



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

7/17/2025

Subject:

Aubri Lucille Williamson requests a change of zoning classification from RU-1-9 to RU-2-10. (24Z00052) (Tax Account 2743715) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-2-10 (Medium-Density Multiple-Family Residential).

Summary Explanation and Background:

The applicant is requesting a change of zoning classification from RU-1-9 (Single-Family Residential) to RU-2-10 (Multi-Family Residential) to utilize the single-family dwelling as a short-term rental and to have a zoning more consistent with the majority of properties on the south side of Franklyn Ave. This rezoning action would increase the number of residential development potential from 1 to 2 units upon the 0.17-acre parcel. This parcel has road frontage along the northern access (Franklyn Avenue).

RU-2-10 zoning classification encompasses lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units. Resort dwellings are a permitted use.

The subject is improved with a single-family home built in 1952. At the time it was constructed, it met all the setback requirements for RU-1-9 zoning. When the application for rezoning was submitted, it became evident that the structure does not meet setback requirements for RU-2-10. Due to this, the applicant applied for a Variance to the front and rear setbacks, which was approved April 16th, 2025.

Approximately 200 feet to the east of the subject property, along the southern side of Franklyn Ave, there was a request to rezone RU-1-11 to RU-2-10. Zoning action 21Z00033 was approved by the Board on 01/27/2022 with a BDP stipulating the "Developer/owner agrees not to use the Property for resort dwelling purposes and, therefore, such use is prohibited."

The subject property was platted as part of the North Indianalantic by the Sea subdivision recorded in Plat Book

9, Page 70 on September 5, 1947. The subject site was split from the original Lot 7 to its current configuration in October 1976. At that time, the subject property complied with the RU-1-11 zoning criteria and was not a nonconforming lot.

The property to the north is a 0.34-acre lot improved with a day care center built in 1983; zoned RU-2-10. South is 0.17-acre parcel developed with a single-family home built in 1982; zoned RU-1-9. East of the subject property is a duplex on .17 acres; zoned RU-2-10 and across Palm Avenue, is a single-family home built on a 0.35-acre lot built in 1971; zoned RU-1-11. West across Franklyn Ave is a single-family residence with RU-1-11 zoning. All the properties described have RES 15 FLU designation.

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

On June 16, 2025, the Planning and Zoning Board considered the request and voted unanimously to recommend approval with a BDP for no resort dwellings, and single-story single-family only (the applicant stated at the meeting that they were willing to enter into the BDP).

Clerk to the Board Instructions:

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

Resolution 24Z00052

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

WHEREAS, Aubri Lucille Williamson requests a zoning classification change from RU-1-9 (Single-Family Residential) to RU-2-10 (Medium-Density Multiple-Family Residential), on property described as Tax Parcel 7.06, as recorded in OR Book 9839, Pages 269 and 270 of the Public Records of Brevard County, Florida. **Section 31, Township 27, Range 38.** (0.17 acres) Located on the southeast corner of Franklyn Ave. and N. Palm Ave. (125 Franklyn Ave., Indialantic); and

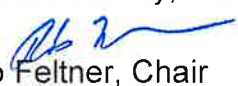
WHEREAS, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved with a BDP for no resort dwellings and single-story, single-family only; 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 RU-1-9 to RU-2-10, be approved with a BDP for no resort dwellings and single-story, single-family only. 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 July 17, 2025.

BOARD OF COUNTY COMMISSIONERS
Brevard County, Florida


Rob Feltner, Chair
Brevard County Commission
As approved by the Board on July 17, 2025.

ATTEST:


RACHEL SADOFF, CLERK

(SEAL)

P&Z Board Hearing – June 16, 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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Viera, Florida 32940
(321)633-2070 Phone / (321)633-2074 Fax
<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

24Z00052

Aubri Williamson

RU-1-9 (Single-family residential) to RU-2-10 (Medium-Density Multiple-Family)

Tax Account Number: 2743715
Parcel I.D.s: 27-38-31-EW-F-7.06
Location: 125 Franklyn Ave Indialantic FL 32903; Southeast corner of Franklyn Ave at Palm Ave (District 5)
Acreage: 0.17 acres

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	RU-1-9	RU-2-10
Potential*	1 Single-Family Unit	2 Multi-Family Units
Can be Considered under the Future Land Use Map	YES RES 15	YES RES 15

* 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 RU-1-9 (Single-Family Residential) to RU-2-10 (Multi-Family Residential) to utilize the single-family dwelling as a short-term rental and to have a zoning more consistent with the majority of properties on the south side of Franklyn Ave. This rezoning action would increase the number of potential residential lots from 1 to 2 units upon the 0.17-acre parcel. This parcel has road frontage along the northern access (Franklyn Avenue).

RU-2-10 classification medium-density multiple-family residential zoning classification encompasses' lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units. Resort dwellings are a permitted use.

The subject is improved with a single-family home built in 1952. At the time it was constructed, it met all of the setback requirements for RU-1-9 zoning. When the application for rezoning was submitted, it became evident that the structure does not meet setback requirements for RU-2-10. Due to this, the applicant applied for a Variance to the front and rear setbacks, which was approved April 16th, 2025.

The current RU-1-9 zoning was approved by the Board under Zoning action **Z-4090** adopted July 15, 1976. The request RU-1-11 to RU-2-10 was denied, RU-1-11 to RU-1-9 was approved.

Similarly, approximately 200 feet to the east along the southern side of Franklyn Ave was a request to rezone RU-1-11 to RU-2-10. Zoning action 21Z00033 was approved by the Board on 01/27/2022 with a BDP stimulating the "Developer/owner agrees not to use the Property for resort dwelling purposes and, therefore, such use is prohibited."

The subject property was platted as part of the North Indialantic by the Sea subdivision recorded in Plat Book 9, Page 70 on September 5, 1947. The subject site was split from the original Lot 7 to its current configuration in October 1976. At that time, the subject property complied with the RU-1-11 zoning criteria and was not a nonconforming lot.

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

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Daycare Facility	RU-2-10	RES 15
South	Single-family residence	RU-1-9	RES 15
East	Duplex	RU-2-10	RES 15
West across R/W	Single-Family residence	RU-1-11	RES 15

The property to the north is a 0.34-acre lot improved with a day care center built in 1983; zoned RU-2-10.

South is 0.17-acre parcel developed with a single-family home built in 1982; zoned RU-1-9.

East of the subject property is a duplex on .17 acres; zoned RU-2-10 and across Palm Avenue, is a single-family home built on a 0.35-acre lot built in 1971; zoned RU-1-11.

West across Franklyn Ave is a single-family residence with RU-1-11 zoning.

All of the properties described have RES 15 FLU designation.

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 horticulture

RU-2-10 classification medium-density multiple-family residential zoning classification encompass' lands devoted to medium-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-10 permits multiple-family residential development or single-family residences at a density of up to 10 units per acre on minimum lot sizes of 7,500 square feet.

Future Land Use

The subject property is currently designated on the FLUM as RES 15. Both the current RU-1-9 and the proposed RU-2-10 zoning classifications can be considered consistent with RES 15.

Applicable Land Use Policies

FLUE Policy 1.4 – The Residential 15 Future Land Use designation affords the second highest density allowance, permitting a maximum residential density of up to fifteen (15) units per acre. This land use category allows single and multi-family residential development. Effectively, RU-2-10 would limit the density to ten (10) units per acre.

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;

The requested RU-2-10 zoning would allow for one single-family house or if redeveloped two (2) units maximum due to lot size. The Board should consider whether the permitted resort dwellings would have a potential impact on the surrounding residential area. 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 three (3) FLUM designations within a half-mile radius of the subject property. They include RES 15, Community Commercial (CC), and Neighborhood Commercial (NC). The subject property is surrounded Res 15 and is the predominant FLU designation. The existing commercial development is along Highway A1A.

Within the past three years, there have been no FLUM changes within the defined radius.

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

Staff analysis has determined there has been no actual development within the preceding three years within 500 ft of the subject property.

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

1. 21Z00033; January 27, 2022, RU-1-11 to RU-2-12 approved with a Binding Development Plan stipulating no short-term rentals, and a duplex type development with entries on the front and rear road frontages.
2. 22Z00046; November 3, 2022, is a rezoning action from BU-1-A to RU-2-12, Approved.
3. 22Z00067; April 6, 2023 is a rezoning RU-1-11 to RU-2-12 Denied. Existing single family residence.

Neither item 1 or 2 has been improved to date.

- 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.

The proposed change would have minimal impact on the overall character of the area. The request, if approved, would generate almost no change (0.01%)

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 subject property is in an existing residential neighborhood that is near the beaches. 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.

There is no neighborhood commercial use in the general vicinity.

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 residential as there are no commercial, industrial or other non-residential uses in the immediate one block radius around this site.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Highway A-1-A between Highway 192 and Paradise Blvd. which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 51.11% of capacity daily. The maximum development potential from the proposed rezoning decreases the percentage of MAV utilization by 0.01%. The corridor is anticipated to operate at 51.10% 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:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

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

For Board Consideration

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

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

Item No. 24Z00052

Applicant: Aubri Williamson (Owner: Aubri Williamson)

Zoning Request: RU-1-9 to RU-2-10

Note: wants to have short term rentals

Zoning Hearing: 11/18/2024; **BCC Hearing:** 12/12/2024

Tax ID No.: 2743715

- 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
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Aquifer Recharge Soils

The entire property contains Canaveral-Palm Beach-Urban land complex, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have 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.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The entire property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

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 (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) 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 24Z00052 Aubri Williamson

Addendum to Staff Comments. During the Planning and Zoning Board meeting on June 16, 2025, the applicant agreed to a binding development plan to limit the impacts of the rezoning request on the surrounding area. Specifically, the BDP included the following provisions:

- 1) The property would not be used for resort dwellings;
- 2) It would be limited to one single-family unit; and
- 3) It would be a single-story structure.

The P+Z Board recommended approval of the rezoning request based on the BDP. The application has since been further reviewed by staff. Under the “Reason for Request” portion of the application, the applicant stated, “The house started as a primary residence and I am trying to evolve it to be an investment property to match the rental influence of the surrounding neighborhood.” It should be noted that the property can be used as a rental property in the current zoning classification (so long as the rental is not less than 90 days, which is considered a “resort dwelling” under the Brevard County Code).

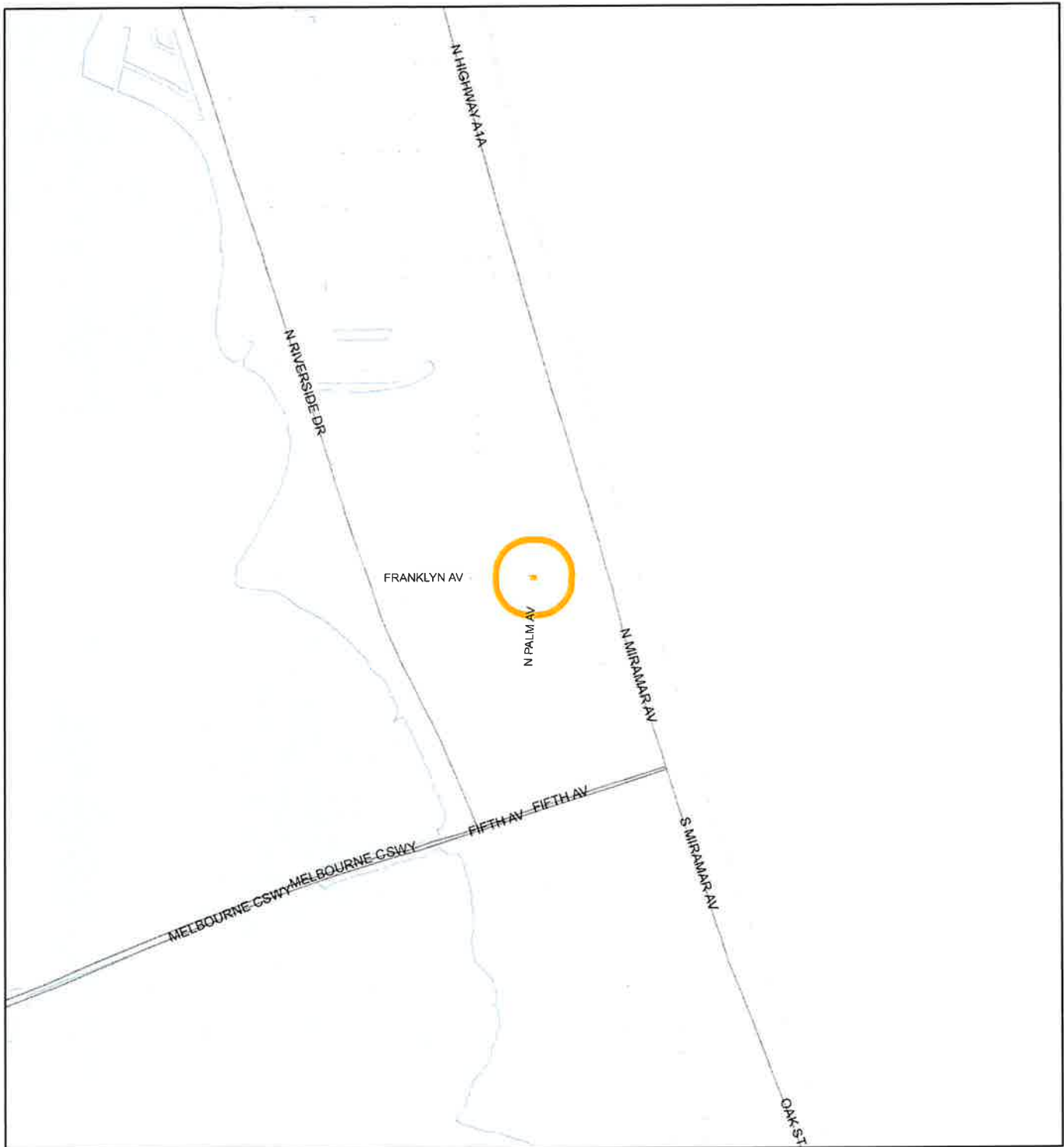
Staff comments state that the reason for the rezoning is “...to utilize the single-family dwelling as a short-term rental and to have a zoning more consistent with the majority of properties on the south side of Franklyn Ave.” Given that the applicant has now stated they are willing to forego the resort dwelling use, it appears there has been a change in position.

Given the BDP conditions above, staff is unclear as to the reason/purpose of the rezoning to a multi-family zoning classification. The significant distinctions between the proposed zoning and the current zoning, as it relates to the subject property, appear to be negated through the proposed BDP that was agreed to by the applicant at the P+Z meeting.

LOCATION MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



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

Buffer Distance: 500 feet

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

Produced by BoCC - GIS Date: 9/11/2024

— Buffer

— Subject Property

ZONING MAP

WILLIAMSON, AUBRI LUCILLE
24Z00052



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.

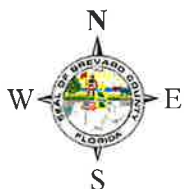
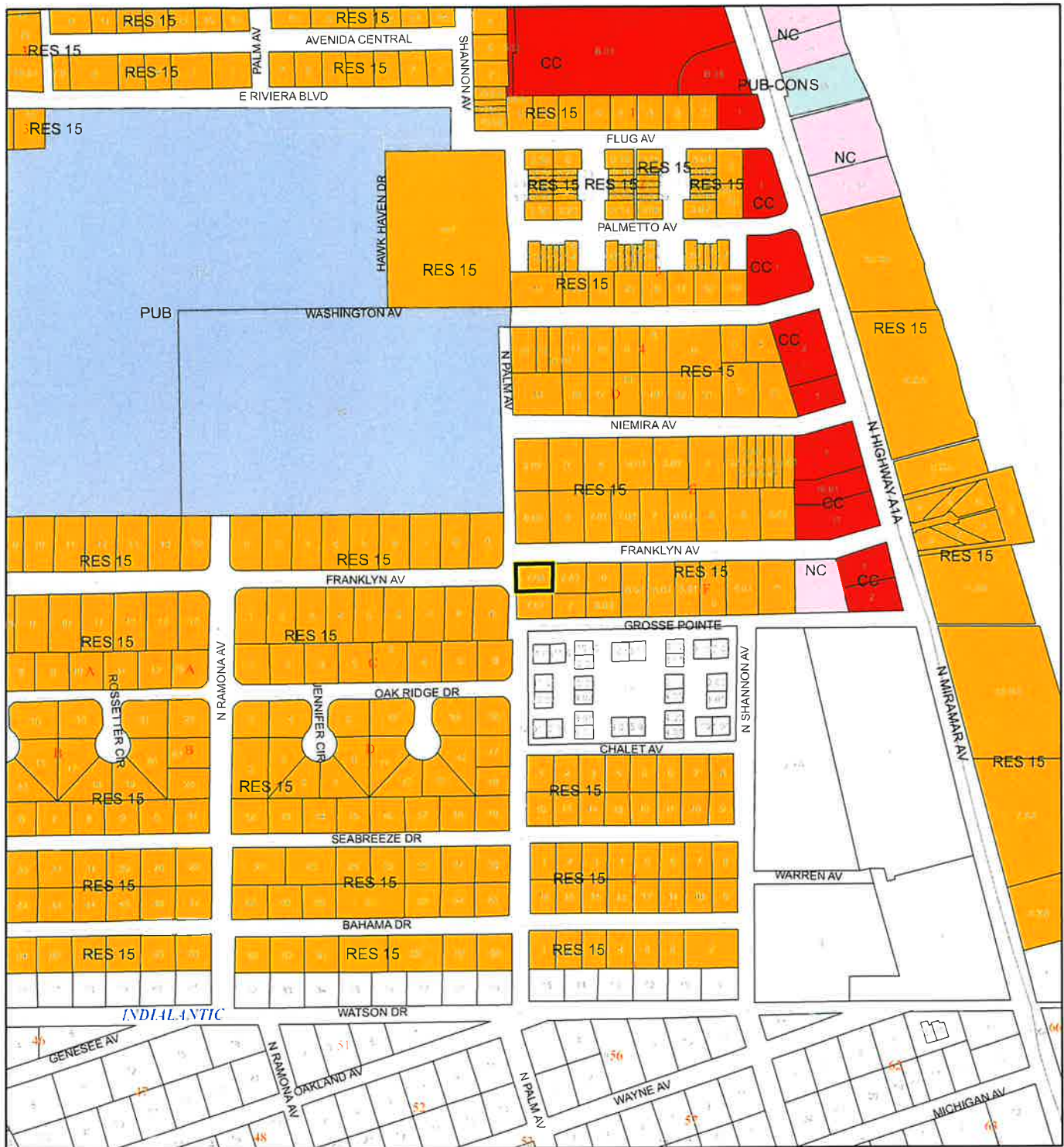
Produced by BoCC - GIS Date: 9/11/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

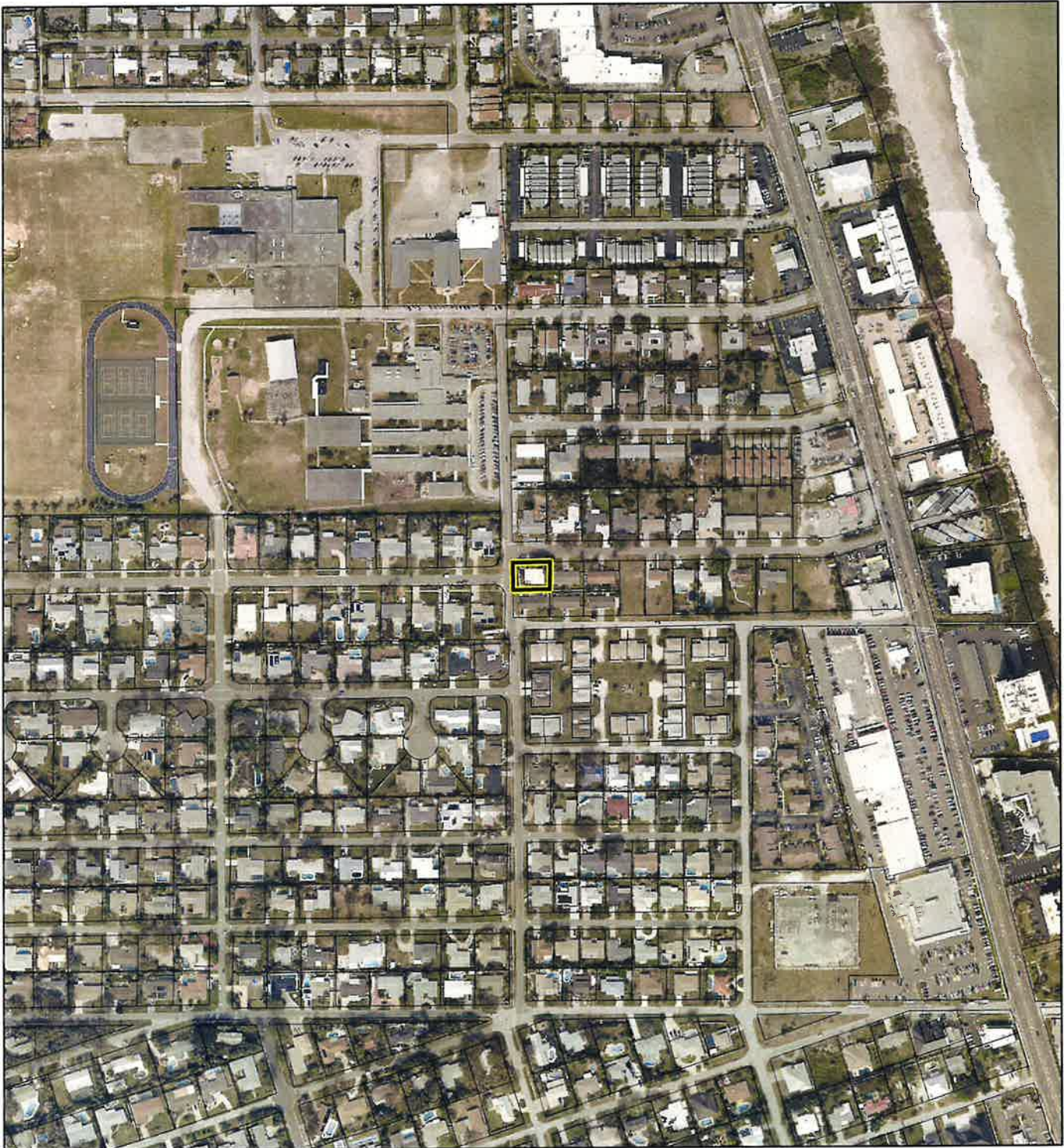
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/11/2024

AERIAL MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



1:4,800 or 1 inch = 400 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: 9/11/2024

— Subject Property

□ Parcels

NWI WETLANDS MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



1:4,800 or 1 inch = 400 feet

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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

WILLIAMSON, AUBRI LUCILLE

24Z00052



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

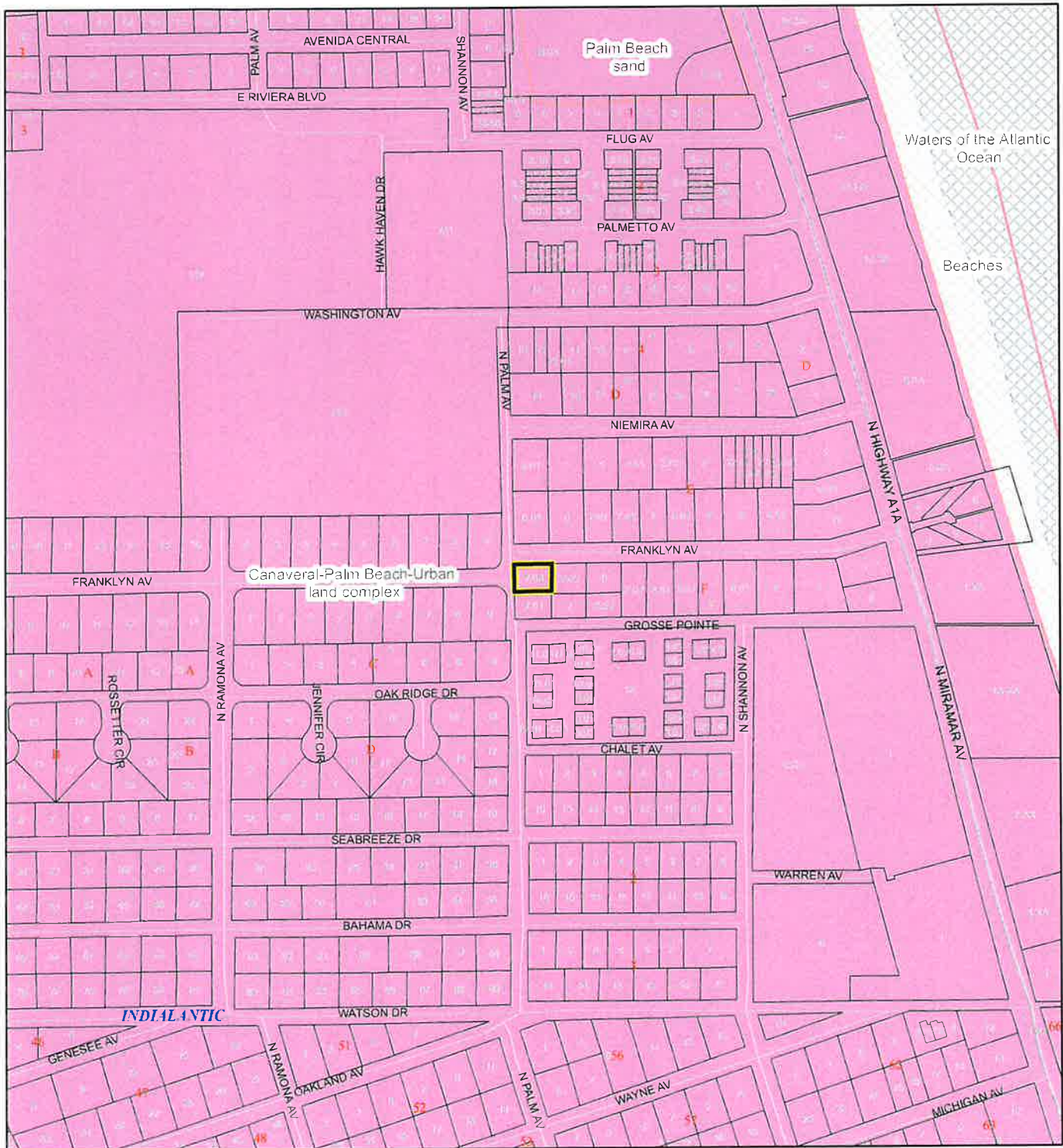
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property

Parcels

USDA SCSSS SOILS MAP

WILLIAMSON, AUBRI LUCILLE
24Z00052



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/11/2024

USDA SCSSS Soils

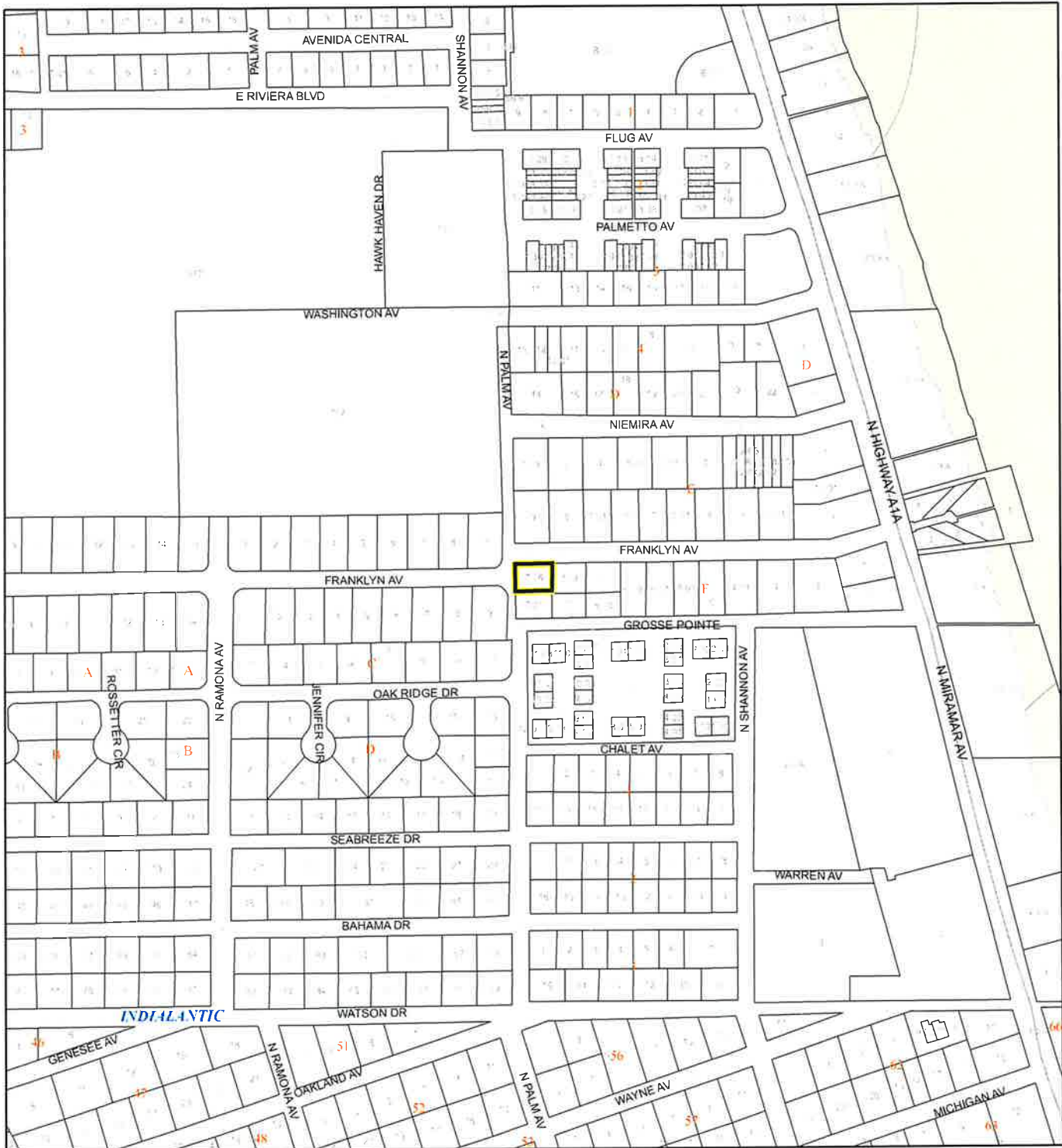
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



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: 9/11/2024

FEMA Flood Zones

A AO X
AE Open Water
AH VE

Subject Property

Parcels

COASTAL HIGH HAZARD AREA MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



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: 9/11/2024

— Subject Property

□ Parcels

Coastal High Hazard Area

■ SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



EAGLE NESTS MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



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: 9/11/2024

— Subject Property

□ Parcels



Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 9/11/2024

 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

WILLIAMSON, AUBRI LUCILLE

24Z00052



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: 9/11/2024

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: [solar system online](#)
To: [Administrative Services](#)
Subject: ID# 24Z00052
Date: Thursday, June 12, 2025 2:21:01 PM

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

125 Franklyn Avenue

RE: 24Z00052 A. L. Williamson

I am the owner of 198 Grosse Pointe previously 117 Franklyn Avenue. I would like my comments forwarded to the Planning and Zoning Board for the Monday June 16, 2025 hearing.

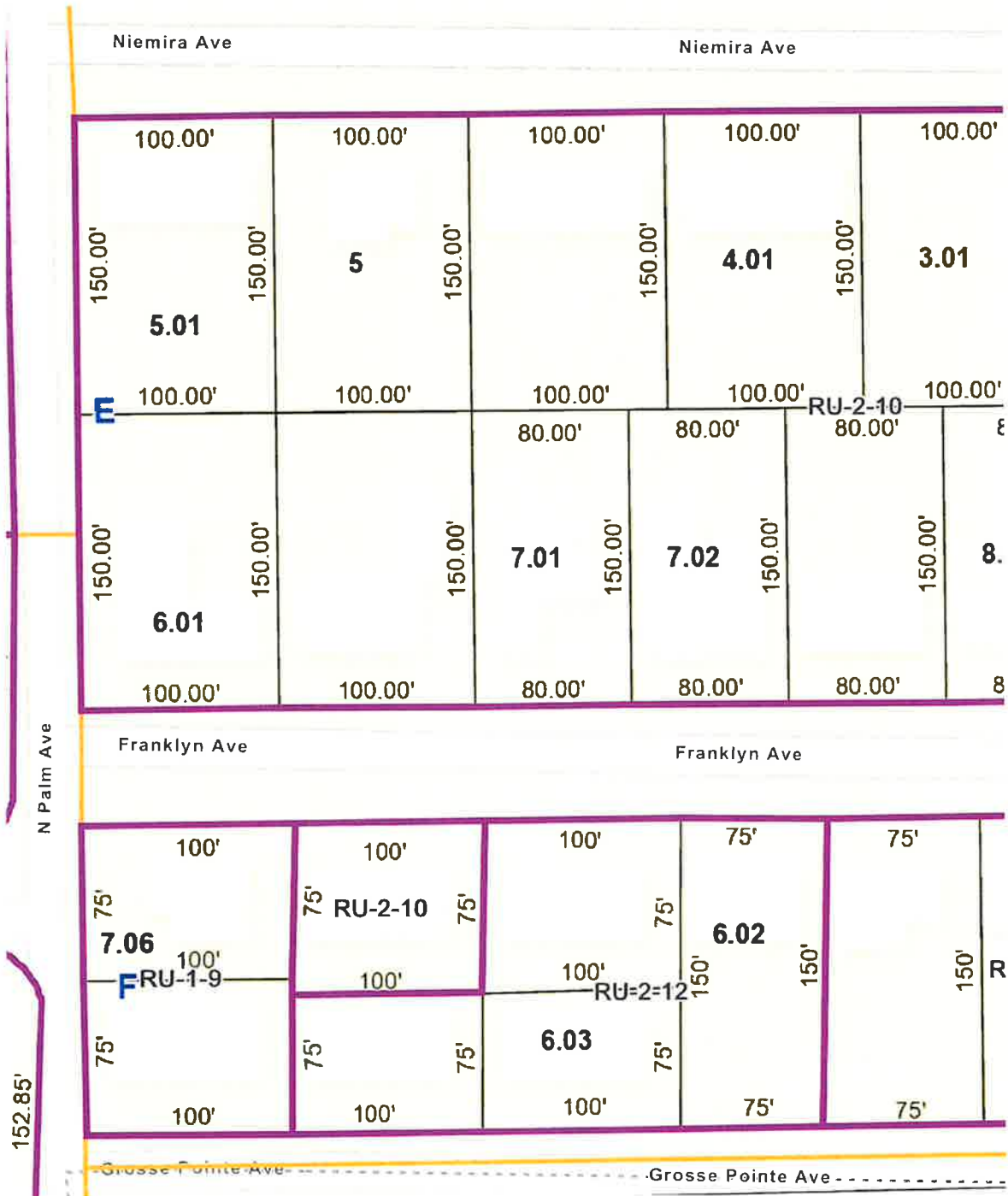
I am in full support of the applicant's request to change 125 Franklyn Avenue zoning to RU-2-10.

Currently all the units on the north side of the 100 block of Franklyn Avenue are already zoned RU-2-10, including a "pre-existing use" Day Care business directly adjacent to the north at 132 Franklyn Ave. On the south side of Franklyn Ave and the south parallel street Grosse Pointe, nearby units are mostly RU-2-12.

Please find the attached screen shot of the Brevard County land use map.

Thanks for your consideration and please confirm receipt.

James Eric Preece trustee



From: [Giselle Bokobza](#)
To: [AdministrativeServices](#)
Subject: ID#24Z00052
Date: Monday, June 16, 2025 10:07:06 PM

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

Dear Planning and Zone members,
I am writing to respectfully plea for a denial of the rezoning petition of property located at 125 Franklyn Ave.

I am relatively new owner in this neighborhood (369 Franklyn Ave) who in search of a quality life far from the dense properties of South Florida decided to purchase my dream home here in Indialantic.

The rezoning of this property will be a menace to the tranquility of this neighborhood, not to mention the chaos that newly incoming traffic will cause to a street that is already affected by the long line of cars that pile twice a day for the elementary school that is behind our street.

I beg you to come and observe our street is one of the most beautiful ones in the area, the houses are immaculate well kept, neighbors know each other for decades. Please don't allow this part of town to turn into a South Florida nightmare.

Respectfully yours,

Eli Bokobza

From: [Xzondra Bergman](#)
To: [AdministrativeServices](#)
Subject: Fwd: ID# 24Z00052 Formal Objection to Rezoning Request for 125 Franklyn Avenue, Indialantic, FL 32903
Date: Monday, June 16, 2025 3:27:53 PM

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

Have a Blessed Day!

Dr. Xzondra H. Bergman

Email: XzondraBergman@gmail.com

Phone: (321) 223-5173

PLEASE SIGNIFY YOU RECEIVED THIS EMAIL.

----- Forwarded message -----

From: **Xzondra Bergman** <xzondrabergman@gmail.com>

Date: Mon, Jun 16, 2025 at 3:04 PM

Subject: ID# 24Z00052 Formal Objection to Rezoning Request for 125 Franklyn Avenue, Indialantic, FL 32903

To: <admiistrativeservices@brevardfl.gov>

To Whom It May Concern,

We are writing to formally express our strong opposition to the proposed rezoning of the property located at **125 Franklyn Avenue, Indialantic, Florida 32903** from **RU-1-9 (Single-Family Residential)** to **RU-2-10 (Medium-Density Multiple-Family Residential)**.

As long-time residents of the area, we are deeply concerned that approving this rezoning request would compromise the integrity, character, and residential nature of our neighborhood. The current RU-1-9 zoning has long ensured a cohesive and stable community comprised of single-family homes, and we believe any shift toward higher-density, multi-family development would be inconsistent with the established use and expectations of surrounding property owners.

Such a change has the potential to increase traffic, strain existing

infrastructure, and diminish the quality of life for current residents. Moreover, it may set a precedent that invites further incompatible development in the area, leading to a gradual erosion of the community's single-family residential fabric.

Please accept this correspondence from **Mr. Howard L. Bergman and Dr. Xzondra H. Bergman**, of **350 Franklyn Avenue**, as an official objection to **Aubri Lucille Williamson's** rezoning request.

We urge the relevant authorities to deny this application and to preserve the zoning that protects the character and integrity of our neighborhood.

Sincerely,

Howard L. Bergman

Dr. Xzondra H. Bergman

350 Franklyn Avenue

Indialantic, FL 32903

Dr. Xzondra H. Bergman

Email: XzondraBergman@gmail.com

Phone: (321) 223-5173

PLEASE SIGNIFY YOU RECEIVED THIS EMAIL.

From: [michael Lingaitis](#)
To: [AdministrativeServices](#)
Subject: ID #24Z00052
Date: Tuesday, June 17, 2025 2:56:59 PM

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

Aubri Lucille Williamson wants to have her property at 125 Franklyn Ave, Indialantic re-zoned from Single-Family Residential to Medium-Density Multiple-Family Residential. This is not a good idea for our Single-Family community. The address in question is on a very busy corner across from a daycare, Indialantic Elementary School and Hoover Middle School. A Multiple-Family Residence would increase the traffic in an already congested intersection; especially when parents are dropping off and picking up children from school and children are walking to and from school. This community is overwhelmed during school hours with all the foot, auto and bike traffic that we experience due to the close proximity of the two schools. Changing from Single to Multiple Family would definitely increase the per capita population of that address, resulting in increasing the traffic due to added residents as well as increased traffic due to added Waste Management services to the property creating additional congestion to an already over congested intersection. This intersection does not need more vehicles, the children who have to go through that intersection daily do not need this added traffic. If this request is approved, there would also be a significant amount of heavy vehicle traffic to modify the address which would cause added congestion which would adversely affect our community and reduce safety. Furthermore, it would be interesting to see the Environmental Impact Study that should include the added adverse impact due to re-zoning/modifying the property. This location experiences flooding during heavy rains and the change from Single to Multiple-Family would require additional paving which would reduce natural rainfall saturation into the soil thus causing added rainfall to increase to the already flooding roadway/intersection. We are a very nice beachside family community that has existed for decades, changing a Single-Family community by adding Multiple-Family Residents significantly distracts from the aesthetics of our community. Some residents have lived here since the 60's and others are new. We moved in a few years ago and would not consider this community if it were a Multi-Family Community and it is not fair to re-zone this property after numerous residents have already purchased homes in this Single-Family Residential Community. The requester for re-zoning also stated that she wishes to use the property to have short term rentals. This means that people would be coming and going frequently. Typically people who use Airbnb do not treat the unit or community with the same respect that a Single-Family Resident would treat the unit or community. Airbnb customers do not take the time to get to know the neighbors or care about the neighbors. Our community cares about and looks out for one another. Also, you would not know who is renting a unit short time and what type of person they are so close to and elementary school. This would reduce the safety for the children of this community. You would not know who is renting these units or who they were bringing as guests. Re-zoning this property would significantly distract from our community and reduce the safety. We request that you deny this request so that our nice family oriented community is not changed.

Respectfully,
Michael & Jennifer Lingaitis

From: [michael Lingaitis](#)
To: [AdministrativeServices](#)
Subject: Fwd: ID #24Z00052
Date: Sunday, July 13, 2025 2:06:52 PM

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

To: administrativeservices@brevardfl.gov
Subject: ID #24Z00052

Aubri Lucille Williamson wants to have her property at 125 Franklyn Ave, Indialantic re-zoned from Single-Family Residential to Medium-Density Multiple-Family Residential. This is not a good idea for our Single-Family community. The address in question is on a very busy corner across from a daycare, Indialantic Elementary School and Hoover Middle School. A Multiple-Family Residence would increase the traffic in an already congested intersection; especially when parents are dropping off and picking up children from school and children are walking to and from school. This community is overwhelmed during school hours with all the foot, auto and bike traffic that we experience due to the close proximity of the two schools. Changing from Single to Multiple Family would definitely increase the per capita population of that address, resulting in increasing the traffic due to added residents as well as increased traffic due to added Waste Management services to the property creating additional congestion to an already over congested intersection. This intersection does not need more vehicles, the children who have to go through that intersection daily do not need this added traffic. If this request is approved, there would also be a significant amount of heavy vehicle traffic to modify the address which would cause added congestion which would adversely affect our community and reduce safety.

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We request that you deny this request so that our nice family oriented community is not changed.

Respectfully,
Michael & Jennifer Lingaitis

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.1. Aubri Lucille Williamson requests a change of zoning classification from RU-1-9 to RU-2-10. (24Z00052) (Tax Account 2743715) (District 5)

Trina Gilliam read Item H.1. into the record.

Nathan Meloon spoke to the application. He stated the applicant is looking to have this house as an investment property. She has a current contract for somebody starting in July to be there for one year. She would like to bring it into conformity with the area to the north where there's a big block of RU-2-10. Directly to the right or to the east is some RU-2-12. So, to keep the conformity with the area we're seeking a zoning change to RU-2-10. It's compatible and consistent with the area and it's in line with what else is in that area. This is right outside the shopping center with the Long Doggers in Indialantic just south of where Health First is and the Dunkin Donuts.

Public Comment

Sandra Sullivan stated she is from South Patrick Shores. She has a friend that lives on this street and there have been two recent zoning requests on Franklin Avenue. One of them is next to Cliffage and they had requested two duplexes at the front and back of the property. It ended in a split vote by the County Commissioners, and it failed. There was a BDP that was proposed for duplexes on front and back off Gross Point because there's a lot of traffic issues there. And the second was no short-term rental and no more than one story. You mentioned in the item that there is a property 200 feet to the east, that property is under a BDP. Again, no short-term rentals by the County. This is an area of no short-term rentals, so a BDP that they could put in a duplex but no short-term rentals and a BDP on that property. This property is so unlike those other two lots. They go from Franklin all the way over to Gross Point. This property's already been split, so if you were to be consistent with the surrounding area the maximum would be to allow a duplex on the property. I want to point out the short-term rental aspect, you do realize and it's missing from the map that was made by staff, which is a major red flag from my perspective, there is Hoover Elementary School literally a house away from this particular property. As a parent of elementary school kids, I wouldn't be happy to have a short-term rental which is inconsistent with this area. I would beg the question why this went to the board of adjustments for a short-term rental for a zoning that they don't have yet. So, this is inconsistent for

the BDP's that are in this area and the Cliffage property was denied by the county a 2:2 vote which also had stipulated no short-term rentals. So, vote no.

End Public Comment

Mark Wadsworth stated that he now sees on the west side it is zoned RU-2-12.

Mr. Meloon stated to the east is RU-2-12. To the north is RU-2-10 and to the south it looks like a multi-family zoning in Indialantic. There's more RU-1-11 further to the south, but then there's a commercial property with a strip plaza and the Publix, the Long Doggers, that kind of a multitude of stores. The property is one-story. There's currently a building on site, so there's not going to be a new building. My client is willing to keep this as a single-family and not have it be a duplex. A duplex is not her intention, and like was stated there's a one-year lease that is in place that begins in July for the property. So, it's intended use is for long-term rental property. As an owner she has a vested interest in keeping the area nice and not having bad things happen in the area.

Henry Minneboo asked the applicant if they are going to do a BDP.

Mr. Meloon stated they are willing to have a BDP that it'll remain a single-family.

Erika Orriss asked if they were willing to do a BDP that there's no short-term rentals. I'm very familiar with that area. We keep talking about long Doggers and Publix, but what's at the end of that street is Hoover Elementary School. There's also Busy Bears Daycare which is right across there too. So, I would just suggest that we say no short-term rentals. I don't think it should be zoned as such.

Mr. Meloon stated they're not willing to do that because they don't want to give away one of those bundles of sticks that his client would have as a property owner and have that go away forever. Who knows what the world would look like in 50, 75, 100 years. The school could be there, or the school could not be there. The same with the daycare. While it's across the street, it's an equal distance away from these commercial establishments. True it's five or six blocks down from some NC zoning, there's the CC zoning and then there's the Indialantic. It's just as easy to get from there to the daycare or to the school as it would be from my client's property. I realize that there are bad things that happen in the world and there's bad people in the world we can't sit here and think well what if somebody rents that. Well there's hotels and I'm sure if somebody had bad motives they could stay at one of the hotels that's a quarter mile up the street and come down and look and do whatever they wanted to do to the school or to the daycare and God forbid that would be a horrible thing to happen, but that wouldn't be a reason for taking a bundle of one of the bundles of sticks that my client has as a property owner in the area.

Ms. Orriss stated she understands that, but she does have friends that live there, and they live in the condos on the south side and they're saying right now as it exists today there's just way too much traffic. People are speeding by and there's kids on that street and Hoover Elementary School has been there for 50 years and I think it's probably going to be there another 50 years. So, I really have a hard time approving this especially with no BDP. That's my thoughts on it. I've stood there in front of my friend's house and almost been run over. I just don't think we need to add to the problems that already exist on that street.

John Hopengarten stated he agrees that without a BDP for short-term rental restrictions this won't fly.

Ruth Amato agreed with Mr. Hopengarten.

Mr. Wadsworth asked the applicant if they are willing to do a BDP.

Mr. Meloon responded yes; we're willing to do a BDP for no short-term rentals.

Ms. Orriss stated the BDP would be on because the previous BDP that was put on for the other property said developer agrees not to use property for resort purposes and therefore such is prohibited. The developer shall limit ingress and egress to one unit on Franklin and one on Gross Point. I don't know if that's what we'd be willing to do and obviously we're open for input on this but to have no resort dwellings and then to keep it with one unit on the property and you already have the one unit.

Mr. Meloon responded with correct. The one unit is already in existence. It's a 3:2. It would be no resort dwellings and keep it as the single-family one unit. And single story as well in keeping with the character of the street.

Motion to recommend approval of Item H.1. with a BDP by Erika Orriss, seconded by John Hopengarten. Motion passed unanimously.



BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, Aubri L. Williamson

authorize W. Nathan Meloon, Esq.

to act on my behalf, which may include representing me in public hearings pertaining to the submittal of the attached application.

Choose the applicable application type. More than one may apply.

- | | |
|--|---|
| <input type="checkbox"/> Administrative Action | <input type="checkbox"/> Comprehensive Plan Amendment |
| <input type="checkbox"/> Development Plan | <input checked="" type="checkbox"/> Rezoning |
| <input type="checkbox"/> Variance | |

[Signature]
Signature

7/9/25
Date

State of Florida

County of Brevard

The foregoing instrument was acknowledged before me this 9th day of July, 20 25

by Aubri L. Williamson, who is personally known to me or has produced
FL DL as identification, and who did or did not take an oath.

[Signature]
Signature of Notary

Seal:



Board Meeting Date

7-17-25

Item Number: H.2

Motion By: TG include RDP all 3 cent

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	✓	