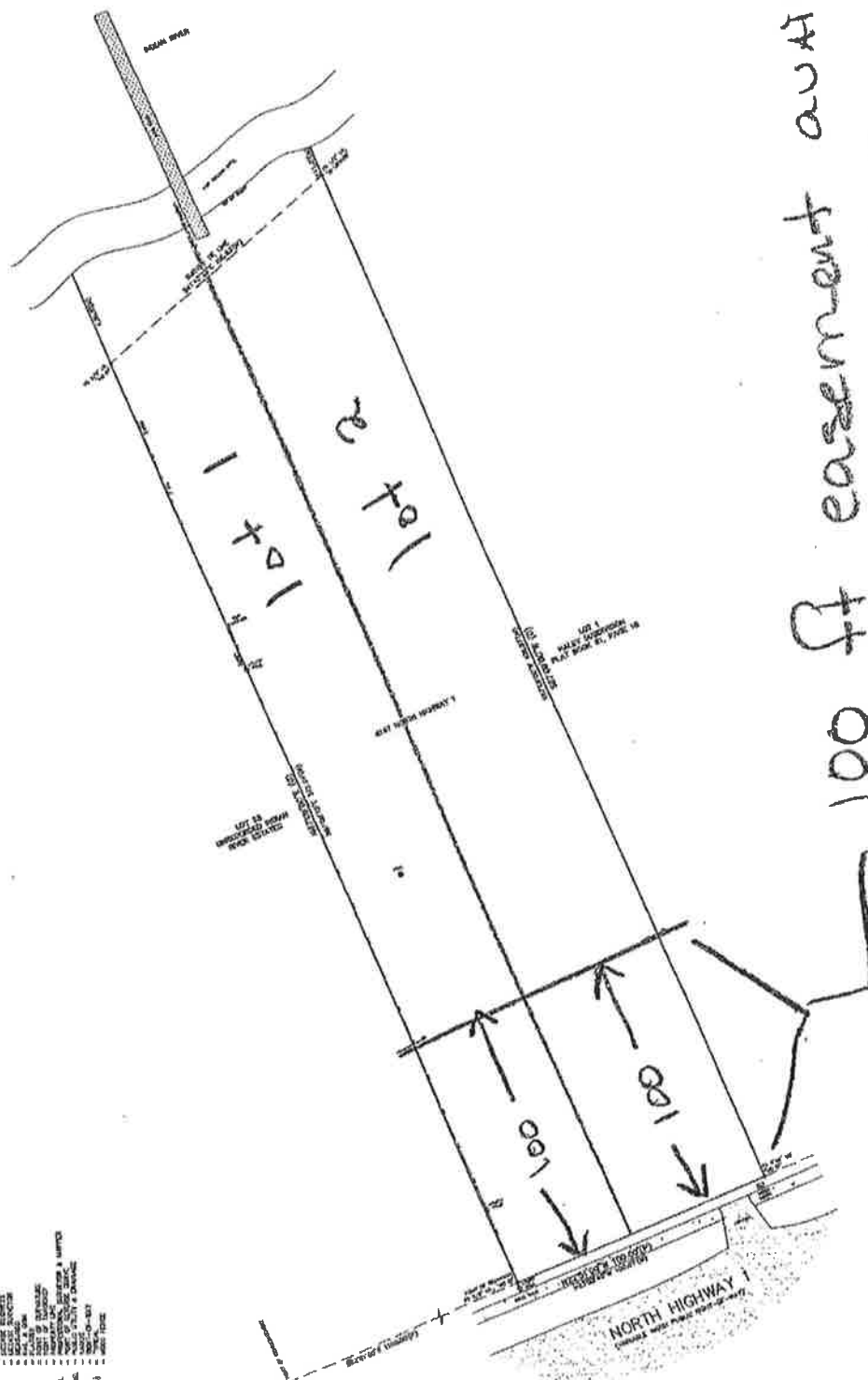
Date: \_\_\_\_\_

10-21-2020

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Wagon Barber

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NOTES

PROPERTY SOLUTIONS LTD  
THE ASSURANCE COMPANY

## BOUNDARY SURVEY

SCALE:	1" = 200'
DATE:	01/20/2020
PROJECT:	30-1137
F.B. NUMBER:	
TYPE OF SURVEY:	BOUNDARY SURVEY
CRONO. P.L.:	30-1137-006

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In Favor  
20200025  
Haley

Kenneth Jagdmann  
4117 N. Highway 1  
Melbourne, FL 32935

Brevard County Planning and Development  
Attention: Jennifer Jones  
2725 Judge Fran Jamieson Way, Ste 114  
Viera, FL 32940

Dear Ms. Jones:

I have been advised that our neighbor, John Haley, has purchased the property located at 4147 N Highway Way, Melbourne, FL 32935, and would like to rezone it to RU-1-7.

I understand that this zoning will allow him to divide the property into two lots the same or similar to his lot located at 1621 Bottle Palm Way. I have reviewed his plan and support his rezoning application.

Signed:



Date:

11/03/2020

In Favor  
20200025  
Haley

Neighbors of 4147 N. Highway 1

I have reviewed John Haley's plan for rezoning and support John's rezoning application.

1. Beth Carson  
4165 N Highway 1  
Melbourne, FL 32935

Signed: Beth Carson Date: 10-20-2020  
Beth Carson

2. Thomas Trythall, Jr.  
1605 E Elm Drive  
Melbourne, FL 32935

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas Trythall, Jr.

3. Richard & Karin Richmond  
1615 E. Elm Drive  
Melbourne, FL 32935

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Richard Richmond

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Karin Richmond

3. John Haley  
1621 Bottle Palm Way  
Melbourne, FL 32935

Signed: John Haley Date: 10-20-2020  
John Haley

4. William & Kelly Neeley  
1611 Bottle Palm Way  
Melbourne, FL 32935

Signed: William Neeley Date: 10/20/2020  
William Neeley

Signed: Kelly Neeley Date: 10/20/2020  
Kelly Neeley

5. Kenneth Jagdmann  
4117 N Highway 1  
Melbourne, FL 32935

Signed: Kenneth Jagdmann Date: 11/03/2020  
Kenneth Jagdmann

20200025

Owner's Name: John D. Haley  
Hearing Date: October 3, 2020  
Nov. 09, 2020

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF BREVARD

Before me, this undersigned authority, personally appeared, John Haley,  
to me well known and known to me to be the person described in and who executed the foregoing  
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the Brevard County Planning & Zoning Office, which contains the time(s) and date(s) of the Public Hearing(s) involved.
2. Said posted notice contains the name of the applicant, the total acreage of the property in question, the existing land use classification, special use classification or conditional use designation, and the requested amendment to the official zoning maps. Said notice also contains the time and place of the public hearing on the consideration of said application by the Board of County Commissioners of Brevard County, if applicable.
3. The said notice has been posted in a conspicuous place on the subject property not more than twenty-five (25) days, nor less than fifteen (15) days prior to the first public hearing before the applicable board (as indicated on notice). If the property abuts a public road right-of-way, the notice has been posted within ten (10) feet of the road right-of-way in such a manner as to be visible from the road right-of-way.
4. The affiant understands that this affidavit is intended to be submitted as a requirement for a public hearing, and as such, will be officially filed with the Government of Brevard County, Florida.

X [Signature]  
[Signature]  
Signature

Sworn and Subscribed before me, this 21<sup>st</sup> day of October, 2020.



MARY P. MANISCALCO  
MY COMMISSION # GG 226867  
EXPIRES: June 11, 2022  
Bonded Thru Notary Public Underwriters

(Print, Type, or Stamp Commissioned Name of Notary Public)

[Signature]  
Notary Public, State of Florida

Personally known OR Produced Identification

Type of I.D. Produced: \_\_\_\_\_

**THIS AFFIDAVIT IS TO BE PRESENTED AT THE PUBLIC HEARING**

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 9, 2020, 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: Ron Bartcher; Harry Carswell; Ben Glover; Mark Wadsworth, Chair; Ron McLellan; Joe Buchanan; and Peter Filiberto.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Abigail Jorandby, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **John Haley**

A change of zoning classification from RU-1-9 (Single-Family Residential) to RU-1-7 (Single-Family Residential). The property is 0.99 acres, located on the east side of N. U.S. 1, approx. 200 ft. south of E. Elm St. (4147 N. U.S. 1, Melbourne) (20Z00025) (Tax Account 2611673) (District 4)

John Haley, 1621 Bottle Palm Way, Melbourne, stated he lives immediately adjacent to the subject property to the south. He said he spoke to his neighbors about his project and they have no objections. He stated there used to be two residential structures and a garage on the property, and they have all been removed. He said he had concerns about the previous septic tank and has since had it removed and will replace it with the newer advanced septic system. He noted that his adjacent property was approved for oyster restoration and he imagines the subject property will be brought in as well, which will benefit the Indian River. He said the lot he lives on to the south is a 50-foot wide lot, which is what he is proposing for the subject property, two 50-foot wide lots for two houses.

No public comment.

Motion by Peter Filiberto, seconded by Ron McLellan, to approve the change of zoning classification from RU-1-9 to RU-1-7. The motion passed unanimously.