



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

4/7/2022

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### Subject:

Clair John Jaussi and Janet Hamilton Jaussi Revocable Trust requests a CUP for six goats in an SEU zoning classification. (22PZ00002) (Tax Account 2416958) (District 2)

### 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 CUP (Conditional Use Permit) for six goats.

### Summary Explanation and Background:

The property owner is seeking a CUP to allow up to six goats in the SEU zoning classification. The CUP is for the western 7.04-acre portion of a 10.05-acre parcel that is split by N. Tropical Trail. The lot currently contains a single-family home and three accessory buildings. The applicant intends to locate the goats on a portion of his property enclosed with a 5-foot tall fence as depicted on the boundary survey.

Section 62-1935 allows an application for a CUP for horses, mules, goats and barns in the SEU classification if the following conditions are met: a minimum of five acres; one horse, mule, or goat permitted for each 20,000 square feet of land area; maximum of six such animals. This application is only for goats.

On the east side of N. Tropical Trail there are several parcels with the AU zoning classification including a portion of the subject property (not included in this application). However, it appears that none of these properties are currently being used for agricultural purposes.

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential offsite impacts to the abutting properties.

On March 14, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval.

### Clerk to the Board Instructions:

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

**Resolution 22PZ00002**

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

**WHEREAS, Clair John Jaussi and Janet Hamilton Jaussi Revocable Trust**, has requested a CUP (Conditional Use Permit) for six goats in an SEU (Suburban Estate Use) zoning classification, on property described as, SEE ATTACHED; and

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

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

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for six goats in an SEU zoning classification, 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 April 7, 2022.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida

Kristine Zonka, Chair  
Brevard County Commission  
As approved by the Board on April 7, 2022.

ATTEST:

RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – March 14, 2022

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.**

**22PZ00002 (cont.)****Legal Description**

A portion of **Section 22, Township 24S, Range 36E**, Brevard County, Florida, also being that portion of the lands described in deed recorded in ORB 7943, Page 2262, of the Public Records of Brevard County, Florida, lying west of North Tropical Trail and being more particularly described as follows: Commence at the NE corner of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 22; thence S01deg46'55"E, along the east line of the west  $\frac{1}{2}$  of said Section 22; thence S01deg46'55"E, along the east line of the west  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  a distance of 1,573.43 ft., to the north line of lands described in ORB 410, Page 416; thence S89deg40'49"W, along said north line, a distance of 619.09 ft., to a 5/8 inch diameter iron rod on the west line of North Tropical Trail and point of beginning of the herein described parcel; thence continue S89deg40'49"W, along north line, a distance of 1,100.91 ft., to and into the waters of the Indian River Lagoon; thence meander the shore of the Indian River Lagoon the following 13 courses: (1) S58deg07'03"E, a distance of 11.44 ft.; (2) S83deg20'41"W, a distance of 2.55 ft.; (3) S11deg01'08"E, a distance of 36.98 ft.; (4) S14deg15'50"E, a distance of 74.22 ft.; (5) S24deg46'11"E, a distance of 23.47 ft.; (6) S20deg13'55"E, a distance of 9.96 ft.; (7) S25deg53'40"E, a distance of 29.77 ft.; (8) S28deg22'42"E, a distance of 37.65 ft.; (9) S28deg29'59"E, a distance of 29.72 ft.; (10) S23deg14'15"E, a distance of 34.59 ft.; (11) S21deg24'53"E, a distance of 3.69 ft.; (12) S02deg43'07"E, a distance of 3.22 ft.; (13) S07deg48'47"W, a distance of 9.83 ft., to a line lying 280 ft. south of the north line of said lands described in ORB 410, Page 416; thence N89deg40'49"E, along said line, a distance of 1,118.67 ft., to the west line of North Tropical Trail; thence the following 3 courses along the west line of North Tropical Trail: (1) N39deg03'18"W, a distance of 40.80 ft., to the point of curvature of a curve, concave northeasterly, having a radius of 429 ft. and a central angle of 17deg22'22"; (2) Northwesterly, along the arc of said curve to the right, a distance of 130.08 ft., to a point of intersection with a non-tangent line; (3) N12deg57'12"W, a distance of 139.38 ft., to the point of beginning. Containing 7.04 acres, more or less. (7.04 acres +/-) Located on the west side of N. Tropical Trail, approx. 635 ft. north of Easy St. (1655 N. Tropical Trail, Merritt Island)

## **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**

**22PZ00002**

**Clair John Jaussi & Janet Hamilton Jaussi Revocable Trust  
 Conditional Use Permit (CUP) for six goats in SEU zoning classification**

Tax Account Number: 2416958 (7.04-acre portion on west side of N. Tropical Trail)  
 Parcel I.D.: 24-36-22-00-6 (7.04-acre portion on west side of N. Tropical Trail)  
 Location: West side of N. Tropical Trail, 250 feet northwest of Mango Hill Drive (District 2)  
 Acreage: 7.04 acres portion of a 10.05-acre lot

Planning and Zoning Board: 03/14/2022  
 Board of County Commissioners: 04/07/2022

**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>	SEU	SEU with CUP for six goats
<b>Potential*</b>	One single-family home	One single-family home w/ six goats
<b>Can be Considered under the Future Land Use Map</b>	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 property owner is seeking a Conditional Use Permit (CUP) to allow up to six goats in the SEU zoning classification as per Sec. 62-1935. The CUP is for the western 7.04-acre portion of a 10.05-acre parcel that is split by N. Tropical Trail. The lot currently contains a single-family home and three accessory buildings. The applicant intends to locate the goats on a portion of his property enclosed with a 5-ft. tall fence as depicted on the boundary survey.

The remaining 3.01 acres of this parcel is located on the east side of N. Tropical Trail. This portion of the parcel is currently vacant and is zoned Agricultural Residential (AU). It is not included in this request.

Sec. 62-1935 allows an application for a CUP for horses, mules, goats and barns in the SEU classification if the following conditions are met: a minimum of five acres; one horse, mule, or goat permitted for each 20,000 square feet of land area; maximum of six such animals. This application is

only for goats. Another CUP application would be necessary if the landowner were to request horses, mules, or a barn in the future.

The original zoning of this property was EU (Estate Use Residential). On May 3, 2018, it was rezoned under zoning action **18PZ00007** from EU to SEU with the intention of creating a subdivision with five lots, and in order to be consistent with the RES 1 Future Land Use designation.

### **Land Use**

The SEU zoning classification can be considered consistent with the Residential 1 (RES 1) Future Land Use designation.

### **Applicable Land Use Policies**

**Policy 1.9** –The Residential 1 Future land use designation. The Residential 1 land use designation permits low density residential development with a maximum density of up to one (1) dwelling unit per acre, except as otherwise may be provided for within the Future Land Use Element.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

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

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

Criteria:

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

**The proposed CUP for goats is not anticipated to 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 the surrounding area.**

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

**Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.**

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

- 1. historical land use patterns;

**The historic land use pattern on the western side of N. Tropical Trail has been the development of single-family homes on lots of an acre or greater in size. The lots to the north and south of the subject property. The Future Land Use designation on the eastern side of N. Tropical Trail is primarily RES 15, which allows for residential development that is more dense.**

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

**It appears no changes to the immediate area have occurred within the last three years. This parcel is adjacent to developed parcels lying to the north and south of this site that were developed more than three years ago.**

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

**It appears there has been no development approved within the past three years that has not yet been constructed.**

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

**The proposed use would not result in a material violation of relevant policies in any elements of the Comprehensive Plan.**

The subject property was part of the **2007 Southern N. Tropical Trail Small Area Study (SAS)** boundary. Among the recommendations of the SAS are to encourage maintenance of the current semi-rural atmosphere of the study area.

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

The developed character of the surrounding area differs depending on which side of N. Tropical Trail the lots are located. The western side contains several riverfront lots developed with single-family homes. Besides these, most of the other lots on the western side of N. Tropical Trail are approximately one acre in size and are also developed with large single-family homes. SEU and EU are the most common zoning classifications. The EU zoning in this area is nonconforming to the FLU designation of RES 1. Approximately 500 feet to the north of the subject property is an approved residential subdivision zoned SEU that has been developed. There is also an approved subdivision located approximately 250 feet south of the subject property with EU zoning that has not been developed.

The lot directly east across N. Tropical Trail of the subject property is zoned AU and is part of the overall parcel owned by the applicant.

East of this AU lot, the other zoning classifications vary widely and include BU-1-A, BU-1, RU-1-7, RU-2-30, and IN(L). Lot sizes are smaller here, with many under 0.25 acres in size. The neighborhood to the east of Hill Avenue has a mix of housing types, including site-built single-family homes, duplexes, and multifamily structures. There is a convenience store where N. Tropical Trail meets Hill Avenue.

The area does not appear to have other CUP's for farm animals. Across N. Tropical Trail on the east side there are several parcels with the AU zoning classification including a portion of the subject property (which is not included in this application. None of these properties are currently being used for agricultural purposes.

**Surrounding Area**

	Existing Land Use	Zoning	Future Land Use
<b>North</b>	Single-family residence	EU	RES 1
<b>South</b>	Single-family residence and nursery	EU	RES 1
<b>East</b>	Undeveloped land	AU	RES 15
<b>West</b>	River	N/A	N/A

The properties to the north and south of the subject property both contain single-family homes with EU zoning, which are nonconforming lots that are not consistent with their FLU designations of RES 1. The Brevard County Property Appraiser lists the property to the south as having a nursery.

The EU zoning classification is an estate single family residential zoning classification. The minimum lot size is 15,000 square feet with a minimum lot width and depth of 100 feet. The minimum living area is 2,000 square feet.

The AU zoning classification permits single-family residences and agricultural uses on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

There has been one zoning actions within a half-mile radius around this site within the last 3 years. The zoning changes identify:

**21Z00007** – 05/03/2021; A rezoning from RU-2-30 to RU-2-15 was approved on 1.78 acres located approximately 900 feet east of the subject property on the northern side of Houston Lane.

**Special Considerations for CUP (Conditional Use Permit)**

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that 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.** The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1906, on-premises consumption of alcohol.

This request should be evaluated in the context of **Section 62-1935** which governs **Section 62-1935** which governs the keeping of horses, mules, goats, and barns.

### **General Standards of Review**

Section 62-1901(c)(1)(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.

*Applicant's Response: This is a request for 6 goats to graze on 6 acres of property. (1) No additional persons will be using the property. (2) The only emissions will be scattered goat dung. These are small less than ½ inch round balls that become fertilizer. The noise will be limited to goat "bleating" which only happens when someone is trying to feed them. (3) No increase in traffic because the goats will only be used for grazing.*

**Staff analysis: The CUP will not permit the goats to be used for any commercial purposes. The CUP is not anticipated to result in excessive noise, odor, or traffic.**

Section 62-1901(c)(1)(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.

*Applicant's Response: Yes. Palm farm on both sides. These properties on both the north and south sides have palm groves which are used to obtain an agricultural tax exemption for orchard use. The property on the east [of N. Tropical Trail] is thick jungle. West is the Indian River.*

**Staff analysis: The proposed area where the goats will be held is a large grazing area. If there is noise and odor, it may be close to neighboring properties.**

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebutably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable 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 a MAI certified appraiser,

that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

*Applicant's Response: No. All grazing of 6 goats will have no impact on adjacent properties that are presently being used as orchard properties.*

**Staff analysis: Evidence from an appraiser has not been provided by the applicant.**

Section 62-1901(c)(2)(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.

Note: Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent 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 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.

*Applicant's Response: All fences are inside property lines and off roads on perimeter. No additional traffic will be caused.*

**Staff analysis: This property will remain residential and therefore is not anticipated to cause an increase of any traffic.**

Section 62-1901(c)(2)(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.

*Applicant's Response: No (goats don't stink). Goats don't make noise unless someone tries to feed them, then they will beg.*

**Staff analysis: This project shall comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.**

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

*Applicant's Response: No noise is expected or anticipated.*

**Staff analysis: This project shall comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. Any proposed outdoor lighting and noise standards should remain within code parameters or a violation will be created.**



Section 62-1901(c)(2)(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.

*Applicant's Response: No change in solid waste disposal.*

**Staff analysis: The use is not anticipated to cause the adopted level of service for solid waste disposal to be exceeded.**

Section 62-1901(c)(2)(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.

*Applicant's Response: The only water use will be sufficient drinking water for the goats provided by an existing well located on the property.*

**Staff analysis: The subject property is not served by any water or sewer lines.**

Section 62-1901(c)(2)(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.

*Applicant's Response: Fencing will be provided to ensure the goats are contained. This will be a 5-ft. tall "tensile electric" fence (see attached drawings). This type of fence is very secure and less noticeable than standard fencing. It is powered by a standard electric fence charger with battery backup. It has a tensile strength of 920 lbs. <3/32 – 7x7 hot dip galvanized steel cable*

**Staff analysis: Must meet the fence code of 62-2109 and any requirements in the building code for materials. The proposed fencing appears to meet all code requirements.**

Section 62-1901(c)(2)(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.

*Applicant's Response: No new signs or exterior lighting.*

**Staff analysis: No signage or exterior lighting has been identified.**

Section 62-1901(c)(2)(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.

*Applicant's Response: Goats graze 24/7, plants grow 24/7.*

**Staff analysis: The use will need to comply with noise level performance standards.**

Section 62-1901(c)(2)(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.

*Applicant's Response: All buildings are pre-existing and maximum fence height will be 5 feet.*

**Staff analysis: No new structures are proposed. The proposed fence meets height limitations.**

Section 62-1901(c)(2)(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.

Note: 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.

*Applicant's Response: No parking needed. Any "catch pens" are already constructed or will be built within the enclosure. None will exceed 5 feet in height.*

**Staff analysis: New parking will not be required.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is N. Tropical Trail, between Lucas and Pioneer, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of C, and currently operates at 21.86% of capacity daily. The CUP is not anticipated to increase the MAV utilization. The corridor is anticipated to operate at 21.86% of capacity daily (LOS D). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this site is not proposing additional residential density.

The subject property is not connected to potable water or sewer.

### **Environmental Constraints**

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

- Wetlands
- Aquifer Recharge Soils
- Floodplain Protection
- Coastal High Hazard Area
- Indian River Lagoon Nitrogen Reduction Overlay
- Surface Water Protection Buffer
- Protected and Specimen Trees
- Protected Species

Mapped natural resources such as wetlands, floodplain, CHHA, and surface water protection buffer (including native vegetation in the buffer) are located adjacent to the Indian River Lagoon (IRL), but are located outside of the proposed fenced-in area (as shown on the drawing in the CUP application) for the goats. The remaining mapped natural resources are located within the fenced-in area. NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

### **For Board Consideration**

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential offsite impacts to the abutting properties.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Conditional Use Permit (CUP) Review & Summary**

**Item # 22PZ00002**

**Applicant:** Jaussi

**CUP:** Applicant wants six goats

**P&Z Hearing Date:** 03/14/22; **BCC Hearing Date:** 04/07/22

**Tax ID No:** 2416958 (portion on west side of N. Tropical Trail)

- 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:**

- Wetlands
- Aquifer Recharge Soils
- Floodplain Protection
- Coastal High Hazard Area
- Indian River Lagoon Nitrogen Reduction Overlay
- Surface Water Protection Buffer
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## **Land Use Comments:**

### **Wetlands**

The subject parcel contains a small area of mapped National Wetland Inventory (NWI) wetlands (Estuarine and marine deep-water wetlands) along the IRL as shown on the NWI Wetlands map, an indicator that wetlands may be present on the property.

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts, and will require mitigation in accordance with Section 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

### **Aquifer Recharge Soils**

Most of the parcel contains mapped aquifer recharge soils (Paola-Urban land complex) 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 Protection**

A small portion of the property located along the IRL is mapped as being within the floodplain as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. 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."

### **Coastal High Hazard Area**

A portion of the property located along the IRL is mapped within the Coastal High Hazard Area as defined by Florida Statute 163.3178(2)(h), and as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates Coastal High Hazard Areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute. The mapped area may be susceptible to nuisance flooding.

### **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. For any future development requiring sewer/septic, and if sewer is not available, then use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

### **Surface Water Protection Buffer**

The subject property is located on the Indian River Lagoon, designated as a Class II surface water in this location. A 50-foot surface water protection buffer (Buffer) is required. The removal of native vegetation located within the Buffer shall be avoided.

Per Section 62-3668(10) & (12), discharges into Class II waters shall not degrade existing water quality below existing conditions, or those standards outlined in Chapter 62-302, F.A.C., as amended, for Class II water bodies, whichever provides for better water quality. Within the surface water protection buffer, the storage of fertilizers, pesticides, hazardous materials or other pollutants which may run off into surface waters shall be prohibited. The applicant is encouraged to contact NRM at 321-633-2016 prior to any activities, plan, or building permit submittal within the surface water protection buffer.

### **Protected and Specimen Trees**

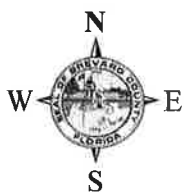
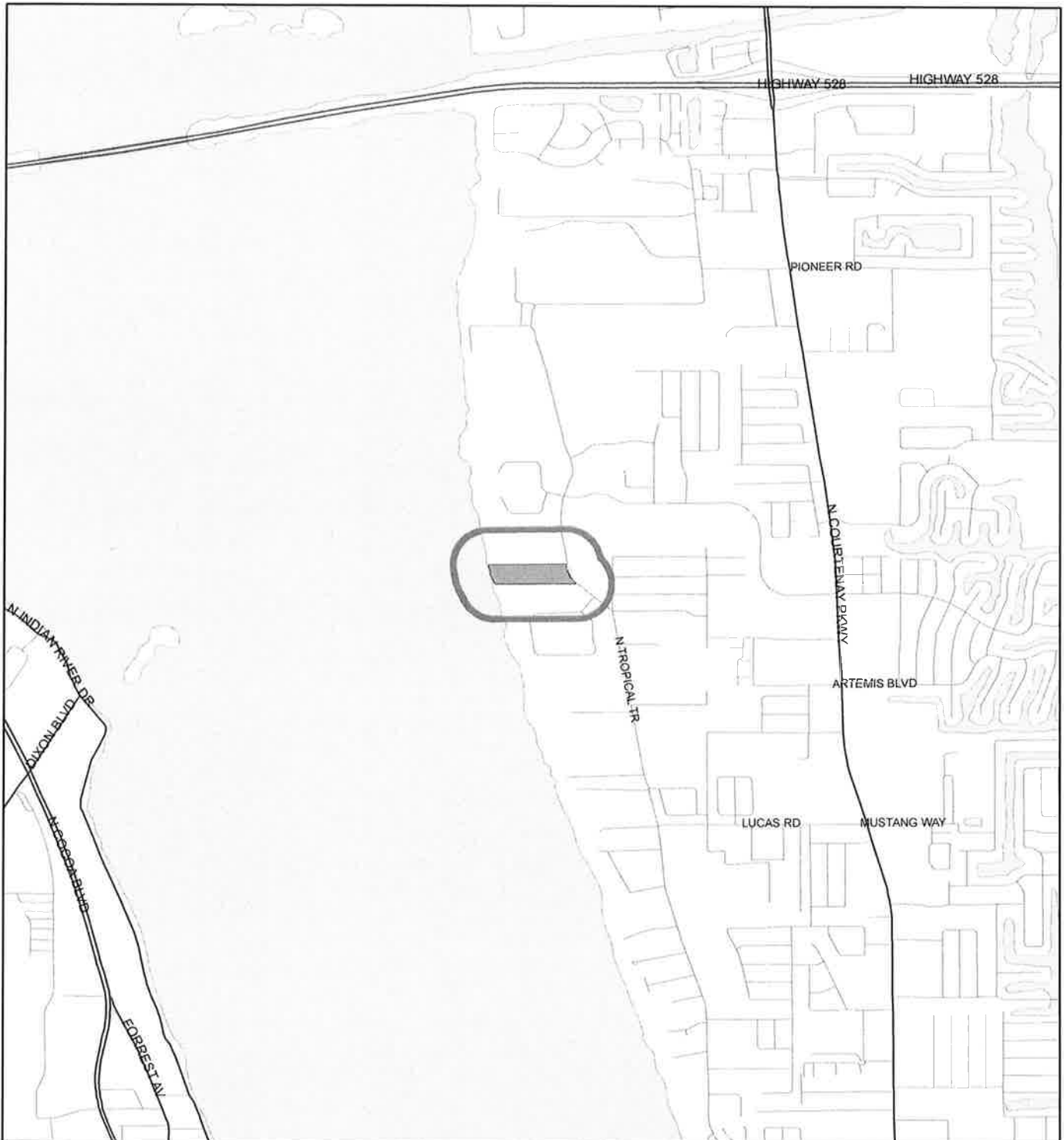
Aerials indicate that Protected (greater than or equal to 10 inches in diameter) and Specimen Trees (greater than or equal to 24 inches in diameter) may reside on subject property. Per Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4341(18), Protected and Specimen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

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST  
22PZ00002



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: 1/12/2022

— Buffer

■ Subject Property

# ZONING MAP

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST  
22PZ00002



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 1/12/2022

- Subject Property
- Parcels
- Zoning



# FUTURE LAND USE MAP

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST  
22PZ00002



1:4,800 or 1 inch = 400 feet

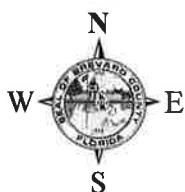
**—** Subject Property  
**□** Parcels

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: 1/12/2022

# AERIAL MAP

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST  
22PZ00002



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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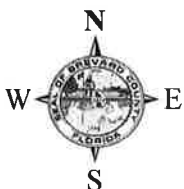
Produced by BoCC - GIS Date: 1/12/2022

 Subject Property

 Parcels

# NWI WETLANDS MAP

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST  
22PZ00002



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/12/2022

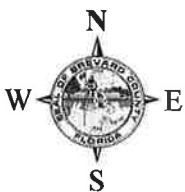
### National Wetlands Inventory (NWI)

	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

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST

22PZ00002





1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/12/2022

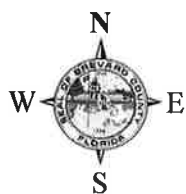
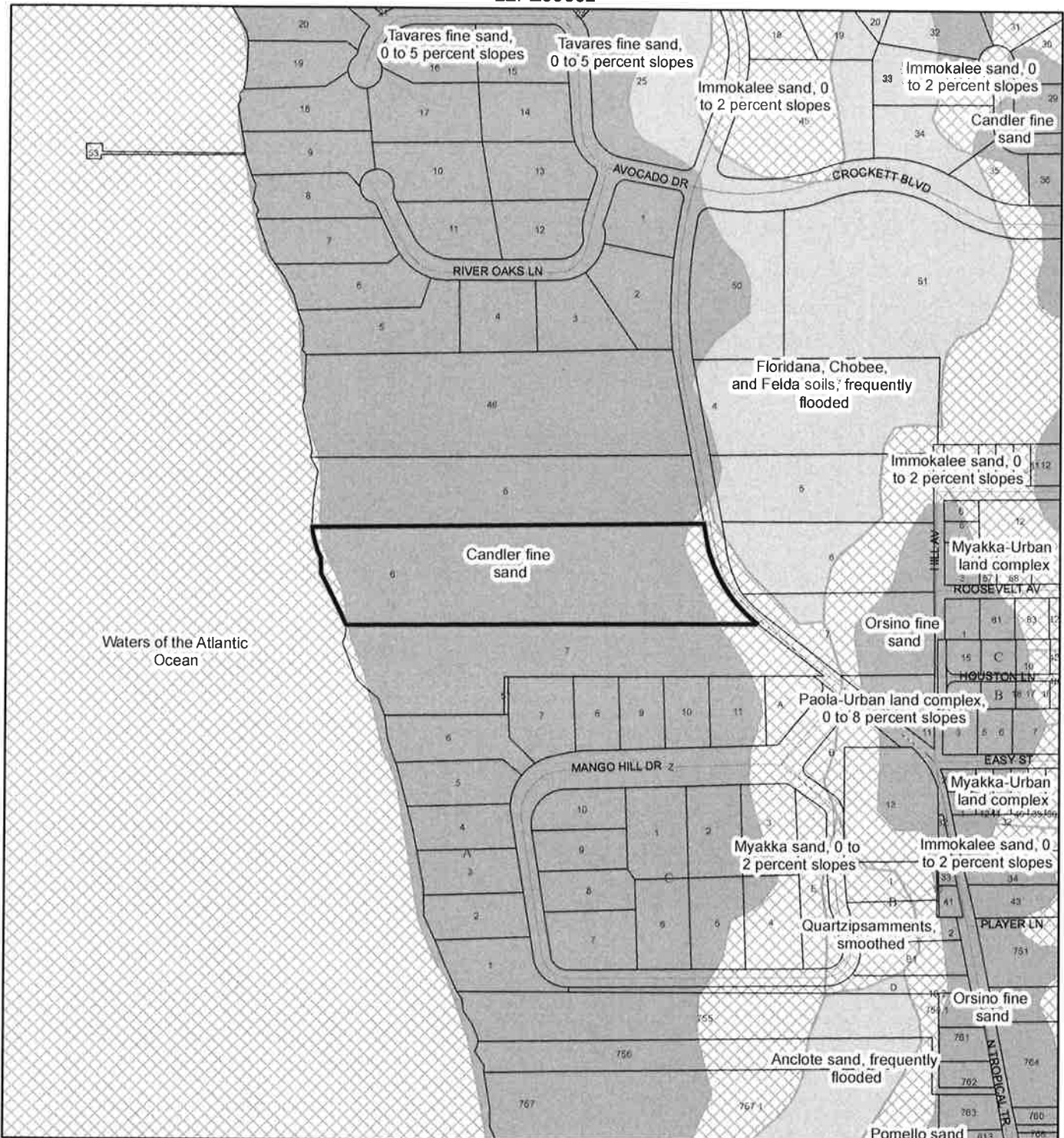
## SJRWMD FLUCCS WETLANDS

-  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

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST  
22PZ00002



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 1/12/2022

## USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST  
22PZ00002



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/12/2022

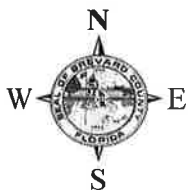
### FEMA Flood Zones

- |  |  |  |
|--|--|--|
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|  |  |  |
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|  |  |  |

# COASTAL HIGH HAZARD AREA MAP

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST

22PZ00002



1:4,800 or 1 inch = 400 feet


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

Produced by BoCC - GIS Date: 1/12/2022

 Subject Property

 Parcels

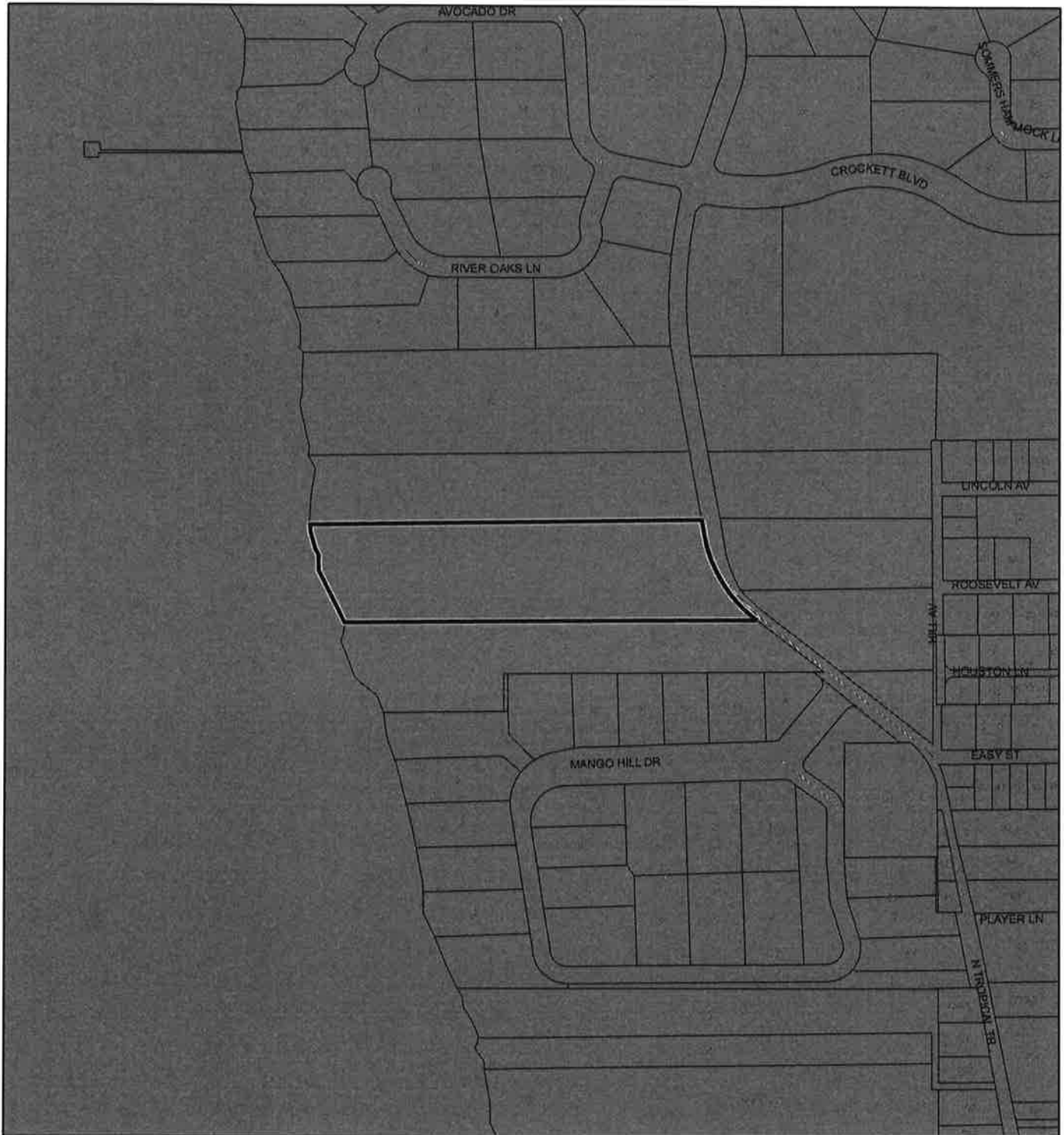
**Coastal High Hazard Area**

 SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST

22PZ00002



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/12/2022

 Subject Property

 Parcels

### Septic Overlay

 40 Meters

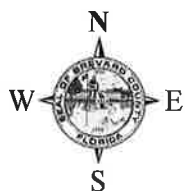
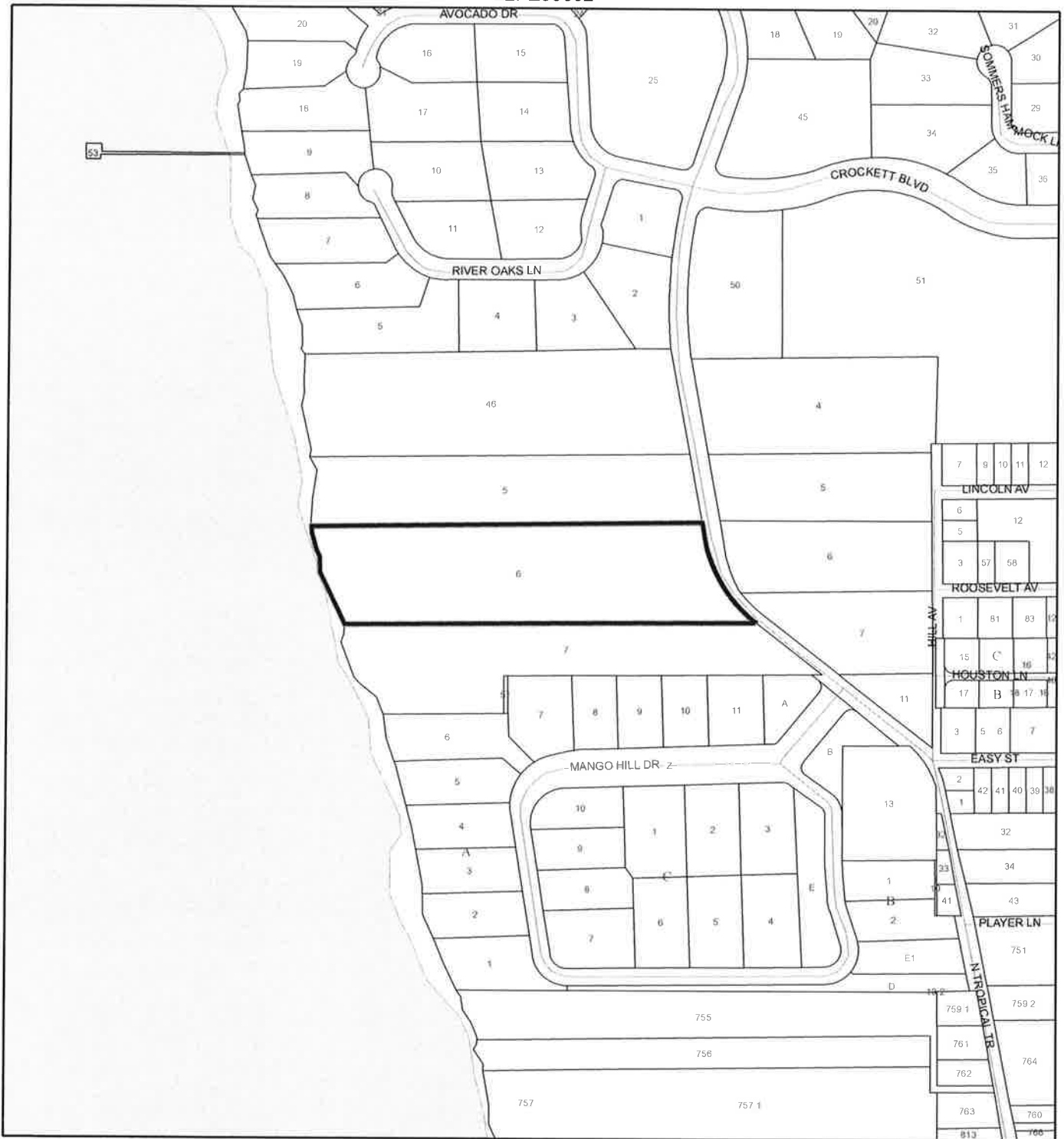
 60 Meters

 All Distances



# EAGLE NESTS MAP

CLAIR JOHN JAUSSE AND JANET HAMILTON JAUSSE REVOCABLE TRUST  
22PZ0002




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 1/12/2022

 Subject Property

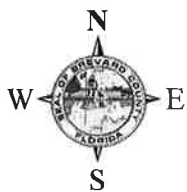
 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST




22PZ00002



1:4,800 or 1 inch = 400 feet

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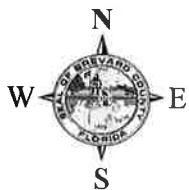
Produced by BoCC - GIS Date: 1/12/2022

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

CLAIR JOHN JAUSSI AND JANET HAMILTON JAUSSI REVOCABLE TRUST

22PZ00002







1:4,800 or 1 inch = 400 feet

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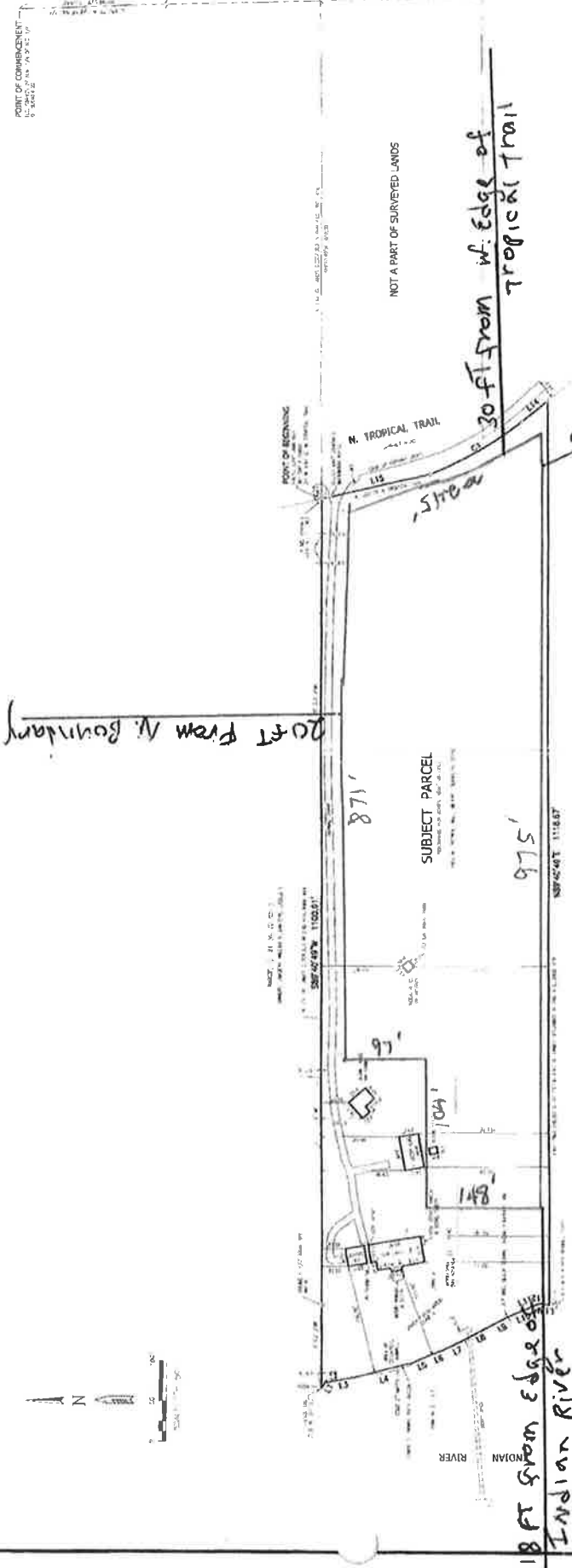
Produced by BoCC - GIS Date: 1/12/2022

## 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



Fence Height 50" Throughout  
 Request is for 6 goats.

CURVE TABLE

ABBREVIATIONS:

LINE TABLE

PROPERTY DESCRIPTION:

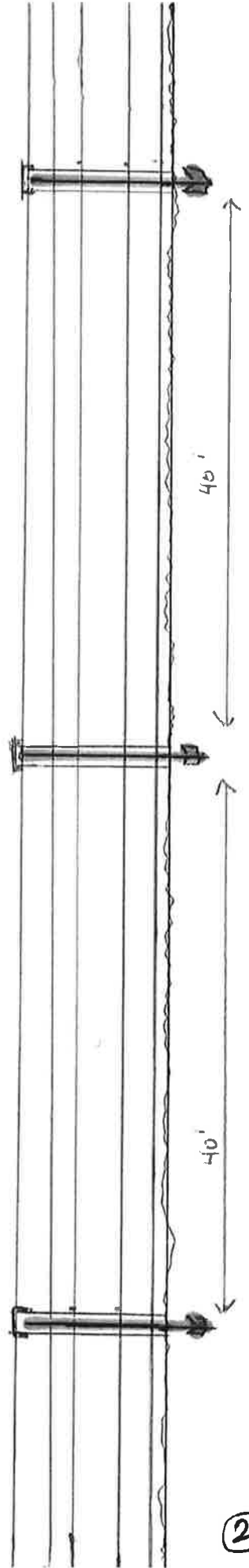
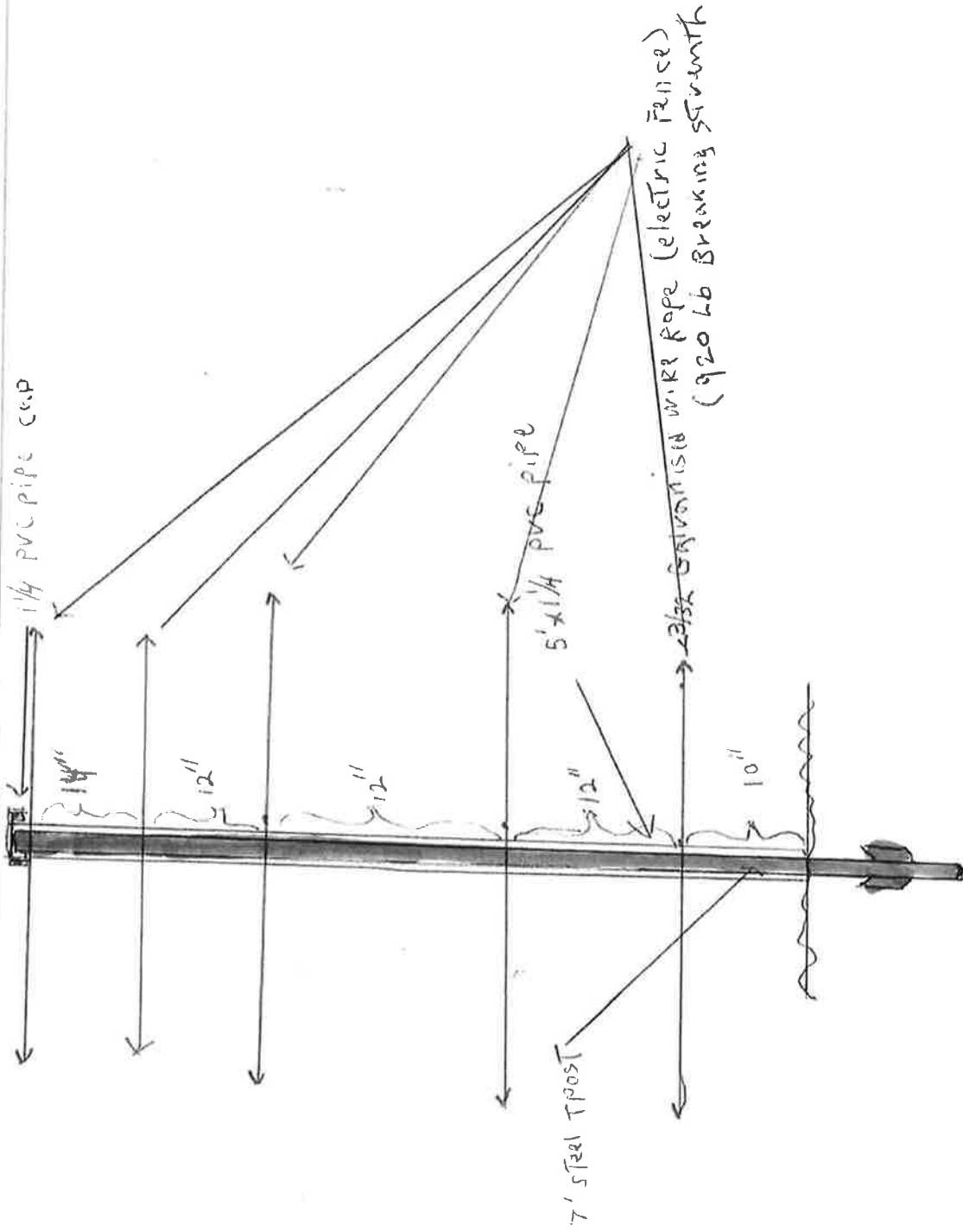
SURVEYOR'S NOTES:

SURVEYOR'S CERTIFICATION:



DATE	11/17/20
BY	CLAIR J. JAUSSE
FOR	OWNER OF SUBJECT PARCEL BOUNDARY SURVEY 118 FT FROM EDGE OF INDIAN RIVER MISSISSIPPI TROPICAL TRAIL - SUBJECT BLAND TRACT
SCALE	AS SHOWN
PROJECT	BOUNDARY SURVEY
SECTION	118 FT FROM EDGE OF INDIAN RIVER
TOWNSHIP	
RANGE	
COUNTY	
STATE	

118



In Favor  
22PZ00002  
Jaussi

**From:** [Tribe Mobile](#)  
**To:** [Jones, Jennifer](#)  
**Subject:** ID 22pz00002, CUP for Goats  
**Date:** Friday, March 4, 2022 10:51:57 AM

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I have no objection but please inform the owners that coyotes have been seen and heard in that area.

Melinda Tribe  
Avocado Dr.

**From:** Tommy Purer  
**To:** Jones, Jennifer  
**Subject:** CPU for Goats ID# 22PZ00002  
**Date:** Saturday, March 12, 2022 1:29:29 PM

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

In response to CPU for Goats ID# 22PZ00002

I have three issues with this CPU. The first is a safety concern, if the goats are allowed to roam freely they may create a traffic hazard on Tropical Trail. Tropical Trail has a sharp curve in this area which limits driver's visibility, and this could result in a driver hitting a goat. The second concern is the number of goats that will be permitted. A small number of goats would not be a problem, but a large number could create problems. A limit around 10 should be considered before granting this CPU. Another issue is the goats must not be allow to roam freely they must be enclosed to help prevent traffic hazards. There are coyotes in this area and a substantial 6 foot fence may help protect the goats.

Tom Purer  
tompure@hotmail.com



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## **PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 14, 2022**, 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: Henry Minneboo (D1); Ron Bartcher (D1); Lorraine Koss (Alt. D2) (present for and voted on H.3. - H. 14.); Ben Glover (D3) (present for and voted on H.1. - H.13.); Mark Wadsworth, Chair (D4); Liz Alward (D4); David Bassford (Alt. D5) (voted on H.1. - H.12, and H.14; abstained on H.13.); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Peter Martin, Planner II; George Ritchie, Planner III; Alex Esseesse, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

#### **Clair John Jaussi and Janet Hamilton Jaussi Revocable Trust**

A CUP (Conditional Use Permit) for six goats in a SEU (Suburban Estate Use) zoning classification. The on is 7.04 acres +/-, located on the west side of N. Tropical Trail, approx. 635 ft. north of Easy St. (1655 N. Tropical Trail, Merritt Island) (Tax Account 2416958) (District 2)

Clair John Jaussi, 1655 N. Tropical Trail, Merritt Island, stated he is spending \$150 per week to mow his property and he would like some goats.

No public comment

John Hopengarten asked if Mr. Jaussi will be able to keep the goats inside the fence line with the electric fence. Mr. Jaussi replied yes, the fence is far superior to anything else that can be constructed, and it will have a battery backup in case the electricity fails. It is good at keeping the goats in and unwanted prey out. He stated there will also be an open 10 X 10 shed for the goats to go to for shelter from the elements.

Liz Alward noted the CUP allows for no more than six goats because of the size of the lot. She stated she is glad Mr. Jaussi is following the spirit of the North Tropical Trail Small Area Study in keeping the area rural.

Motion by Liz Alward, seconded by Henry Minneboo, to recommend approval of a CUP (Conditional Use Permit) for six goats. The motion passed unanimously.