



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

12/3/2020

Subject:

Reid B. Hart and Gail Skinner-Hart request a change of zoning classification from GU to RR-1. (20Z00027) (Tax Accounts 2402986 and 2402987) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

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

Summary Explanation and Background:

The applicants are requesting to change the zoning classification from GU to RR-1 on two parcels for the purpose of combining the parcels together to build a barn and have horses on the property. The two lots are located on the north side of Simpson Place, approximately 760 feet west of Jake Avenue, in the Canaveral Groves area. Lot 10 is developed with a 1,991 square-foot single-family residence with residential amenities; Lot 9 is vacant land.

When these lots were recorded, GU required a minimum lot width and depth of 150 feet and a minimum lot size of one acre. These two lots have a lot width of 147 feet each, and although they were recorded in Survey 2, Page 61, they did not meet the GU zoning 150-foot minimum lot width required to be nonconforming lots of record. The lots, individually, do meet the proposed RR-1 zoning minimum 125 feet of lot width and depth, and the minimum one-acre lot size requirements. The proposed RR-1 zoning would legitimize the lots for lot size requirements.

The proposed RR-1 classification permits single-family residential land uses on minimum one-acre lots, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. The keeping of horses and agricultural pursuits are accessory to a principal residence within RR-1 pursuant to the following limitations: Horses, not to exceed four per acre, are permitted for personal, noncommercial use of the property owner, provided there is a minimum of 10,000 square feet of land for each animal; agricultural pursuits shall be limited to the keeping of horses and activities of a horticultural nature.

The parcel abuts GU zoning along its northern, eastern, southern and western boundaries.

The Board may wish to consider whether this request for RR-1 zoning is consistent and compatible with the surrounding neighborhood which has AU and GU 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 20Z00027

On motion by Commissioner Lober, seconded by Commissioner Zonka, the following resolution was adopted by a unanimous vote:

WHEREAS, Reid B. Hart and Gail A. Skinner-Hart have requested a change of zoning classification from GU (General Use) to RR-1 (Rural Residential), on property described as Lot 9, Block 2, Canaveral Groves Subdivision, as recorded in Survey Book 2, Page 61, of the Public Records of Brevard County, Florida; and Lot 10, Block 2, Canaveral Groves Subdivision, as recorded in ORB 5317, Page 810, of the Public Records of Brevard County, Florida. **Section 08, Township 24, Range 35.** (2.02 acres) Located on the north side of Simpson Place, approx. 760 ft. west of Jake Ave. (Lot 9 = No assigned address. In the Cocoa area. Lot 10 = 5530 Simpson Place, Cocoa); 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 GU to RR-1 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 # 20Z00027

Existing FLU: Res 1 Existing Zoning: General Use (GU)

Proposed FLU: Res 1 Proposed Zoning: RR-1

PROPERTY OWNER INFORMATION

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

Gail A. Skinner & Reid B Hart N/A
Name(s) Company
5530 Simpson Place Cocoa FL 32926
Street City State Zip Code
idesign4u@cfl.rr.com N/A 321-544-0051
Email Phone Cell

APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

☐ Attorney ☐ Agent ☐ Contract Purchaser ☒ Other N/A

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: 2.1 acres

Reason for Request:

Requesting that the following residential properties be rezoned from GU to AU Lite: AU(L)

- 5530 Simpson Place (fenced property and home)
- 5540 Simpson Place (fenced vacant property)

These properties are adjacent to one another and are used for personal residential purposes only, including housing and grazing personally-owned horses.
No commercial use intended.

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.

Gail A. Skinner

Gail A. Skinner-Hart

Signature of Property Owner or
Authorized Representative

8/19/2020
Date

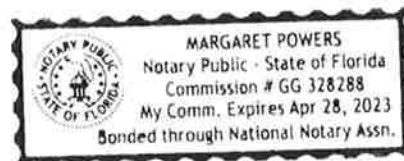
State of Florida

County of Brevard

Subscribed and sworn to me before me this 19th day of, August, 2020,
personally appeared Gail Skinner-Hart, who is personally known to me or
produced FDL S566281595450 as identification, and who did / did not take an oath.

Margaret Powers
Notary Public Signature

Seal



Office Use Only:

Accela No. 20200027 Fee: \$588.00 Date Filed: 8-19-2020 District No. 1

Tax Account No. (list all that apply) 2402987 + 2402986

Parcel I.D. No.

Twp	Rng	Sec	Sub	Block	Lot/Parcel
<u>24</u> <u>24</u>	<u>35</u> <u>35</u>	<u>08</u> <u>08</u>	<u>01</u> <u>10</u>	<u>2</u> <u>2</u>	<u>10</u> <u>9</u>

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

MEETINGS

DATE

TIME

<input checked="" type="checkbox"/> P&Z	<u>November 7, 2020</u>	<u>3:00pm</u>
<input type="checkbox"/> PSJ Board	_____	_____
<input type="checkbox"/> NMI Board	_____	_____
<input type="checkbox"/> LPA	_____	_____
<input type="checkbox"/> BOA	_____	_____
<input checked="" type="checkbox"/> BCC	<u>December 3, 2020</u>	_____

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: North side of Simpson Place,
760 feet west of Jake Ave

Description of Request: Rezone from G4 to RR-1

ACCELA # 20200027

DOCUMENT SUBMITTAL REQUIREMENTS

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

¹If 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.

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

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

⁴Wetland Survey required on Commercial or Industrial property.

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

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

⁷Administrative 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.

⁸Survey must be submitted if requested by staff.

⁹Variance 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
REZONING				
Environmental Area	511.00			
Residential Professional	960.00			
General Use and Agricultural Use	849.00*	(-5) x 24**		<u>7288.00</u>
Single-Family Residential	849.00*	(-5) x 24**		
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		
CUP'S OR ROU APPLICATIONS				
Fee per request (with rezoning)	447.00			
Fee per request (without rezoning)	849.00			
OTHER APPLICATION FEES				
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				
COMPREHENSIVE PLAN AMENDMENTS				
Small Scale Amendment	919.00			
Large Scale Amendment	1,785.00	\$43 per acre		
Maximum Fee on a Single Application	17,334.00			
FEES COLLECTED FOR ADMINISTRATIVE ACTIONS				SUB-TOTAL *******
Office of Natural Resources zoning review (if applicable)	300.00			<u>288.00</u>
flag lot &/or easement review	360.00			<u>300.00</u>
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			
BASE FEE ADJUSTMENTS				
* 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			
TOTAL				<u>588.00</u>

RECEIPT OF PAYMENT

Payment Date: 8/19/2020

Receipt #: 576489

Transaction Id# 79936974

Payment Method	Payment Reference #	Amount Paid	Comments
Credit Card	79936974	\$588.00	
		\$588.00	Total

FL

Zoning Rezoning \$588.00

20Z00027

Fee	Invoice #	Amount
NRMO	677507	\$300.00
Zoning/Variance	677507	\$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

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

Zoning Information Worksheet

Owner(s): Gail A. Hart & Reid B. Hart
(Does this match the warranty deed?)

Applicant(s): Gail A. Hart
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 24-35-08-01-2-9 & 24-35-08-01-2-10
(If more than one parcel, they must share a property line to be on the same application.)

Present Zoning: GU

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 RR-1

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:

Original zoning

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

Non-Conforming to: Lot size does not meet GU Lot width when subdivided in Survey Book 2, Page 61. Lot is inadequate in size

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

undersize for GU, Does not meet the Lot width for GU Subdivided in Survey Book 2, Page 61

What is the FLU Designation of the property?: Res1

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

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

Action #, Date of action and State what changed?

Z# 16 PZ 00079, 18 PZ 00145, 19 PZ 00132

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

Abutting property zoning: N GU S GU E GU W GU

JPA/Special Board/Special Section? Yes/No (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: Wants to Build Barn and Have Horses

- If proposing single-family or multi-family how many units? 1
- 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? Single Family Home on ID: 240287
ID: 2402986 vacant lot west of House parcel

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

Area is RES 1 - with GU & AU zoning

Concerns raised as part of request: Canaveral Grove Lots in Survey Book 2 page 61 do not meet the GU Lot width to be nonconforming lots of record.

Other options discussed with applicant: Rezoning to AU(L) and get variance to lot size

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

8-19-2020
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:

idesign4u@cf.lrr.com () or U.S. Mail _____
e-mail address fax number

I have received a copy of this notice:

Gail A. Skinner-Hart
(APPLICANT SIGNATURE)

Yes/No
Yes

Prepared by:

Thomas F. Minot

Minot Title Service, Inc.

550 S. Cocoa Blvd.

Cocoa, Florida 32922

File Number: 16-11709

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

Gail A. Skinner-Hart
SIGNATURE

General Warranty Deed

Made August 9, 2016. By David E. Murray, hereinafter called the grantor, to Reid B. Hart and Gail A. Skinner-Hart, husband and wife, whose post office address is 5530 Simpson Place, Cocoa, Florida 32926, hereinafter called the grantee:

(Whenever used herein the term "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 Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in County, Florida, viz:

The West 147.0 feet of the East 1423 feet of the North one eighth of the Northeast 1/4 of Section 8, Township 24, Range 35 East, less the south 30 feet for road; lying and being in Brevard County, Florida; together with 1/2 of adjacent roads as described in O.R. Book 1646, page 130, Brevard County, Florida A/K/A Lot 9, Block 2, CANAVERAL GROVES SUBDIVISION, as recorded in Survey Book 2, page 61.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

Parcel ID Number: 24-35-08-01-2-9

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, [user input prior year].

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

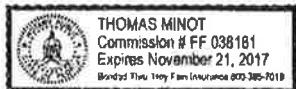
Signed, sealed and delivered in our presence:

Witness Printed Name: Thomas Minot

Witness Printed Name: Alfred Jenkins

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me August 9, 2016, by David E. Murray, who has produced Florida Drivers License as identification.



Notary Public
Print Name: Thomas Minot

My Commission Expires:

Prepared by and Return To:
B. Glaze-Hester
Nations Title Agency of Florida
340 South Beach Street
Daytona Beach, Florida 32114

CFN:2004184125 06-11-2004 02:28 pm
OR Book/Page: 5317 / 8810

FILE #: **Q5400**

Scott Ellis

Clerk Of Courts, Brevard County
#Pgs: 1 #Names: 2
Trust: 1.00 Rec: 9.00 Serv: 0.00
Deed: 0.70 Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

Pursuant to the Issuance of Title Insurance

Property Appraiser's Parcel
ID #:24-35-08-01-0002.0-0010.00

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, is executed this **3rd** day of **JUNE** by **GAIL A. SKINNER** hereinafter referred to as "GRANTOR", whose address is 5530 Simpson Place Cocoa, Florida 32926 to **GAIL A. SKINNER, AN SINGLE WOMAN**, hereinafter referred to as "GRANTEE", whose address is 5530 Simpson Place Cocoa, Florida 32926

WITNESSETH, that the GRANTOR, for and in consideration of the sum of \$10.00 in hand paid by the said GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the GRANTEE, all right, title, interest, and claim which the GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of **BREVARD**, State of Florida, to wit:

THE WEST 147.00 FEET OF THE EAST 1.276 FEET OF THE NORTH 1/8 OF THE NORTHEAST 1/4 LESS THE SOUTH 30 FEET THEREOF, SECTION 8, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA (ALSO KNOWN AS TRACT 10, BLOCK 2 OF AN UNRECORDED SECTION 8)

TO HAVE AND HOLD the same, together with all and singular the appurtenances thereunto, of all interest, equity and claim whatsoever the GRANTOR may have, either in law or equity, for the proper use, benefit and behalf of the GRANTEE forever.

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

Signed, sealed and delivered in presence of:

Robin Roach
Witness Name: Robin Roach

Marie Grayson
Witness Name: Marie Grayson

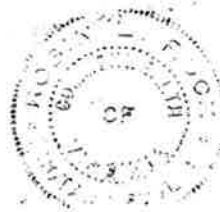
Gail A. Skinner
GAIL A. SKINNER
Address: 5530 Simpson Place
Cocoa, Florida 32926

State of Virginia
County of Fairfax) ss.

The foregoing instrument was acknowledged by me this 4th day of June 2004 who are personally known by me or who has have produced: Florida Drivers License as identification and who did not take an oath.

Robin Roach (SEAL)
Notary Public
State of Virginia
My Commission Expires: 3-31-08

THIS INSTRUMENT CONTAINS THE OFFICIAL
RECORD BOOK AND PAGE NUMBERS DESCRIBING
THE PARCELS TO BE ADVERTISED.
Gail A. Skinner-Hester
SIGNATURE





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

BOARD OF COUNTY COMMISSIONERS

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, Reid Hart being the ^{co-}owner of Parcel ID #: 24-35-08-01-24

Authorize Gail A Skinner-Hart to act on my behalf which may include, representing me in Public Hearings before Brevard County pertaining to the submittal of the attached application.

- ☐ Comprehensive Plan Amendment
☒ Rezoning
☐ Variance
☐ Administrative Action
☐ Development Plan

Reid Hart
Signature

Title

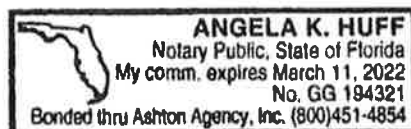
State of Florida

County of Brevard

The foregoing instrument was acknowledged before me this 24 day of Aug 20 20

By FLDL who is personally known to me or has produced H630-72215-221-0

As identification and who did (did not) take an oath.



AK Huff
Signature of Notary Public

GG 194331 / 3-11-2022
Commission Expires

Phone (321) 633-2070

Website: www.brevardcounty.us/PlanningDev/

[Home](#)

Rev 12/21/2017

P&Z Authorization to Act



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2402986
Owners Hart, Reid B; Skinner-Hart, Gail A
Mailing Address 5530 Simpson Pl Cocoa FL 32926
Site Address Not Assigned
Parcel ID 24-35-08-01-2-9
Property Use 0010 - Vacant Residential Land (Single Family, Platted)
Exemptions None
Taxing District 1400 - Unincorp District 1
Total Acres 1.01
Subdivision --
Site Code 0001 - No Other Code Appl.
Plat Book/Page 00-/-
Land Description Lot 9 Blk 2 & 1/2 Of Adj Rds Per Orb 1646 Pg 130

VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$29,000	\$29,000	\$29,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$29,000	\$29,000	\$29,000
Assessed Value School	\$29,000	\$29,000	\$29,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$29,000	\$29,000	\$29,000
Taxable Value School	\$29,000	\$29,000	\$29,000

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
08/09/2016	\$30,000	WD	Vacant	7684/0973
12/19/2006	--	WD	Vacant	5739/5856
01/11/2000	\$11,500	WD	Vacant	4112/0526
12/30/1995	\$3,000	WD	Vacant	3534/0126
11/01/1971	\$3,100	--	--	1209/0060

No Data Found



Brevard County Property Appraiser

Titusville • Viera • Melbourne • Palm Bay

PROPERTY DETAILS

Phone: (321) 264-6700

<https://www.bcpao.us>

Account 2402987
 Owners Skinner-Hart, Gail A
 Mailing Address 5530 Simpson Place Cocoa FL 32926
 Site Address 5530 Simpson Pl Cocoa FL 32926
 Parcel ID 24-35-08-01-2-10
 Property Use 0110 - Single Family Residence
 Exemptions HEX1 - Homestead First
 HEX2 - Homestead Additional
 Taxing District 1400 - Unincorp District 1
 Total Acres 1.01
 Subdivision --
 Site Code 0001 - No Other Code Appl.
 Plat Book/Page 00-/-
 Land Description Lot 10 Blk 2 & 1/2 Of Adj Rds Per Orb 1646 Pg 130



VALUE SUMMARY

Category	2020	2019	2018
Market Value	\$183,450	\$182,260	\$175,850
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$114,470	\$111,900	\$109,820
Assessed Value School	\$114,470	\$111,900	\$109,820
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$64,470	\$61,900	\$59,820
Taxable Value School	\$89,470	\$86,900	\$84,820

SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
06/04/2004	--	QC	Improved	5317/8810
09/27/2001	\$103,700	WD	Improved	4435/2759
05/29/2001	--	WD	Vacant	4350/0759
02/27/2001	\$11,500	WD	Vacant	4318/3726
01/11/2000	\$11,500	WD	Vacant	4174/3934
12/01/1995	\$2,500	04	Vacant	3527/3446
01/30/1991	\$6,000	WD	Vacant	3103/4571
04/04/1988	\$2,000	WD	--	2896/2798
02/01/1974	\$3,100	--	--	1415/1006

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 0110 - Single Family Residence

Materials

Exterior Wall:

Stucco

Frame:

Masnryconc

Roof:

Asph/Asb Shngl

Roof Structure:

Hip/Gable

Details

Year Built

Story Height

Floors

Residential Units

Commercial Units

2001

8

1

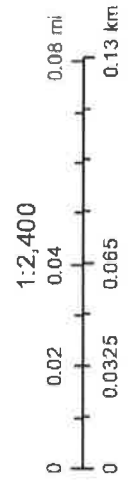
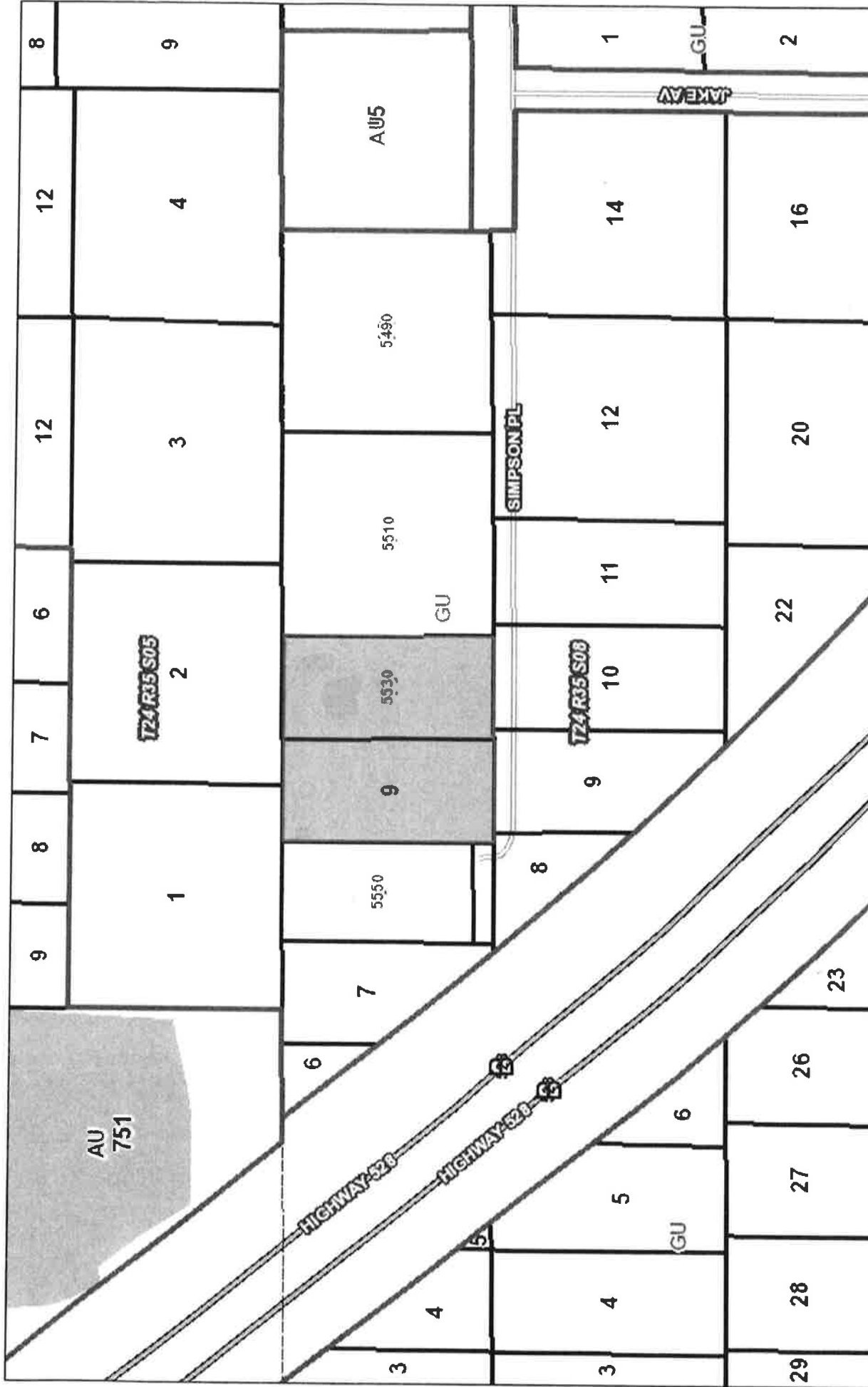
1

0

Sub-Areas

Extra Features

ArcGIS Web Map



☐ Zoning
 ☐ Section
 ☐ Address
 ☐ Street Label

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

20Z00027

Reid B. Hart and Gail A. Skinner-Hart GU (General Use) to RR-1 (Rural Residential)

Tax Account Number: 2402987 and 2402986
Parcel I.D.: 24-35-08-01-2-10 and 24-35-08-01-2-9
Location: North side of Simpson Place, approximately 760 feet west of Jake Avenue (District 1)
Acreage: 2.02 Total acres

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)

	CURRENT	PROPOSED
Zoning	GU	RR-1
Potential*	One Single Family Unit	Two Single Family Unit
Can be Considered under the Future Land Use Map	YES Residential 1	YES Residential 1

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

Background and Purpose of Request

The applicants request to change the zoning classification from GU (General Use) to RR-1 (Rural Residential) on two parcels for the purpose of combining the parcels together and building a barn and having horses on the property. The two lots, Lot 9 and Lot 10, Block 2, are located in the Canaveral Groves area. Lot 10 is developed with a 1,991 sq. ft. single-family residence and residential amenities. Lot 9 is vacant land. The two parcels include 1/2 of the adjacent Roads as recorded in Official Records Book 1646, Page 130 and are subject to section 62-510 West Canaveral Groves area. In GU zoning, Agricultural pursuits (barns and horses) are permitted with 5 acres or more of land.

The GU zoning is original to the parcels adopted May 22, 1958; no previous zoning actions have been applied for. The two lots are located in the Canaveral Groves area and are recorded in Survey Book 2, Page 61 on September 29, 1960. When these lots were recorded in the Survey Book, GU zoning required a minimum lot width and depth of 150 feet and a minimum lot size of one acre.

These two lots have a lot width of 147 feet each and although they were recorded in Survey 2, Page 61, they did not meet the GU zoning 150 feet minimum lot width required to be Nonconforming Lots of Record. The lots, individually, do meet the proposed RR-1 zoning minimum 125 feet lot width and depth and the RR-1 minimum one acre lot size requirements. The proposed RR-1 zoning would legitimize the lots for lot size requirements.

Land Use

The subject properties retain the RES 1 (Residential 1) Future Land Use designation. The existing GU zoning and the proposed RR-1 zoning are consistent with the RES 1 Future Land Use designation.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- NWI Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. If Bona Fide Agriculture classification is not established, then land clearing and accessory structures, including barns, are not permitted in wetlands. The applicant is encouraged to contact NRM at 321-633-2016.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Citrus Boulevard, between Pine Street and Lee Street, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 28.85% of capacity daily. The maximum development potential from the proposed rezoning does increase the percentage of MAV utilization by 0.06%. The corridor is anticipated to continue to operate at 28.91% 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 miles southeast of the subject property on the west side of Adams Road.

The parcel is serviced by City of Cocoa water.

Applicable Land Use Policies

FLUE Policy 1.9 –The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) unit per acre, except as otherwise may be provided for within this element. The Residential 1 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area. Lot 10 is currently developed with a single-family residence; Lot 9 is vacant land, both lots lies within the Residential 1 Future Land Use designation. The surrounding area has GU and AU (Agricultural Residential) zonings and lies within the Residential 1 Future Land Use designation. The existing GU, the proposed RR-1 and the AU zonings may be considered to be consistent with the Residential 1 Future Land Use designation.

Analysis of Administrative Policy #4 - Character of a neighborhood or area. The developed character of the surrounding area along Simpson Place is developed with single-family homes and undeveloped land on lots of one acre or more variously zoned GU and AU. The subject parcel and the surrounding area along Simpson Place have a Future Land Use (FLU) designation of RES 1, which may be considered to be consistent with the existing GU zoning and proposed RR-1 zoning.

The current GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet. Any agricultural use, pursuit or activity permitted in the agricultural zoning classifications (AU or AGR) may be considered as a conditional use for the GU zoning classification, provided that the applicant specifies the exact use in the request or application for the conditional use and meets all criteria for the use, if any, as set forth for the AU zoning classification. A conditional use permit is not required on GU parcels equal to or exceeding five acres.

The proposed RR-1 classification permits single-family residential land uses on minimum one acre lots, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. The keeping of horses and agricultural pursuits are accessory to a principal residence within the RR-1 (Rural Residential) zoning classification pursuant to the following limitations. Horses, not to exceed four per acre, are permitted for the personal, noncommercial use of the occupant of the property, provided there is a minimum of 10,000 square feet of land for each animal. Agricultural pursuits shall be limited to the keeping of horses and activities of a horticultural nature. No other farm animals or fowl shall be kept on the property except as provided in this chapter, and no produce shall be sold from the premises.

Surrounding Area

The parcel abuts GU zoning along its northern, eastern, southern and western boundaries. The abutting parcels to the north and south are undeveloped. The abutting parcel to the east is developed with a 2,231 sq. ft. single-family home and residential amenities. The abutting parcel to the west is developed with a 3,074 sq. ft. single-family home and residential amenities.

Although there is not any RR-1 zoning in the surrounding area, the RR-1 zoning does allow agricultural pursuits limited to the keeping of horses and activities of a horticultural nature which are permitted uses in AU. These uses are also permitted in GU if the parcel is five acres in size or may be considered as a Conditional Use with a Conditional Use Permit (CUP) if the parcel is less than five acres in size.

There have been no zoning actions within a half-mile of the subject property within the last five years.

For Board Consideration

The Board may wish to consider whether this request for RR-1 zoning is consistent and compatible with the surrounding neighborhood which has AU and GU zoning and to recognize the Res 1 FLU designation.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item # 20Z00027

Applicant: Skinner/Hart

Zoning Request: GU to RR-1

Note: Applicant wants to build barn and have horses.

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

Tax ID Nos: 2402987 & 2402986

- 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:

- NWI Wetlands
- Hydric Soils
- Aquifer Recharge Soils
- Protected and Specimen Trees
- Protected Species

The subject parcel contains mapped National Wetlands Inventory (NWI) wetlands and hydric soils. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. A wetland determination/delineation will be required prior to any site plan design, land clearing activities, or building permit submittal. If Bona Fide Agriculture classification is not established, then land clearing and accessory structures, including barns, are not permitted in wetlands. The applicant is encouraged to contact NRM at 321-633-2016.

Land Use Comments:

Wetlands

The subject parcel contains mapped NWI (Freshwater forested shrub wetlands), and hydric soils (Anclothe sand – frequently flooded, Basinger sand, and Valkaria sand) as shown on the NWI Wetlands and USDA Soil Conservation Service Soils Survey maps, respectively. Both are indicators that wetlands may be present on the property. A wetland determination/delineation will be required prior to any land clearing activities, site plan design or permit submittal.

Section 62-3694 states that agricultural and forestry operations utilizing best management practices shall be permitted in wetlands provided they do not result in permanent degradation or destruction of

wetlands. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser Office establishes Bona Fide Agricultural land classification. If Bona Fide Agriculture classification is not established, then land clearing and accessory structures, including barns, are not permitted in wetlands.

Per Section 62-3694(c)(2), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy would render a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. Application of the one-unit-per-five-acres limitation shall limit impacts to wetlands for single family residential development on a cumulative basis, to not more than 1.8% of the total property as defined in Section 65-694(c)(6). Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696.

Aquifer Recharge Soils

Basinger and Valkaria sands may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Protected and Specimen Trees

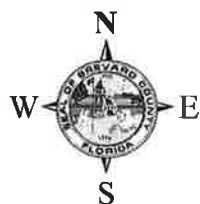
Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen 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. 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

REID B. HART AND GAIL A. SKINNER-HART
20Z00027



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

Buffer Distance: 500 feet

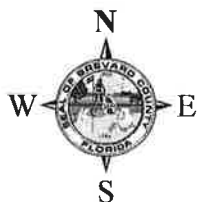
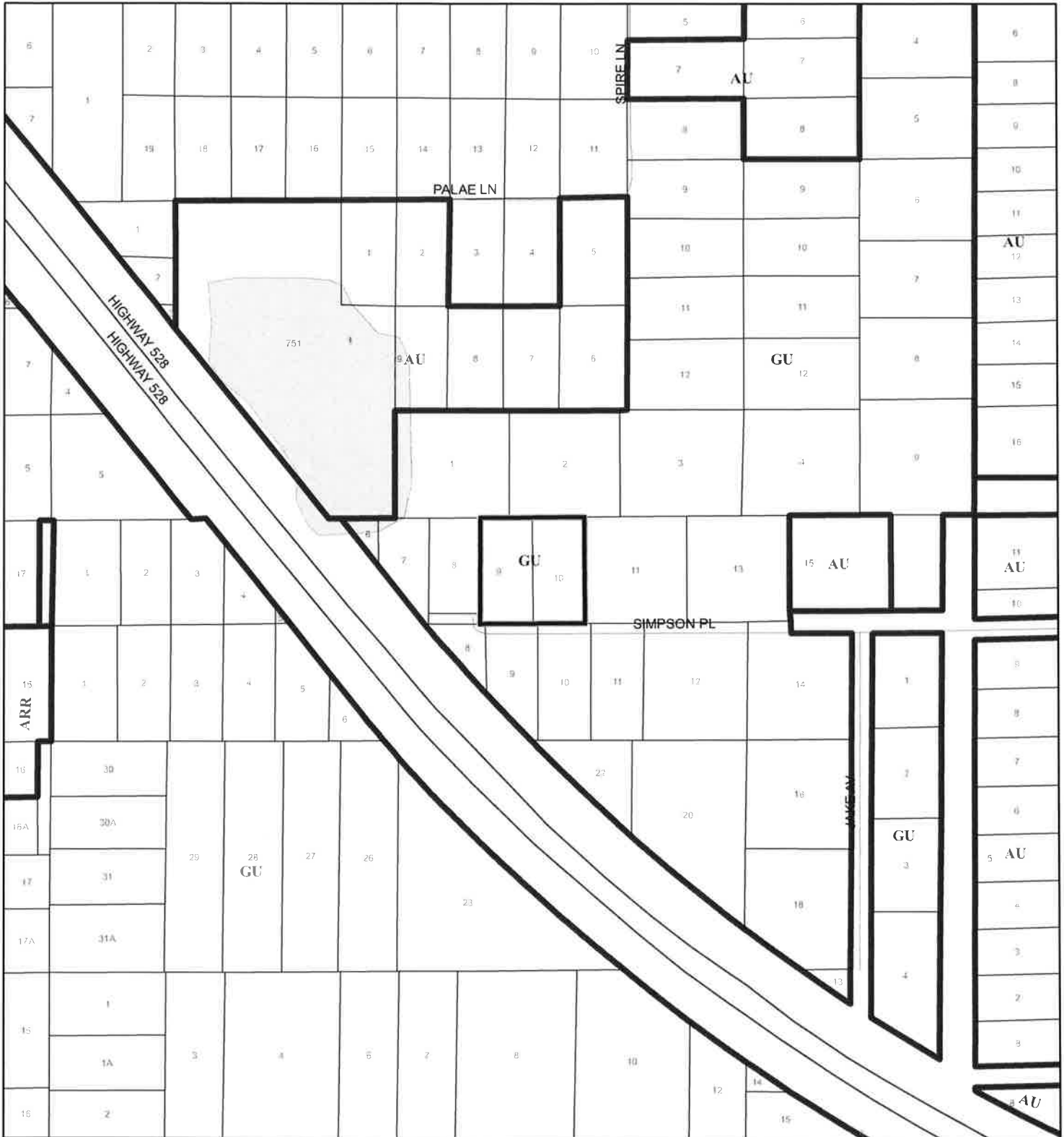
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/9/2020

— Buffer
■ Subject Property

ZONING MAP

REID B. HART AND GAIL A. SKINNER-HART
20Z00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/9/2020

Subject Property

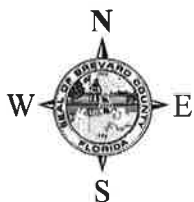
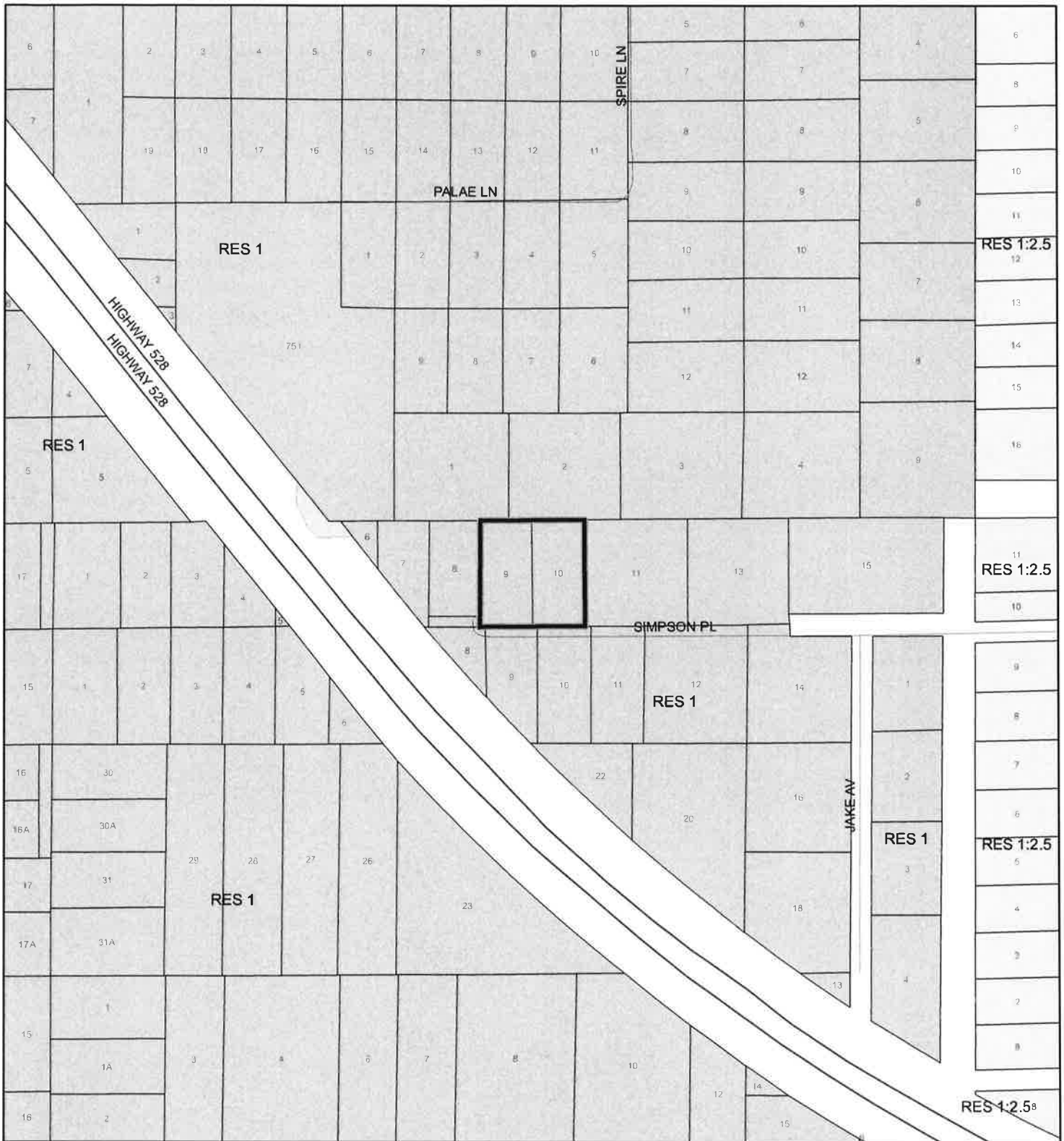
Parcels

Zoning

FUTURE LAND USE MAP

REID B. HART AND GAIL A. SKINNER-HART

20Z00027



1:4,800 or 1 inch = 400 feet

 Subject Property

 Parcels

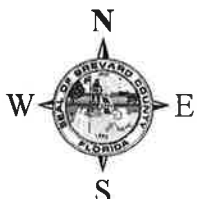
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/9/2020

AERIAL MAP

REID B. HART AND GAIL A. SKINNER-HART

20Z00027



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2020

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Produced by BoCC - GIS Date: 9/9/2020

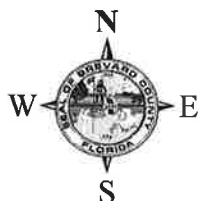
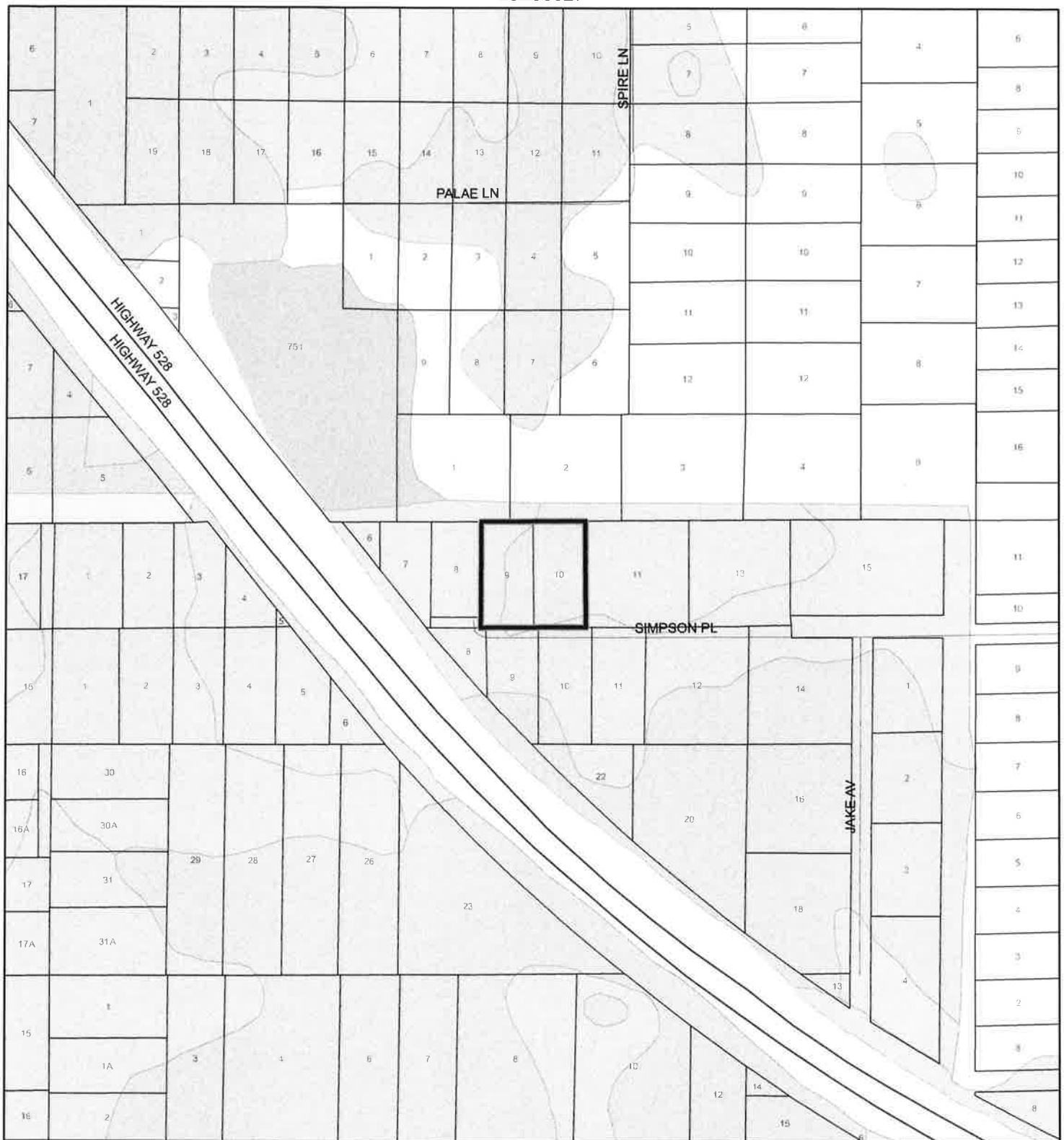
 Subject Property

 Parcels

NWI WETLANDS MAP

REID B. HART AND GAIL A. SKINNER-HART

20Z00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/9/2020

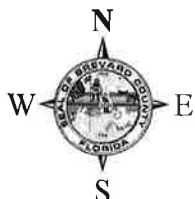
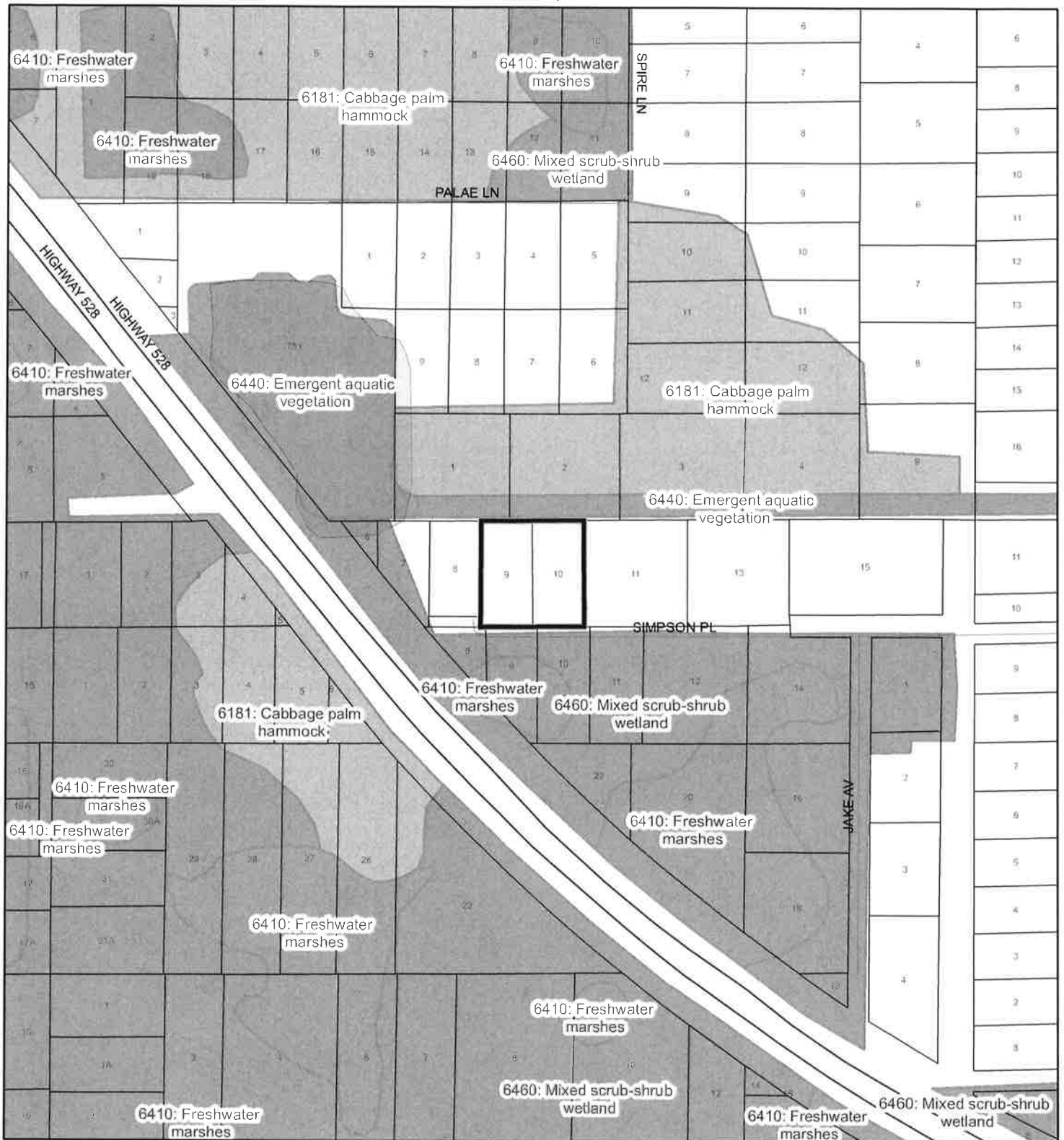
National Wetlands Inventory (NWI)

	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

REID B. HART AND GAIL A. SKINNER-HART

20Z00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/9/2020

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

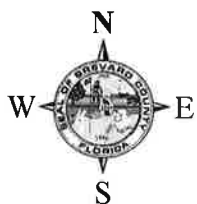
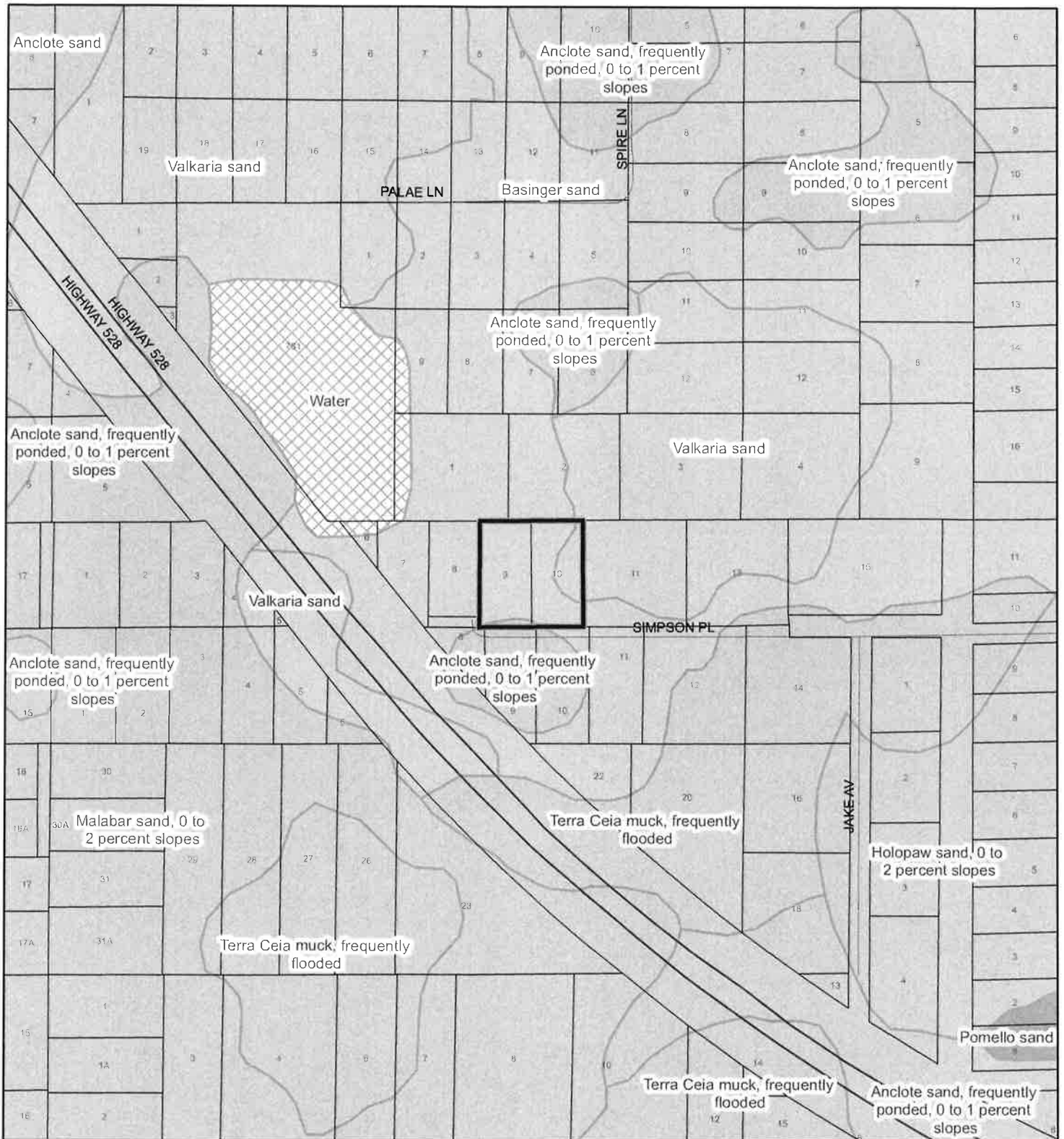
Subject Property

Parcels

USDA SCSSS SOILS MAP

REID B. HART AND GAIL A. SKINNER-HART

20Z00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/9/2020

USDA SCSSS Soils

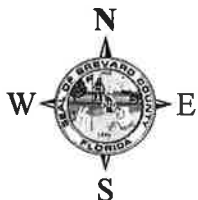
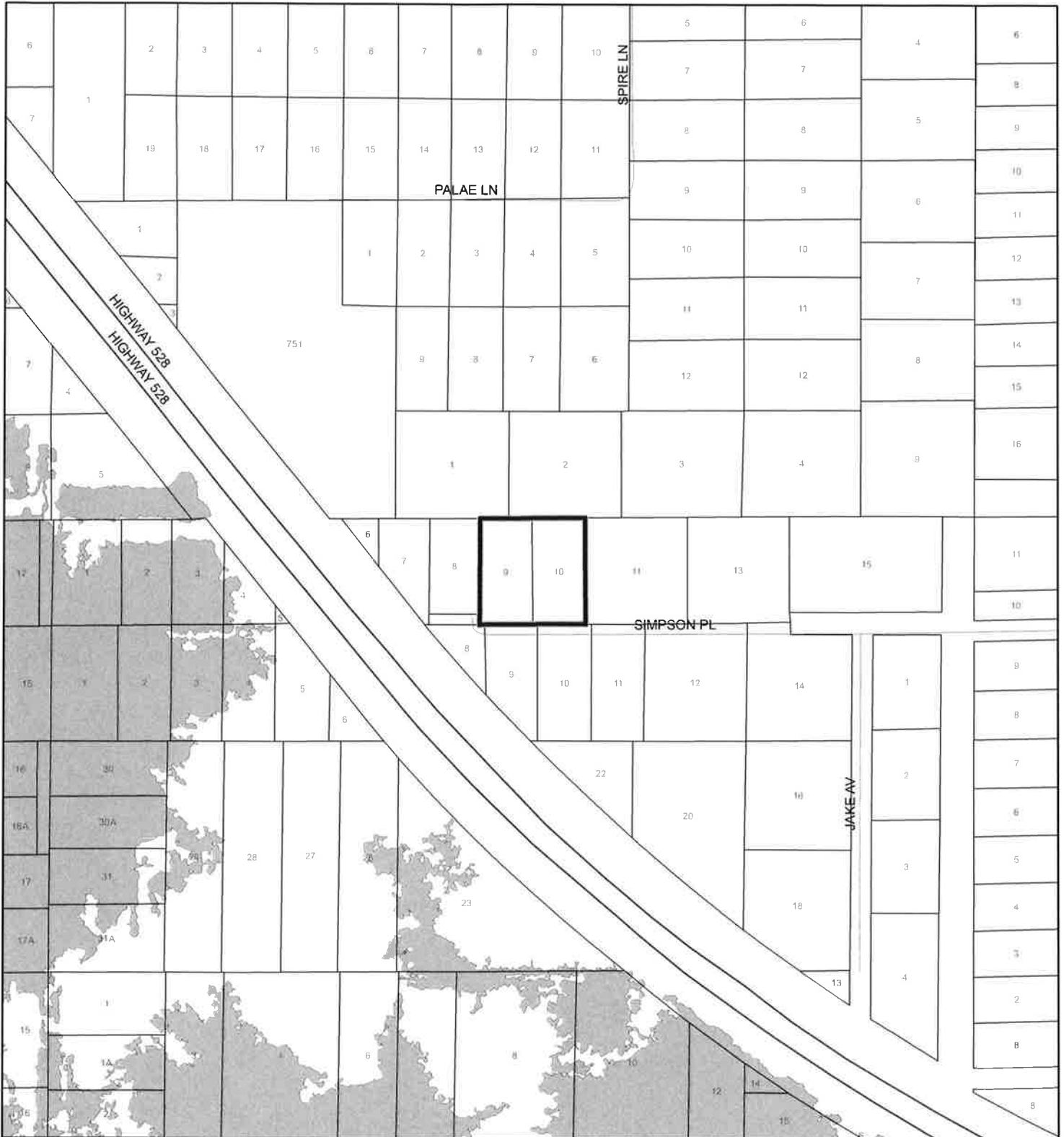
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

REID B. HART AND GAIL A. SKINNER-HART

20Z00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/9/2020

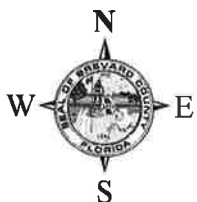
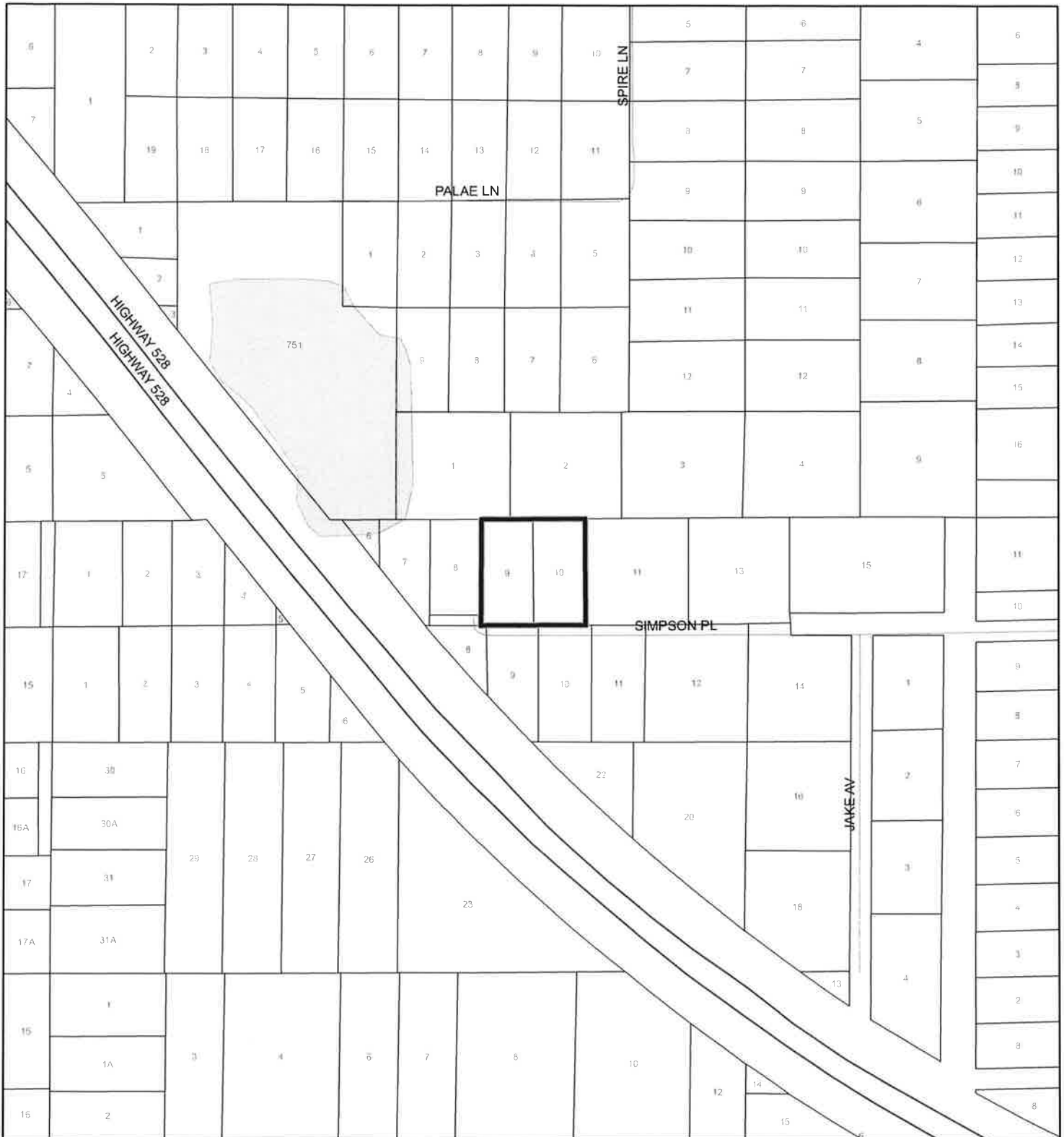
FEMA Flood Zones

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

REID B. HART AND GAIL A. SKINNER-HART

20Z00027



1:4,800 or 1 inch = 400 feet


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Produced by BoCC - GIS Date: 9/9/2020

 Subject Property

 Parcels

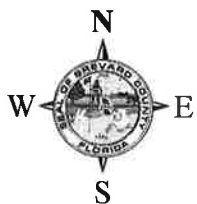
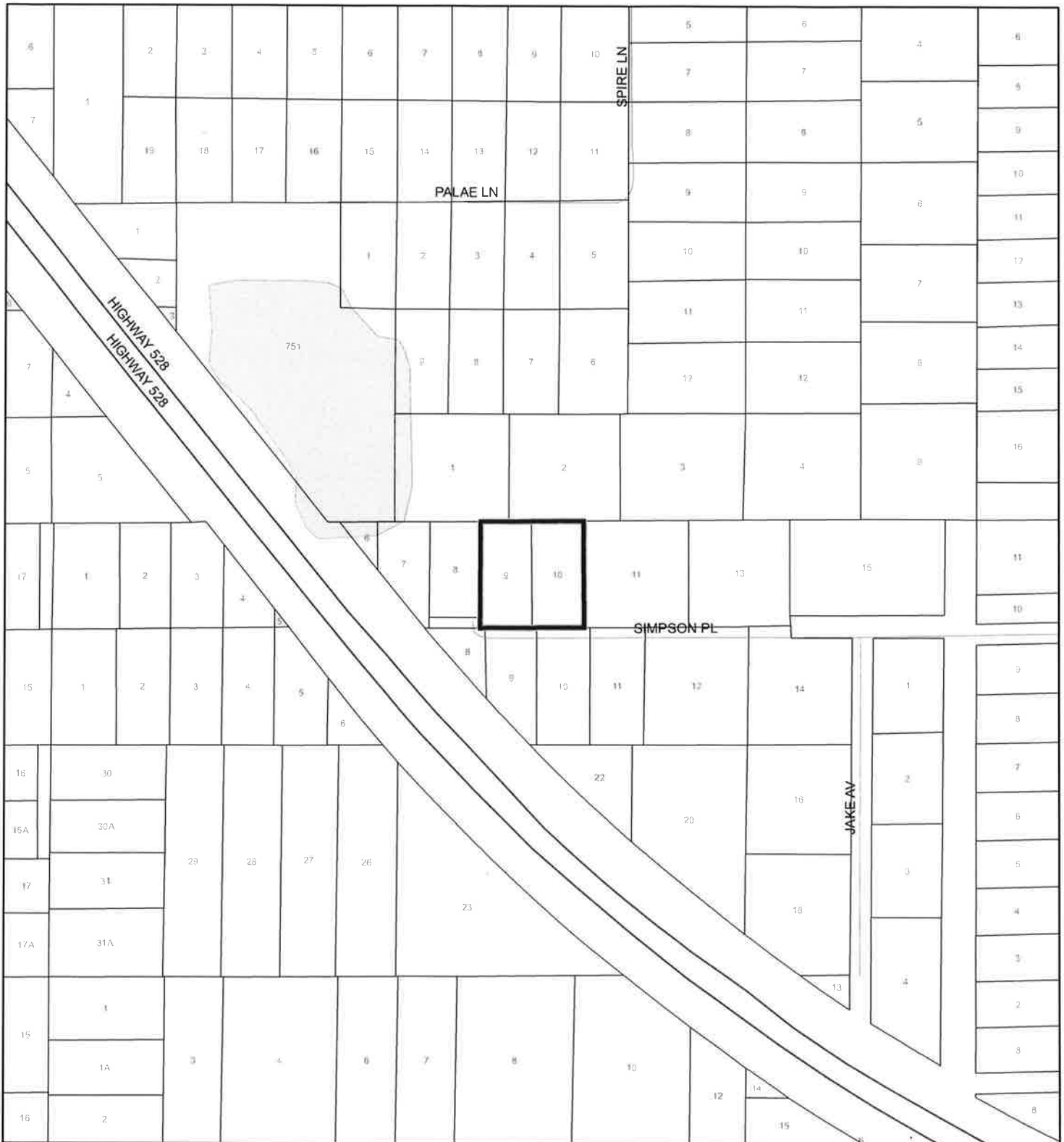
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

REID B. HART AND GAIL A. SKINNER-HART

20Z00027



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/9/2020

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

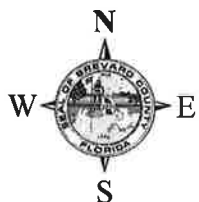
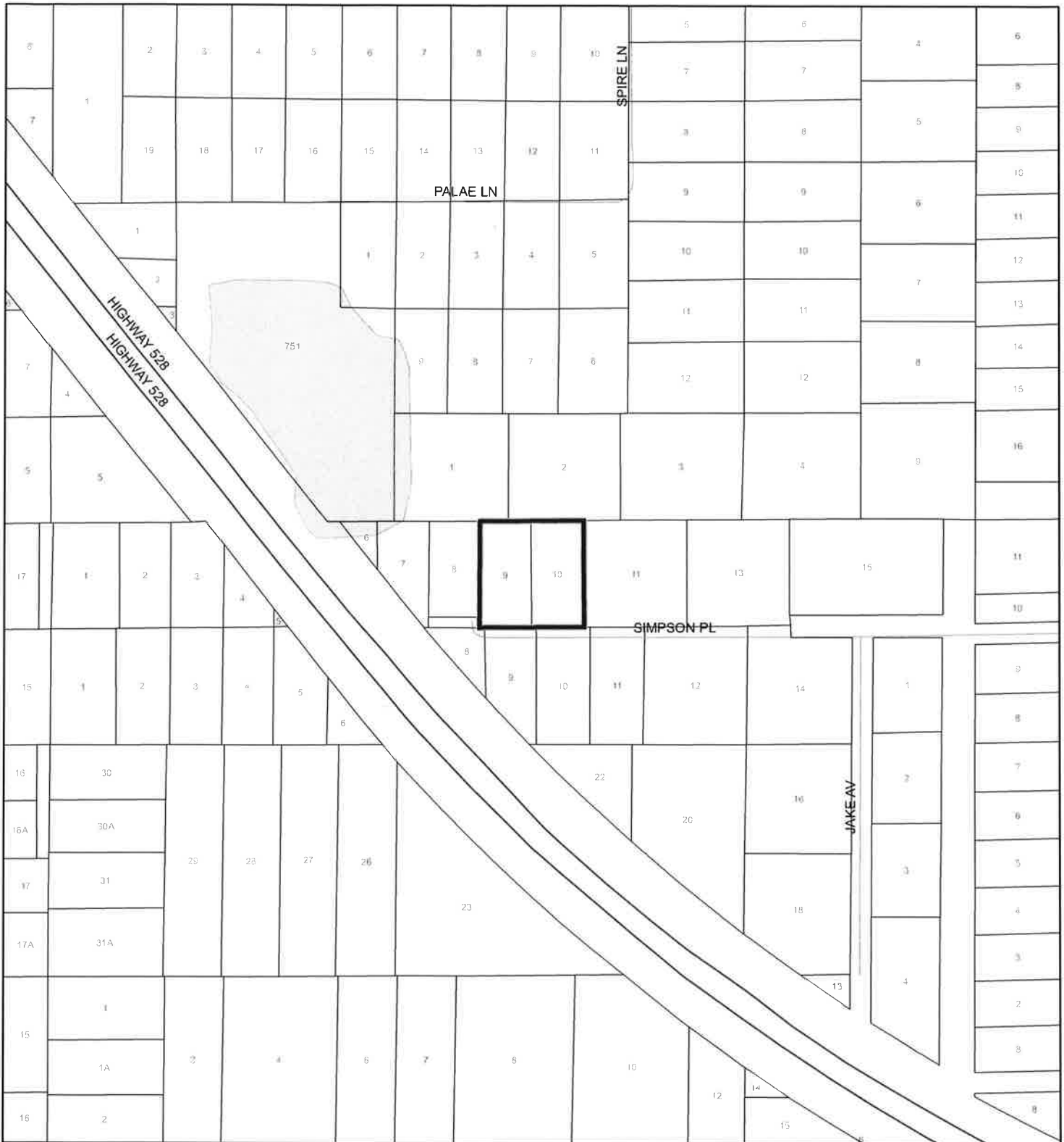
■ 60 Meters

■ All Distances

EAGLE NESTS MAP

REID B. HART AND GAIL A. SKINNER-HART

20Z00027



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Produced by BoCC - GIS Date: 9/9/2020

 Subject Property

 Parcels

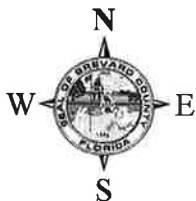
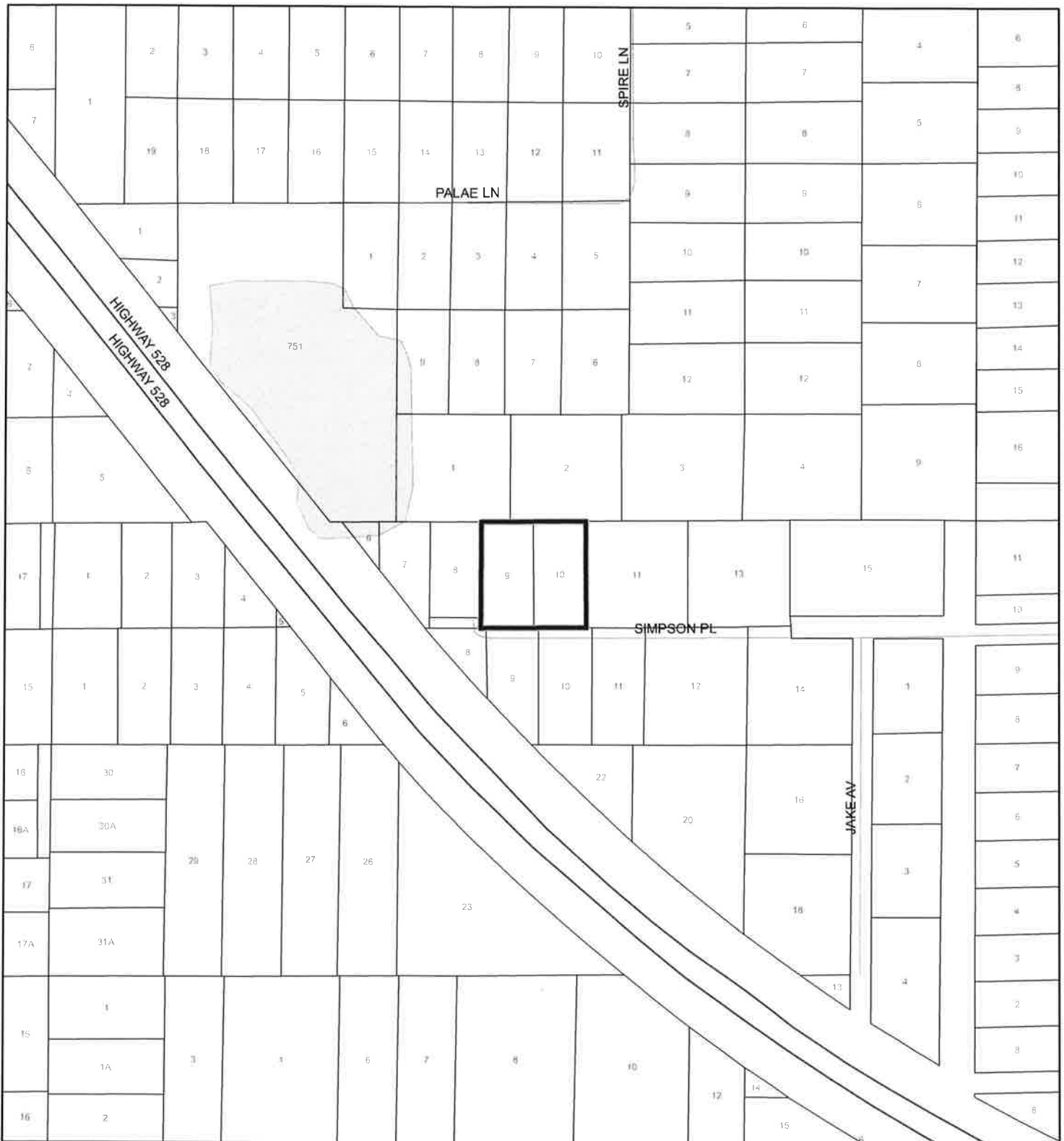


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

REID B. HART AND GAIL A. SKINNER-HART




20Z00027



1:4,800 or 1 inch = 400 feet

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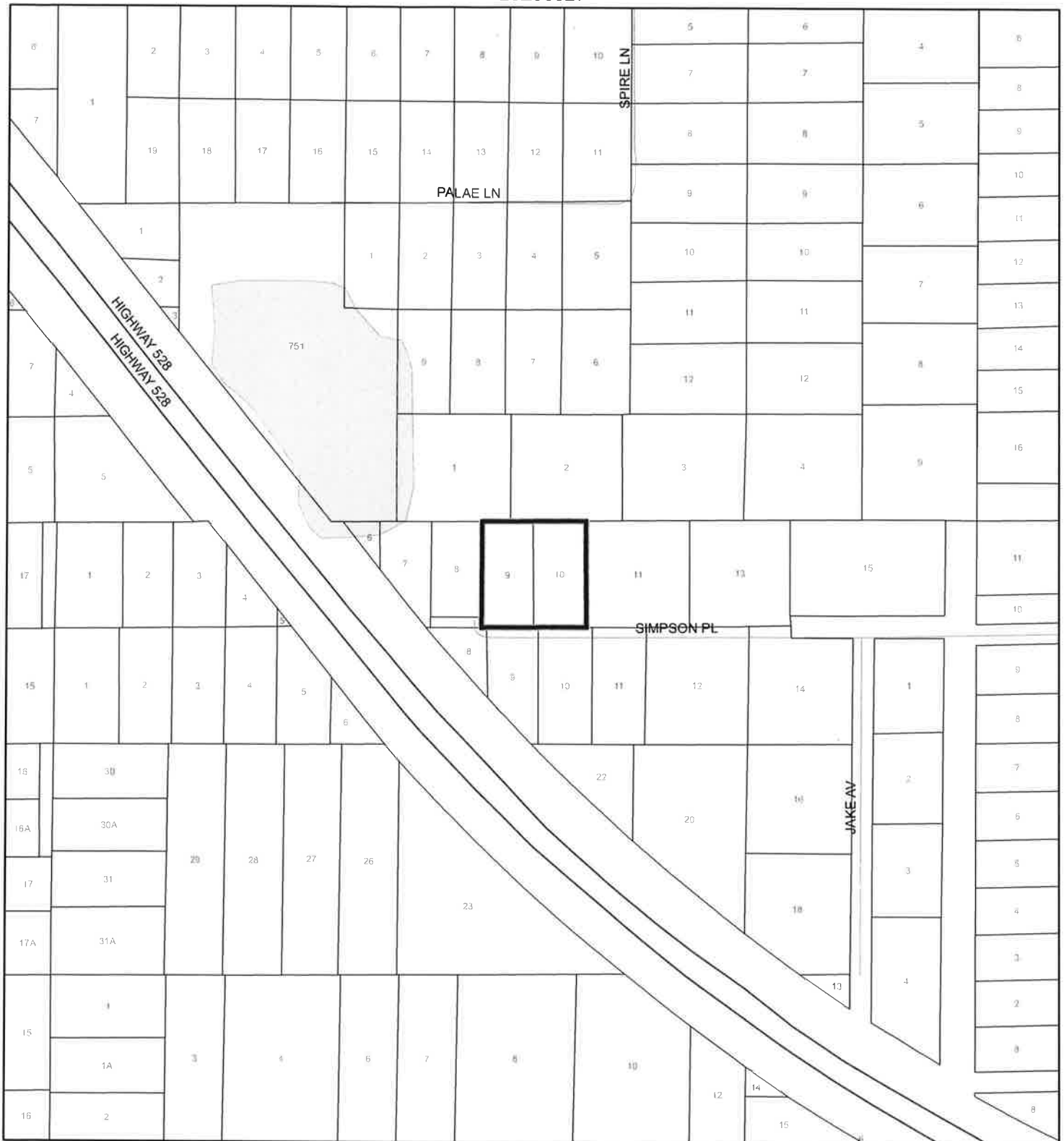
Produced by BoCC - GIS Date: 9/9/2020

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

REID B. HART AND GAIL A. SKINNER-HART

20Z00027






1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/9/2020

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

20200027

Owner's Name: Gail Hart & Reid Hart
Hearing Date: November 9, 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, Gail Hart,
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.

Gail Hart
Signature

Sworn and Subscribed before me, this 6th day of November, 2011.



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

V. L. Della
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

Reid B. Hart and Gail A. Skinner-Hart

A change of zoning classification from GU (General Use) to RR-1 (Rural Residential). The property is 2.02 acres, located on the north side of Simpson Place, approx. 760 ft. west of Jake Ave. (Lot 9 = No assigned address. In the Cocoa area. Lot 10 = 5530 Simpson Place, Cocoa). (20Z00027) (Tax Accounts 2402986 and 2402987) (District 1)

Gail Skinner-Hart, 5530 Simpson Place, Cocoa, stated she would like to rezone two lots from GU to RR-1 for the purpose of having horses and a barn for personal use.

No public comment.

Motion by Joe Buchanan, seconded by Ron McLellan, to approve the change of zoning classification from GU to RR-1. The motion passed unanimously.