



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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

STAFF COMMENTS

25Z00009

Forbes Remodeling & Construction, LLC

AU (Agricultural residential) to RU-1-13 (Single-family residential)

Tax Account Number: 2802070
Parcel I.D.s: 28-36-12-00-9
Location: East and West side of Hoover Ln, 375 ft. South of Henry Ave
(District 5)
Acreage: 0.68 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	AU	RU-1-13
Potential*	0	1 Single-Family
Can be Considered under the Future Land Use Map	YES RES 4	YES RES 4

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

Background and Purpose of Request

The applicant is requesting a change of zoning classification from AU (Agricultural Residential) to RU-1-13 (Single-family Residential) on 0.68 acres. The subject property is bifurcated by Hoover Lane. The portion on the west side, approximately 0.34 acres, is improved with a single-family residence. The portion on the east side, approximately 0.34 acres, is vacant, and the applicant intends to construct a single-family residence.

The subject property is within the Hoover Land Plan, unrecorded. The earliest record is

ORB 251, Pg 353, and ORB 253, Pg 230. Staff analysis indicated the property configuration was recorded after 1958. From May 22, 1958 to March 6, 1975, the AU zoning classification required a minimum lot of 125 feet width and depth and a minimum lot area of 1.0 acres. The subject is not considered a nonconforming lot as it never met AU zoning standards, therefore being a substandard lot.

The subject is comprised of two parcels bifurcated by a roadway. According to **Sec.62-2116** – those lots, plots, or parcels of real property titled under common ownership, located within the unincorporated area of the county, that are separated or divided by a public or private right-of-way, street, road, alley or easement shall be defined as follows; (1) Where the land on each side of the public or private roadway or road meets the minimum requirement for lot size in the designated zoning classification, then the landowner shall be deemed the owner of two separate lots, plots, tracts or parcels for the purpose of this chapter. Approval of the requested rezoning classification would permit the subject property to be considered two lots, each meeting the zoning standards of RU-1-13.

The subject is located on a county-maintained right-of-way.

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 residence	AU	RES 4
South	Single-family residence	AU	RES 4
East	Single-tenant Office Building	BU-1	CC
West	Single-family MF Home	TR-1	RES 4

The property to the north of the subject property is a 0.34 acre lot improved with a single-family home built in 1959; zoned AU and RES 4 FLU.

South is 0.51 acre parcel developed with a single-family home built in 1990; zoned AU and RES 4 FLU.

East of the subject property is a site that fronts on Minton Rd and is zoned BU1 with a CC (Community Commercial) FLU. It is improved with a single-tenant office building built in 1964.

West of the subject property is a 3.34 acre site zoned TR-1 improved with single-family manufactured homes and RES 4 FLU.

AU zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character on 2.5 acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping.

BU-1 classification allows retail commercial land uses on minimum 7,500 square foot lots. The BU-1 classification does not permit warehousing or wholesaling.

TR-1 is a single family residential mobile home zoning classification which permits mobile homes or residences of standard construction on lots of 7,500 square feet (minimum) with lot width of 65 feet and lot depth of 100 feet.

RU-1-13 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 minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet. RU-1-13 does not permit horses, barns or horticulture.

Land Use

The subject property's AU zoning classification can be considered consistent with the RES 4 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed RU-1-13 zoning classification can be considered consistent with the RES 4 FLUM designation.

Applicable Land Use Policies

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

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

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

Criteria:

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

This request is not anticipated to significantly diminish the enjoyment, safety, or quality of life, as the rezoning would effectively permit the

construction of one single-family residence in an existing residential area. Future development would need to meet Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272 for hours of operations, lighting, odor, noise levels, traffic, or site activity.

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

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

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

1. historical land use patterns;

There are three (3) FLUM designations within a half-mile radius of the subject property. They include RES 4, Community Commercial (CC), and Neighborhood Commercial (NC). The subject property is surrounded RES 4, which is the predominant FLU designation. The existing commercial uses are along Minton Rd.

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

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

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

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

Within the preceding three years, there has been one (1) approved rezoning within 0.50 mile of the subject property, but not yet constructed. 1. 22Z00055 changed the zoning from RR-1 to AU, February 2023

- 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 character of the surrounding area is commercial and single-family residential, with the residential lots ranging in size from 0.21 acres to 1.25 acres. Commercial uses are located along Minton Rd east of the subject property and a church on 10.71 acres located west of the subject property with frontage on Milwaukee Ave. There are a hodge-podge of zoning classifications in the area, including AU, RR-1, RU-1-13, RU-1-9, RU-1-7, RRMH-1, TR-1 and IN(L). There is no predominant zoning classification in the area. 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 area.

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

The 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 Minton Rd from Henry Ave to Milwaukee Ave, which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 73.98% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.02%. The corridor is anticipated to operate at 74.00% 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:

- Hydric Soils
- Land Clearing and Landscape Requirements
- Protected Species

Please refer to the complete report.

For Board Consideration

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

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 25Z00009

Applicant: Chester Forbes (Owners: Forbes Remodeling & Construction LLC)

Zoning Request: AU to RU-1-13

Note: to split and build SFR

Zoning Hearing: 06/16/2025; **BCC Hearing:** 07/03/2025

Tax ID No.: 2802070

- 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:

- Hydric Soils
- Land Clearing and Landscape Requirements
- Protected Species

Land Use Comments:

Hydric Soils

The entire subject parcel contains mapped hydric soils (Riviera sand, 0 to 2 percent slopes); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **This density may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total residential acreage as set forth in Section 62-3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will

require mitigation in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

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. 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.