



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

2/5/2026

Subject:

Jay Steinke and Grant Steinke request a zoning classification change from GU to AU. (25Z00038) (Tax Account 2504763) (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 change of zoning classification from GU (General Use) to AU (Agricultural Residential).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from GU (General Use) to AU (Agricultural Residential) on a 14.94-acre portion of a 21.48-acre parcel. The entire property is currently vacant, and the applicant intends to develop the subject property for personal and commercial agricultural pursuits followed by a single-family residence. The subject property Future Land Uses are Residential 4 on the 14.94-acre portion at issue, and Private Conservation on the remaining 6.54 acres.

With the proposed use by the applicant, a roadside stand could potentially be used for selling the grown produce on the property. A roadside stand pursuant to Section 62-1945.5, states: Roadside stands are subject to site plan approval, with the following minimum requirements:

- (1) All parking for salespeople and customers shall be on the property of the landowner, and there shall be no parking permitted on a right-of-way.
- (2) Roadside stands shall be subject to site plan approval as provided in Article VIII, site plans.
- (3) Roadside stands shall meet the same setbacks required for primary structures located in the applicable zoning classification.

The subject property's original zoning classification was GU when the Brevard County Zoning Code was established on May 22, 1958.

The subject property Future Land Uses are Residential 4 on the 14.94-acre portion and Private Conservation on the remaining 6.54 acres. These FLU designations established in 1988 by the Brevard County Comprehensive Plan and zoning classification established in 1958 have been retained on the subject property.

The site to the north of the subject property is improved with single-family homes ranging in size from 2.55 to 5.47 acres; zoned AU and RR-1 within Residential 15 FLU. South is a 574.72-acre parcel developed with a residential related amenity, zoned GU with Public Conservation FLU. East of the subject property is a 19.63-acre property that fronts on Barton Blvd. and is zoned AU with a Residential 4 FLU. It is improved with a single-family residence built in 1986. West of the subject property is a 21.52-acre vacant site zoned GU within Residential 4 and Private Conservation FLU.

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

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

On December 11, 2025, the Board opened the public hearing on this item. As the applicant was not present, the Board continued the item to its February 5, 2026, zoning meeting.

Clerk to the Board Instructions:

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

Resolution 25Z00038

On motion by Commissioner Goodson, seconded by Commissioner Adkinson, the following resolution was adopted by a unanimous vote:

WHEREAS, Jay Steinke and Grant Steinke request a zoning classification change from GU (General Use) to AU (Agricultural Residential), on property described as Tax Parcel 8, as recorded in OR Book 9786, Page(s) 2929 - 2930 of the Public Records of Brevard County, Florida. **Section 7, Township 25, Range 36.** (14.94 acres of 21.48 acres) Located on the south side of Barton Blvd., approximately 0.21 miles west of Bluegrass Ln. (No Address, Rockledge); and

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

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

BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, that the requested change of zoning classification from GU to AU, 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 February 05, 2026.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida

Thad Altman
Thad Altman, Chair
Brevard County Commission
As approved by the Board on February 05, 2026.

ATTEST: *Rachel M. Sadoff*
RACHEL M. SADOFF, CLERK

(SEAL)

P&Z Board Hearing – November 17, 2025

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS
 25Z00038**

Jay & Grant Steinke

GU (General Use) to AU (Agricultural Residential)

Tax Account Number: 2504763
 Parcel I.D.s: 25-36-07-00-8
 Location: South side of Barton Blvd., approx. 1,150' west of Bluegrass Ln.
 (District 2)
 Acreage: 14.94 acres of 21.48 acres
 Planning & Zoning Board: 11/17/2025
 Board of County Commissioners: 12/11/2025

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	AU
Potential*	2 Single-Family	5 Single-Family
Can be Considered under the Future Land Use Map	YES RES 4	YES RES 4

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from GU (General Use) to AU (Agricultural Residential) on a 14.94-acre portion of a 21.48-acre parcel. The entire property is currently vacant, and the applicant intends to develop the subject property for personal and commercial agricultural pursuits followed by a single-family residence. With the proposed use by the applicant, a roadside stand could potentially be used for selling the grown produce on the property, or the property could be used for agritourism

activities. Agritourism, as defined by Florida Statute, is any agricultural-related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest, which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training, and exhibition, or harvest-your-own activities and attractions. A roadside stand pursuant to Section 62-1945.5, states: Roadside stands are subject to site plan approval, with the following minimum requirements:

- (1) All parking for salespeople and customers shall be on the property of the landowner, and there shall be no parking permitted on a right-of-way.
- (2) Roadside stands shall be subject to site plan approval as provided in Article VIII, site plans.
- (3) Roadside stands shall meet the same setbacks required for primary structures located in the applicable zoning classification.

The subject property's original zoning classification was GU when the Brevard County Zoning Code was established on May 22, 1958.

The subject property Future Land Uses are Residential 4 on the 14.94-acre portion and Private Conservation on the remaining 6.54 acres. These FLU designations established in 1988 by the Brevard County Comprehensive Plan and zoning classification established in 1958 have been retained on the subject property.

On May 15, 2023, the property was put into its current configuration as recorded in **ORB 9786, Pages 2929-2930**, of the Public Records of Brevard County, Florida.

The subject is located on a county-maintained right-of-way. Public water and sewer currently service the surrounding area.

There are currently no open Code Enforcement case violations noted on the property.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	AU/RR-1	RES 15
South	Residential Related Amenities	GU	PUB-CONS
East	Single-family residence	AU/ GU	RES 4
West	Vacant	GU	RES 4/ PRIV-CONS

The site to the north of the subject property is improved with single-family homes ranging in size from 2.55 to 5.47 acres; zoned AU and RR-1 within Residential 15 FLU.

South is a 574.72-acre parcel developed with a residential related amenity, zoned GU and Public Conservation FLU.

East of the subject property is a 19.63-acre property that fronts on Barton Blvd. and is zoned AU with a Residential 4 FLU. It is improved with a single-family residence built in 1986.

West of the subject property is a 21.52-acre vacant site zoned GU within Residential 4 and Private Conservation FLU.

GU classification is a holding category, that encompasses rural single-family residential development or unimproved lands for which there is no definite current proposal for development or land in areas lacking specific development trends on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

The proposed AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5-acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl, beekeeping, plant nurseries, and the packing and processing of commodities raised on site. Conditional uses in AU include hog farms, zoological parks, and land alteration.

Florida Statute 570.86 defines "agritourism activity" as "any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions." Local government is prohibited from adopting ordinances, regulations, rules, or policies that prohibit, restrict, regulate, or otherwise limit an agritourism activity on land that has been classified as agricultural land. At this time, there is no agricultural exemption on the subject property.

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

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

Future Land Use

The subject property's GU zoning classification can be considered consistent with the RES 4 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed AU zoning classification can be considered consistent with the RES 4 FLU designation.

Applicable Land Use Policies

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

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

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

Criteria:

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

This request is not anticipated to significantly diminish the enjoyment, safety, or quality of life, as the rezoning would effectively permit the construction of up to five single-family residences in an existing residential area. Future development would need to meet Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity.

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

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

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

1. Historical land use patterns;

There are five (5) FLUM designations within a half-mile radius of the subject property. They include Residential 4, Residential 15, Public Facilities, Public Conservation, and Private Conservation. The surrounding areas include portions within the City of Rockledge. The subject property is surrounded by RES 4, which is the prominent FLU

designation. Within the past three years, there have been no FLUM changes within a half-mile radius.

The zoning character of the surrounding area is conservation and single-family residential, with the residential lots ranging in size from 0.14 acres to 19.63 acres. There is a hodge-podge of zoning classifications in the area, including GU, AU, RR-1, RU-1-13, RU-1-9, RU-1-7, RRMH-1, TR-1 and IN(L). The surrounding areas include portions within the City of Rockledge. GU is prominent zoning classification in the area followed by RR-1.

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

Within a half-mile radius, there has been no actual development.

3. Development approved within three years but not yet constructed.

During the preceding three years, there has been one (1) approved rezoning within 0.5 mile of the subject property, but not yet constructed. 24Z00060 changed the zoning from AU to RR-1 with a binding development plan, May 2, 2025.

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

No material violation of relevant policies of the Comprehensive Plan has been identified.

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

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

Criteria:

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

Based on staff analysis, the proposed use will introduce commercial activity that is not already present within the area. The applicant intends to sell meats and produce from the proposed onsite commercial farming

business to the general public and at local farmers markets, which is not anticipated to cause a decrease to the level of service provided in the area.

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.

Staff analysis has determined this is not an established residential neighborhood, however, there are clearly established roads and residential lot boundaries.

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

The subject property is located within an existing residential area. The request is for personal and commercial agricultural pursuits. These activities and any visitors anticipated to the site are not anticipated to preclude the existence of the existing residential area.

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

The area is primarily a conservation and mixed residential with no commercial zoning nearby.

Analysis of Administrative Policy #7- Environmental Constraints

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

The entire subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils which are indicators that wetlands may be present on the property. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The property is likely within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. If confirmed, the property is subject to the

development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage and filled footprint restrictions.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Fiske Blvd. from Eyster Blvd to Barton Blvd., which has a Maximum Acceptable Volume (MAV) of 38,430 trips per day, a Level of Service (LOS) of D, and currently operates at 68.82% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.27%. The corridor is anticipated to operate at 69.09% 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.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Wetlands and Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees

Please refer to the complete report.

For Board Consideration

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

In addition, the Board may wish to consider the potential impacts of Agritourism, or any the more intense agricultural uses permitted in AU, on surrounding properties.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00038

Applicants: Jay and Grant Steinke (Owners: Jay and Grant Steinke)

Zoning Request: GU to AU

Note: for future agricultural use

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

Tax ID No.: 2504763

- 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 and Hydric Soils
- Floodplain Protection
- Protected and Specimen Trees

Land Use Comments:

Wetlands and Hydric Soils

The entire subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (Floridana, Chobee, and Felda soils, frequently flooded; and Riviera sand, 0 to 2 percent slopes); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

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 no net loss mitigation in Brevard County in accordance with Section 62-3696. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is

exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

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

Floodplain Protection

This property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) AE, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The property is likely within the St. Johns Riverine floodplain as identified by the Federal Emergency Management Agency and as shown on the FEMA Flood Map. If confirmed, the property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, **including compensatory storage and filled footprint restrictions.**

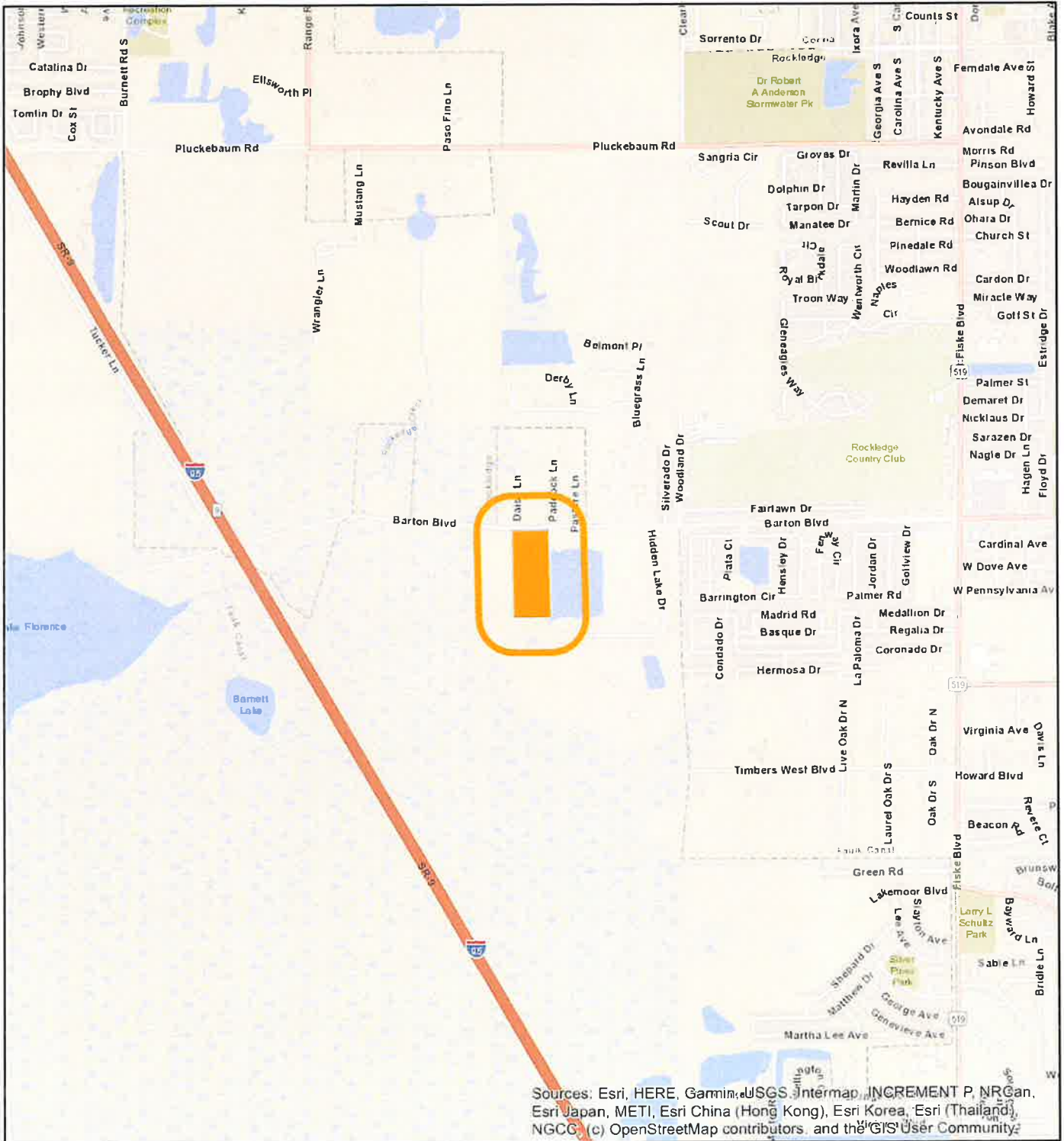
Per Section 62-3723(4), elevations of the riverine 100-year, riverine 25-year, and ten-year floodplains shall be determined utilizing the best available data, which includes FIRM maps and the Flood Insurance Study for Brevard County, Florida and Unincorporated Areas, April 3, 1989, prepared by the Federal Emergency Management Agency; and the Mean Annual, 10-Year, 25-Year and 100-Year Profiles for the Upper St. Johns River Under the Existing Conditions, prepared by Dr. Donthamesetti V. Rao, P.E., St. Johns River Water Management District (March 1985). 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." **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal or performing any land clearing activities.**

Protected and Specimen Trees

Protected and Specimen Trees likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

LOCATION MAP

Jay & Grant Steinke
25Z00038



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



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

Buffer Distance: 500 feet

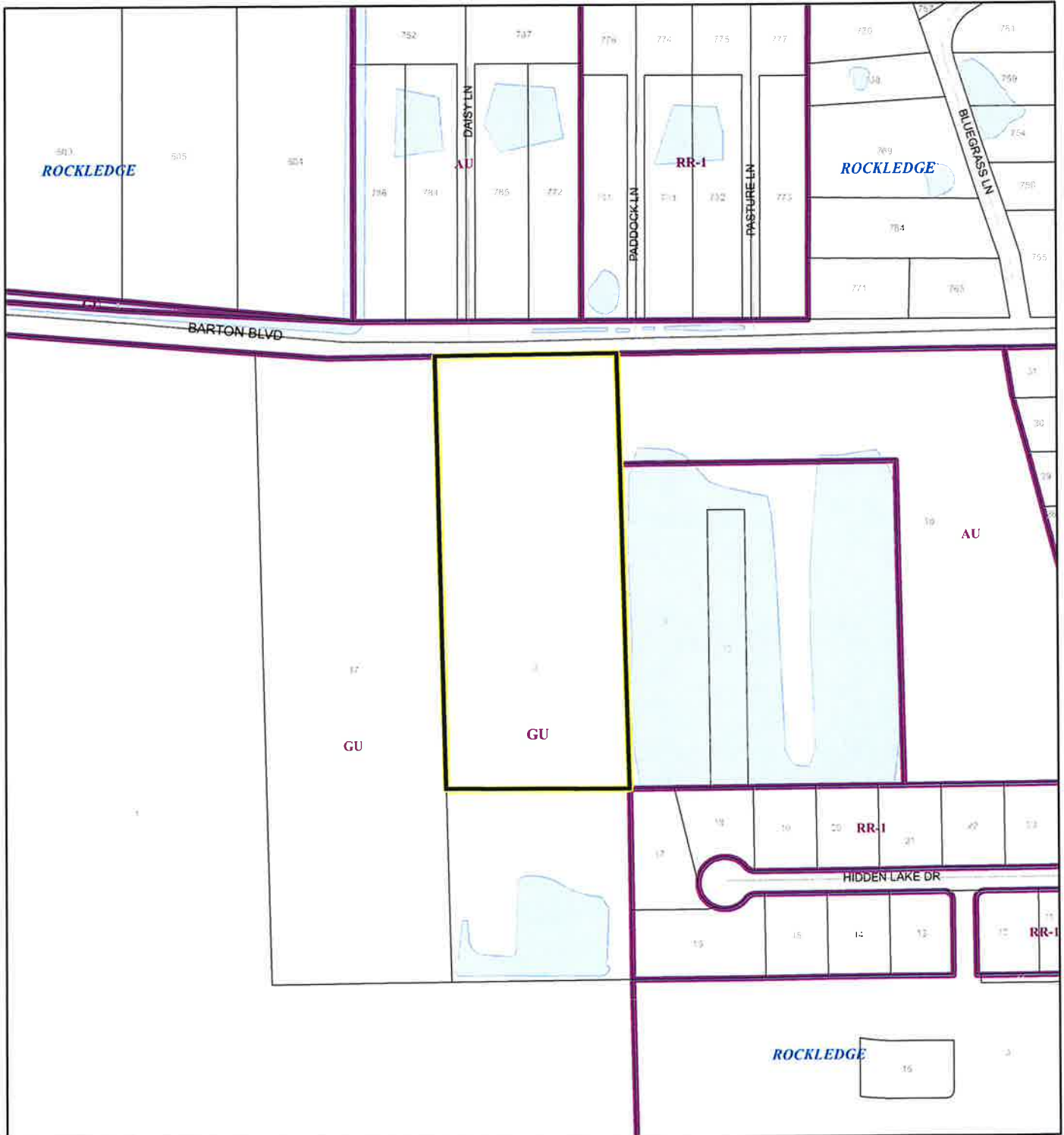
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/7/2025

- Buffer
- Subject Property

ZONING MAP

Jay & Grant Steinke
25Z00038



1:4,800 or 1 inch = 400 feet

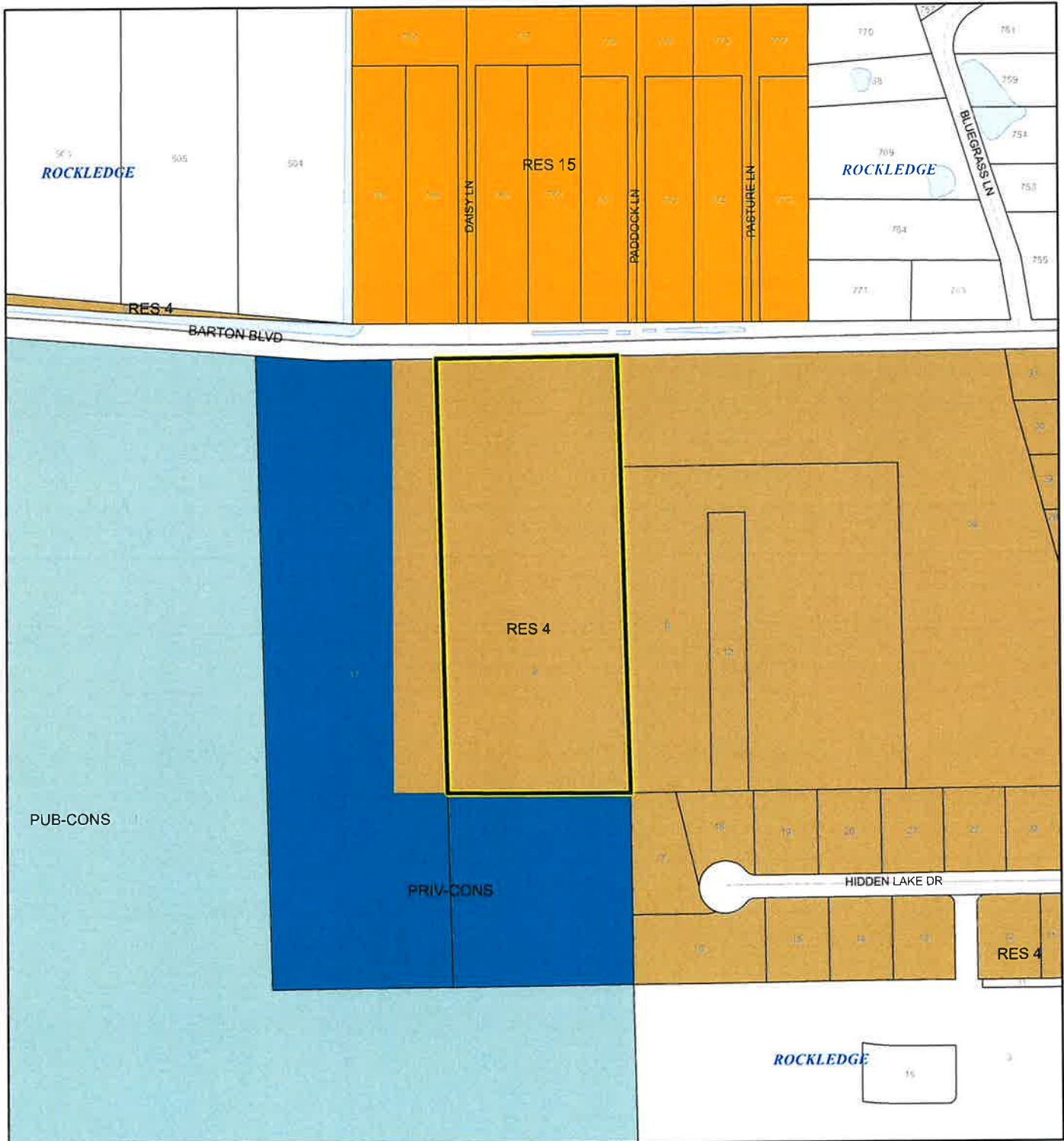
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/7/2025

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

Jay & Grant Steinke
25Z00038



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/7/2025

- Subject Property
- Parcels

AERIAL MAP

Jay & Grant Steinke

25Z00038



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2025

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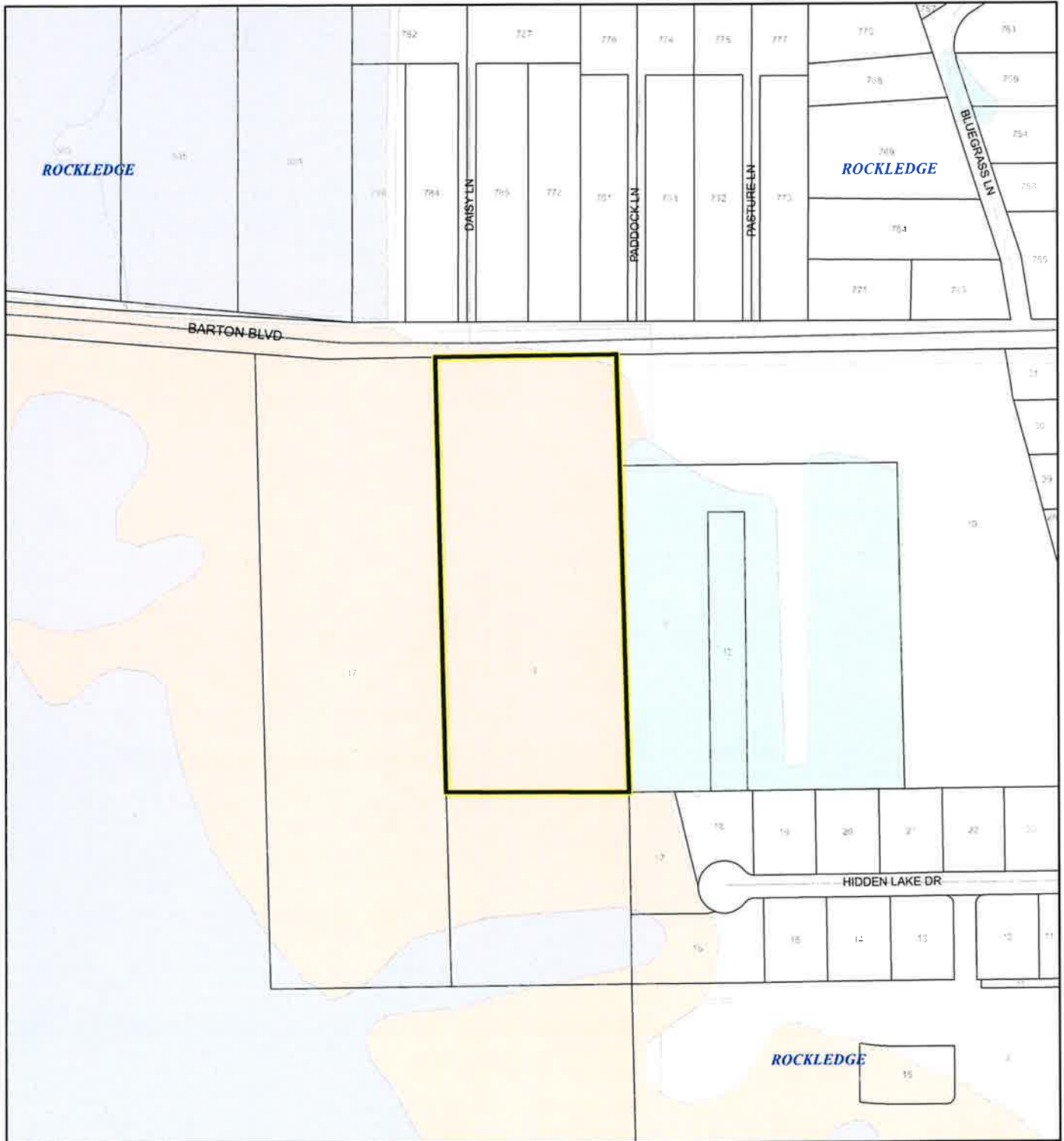
Produced by BoCC - GIS Date: 10/7/2025

 Subject Property

 Parcels

NWI WETLANDS MAP

Jay & Grant Steinke
25Z00038



1:4,800 or 1 inch = 400 feet

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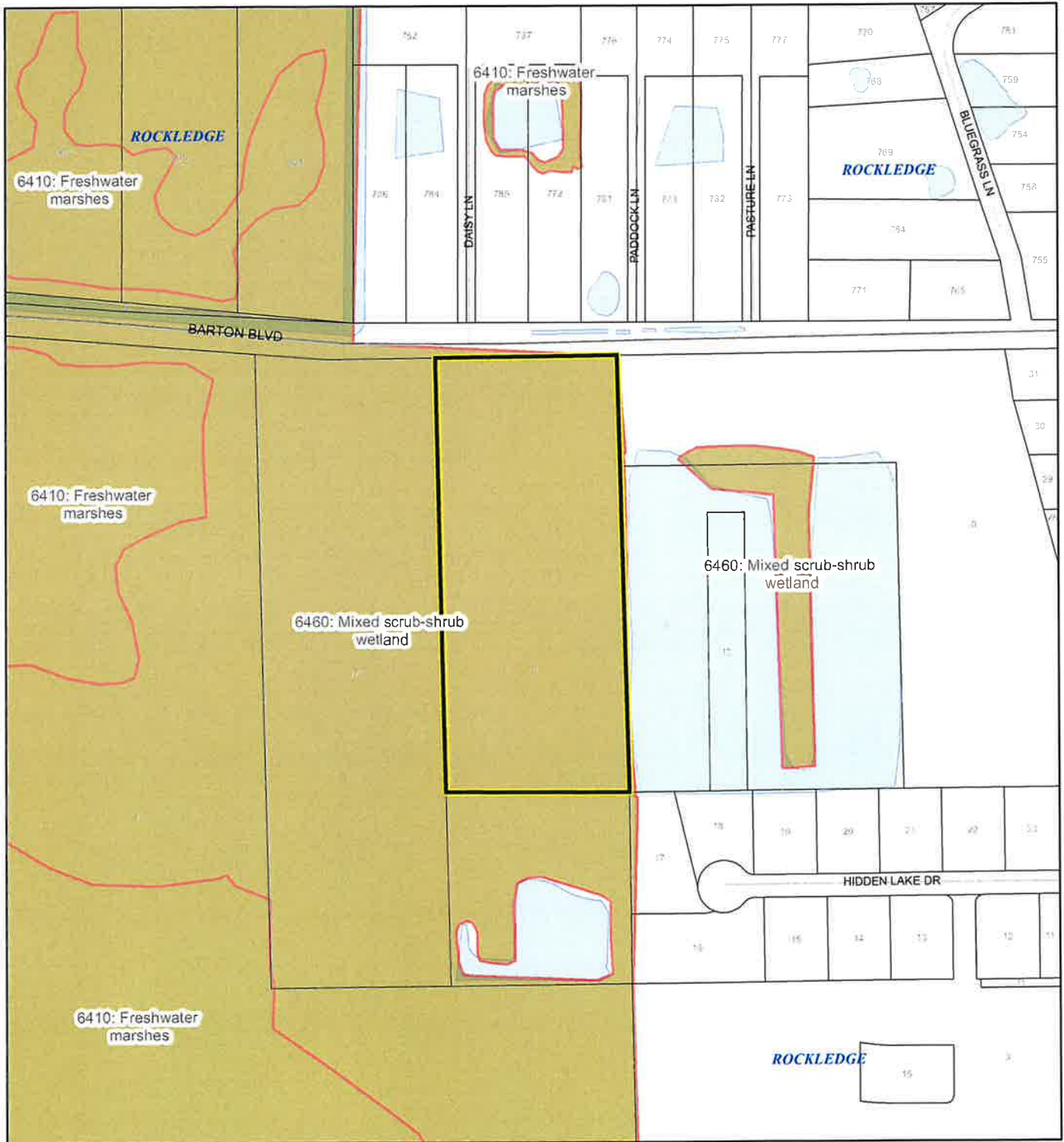
Produced by BoCC - GIS Date: 10/7/2025

National Wetlands Inventory (NWI)

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

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

Jay & Grant Steinke
25Z00038



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

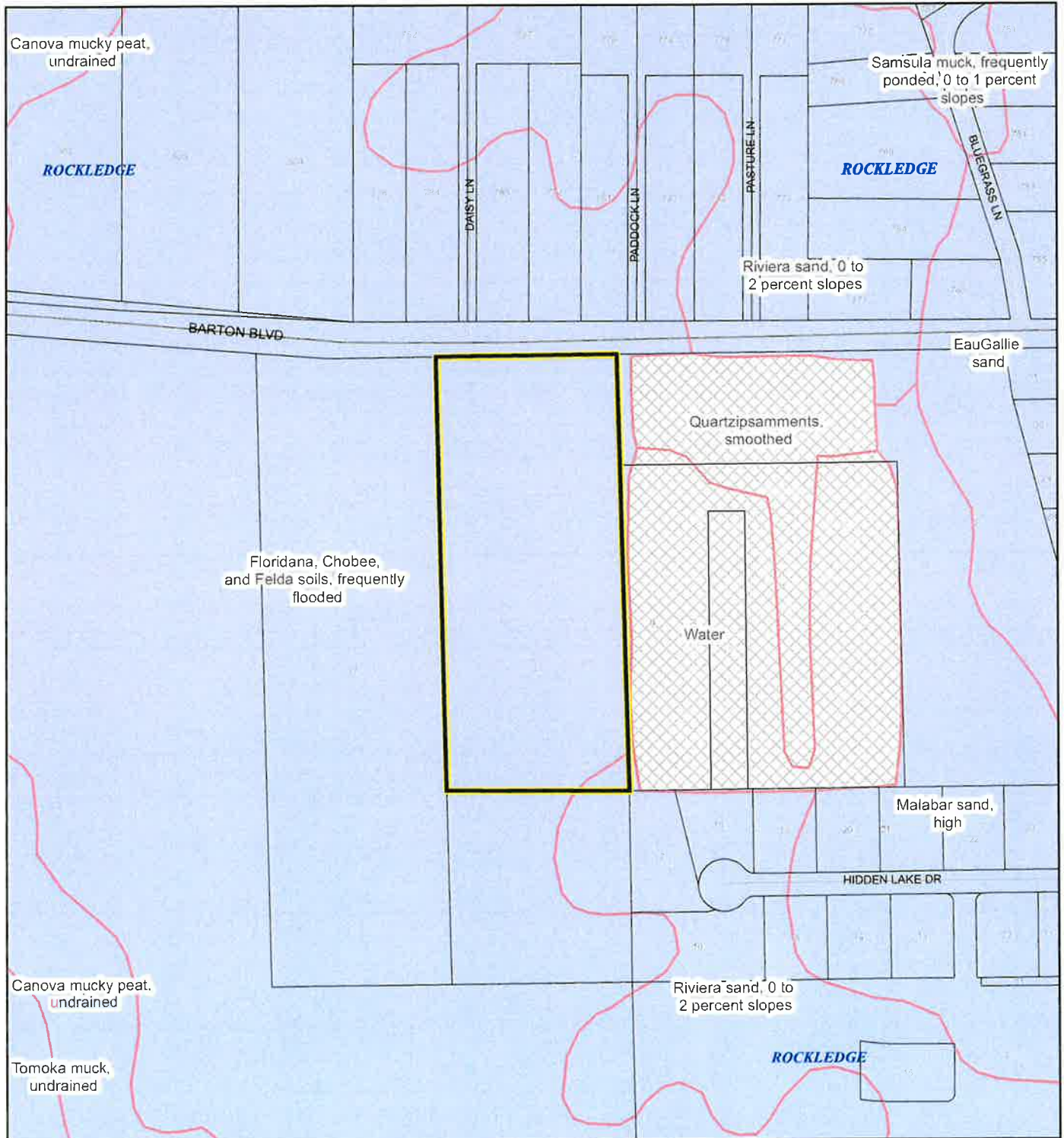
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

Jay & Grant Steinke
25Z00038



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.

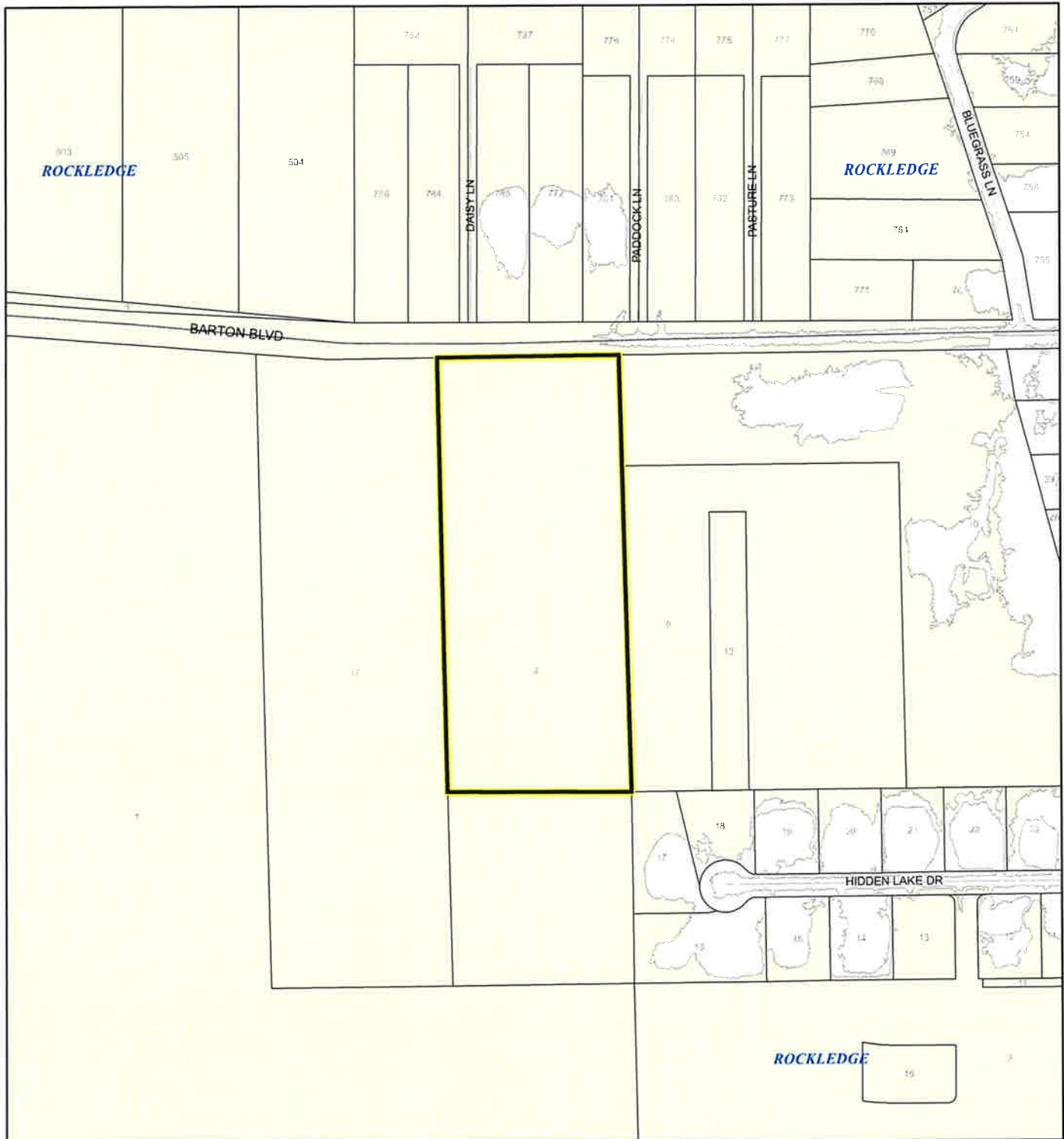
Produced by BoCC - GIS Date: 10/7/2025

USDA SCSSS Soils

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

FEMA FLOOD ZONES MAP

Jay & Grant Steinke
25Z00038



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.

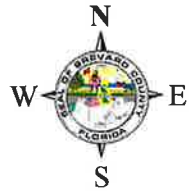
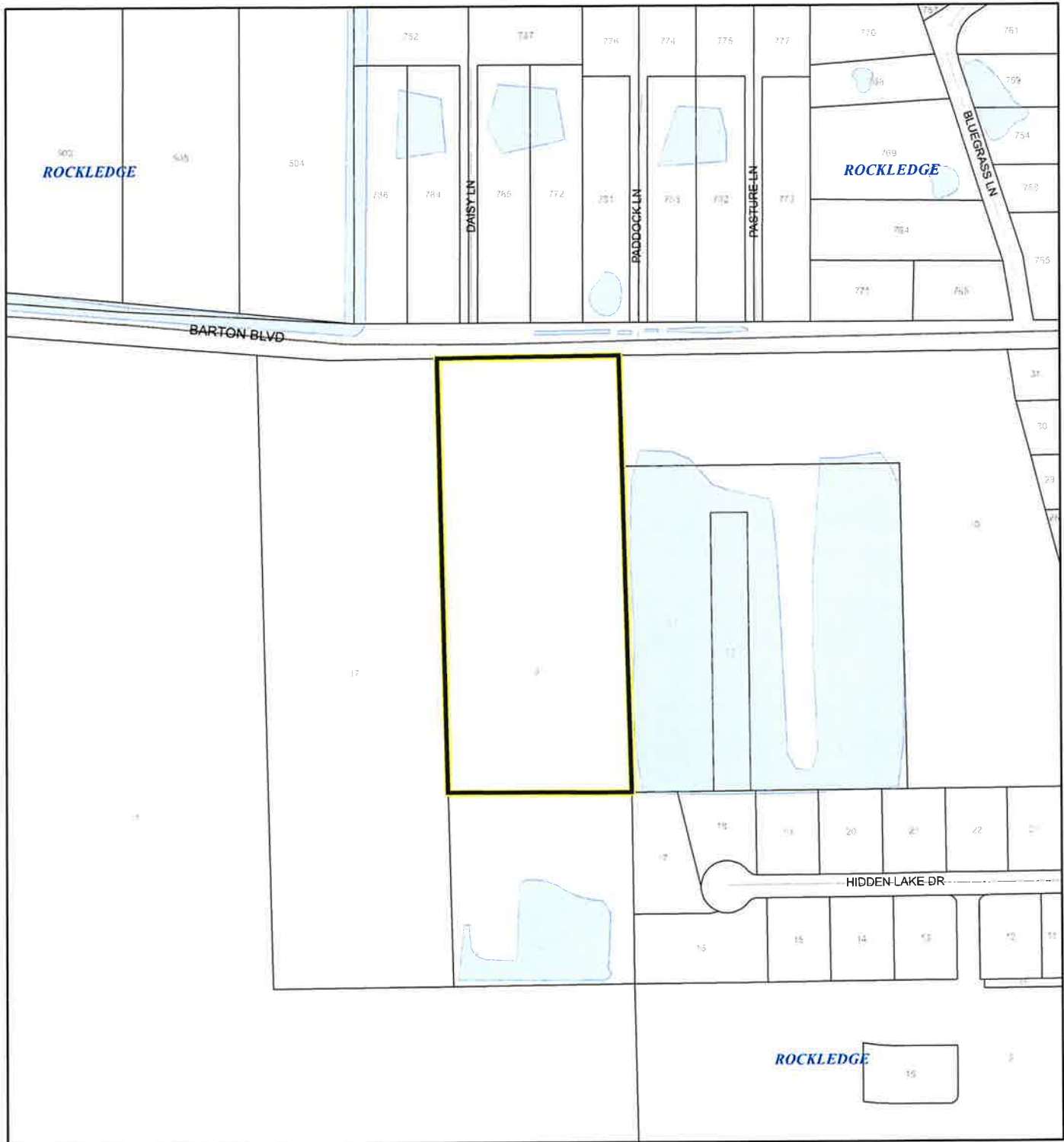
Produced by BoCC - GIS Date: 10/7/2025

FEMA Flood Zones

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

COASTAL HIGH HAZARD AREA MAP

Jay & Grant Steinke
25Z00038



1:4,800 or 1 inch = 400 feet

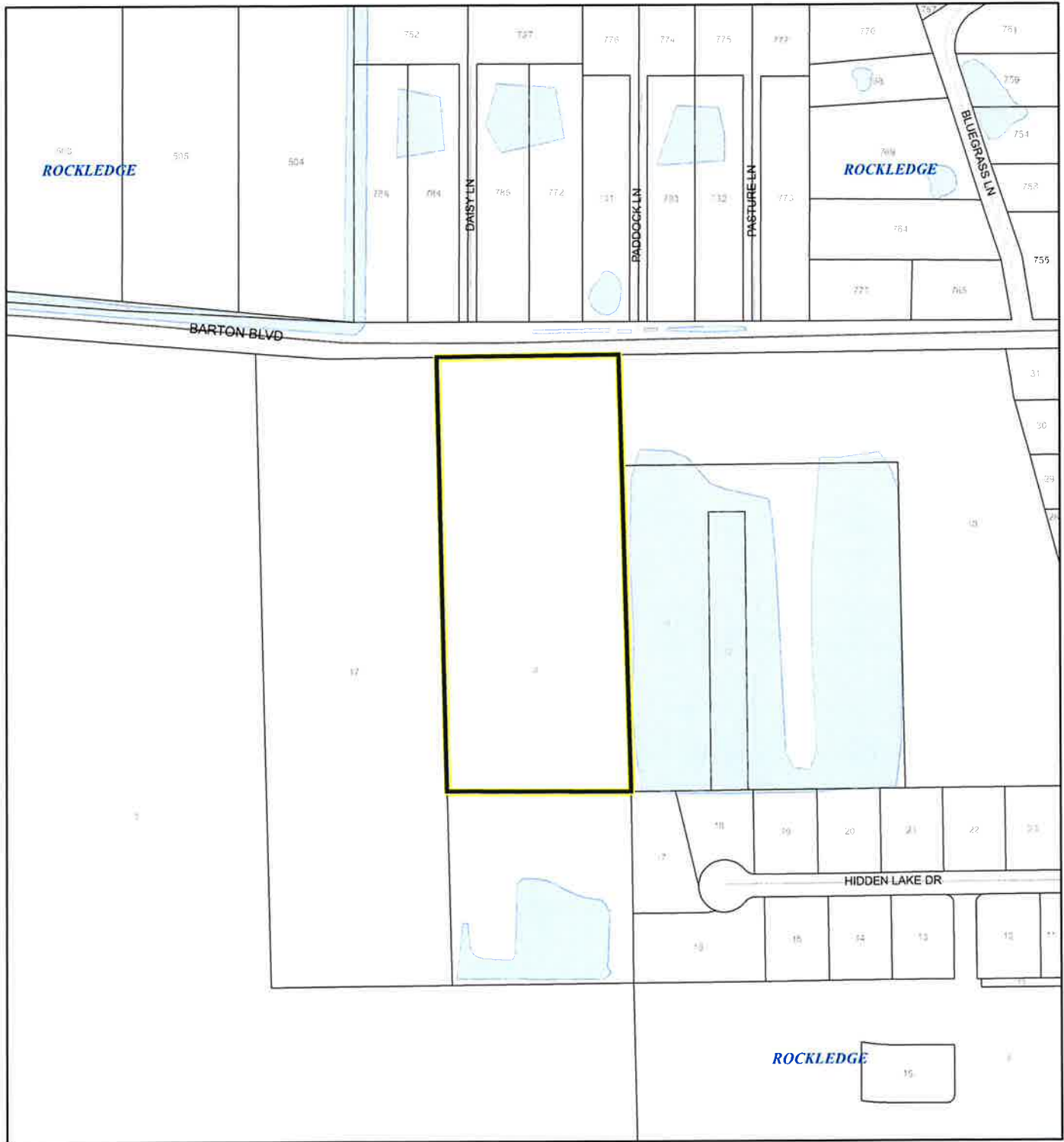
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/7/2025

-  Subject Property
-  Parcels
- Coastal High Hazard Area**
-  SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Jay & Grant Steinke
25Z00038



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: 10/7/2025

 Subject Property

 Parcels

Septic Overlay

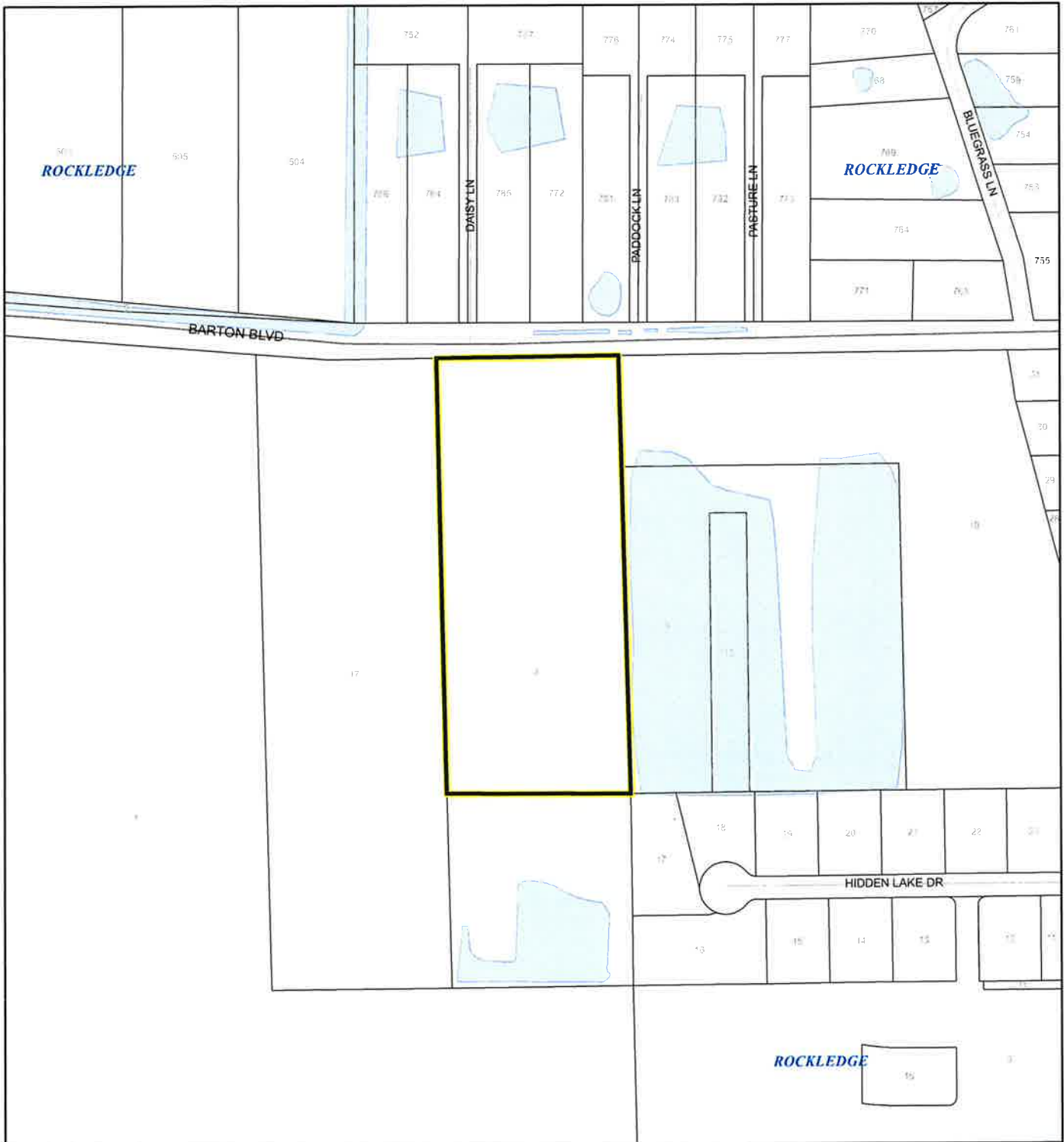
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP


Jay & Grant Steinke
25Z00038



1:4,800 or 1 inch = 400 feet

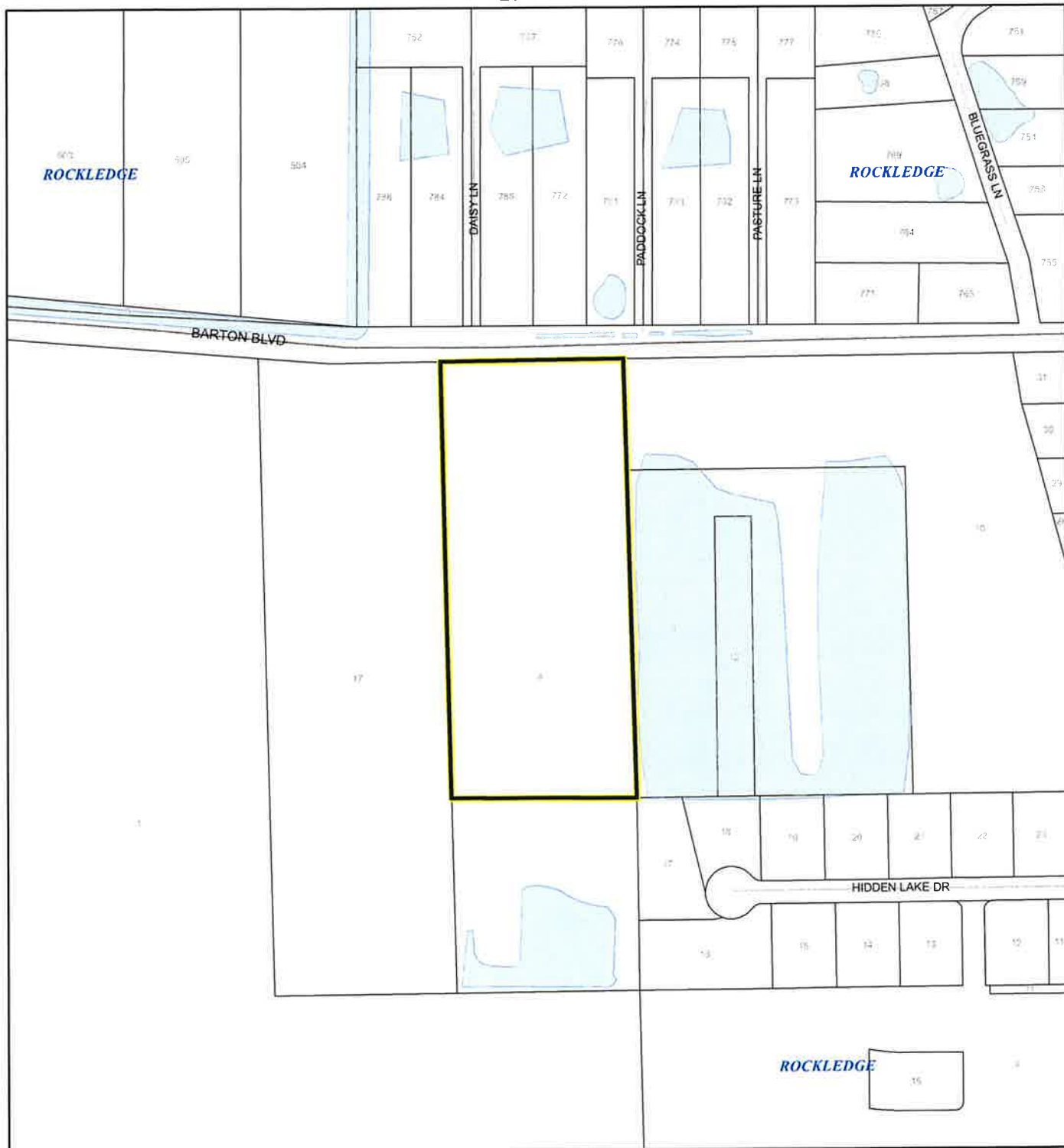
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Produced by BoCC - GIS Date: 10/7/2025

-  Subject Property
-  Parcels
-  Eagle Nests FWS

SCRUB JAY OCCUPANCY MAP




Jay & Grant Steinke
25Z00038



1:4,800 or 1 inch = 400 feet

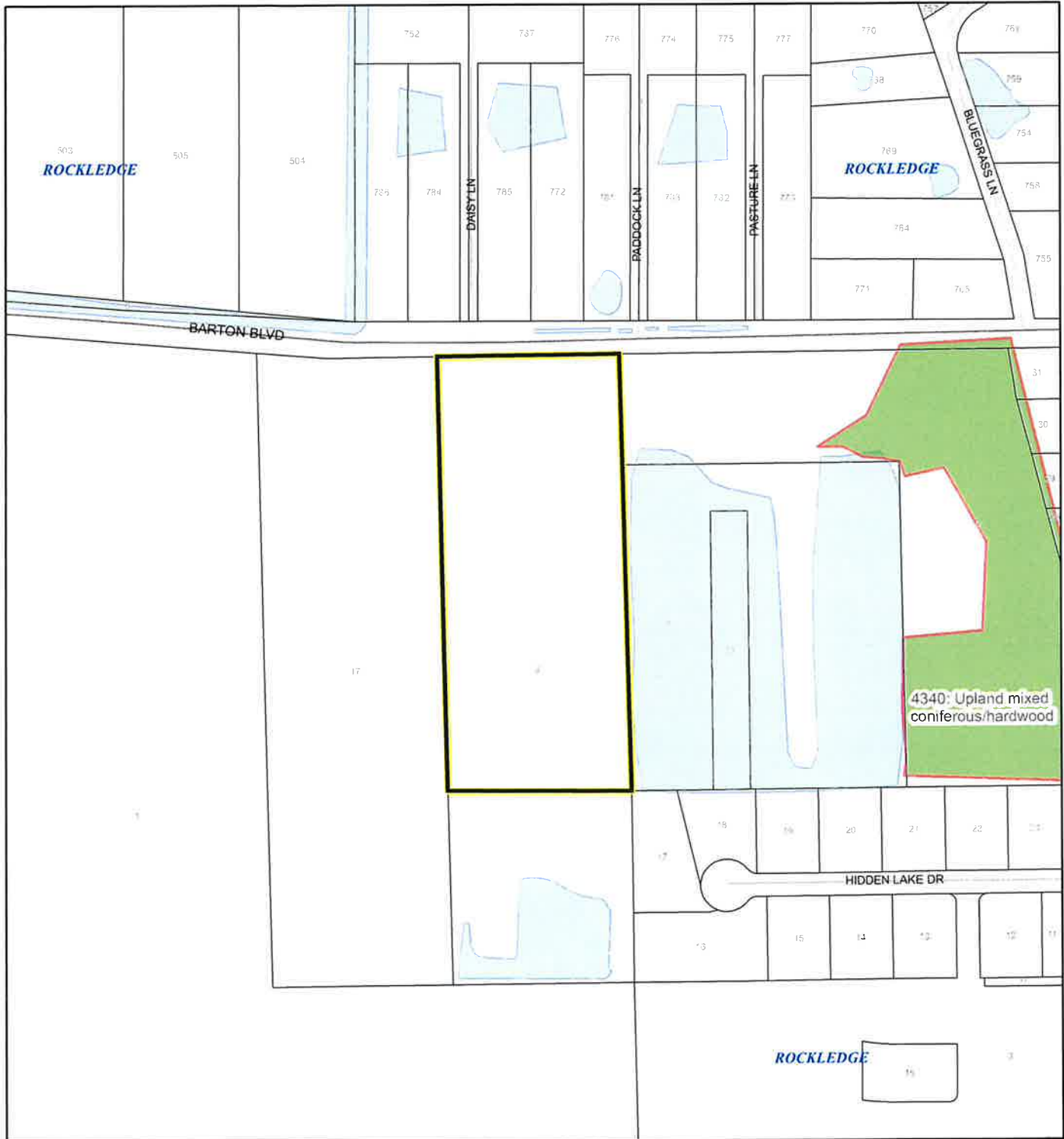
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Produced by BoCC - GIS Date: 10/7/2025

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Jay & Grant Steinke
25Z00038



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: 10/7/2025

SJRWMD FLUCCS Upland Forests

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

Subject Property Parcels

From: [Land Center](#)
To: Records@brevardfl.gov; [Zoning](#); [AdministrativeServices](#); [PublicRecordsRequest](#)
Subject: Fwd: Support Letter – Rezoning Case 25Z00038 (Steinke)
Date: Friday, November 14, 2025 10:34:24 PM

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

To Whom It May Concern,

RE: Support Letter for Rezoning Case 25Z00038 (Steinke)

Neighboring Parcel: Account 3031812 / Parcel ID 25-36-07-00-17

Owner: 1 GOLDEN SUNRISE LLC

My name is Viktoriia, and I am the authorized representative of 1 GOLDEN SUNRISE LLC, the owner of the neighboring parcel (Account 3031812 / Parcel ID 25-36-07-00-17), located directly adjacent to the subject property under rezoning case 25Z00038.

We are writing to express our full support for the applicants' request to rezone their property from GU (General Use) to AU (Agricultural Residential).

After reviewing the surrounding zoning pattern and nearby land use context, we believe that the proposed AU classification is reasonable, compatible with the character of the area, and consistent with the RES 4 Future Land Use designation. The surrounding parcels already include a mixture of GU, AU, and RR-1 zoning, and agricultural-residential use aligns well with the established and emerging development pattern.

We anticipate no negative impacts related to traffic, noise, lighting, or safety. Based on the nature of the request, the proposed zoning will not diminish the enjoyment or value of neighboring lands. On the contrary, agricultural and low-density residential uses contribute positively to the rural character of the area and support thoughtful long-term development.

As neighboring landowners, we are not opposed in any way to this rezoning request and believe it supports a sensible and orderly evolution of the Barton Blvd. area.

Thank you for considering our position. Please include this letter in the official public record for zoning case 25Z00038.

Sincerely,

Viktoriia

1 GOLDEN SUNRISE LLC

Phone: 754-291-00-01

Email: vs@1goldensunrise.com

Dear Property Owner:

ID# 25200038

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by **Jay Steinke and Grant Steinke**, who are requesting a change of zoning classification on 14.94 acres of 21.48 acres. The property is located on the south side of Barton Blvd. across from Daisy Ln. (No Address, Rockledge)

Current Zoning: GU (General Use)

Request: AU (Agricultural Residential)

A public hearing will be held by the Planning and Zoning Board at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida, on **Monday, November 17, 2025**, beginning at **3:00 p.m.** The final public hearing will be held by the Board of County Commissioners on **Thursday, December 11, 2025**, beginning at **5:00 p.m.**, at the same location.

You are invited to attend these public hearings to voice any comments you may have, or you may also write to the address shown on the front of this card, or email administrativeservices@brevardfl.gov. Your correspondence or inquiry should refer to the ID# located in the upper right-hand corner of the card. For the complete agenda, you may visit the County's internet site at <http://www.brevardfl.gov/> -> Board Meetings, approximately one week prior to the first meeting, or call the Planning & Development Department at 321-633-2070. The needs of hearing or visually impaired persons shall be met if the Planning and Development Department is contacted at least five (5) days prior to the public hearing.

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

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

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

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

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

H.10. Jay Steinke and Grant Steinke request a zoning classification change from GU (General Use) to AU (Agricultural Residential). (25Z00038) (Tax Account 2504763) (District 2)

Paul Body read the item into the record.

Jay Steinke spoke to the application. I bought this property for my son. He's a zookeeper at the Brevard Zoo and an environmentalist out there. It's a wetland area. We bought it. The intent is to eventually put a small house out there, a mini house out there. I want to put about a half-acre of blueberries out there and 10 or 15 hives of bees out there. And hopefully he'll have a spouse that wants to dabble in anything. His girlfriend right now wants to have a few chickens. I want to put a couple elevated vegetable plots out there so we can raise, and he can hopefully sell stuff down the road.

Public Comment

Jim Cutts stated he did a little bit of research about changing to AU which looks like it can be rezoned to have some residential property on there, with lot sizes that are a little bit unclear. I just didn't know what the lot sizes were. We have no objection to houses or anything being built on there. I was just wondering if it was going to be developed beyond a single residence, what the lot size of those houses would be.

Ms. Gilliam responded AU zoning classification requires 2-and-a-half-acre lot sizes.

Mr. Cutts replied in that case; we would have no objection. In fact, we're quite looking forward to having other properties down in that area. Thank you.

Ms. Gilliam stated the maps in your package are incorrect. He's only rezoning about 15 acres of the 22 1/2 acres. So, the bottom portion of it is going to remain the zoning that it is. He's only doing 14 acres. The northern piece is what's being rezoned.

Mr. Bartcher asked you're going to be raising blueberries?

Mr. Steinke replied well, that's what my hope is.

Mr. Bartcher stated as I drive by 95, I see that area flooded quite a bit. So, maybe blueberries is a good thing to grow. Cranberries. It's also a lot of wetlands. So, you're aware that wetlands can be a problem in doing any kind of development.

Mr. Steinke relied absolutely. Right now, it's covered with invasives. I'm trying to clear out the melaleuca and clear out the Brazilian pepper and clear out the Chinese mallow. And yes, there's some work to be done and get rid of all the hogs that are out there.

Mr. Atkins asked any particular reason you're not rezoning the entire parcel?

Mr. Steinke responded part of it is private conservation on the very south end. And that was something the county did. I was trying to rezone the whole thing. And they were the ones that recommended keeping that out of it.

Mr. Atkins stated I wasn't really thinking about it till you brought it up.

Mr. Steinke added that part of that's a 2-and-a-half-acre pond. You can't do much with any of that.

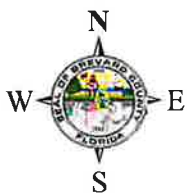
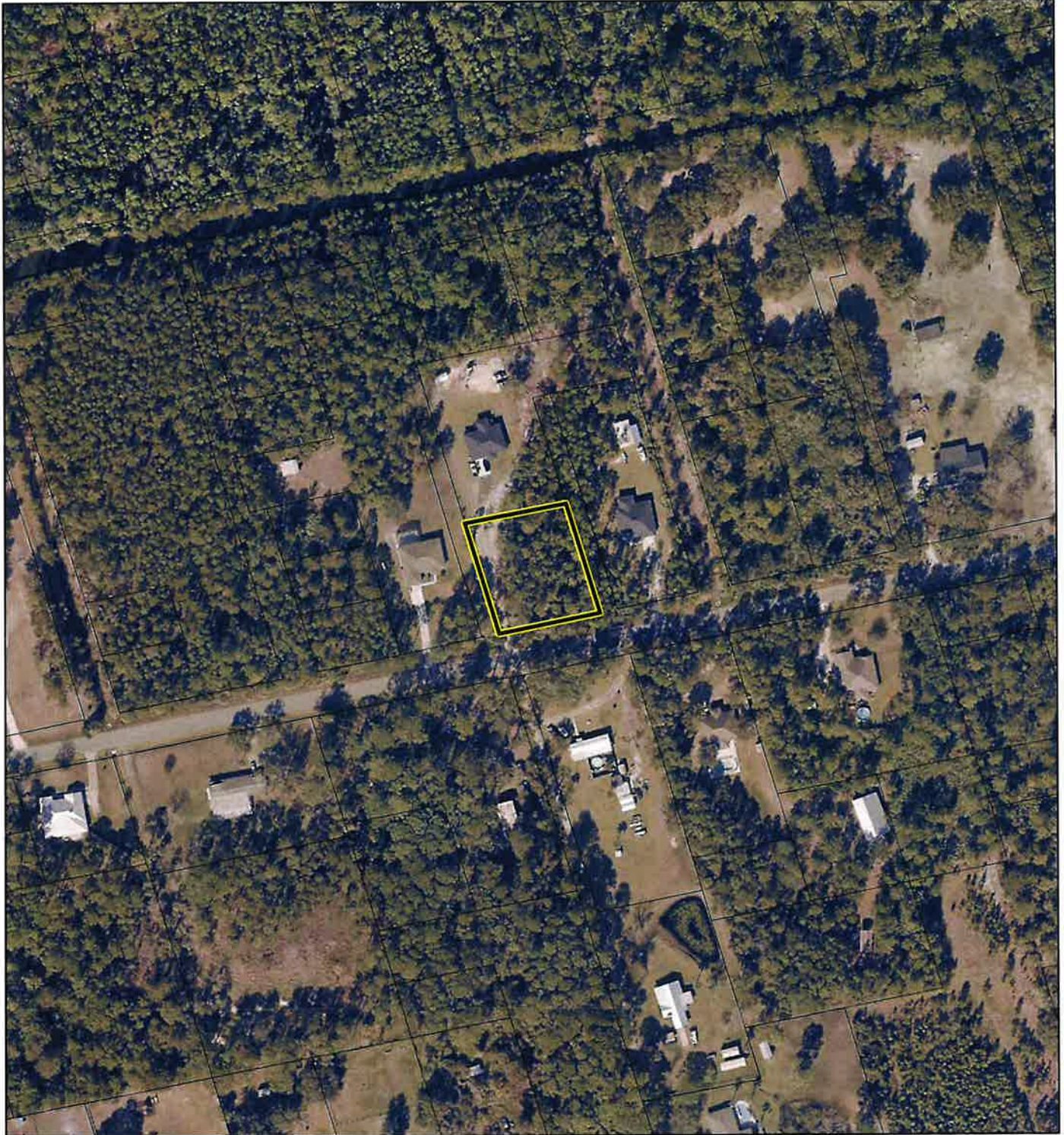
Motion to recommend approval of Item H.10. by John Hopengarten, seconded by Neal Johnson. The motion passed unanimously.

Meeting adjourned at 4:27 p.m.

AERIAL MAP

FOUNE, JACOB

25SS00008





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2025

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: 9/3/2025

-  Subject Property
-  Parcels

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

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

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

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

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

H.6. Jacob Foune requests a Small-Scale Comprehensive Plan Amendment (25S.14) to change the Future Land Use designation from RES-1 (Residential 1) to RES-2 (Residential 2). (25SS00008) (Tax Account 2000804) (District 1)

H.7. Jacob Foune requests a zoning classification change from SR (Suburban Residential) with a BDP to SR (Suburban Residential) with removal of the existing BDP and addition of a new BDP. (25SS00008) (Tax Account 2000804) (District 1)

Paul Body read both item H.6. and H.7. into the record as they are companion applications but will need separate recommendations.

Jacob Foune spoke to the applications. He stated he initially bought the property not aware of any issues to build on it. I turned in all my permits, got everything accepted, started construction. I currently already have my concrete slab done, my block. I have trusses sitting in the dirt for almost five or six months now. Now I'm just waiting to get it approved to continue my construction.

Public Comment

Clifford McKnight stated currently the rezoning, I don't know what happened to get this approved. Where you're supposed to get rezoned, you can rezone down to one acre. This is going to rezone it down to a half an acre, setting a precedence for future building in the area. According to the property appraiser website, this property is listed at .45 acres. It is now with the current survey listed as .51. So, I have a discrepancy there. I don't know what happened to get this thing rubber stamped to where he could start building. I feel sorry for him. But also with this property, the house directly behind it that just got built, 4070, their driveway runs directly through this piece of land also. So, by building this, approving it and building this house, you're cutting off their flag lot. They don't have direct access. The current BDP, I'm not sure what is going to entail with that being changed, but I'm not in favor of this.

End Public Comment

Mr. Hopengarten asked how did you buy this? Did you go through a realtor?

Mr. Foune replied no, no realtor. Nope. Just bought it. I work construction, so I just work in the area all the time and work with people that sell lots. I was told of the lot and made a deal and closed on it and turned everything in.

Mr. Hopengarten asked who did the survey for you. Did you pay for the survey?

Mr. Founé replied yes, sir.

Mr. Hopengarten asked so, your surveyor didn't notify you that this was an illegal lot.

Mr. Founé replied no, sir.

Mr. Hopengarten stated might be a lawsuit there for you. Also, it seems that the county mis-stepped on this too when they issued you a building permit, which is sad. Also, the last gentleman that spoke said that there's another lot that's supposed to be flagged through yours.

Mr. Founé replied correct. So, they have an easement, a 25 ft easement to the left.

Mr. Hopengarten asked is that what's showing on the survey? On the I guess it's the west side.

Mr. Founé replied yes, correct.

Mr. Body stated the parcel that's to the rear does have an approved easement to get to their lot.

Mr. Hopengarten stated that's not the west, that's the east side. I'm looking at the survey just to see where that is. But you're aware of that.

Mr. Founé replied correct.

Mr. Hopengarten stated I'm looking at this wrong. You're saying on the east side there's the flag lot.

Mr. Founé replied on the west side there is an easement for them. The other side there's like a piece of property. I think it's like a something the county owns. I think it's 25 ft wide as well.

Mr. Hopengarten replied okay, but it doesn't affect the house that you wanted to build.

Mr. Founé replied no, the slab's already done.

Mr. Hopengarten stated I really feel bad about this. The county let you down, the surveyor let you down. The seller let you down and you're paying money on construction that's not being completed. I think number one that they shouldn't charge you any fee for this change that you want and that they should let you proceed. That's sad.

Mr. Atkins asked who sold you the lot? And who is building the house?

Mr. Founé replied, Scotty Minnick. I'm owner builder.

Ms. Amato stated in the packet, it says that if the zoning request is approved that it will not be introducing a new zoning into the area, that it won't like RES2, can't be used in the future to build on the intensity and density in the area. How do we guarantee that? Because we got here there was a BDP to prevent this and multiple steps were missed. So, if we put another barrier in place, what guarantee is there that we're not going to be sitting here in another 6 months or so? There seems to

be quite a few mistakes happening up in the Scottsmeer area and it's repeated up against this board. And how do we stop, what does that guarantee?

Ms. Gilliam replied that the technicians that reviewed the building permit originally went through additional 8 weeks training. So, we have corrected that and tightened it up, so their reviews are more focused, and they know what to look for in the future. Additionally, we have cited in the staff report that this action if it is approved would not be precedential in nature. So, by stating that we feel that that would not allow for other people to do the same thing because this is a unique situation. Staff did make an error in originally approving the building permit and we're doing what we can for Mr. Foune to correct our errors.

Ms. Amato replied when we get these reports it'll give us a range sometimes like there's 0.2 2 acres to 5-acre properties in the area. Is there going to be a note attached to any rezoning in the area that this one will not be considered when we get those reports before a planning and zoning board. So that way in the future everybody who's considering a rezoning in that area will have a note to that effect.

Ms. Gilliam responded as you know when we do our staff reports, we do a search radius of a thousand square feet. So, any zonings, rezonings or small scales that have happened within that thousand square feet is noted in the staff report. That's how we would protect this from not happening again, from moving forward, is by doing that search.

Ms. Amato stated and in that staff report, it would let us know that this property shouldn't be considered.

Ms. Gilliam replied we would do what we can to work with the applicant before even bringing it forward. But of course, it is still up to the applicant in the end.

Ms. Amato responded it kind of feels like we're stuck between a rock and a hard place. People moved up that way and they have larger lots. They did that on purpose. They didn't stumble into larger lots. And now we have somebody who's going to lose an immense amount of money because somebody who sold him the lot dropped the ball, his surveyor dropped the ball, and someone in staff dropped the ball. And now there's no RES2 anywhere near that. And now we're going to introduce a new zoning into the area all to make everybody else's missteps correct. And the problem I have with that is considering everybody who lives there that moved there not to have that zoning. And that's quite a conundrum.

Mr. Johnson asked when you bought the property, did you close with a title company?

Mr. Foune replied yes, I did.

Mr. Johnson then asked, have you spoken to them about this? You should.

Mr. Foune replied I have not yet. No.

Mr. Bartcher stated relating to what Ruth was saying, when this lot was split back in 2020, who should have recognized that this was illegal. Would it be the property appraisers office, the buyer's lawyer, the county clerk, zoning staff, who would you expect to have found this error?

Ms. Gilliam responded zoning staff are not involved with properties when they're split. That is done through the clerk of courts. They also take it over to the property appraiser, but it must be recorded with the clerk of courts. Clerk of court staff does not look at zoning or BDPs or anything else. So, we don't know about it until it gets mapped.

Mr. Bartcher responded so in essence, what the situation that we have here is that until he pulls a building permit, he would never have known he had a problem.

Ms. Gilliam replied that is correct.

Mr. Bartcher stated and in this case, he actually got a building permit.

Ms. Gilliam replied yes, sir.

Mr. Body stated a lot of times the property appraisers will call zoning if they're trying to get a mortgage on it and make sure that it's properly done, and we'll tell them when something like this has been recorded that it's done without meeting the requirements for the zoning classification. The surveyors don't usually look at stuff like that. All they do is get a legal description and they go out and survey the property by that. The title company is the one that should be looking at that.

Mr. Bartcher stated I was thinking the title company ought to have found that and advised him that there was a problem. Because of all these failures, I'm going to recommend that we approve this with the disclaimer. But before we get to that, how are we going to put this disclaimer in effect? Are we going to ask him to put a BDP on the property or how's that known? How's it made known?

Ms. Gilliam responded yes, sir. We are requesting a BDP with this action. What we're proposing is two things. The applicant agrees that this rezoning request and companion future land use amendment application was the result of an unlawful split by the predecessor and interest and will stipulate to the fact in any future proceedings regarding that action. And number two, that this rezoning and companion future land use amendment application are not precedential but instead are being requested to resolve the substandard lot that has arisen as a result of the unlawful lot split. And under these particular circumstances, that it be recognized that these actions are being granted based upon the unique conditions of the subject property.

Mr. Bartcher stated I recommend approval with that disclaimer.

Ms. Orriss stated I've done a lot of real estate transactions in my lifetime, but I've always used a realtor and it's been brought to my attention, Erica this is zoned this way. And so, then the onus always is.... you know for sale by owner then you know a lot of things get hidden and so just recommendation for the future. And I don't want to see this set a precedent, so I do want to make sure that we've got this BDP, and it is we know not to use it. So along with that I guess I'll go along with everyone else.

Mr. Atkins asked out of curiosity, what kind of construction do you do?

Mr. Founé responded HVAC.

Mr. Atkins asked do you work for the gentleman that sold you the property at all?

Mr. Foune responded yes, I do. I work for a lot of the small builders in Titusville, Mims area.

Mr. Minneboo asked if this falls under the auspices of the septic tank moratorium.

Ms. Gilliam responded no it does not.

Mr. Minneboo asked who said that? The area is not.

Ms. Gilliam responded it is not in the septic tank moratorium.

Mr. Hopengarten asked do you still work for Minnick.

Mr. Foune replied yes, I do.

Mr. Hopengarten asked does he know the troubles he's put you in?

Mr. Foune replied yep.

Mr. Hopengarten asked if he's helping you out in any way?

Mr. Foune replied we'll see. Hopefully.

Mr. Hopengarten stated this is an expense that... Do you have a mortgage on this?

Mr. Foune replied I don't.

Mr. Hopengarten stated you're paying cash for everything. I'll second his motion.

Motion to recommend approval of Item H.6. by Ron Bartcher, seconded by John Hopengarten.
Motion passed with a vote of 10:2.

Motion to recommend approval of Item H.7. by Ron Bartcher, seconded by Neal Johnson. Motion passed with a vote of 10:2.

Meeting adjourned at 4:27 p.m.

From: [Cliff McKnight](#)
To: [Commissioner, D4](#)
Subject: ID # 25SS00008 and ID # 25Z00037
Date: Sunday, December 7, 2025 4:19:22 PM

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

Clifford McKnight
3900 Golden Shores Blvd, Mims
321-432-7928

Dear Commissioner Feltner,

I am writing on behalf of numerous residents of Golden Shores Blvd in Mims regarding the proposed rezoning and the removal of the existing Binding Development Plan (BDP) for the property at 4060 Golden Shores Blvd. We wish to express our strong disapproval of this rezoning initiative.

This is to be heard at the meeting on December 11, 2025. ID # 25SS00008 and ID # 25Z00037.

Current zoning: SR with a BDP

Requested Zoning: SR with removal of the existing BDP

Current future land use: RES-1

Requested future land use: Res-2

The removal of the existing BDP, along with the new land use request, is inconsistent with the current development plan and undermines the character of our community. This change sets a concerning precedent that could transform our area into a disorganized urban landscape—something many of us sought to avoid when we chose to live here.

Even with the proposed half-acre variance, this rezoning should not proceed. The Brevard County property website lists this parcel at 0.45 acres, contrary to the 0.51 acres indicated by the new survey. Additionally, the house directly behind this parcel, located at 4070 Golden Shores Blvd, has its driveway running through the proposed property, not on an easement. This situation raises significant concerns about access and impacts the actual usable acreage of the lot.

We emphasize that current zoning regulations should not be adjusted to accommodate negligence or oversight. This discussion is occurring after construction has progressed to a quarter completion due to a breakdown in the planning process. It is crucial that accountability is enforced rather than granting variances that would complicate the situation and set an undesirable precedent for other properties and builders. Notably, the contractor responsible for the construction is also the seller of the property. Given his experience building homes in the area, he should be fully aware of the zoning regulations and BDP.

Furthermore, it is important to note that alongside this property, there is another change in future land use affecting an additional 6.24 acres linked to this petition, potentially allowing

for up to 12 more homes in our area. Our community cannot support such extensive changes and strongly implores that the current BDP remains intact.

Thank you for your attention to this matter. We hope you will consider our concerns seriously and prioritize the integrity of our community.

Sincerely,
Clifford McKnight
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Chad Trexler
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