



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

7/17/2025

Subject:

Thomas Daugherty requests a change of zoning classification from GU to RU-1-11. (25Z00007) (Tax Account 2301907) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

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

Summary Explanation and Background:

The applicant is requesting to rezone the property from GU (General Use) to RU-1-11 (Single-Family Residential) on a 0.17-acre property to have a zoning classification that is consistent with the property's lot size. The parcel was subdivided from a 2.42-acre parent property, and the current configuration was recorded on September 10, 1997, in OR Book 3707, Page 3052, of the Public Records of Brevard County, Florida. The original parent property was recorded in Plat Book 2, Page 2, of the Public Records of Brevard County, Florida in February 1911.

The subject property meets these minimum size requirements for RU-1-11. Approval of the RU-1-11 would be an introduction of a new zoning classification in the area. The subject property would also meet the lot size, width, and depth requirements of RU-1-9 and RU-1-7, which are already established in the area.

The subject property is vacant and undeveloped and has frontage on Capron Rd. and Dunbar St., both of which are County-maintained roadways.

The property to the north of the subject property is a 0.26-acre lot improved with a single-family home built in 1960, zoned GU. The property to the south, across Dunbar St., is a 0.16-acre parcel developed with a single-family home built in 1965; zoned RU-1-7. To the east of the subject property, across Capron Rd., is a 0.26-acre parcel developed with a single-family home built in 2004; zoned RU-1-9. The property west of the subject property is a 1.34-acre parcel developed with a single-family home built in 1980, zoned GU. All the properties described are within the RES-8_DIR FLUM.

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

On June 11, 2025, the Port St. John Dependent Special District Board heard the request and unanimously recommended approval.

On June 16, 2025, the Planning and Zoning Board considered the request and unanimously recommended approval for RU-1-9. Although the RU-1-9 zoning classification is consistent and in character with what is in the area, per Section 62-1151(h), Brevard County Code, “[i]f ... it is determined that the requested zoning classification should not be approved, the planning and zoning board may recommend and the board of county commissioners may approve a classification which is more intense than the existing classification, but less intense than the classification which was requested. . . .” The RU-1-9 zoning classification recommended by the Planning and Zoning Board is both more intense than the requested classification and more intense than the existing classification. Given this, the Board should consider whether the request (as submitted by the applicant) is consistent and compatible with the surrounding area. If the Board finds that it is not and denies the request but finds that RU-1-9 would be consistent and compatible, the Board may consider waiving the six-month waiting period for a resubmittal, consistent with Section 62-1151(e), Brevard County Code of Ordinances.

Clerk to the Board Instructions:

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

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

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

Administrative Policy 1

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

Administrative Policy 2

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

Criteria:

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

Administrative Policy 3

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

Criteria:

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

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

Administrative Policy 4

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

Criteria:

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

Administrative Policy 5

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

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

Criteria:

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

Administrative Policy 6

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

Administrative Policy 7

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

Administrative Policy 8

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

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

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

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

CONDITIONAL USE PERMITS (CUPs)

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

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

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

(c) General Standards of Review.

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

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

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

FACTORS TO CONSIDER FOR A REZONING REQUEST

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

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

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

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

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

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

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

DEFINITIONS OF CONCURRENCY TERMS

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

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

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

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

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

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

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



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

**STAFF COMMENTS
25Z00007**

Thomas Daugherty

GU (General Use) to RU-1-11 (Single-Family Residential)

Tax Account Number: 2301907
Parcel I.D.: 23-35-13-01-A-25.01
Location: Northwest corner of Capron Rd. and Dunbar St. (District 1)
Acreage: 0.17 acres

PSJ Board: 06/11/2025
Planning & Zoning Board: 06/16/2025
Board of County Commissioners: 07/17/2025

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	RU-1-11
Potential*	0 single-family	1 single-family
Can be Considered under the Future Land Use Map	YES RES 8 DIR	YES RES 8 DIR

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

Background and Purpose of Request

The applicant is requesting to rezone the property from GU (General Use) to RU-1-11 (Single-Family Residential) on a 0.17-acre property to have a zoning classification that is consistent with the property's lot size. The parcel was subdivided from a 2.42-acre parent property, and the current configuration was recorded on September 10, 1997, in OR Book 3707, Page 3052, of the Public Records of Brevard County, Florida. The original parent property was recorded in Plat Book 2, Page 2, of the Public Records of Brevard County, Florida in February 1911.

Per Section 62-2102: No person shall sever any lot in such a manner that a violation of any of the provisions of this chapter would be created on any new or altered lot, including their uses or structures.

The subdivision created a lot that is inadequate to the GU lot size requirements. The subject property does not meet the 5-acre minimum lot size, and the minimum lot width and depth required for GU zoning. The proposed RU-1-11 zoning requires an area of not less than 7500 square feet, having a lot width of not less than 75 feet and a lot depth of not less than 100 feet. The subject property meets these minimum size requirements. Approval of the RU-1-11 would be the introduction of a new zoning classification in the area. The subject property would also meet the lot size, width, and depth requirements of RU-1-9 and RU-1-7, which are already established in the area.

Analysis of the lot sizes in the surrounding area within a 500-foot radius from the smallest to the largest in acres.

The GU zoning is the original zoning for the parcel as adopted by the Brevard County Zoning Regulations on May 22, 1958.

The subject property is vacant and undeveloped and has frontage on Capron Rd. and Dunbar St., both of which are county-maintained roadways.

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

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-family residential	GU	RES 8_DIR
South	Road Right-of-Way/Single-family residential	RU-1-7	RES 8_DIR
East	Road Right-of Way/Single-family residential	RU-1-9	RES 8_DIR
West	Single-family residential	GU	RES 8_DIR

The property to the north of the subject property is a 0.26-acre lot improved with a single-family home built in 1960; zoned GU.

The property to the south, across Dunbar St., is a 0.16-acre parcel developed with a single-family home built in 1965; zoned RU-1-7.

To the east of the subject property, across Capron Rd., is a 0.26-acre parcel developed with a single-family home built in 2004; zoned RU-1-9.

The property west of the subject property is a 1.34-acre parcel developed with a single-family home built in 1980; zoned GU.

All of the properties described are within the RES-8_DIR FLUM.

RU-1-7 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 minimum 5,000 square foot lots with minimum widths of 50 feet and depth of 100 feet. The minimum house size is 700 square feet.

RU-1-9 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 lots of 6,600 square feet (minimum). The minimum house size is 900 square feet.

RU-1-11 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 minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticult.

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.

Land Use

The subject property's GU zoning classification can be considered consistent with the NC Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The subject property's BU-2 zoning classification can be considered consistent with the CC Future Land Use designation. The proposed BU-2 zoning classification is not consistent with the NC FLUM designation.

The subject property is currently designated as Residential 8 DIRECTIVE (RES 8_DIR) FLU. The proposed RU-1-11 zoning is consistent with the existing RES 8_DIR FLU designation.

FLUE Policy 21.2 –The Port St. John Small Area Study. The Residential 8 DIR Land Use Designation affords a transition in density between higher urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to eight (8) units per acre, except as otherwise may be provided for within this element.

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;

Proposal is not anticipated to diminish the enjoyment of, safety, or quality of life in the existing neighborhoods in the area. There is an existing pattern of residential and general commercial land uses surrounding the subject parcel. A preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding established neighborhood. There is a mixture of GU, RU-1-7, RU-1-9, RR-1, AU, BU-1, BU-2, IU, and IN(L) zoning classifications in the general surrounding area.

- 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.

Only a certified MAI (Master Appraisers 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 nine (9) FLU designations (RES 4, RES 8_DIR, RES 12_DIR, RES 15, CC, NC, PUB, PI, and IND) within one-half mile of this site. The most prominent FLU designation is RES 8_DIR.

There have been no FLU changes within 0.5 miles of the last 3 years.

Property sizes in the immediate area range from 0.13 acres to 21.93 acres. The immediate surrounding area is developed as single-family homes and general commercial.

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

There have been no development changes in the past three years.

There have been two (2) zoning changes approved within one-half mile over the preceding three (3) years, 22Z00049 (BU-1 to RU-2-10) and 24Z00010 (IU to BU-2).

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

There has been one duplex residence approved and is under construction (23BC23124), but not yet completed; and one Concurrent Review has been conditionally approved, 25CR00017 (Put It In Me Storage), 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.

No material violation of relevant policies has been identified.

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

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

Criteria:

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

The character of the surrounding area is commercial and single-family residential, with the residential lots ranging in size from 0.13 acres to 3.49 acres. Zoning classifications in the area include GU, RU-1-7, RU-1-9, RR-1, AU, BU-1, BU-2, IU, and IN(L). The predominate zoning classifications in the area are RU-1-7 and RU-1-9. As the parcel is 0.17 acres and abutting parcels of similar size with RU-1-9 to the east and south, a preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding 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.

The property is not located within an existing residential neighborhood but rather in a residential area.

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

The request is not for commercial use. It is located within an existing single-family residential neighborhood.

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

The subject parcel is not requesting to be rezoned for commercial, industrial, or other non-residential uses.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Kings Hwy. from Grissom Pkwy. to US Highway 1, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 33.8% of capacity daily. The maximum development potential from the proposed rezoning will increase the percentage of MAV utilization by 0.11%. The corridor is anticipated to operate at 33.91% of capacity daily. The proposal is not anticipated to create any deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

The subject property is serviced by City of Cocoa Water.

Environmental Constraints

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary**

Item No. 25Z00007

Applicant: Thomas Daugherty (Owner: Thomas Daugherty)

Zoning Request: GU to RU-1-11

Note: to build SFR

Advisory Board (PSJ): 06/11/2025; **Zoning Hearing:** 06/16/2025; **BCC Hearing:** 07/17/2025

Tax ID No.: 2301907

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Aquifer Recharge Soils

The entire property contains Pomello sand, classified as an aquifer recharge soil. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

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 (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.



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>

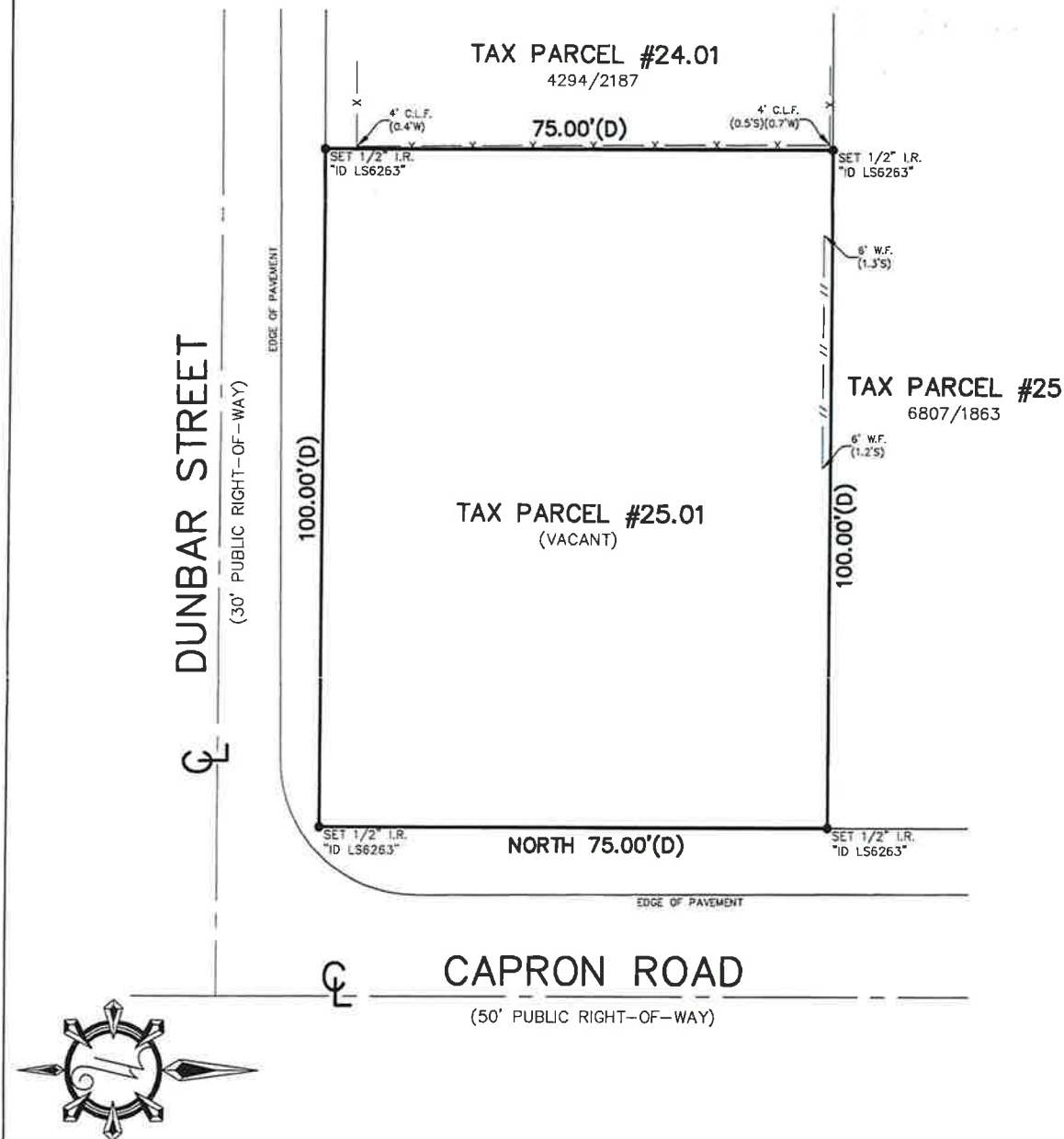
Addendum #1 25Z00007 Thomas Daugherty

Information was missing from the staff comments for 25Z00007. Upon further review, the applicant provided a warranty deed recorded on February 4, 1952, located in Brevard County records in DB 357, PG 327 which does in fact provide evidence of the property being in the same configuration in the most recent warranty deed recorded on April 30, 2021, located in Brevard County records in ORB 9106, PG 1127.

DAVID A. BLOCK SURVEYING & MAPPING

BOUNDARY SURVEY OF:

THE EAST 100 FEET OF THE SOUTH 90 FEET OF LOT 25, EXCEPT THE SOUTH 15 THEREOF, PLATE A, SECTION 13, TOWNSHIP 23 SOUTH, RANGE 35 EAST AS PER MAP OF RECORD IN PLAT BOOK 2, PAGE 2 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



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

CERTIFIED TO:

THOMAS DAUGHERTY

SURVEYOR'S NOTES:

- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF NORTH, ALONG THE WEST RIGHT-OF-WAY LINE OF CAPRON ROAD.
- 2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0310 H, INDEX DATED 01-29-2021, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
- 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
- 4) THIS TRACT CONTAINS 7,500 SQUARE FEET OR 0.17 ACRES OF LAND MORE OR LESS.
- 5) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
- 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LIABILITY SHALL NOT EXCEED THE TOTAL AMOUNT PAID TO THE SURVEYOR BY THE CLIENT.

CERTIFIED BY:

David A. Block

DAVID A. BLOCK
FLORIDA P.S.M. 6263

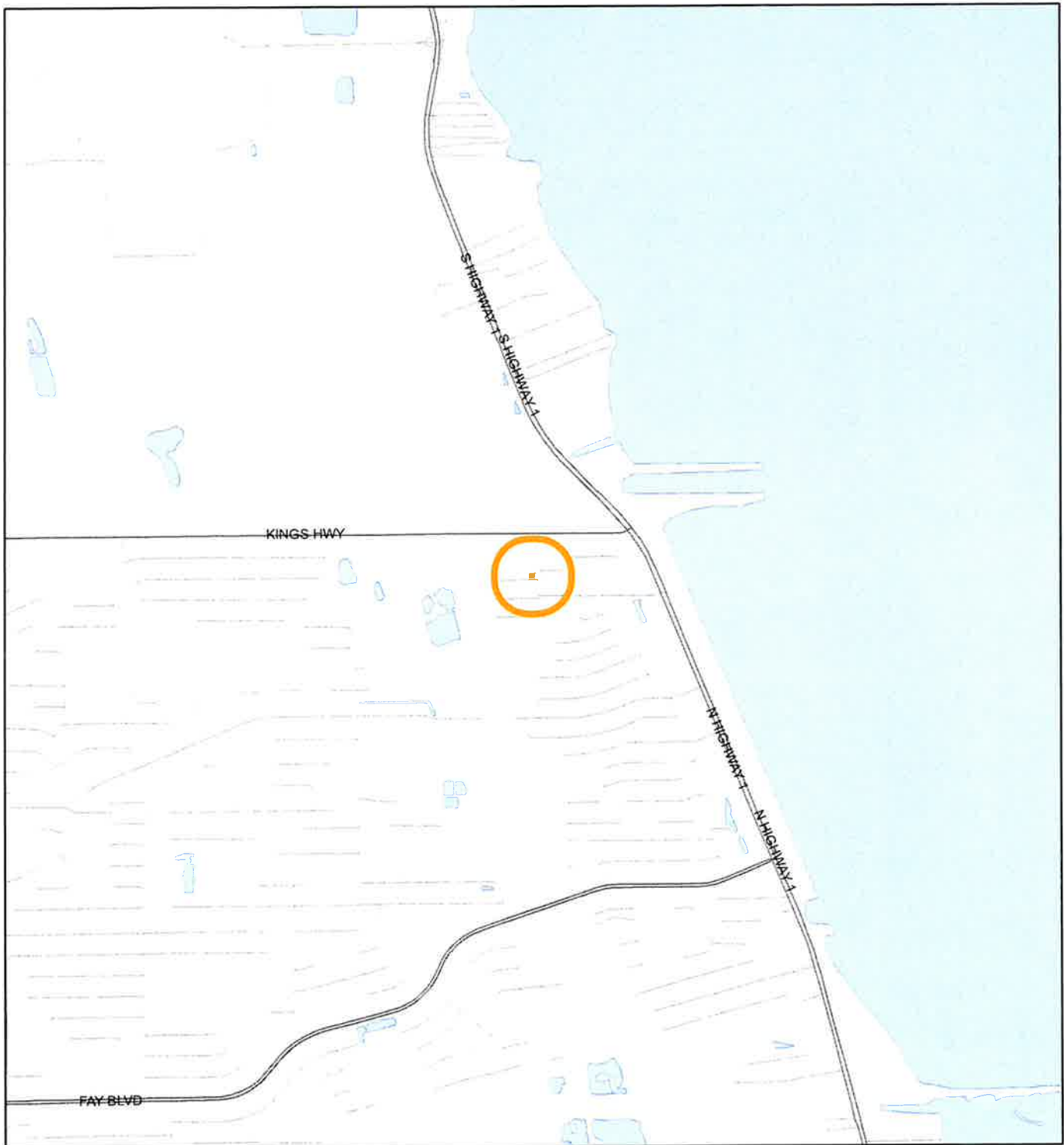
(NOT VALID UNLESS SEALED)

1545 BREAM STREET
MERRITT ISLAND, FL. 32952
PHONE: 321-452-7048
www.blocksurveying.com
dblock@blocksurveying.com

SCALE: 1" = 20'
DATE: 12/08/2021
SHEET: 1 OF 1
PROJECT: 21-524
REVISION:

LOCATION MAP

Daugherty, Thomas
25Z00007





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: 3/12/2025

-  Buffer
-  Subject Property

ZONING MAP

Daugherty, Thomas
25Z00007



1:4,800 or 1 inch = 400 feet

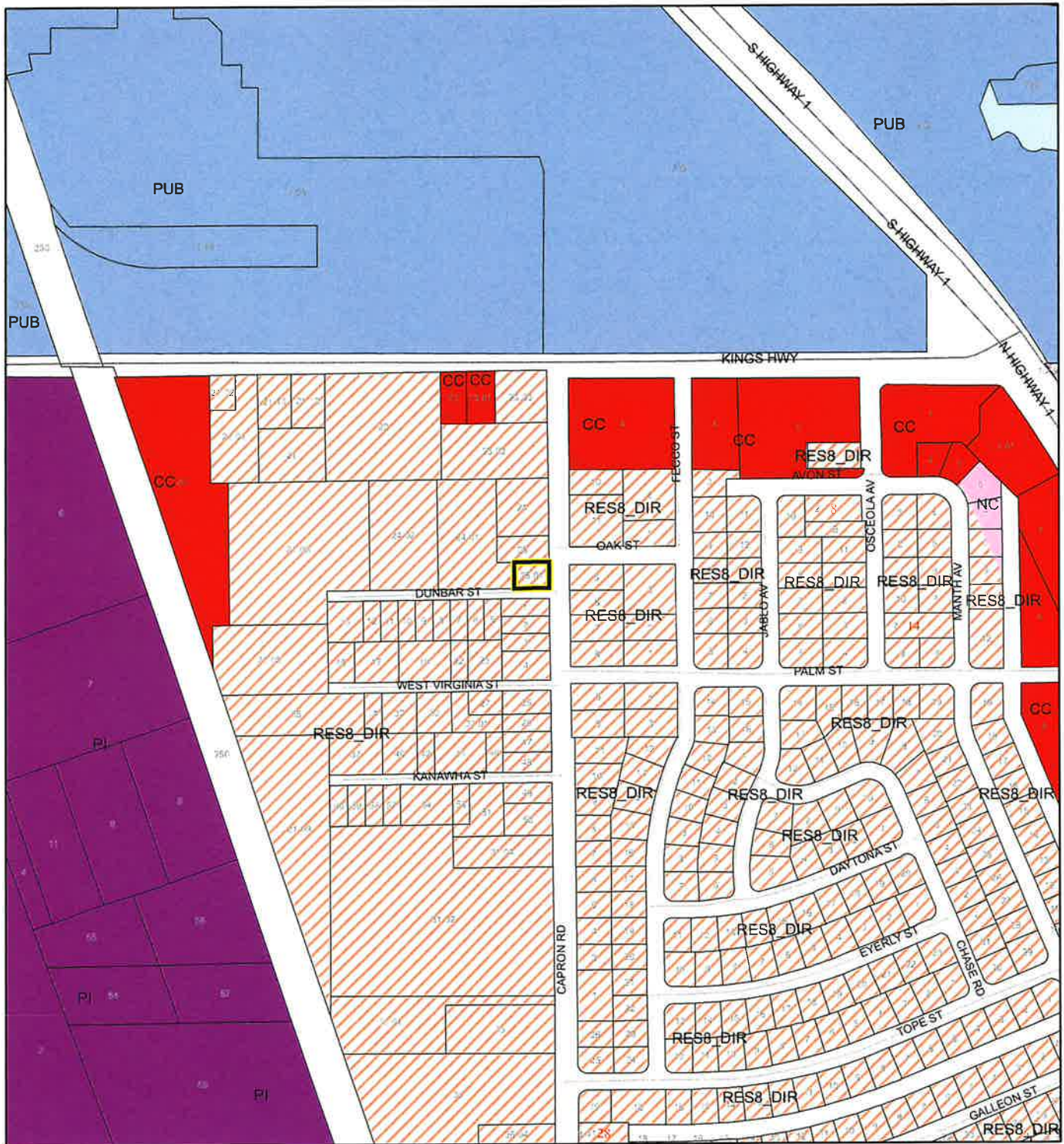
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2025

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

Daugherty, Thomas
25Z00007



1:4,800 or 1 inch = 400 feet

— Subject Property
□ Parcels

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AERIAL MAP

Daugherty, Thomas
25Z00007





1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2024

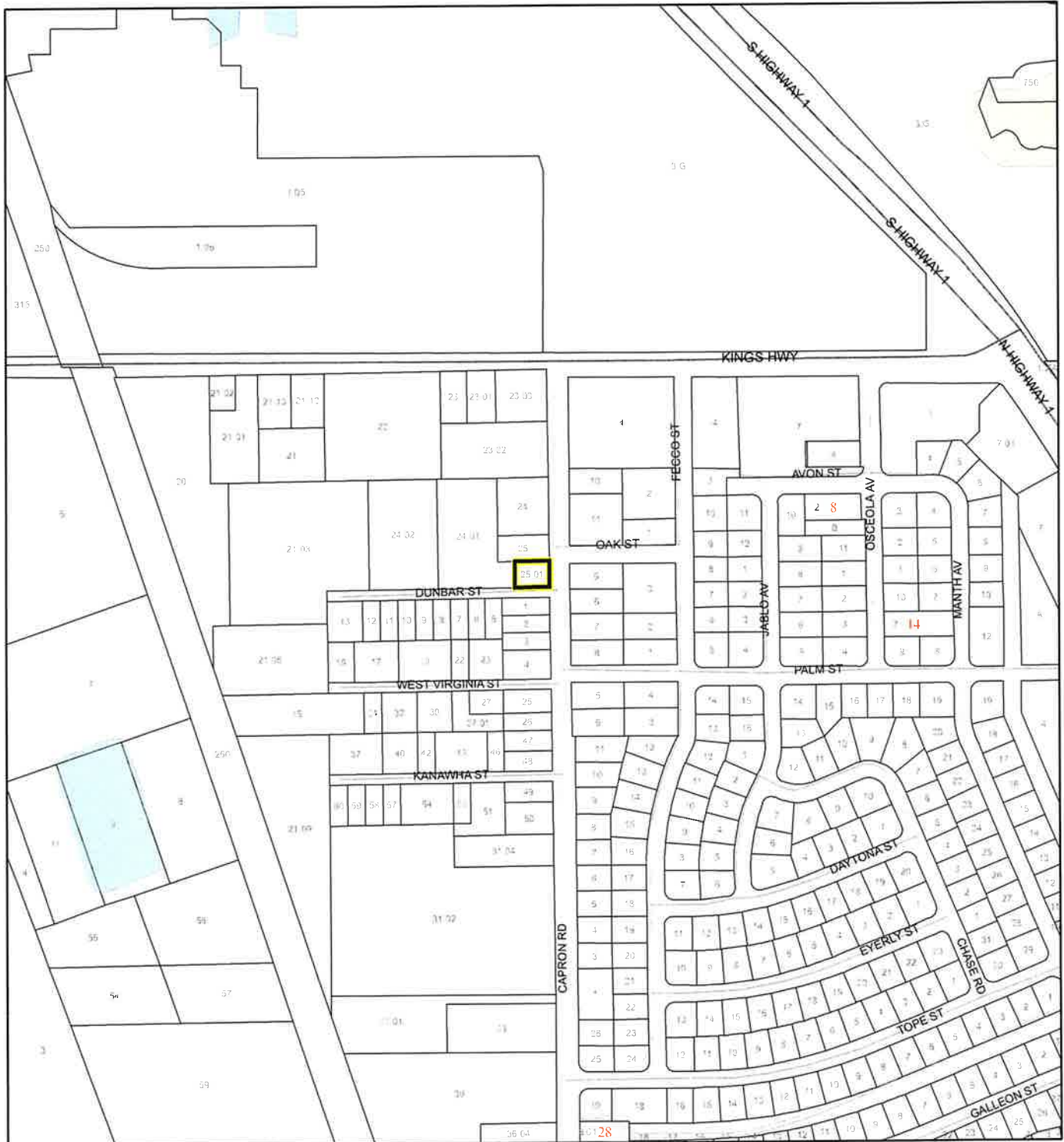
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/12/2025

 Subject Property
 Parcels

NWI WETLANDS MAP

Daugherty, Thomas
25Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2025

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

Daugherty, Thomas
25Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2025

SJRWMD FLUCCS WETLANDS

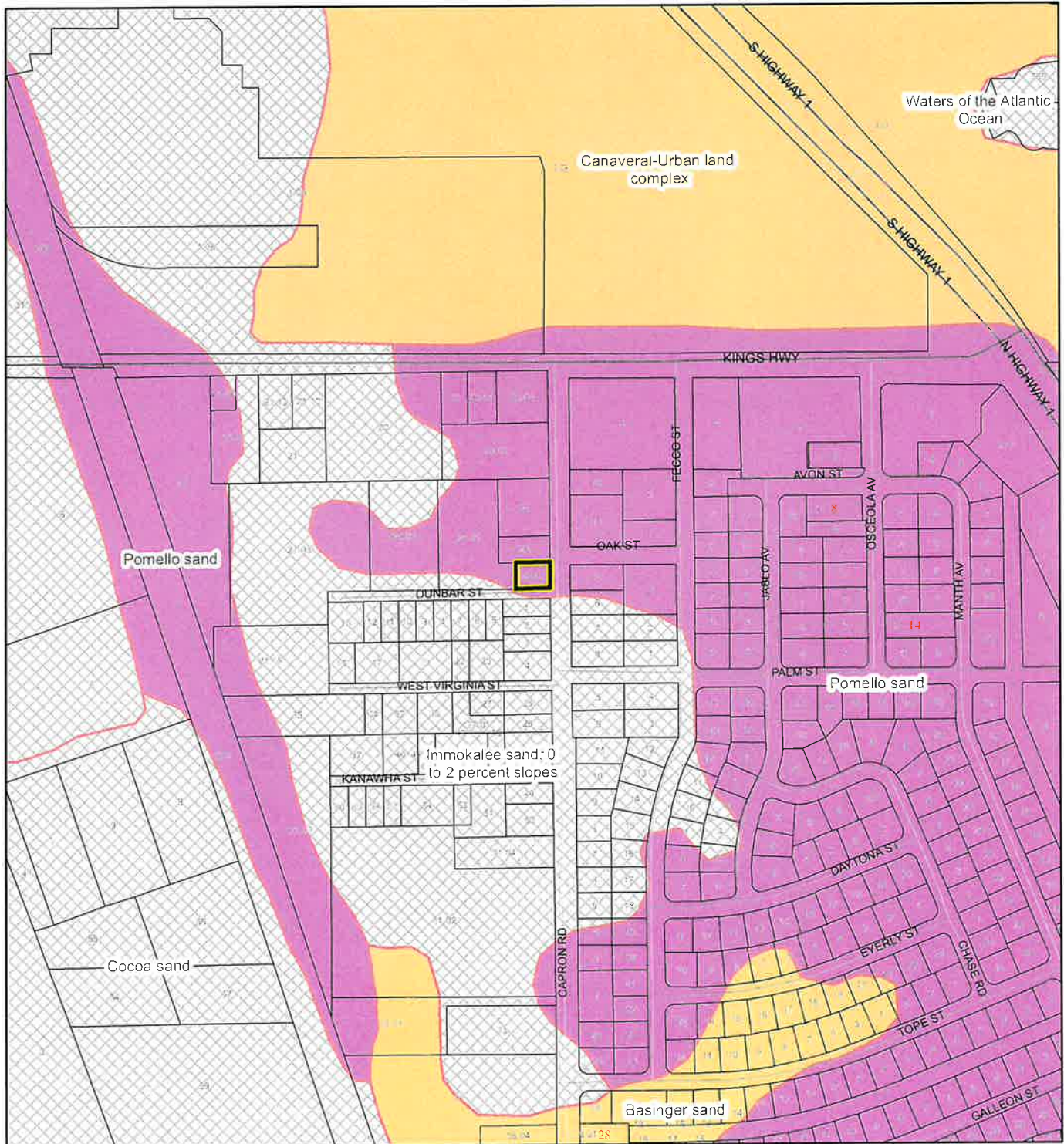
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

Daugherty, Thomas
25Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2025

USDA SCSSS Soils








- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

Daugherty, Thomas
25Z00007

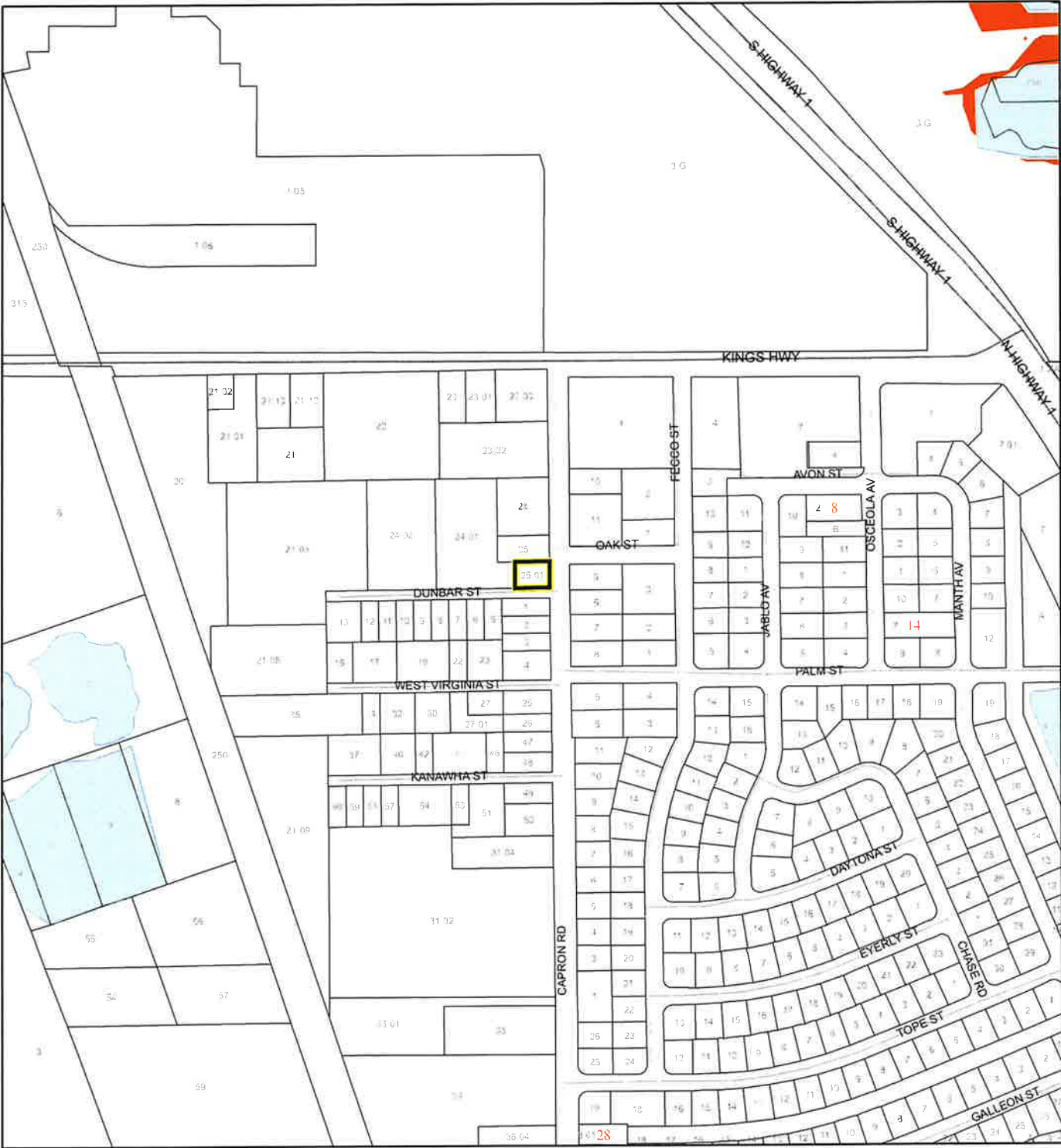


This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

 A
  AO
  X
 AE
  Open Water
 AH
  VE
 Subject Property
 Parcels

COASTAL HIGH HAZARD AREA MAP

Daugherty, Thomas
25Z00007



1:4,800 or 1 inch = 400 feet

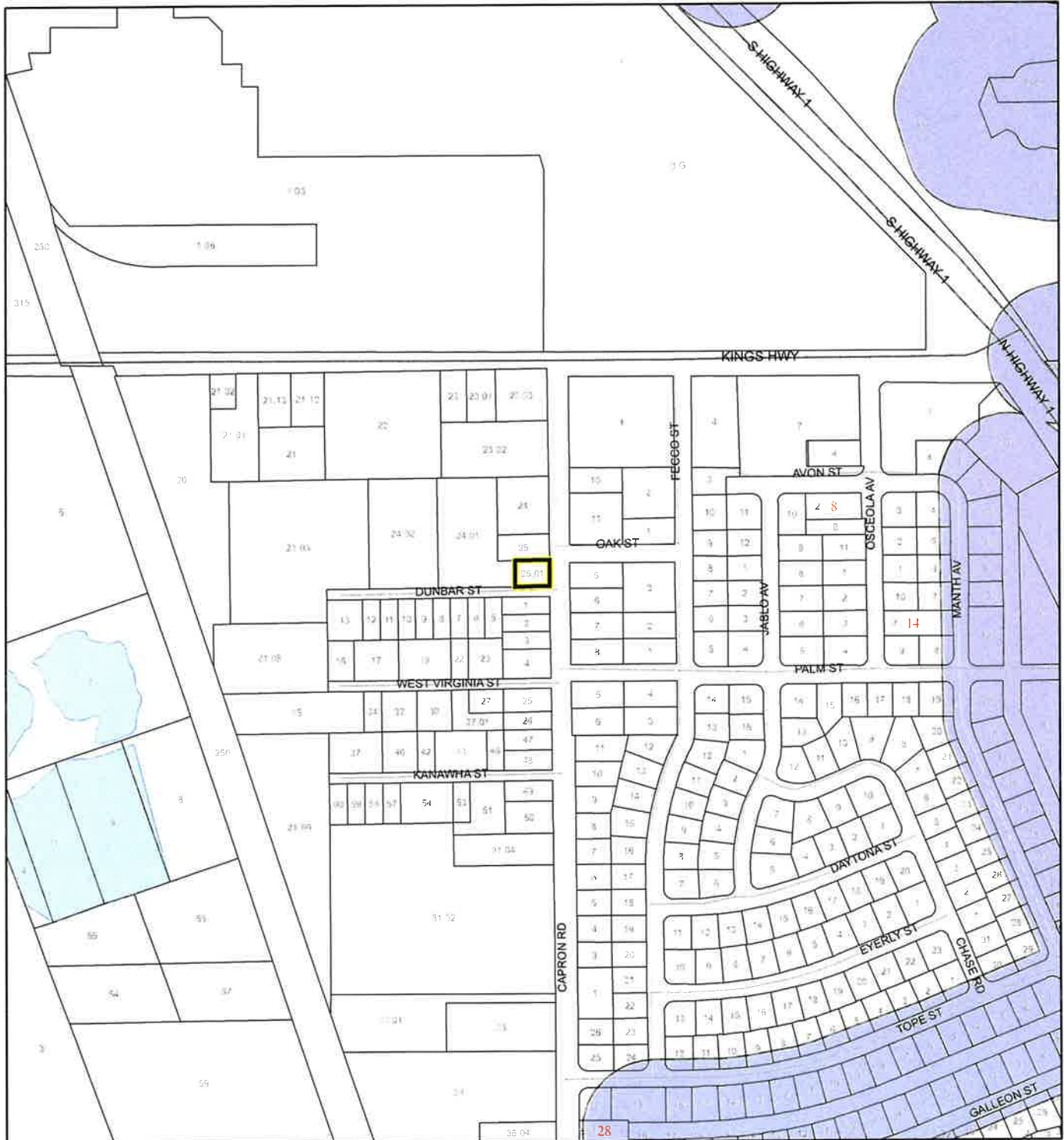
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

Daugherty, Thomas
25Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2025

— Subject Property

□ Parcels

Septic Overlay

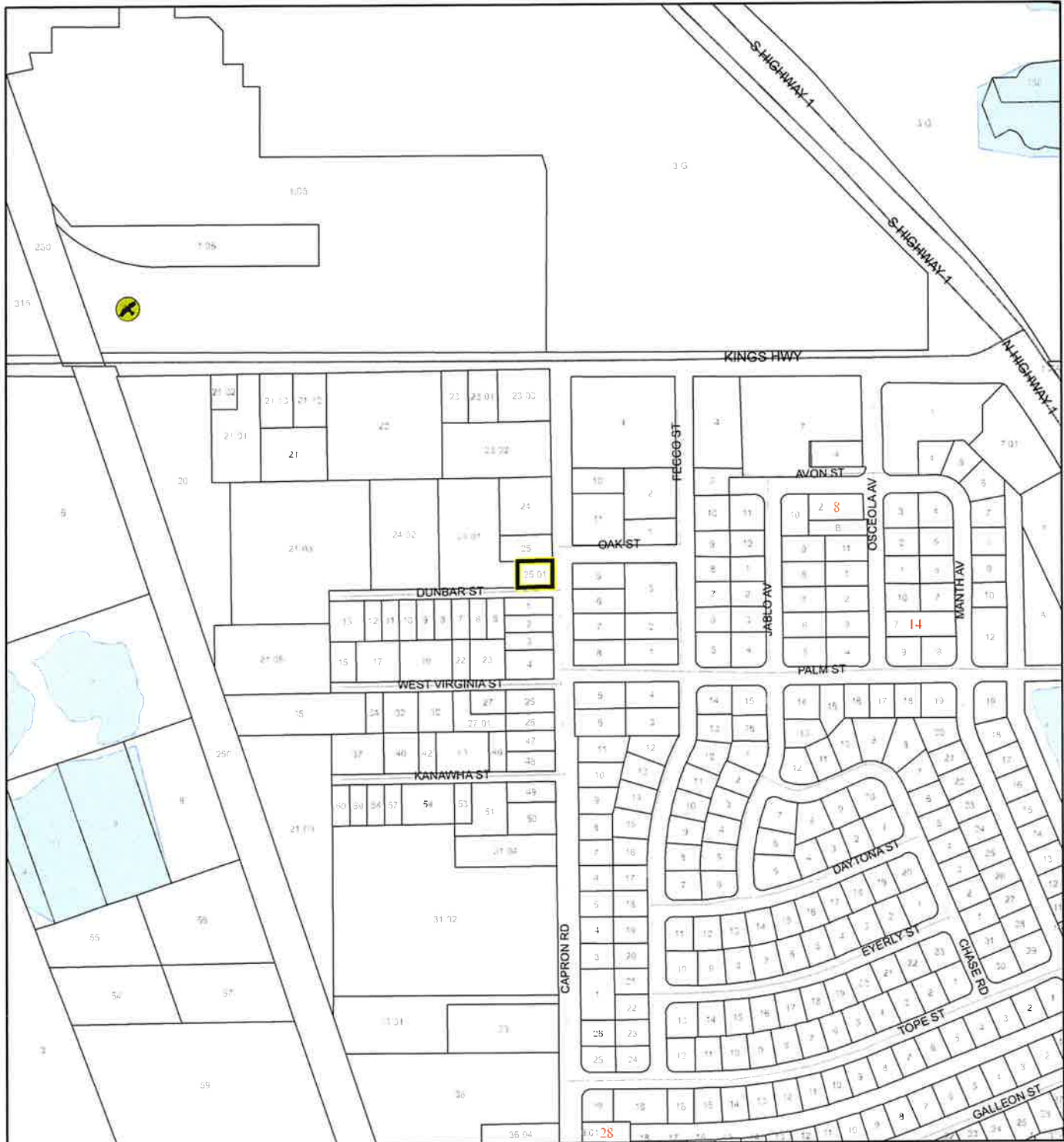
■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

Daugherty, Thomas
25Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 3/12/2025

 Subject Property

 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

Daugherty, Thomas
25Z00007




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: 3/12/2025

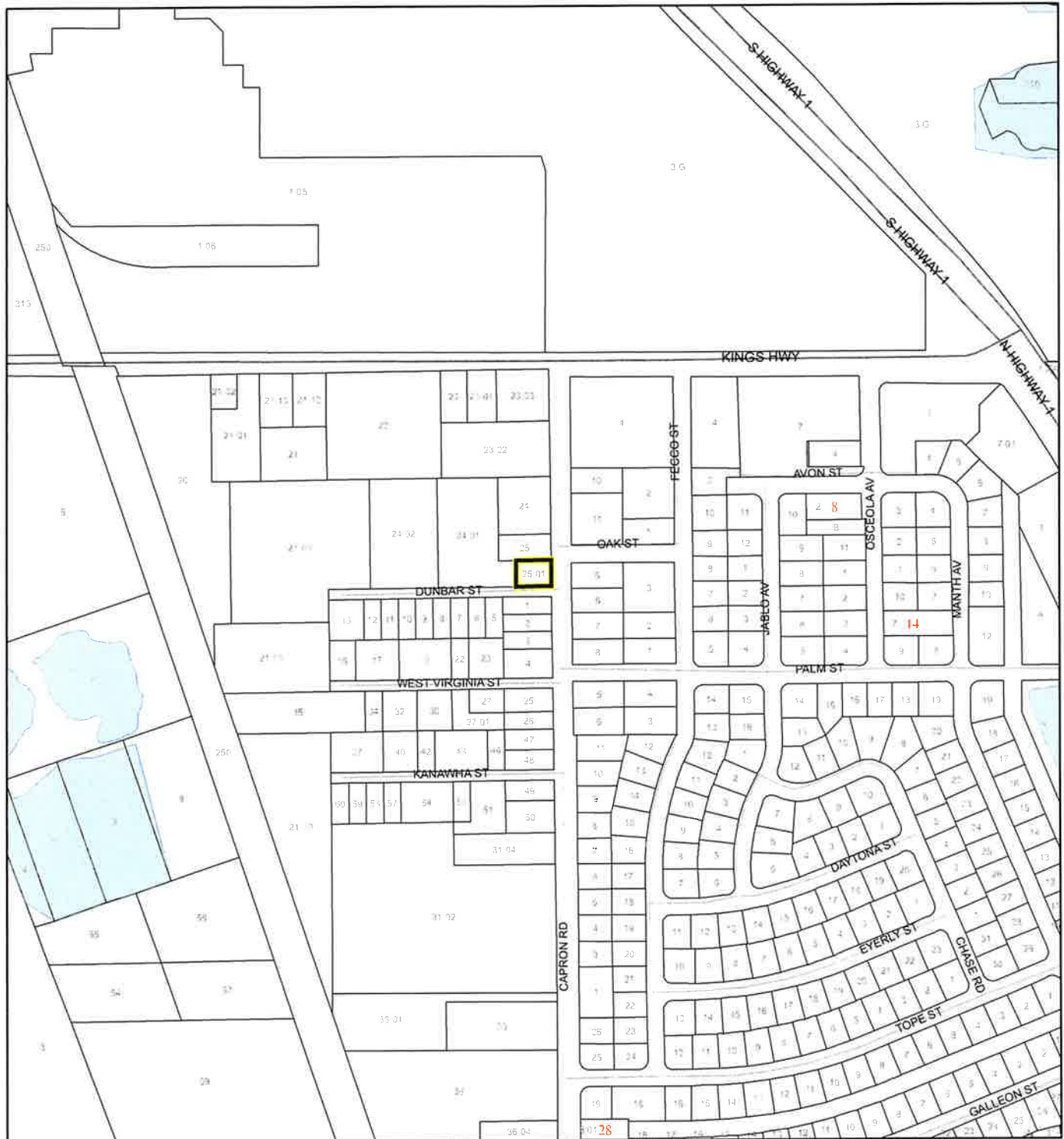
 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

Daugherty, Thomas
25Z00007



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: 3/12/2025

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

Port Saint John Dependent Special District Board

The Port Saint John Dependent Special District Board met in regular session on **Wednesday, June 11, 2025, at 6:00 p.m.**, in the Port St. John Library 6500 Carole Ave., Port St. John, Florida.

The meeting was called to order at 6:00 p.m.

Board members present were Kevin Shropshire, Carmella Chinaris, Randy Rodriguez, Maureen Rupe, and Frank Robb.

Staff members present were Trina Gilliam, Zoning Manager; Derrick Hughey, Planner; Alice Randall, Operations Support Specialist; and Jordan Sagosz, Operations Support Specialist.

Approval of the November 06, 2024, PSJ Minutes

Frank Robb inquired if we should be putting who voted nay on an application. He was one that voted against. It might be nice to have our names on there and who voted against it.

Maureen Rupe said she voted against also.

Kevin Shropshire asked if that was something we could do in the future, indicate who voted for or against an application.

Ms. Rupe asked if we needed to put the name(s) of those who abstained from voting.

Mr. Robb stated that Mr. Shropshire's name was noted as abstaining. He was looking for the names that were against the application.

Ms. Rupe asked if we needed to indicate who abstained and why.

Alice Randall stated she would investigate the requirements and report back at the next PSJ meeting.

There was no motion on the November 06, 2024, PSJ Minutes.

H.1. Thomas Daugherty requests a change of zoning classification from GU to RU-1-11. (25Z00007) (Tax Account 2301907) (District 1)

Mr. Shropshire read the item into the record.

Thomas Daugherty stated he just really wants to build a house there. I own the property, and I basically want better setbacks. I have a deed that dates to 1952, so they'll grandfather it anyway, but I prefer better setbacks.

Mr. Shropshire asked if the board had had a chance to review the information.

Mr. Robb stated it was pretty straight forward.

Randy Rodriguez noted that it's residential becoming conforming from nonconforming. He's not sure if there will be a conflict with the RU-1-11 depending on the size of the house he wants to try to build there. That zoning allows bigger than your lot setbacks are going to allow. A 9 or a 7 might serve you better. But I don't think it really matters. He suggested the applicant investigate that before spending money on plans.

Mr. Daugherty stated he had spoke with George (Ritchie) at zoning and was told that the zoning he applied for he can go that big or smaller. So, he wouldn't have to reapply.

Mr. Rodriguez stated he'd much rather see a house and a lawn there than the overgrowth that is currently there.

Trina Gilliam stated that RU-1-11 minimum house size is 1,100 sq. ft.

Mr. Daugherty stated he thought he applied for 13. George told him that he could go smaller, but not bigger.

Mr. Rodriguez stated the application says 11. He also stated you can build a tiny house there. 1,100 is the minimum. You'd be challenged but you can make it smaller.

Ms. Gilliam stated that it is the opposite of that. The minimum floor area is 1,100 sq. ft. living. So, you cannot go smaller than that. That is your minimum. You can go larger, but your minimum is 1,100.

Mr. Rodriguez stated you'll get another shot at this at the County Commission's Zoning Board too.

Public Comment

David McGee said he didn't have a problem as long as it doesn't affect his property. They have ruined my property, the county and the city. They built houses across the street. Plowed the bore machine all over my property and put shut off valves. I can't put a driveway in properly now. I went to the county and haven't gotten anywhere. Like I have for 30 years.

Mr. Robb asked Mr. McGee what impacted him and how. I'm trying to understand.

Mr. McGee stated they put in a storm drain about this big, which they don't maintain. It's washing out around it and I pay for stormwater runoff. They put a meter box this big then they put 3 shutoff valves and an AT&T box. The city of Cocoa told me those are all shutoff valves. It's all broken up and a mess.

Mr. Rodriguez stated it is an engineering issue.

Mr. Daugherty stated they have steel plates laying there.

Mr. Rodriguez stated that Mr. McGee is not alone with the steel plates in Port St. John. They are annoying. Eventually they get changed. He thanked Mr. McGee for his input.

Mr. McGee stated he complained about the rental house putting stuff on his property and code enforcement told him he couldn't make a complaint because he's the property owner. I'm going to the county manager or the news.

Mr. Shropshire stated that would probably be your best bet.

Mr. Rodriguez stated the media can be handy.

Mr. Robb stated this isn't going to have that kind of impact by any means.

Mr. McGee asked if they're going to put another meter or shutoff.

Mr. Daugherty stated he already has water.

End Public Comment

Motion by Randy Rodriguez on item H.1. to approve, seconded by Frank Robb. The motion passed 5 to 0.

The meeting was adjourned at 6:14 p.m.

DRAFT

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 16, 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); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Eric Michajlowicz (D3); Greg Nicklas (D3); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); and Robert Brothers (D5).

Staff members present were Trina Gilliam, Zoning Manager; Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; Billy Prasad, Planning and Development Director; Darcie McGee, Natural Resources; Rachel Gerena, Public Works; John Scott, Emergency Management Office; Edward Fontanin, Utility Service Director; Lucas Siegreid, Utility Services; Alice Randall, Operations Support Specialist; and Jordan Sagosz, Operations Support Specialist.

Excerpt of complete agenda

H.3. Thomas Daugherty requests a change of zoning classification from GU to RU-1-11. (25Z00007) (Tax Account 2301907) (District 1)

Trina Gilliam read Item H.3. into the record.

Thomas Daugherty spoke to the application. He stated he wants to put a single-family home there. It's on the corner of Dunbar and they just put four houses on smaller lots than mine.

No Public Comment

Ms. Orriss inquired since it fits the zoning requirements of RU-1-7 and RU-1-9 why are you asking for RU-1-11.

Mr. Daugherty commented he believes it's GU now so you would need 5-acres to build on it. I really don't have a choice if I want the setbacks.

Ms. Orriss responded it says the subject property would also meet the lot size width depth requirements of RU-1-9 and RU-1-7.

Mr. Daugherty replied I believe the 11 is you can build a larger home. But I can always go down because I didn't go out and get building plans until I get it get it approved here.

Ms. Orriss responded that the only thing that she sees is that this approval would be the introduction of a new zoning classification to this area. So just for consistency since it would already fit on the other two zoning models, that may be a question for staff, are we moving to our RU-1-11 or if it can fit on a lesser zoning criterion should we go with that.

Ms. Gilliam responded with as you stated, in the area there is RU-1-9 and RU-1-7 I believe already established. I think there may have been some confusion that with the RU-1-11 it requires an 1,100 square foot house, that he could build smaller than that. As I explained at the Port St John meeting, that's the minimum house size. He must build 1,100 square foot. But the RU-1-9 obviously would allow for 900 square foot minimum and RU-1-7 700 square feet minimum. It's up to him what size

house he ultimately wants to build and pick the appropriate zoning to fit that. But with those other ones you can go up, if you have 700 or 900 you can still build larger than that but that's just a minimum.

Mr. Daugherty stated he would prefer 11 but if I had to go smaller I would.

Ms. Orriss replied she was just saying that in keeping with the characteristic and concurrency with the area it would fall into RU1-9 or RU1-7.

Robert Brothers stated I think you're misunderstanding. That doesn't let you build a bigger house, but the other ones let you build a smaller house with the RU-1-11 the smallest house you can build is 1100 square feet. With the seven it's 700 feet and the nine it's 900 feet. You can go up if it'll fit on your property with your setbacks.

Mr. Daugherty replied sure, let's do that, the 900. Thank you for explaining that.

Motion to recommend approval of Item H.3 with RU-1-9 zoning classification by Erika Orriss, seconded by Robert Brothers. Motion passed unanimously.

Board Meeting Date

7-17-25

Item Number: H.4 -TABLE to future meeting

Motion By: KD

Second By: KA

Nay By: _____

Commissioner	DISTRICT	AYE	NAY
Commissioner Delaney	1	✓	
Vice Chair Goodson	2	✓	
Commissioner Adkinson	3	✓	
Commissioner Altman	5		
Chairman Feltner	4	✓	