



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

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

**STAFF COMMENTS  
24Z00065**

**Isabella Zimmerman & Mikke Seppala**

**GU (General Use) to AGR (Agricultural)**

Tax Account Number: 2005717  
Parcel I.D.: 20G-34-13-AI-8-7.01  
Location: 5660 Merritt St, Mims, FL 32754 (District 1)  
Acreage: 4.74 acres

Planning & Zoning Board: 3/17/2025  
Board of County Commissioners:4/3/2025

**Consistency with Land Use Regulations**

- Current zoning is consistent under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	GU	AGR
<b>Potential*</b>	0 Single-family residence	1 Single-family residence
<b>Can be Considered under the Future Land Use Map</b>	YES AGRIC	YES AGRIC

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

**Background and Purpose of Request**

The applicant requests a rezoning of the subject property from GU (General Use) to AGR (Agricultural) on a 4.74 acre lot to build a single-family residence, a barn, and raising and grazing of animals. Approval of this request will provide better consistency with the Future Land Use designation and the proposed use of the subject property.

The subject property’s current configuration was recorded in ORB 5719 PG 8210 on November 8, 2006.

Historically, the GU zoning classification has been interpreted as a holding category. The AGR zoning classification will provide greater consistency with the AGRIC FLU designation as

a component of this land use is to reduce the extent of urban sprawl and permit agricultural activities. Residential densities shall not exceed one dwelling unit per five acres.

The subject property received an administrative waiver under **AA2344** of 0.5 acres to the minimum lot size requirements for GU zoning on September 29, 2006. On February 19, 2025, the Board of Adjustment approved under **24V00055** the following requests for the subject property: 1.) Section 62-1333(4) to permit a variance of 0.26 acres from the minimum lot size required for rezoning to AGR (Agricultural) and 2.) Section 62-1255(b)(1)(f) to permit a variance of 0.26 acres from the minimum lot size required for AGRIC Future Land Use Designation. There is no previous zoning actions for the subject property.

The subject property consists of one (1) parcel located on the north side of Merritt St, approximately 700 feet west of D Johnson Ave. The site is undeveloped and has access to Merritt St, a county-maintained roadway. AGR zoning is present in the area less than 350 feet to the west and approximately 1,000 feet to the east of the subject property.

There are no current code enforcement complaints on the property.

**Surrounding Area**

	<b>Existing Land Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	vacant	GU	AGRIC
<b>South</b>	vacant	GU	AGRIC
<b>East</b>	vacant	GU	AGRIC
<b>West</b>	vacant	GU	AGRIC

To the north is a vacant 9.77 acre parcel with GU zoning and AGRIC FLU designation.

On the southside of Merritt St., across from the subject property, is a vacant 4.85 acre lot with GU zoning and AGRIC FLU designation.

To the east is a 5.03 acre parcel with a pole barn. It is zoned GU and AGRIC FLU designation.

To the west is a 5.0 acre parcel that is zoned GU and AGRIC FLU designation. It has two (2) outbuildings but no a single-family residence.

Approximately 750 feet northeast of the subject property (along D Johnson Av.), RRMH-1 zoning has been established on a vacant 9.48 acre parcel with AGRIC FLU designation.

In the vicinity of Merritt St. and D Johnson Av., there are three (3) parcels with RRMH-1 zoning and AGRIC FLU designation. One is a vacant 1.18 acre parcel, another is a vacant 4.7 acre parcel, and the third encompasses 4.7 acres and has five (5) outbuildings.

To the east of D Johnson Av. there is a 20.69 acre parcel with AGR zoning and AGRIC FLU designation. The rezoning to AGR was approved in 2001.

The GU zoning 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.

RRMH-1 classification encompass lands devoted to single-family mobile home development of spacious character, together with accessory uses as may be necessary or are normally compatible with residential surroundings, and at the same time permit agricultural uses which are conducted in such a way as to minimize possible incompatibility to residential development. RRMH-1 permits single-family mobile homes and detached single-family residential land uses on minimum one acre lots, with a minimum width and depth of 125 feet. This classification permits horses, barns and horticulture as accessory uses. The minimum house size is 600 square feet.

AGR classification encompasses lands devoted primarily to productive agricultural pursuits and rural residential development. This zoning classification also implements the county's future land use policies which require low-intensity uses and low-density development in the rural are to prevent urban sprawl. AGR permits single-family or mobile home residences on 5 acre lots, with a minimum width of 200 feet and depth of 300 feet. The minimum house size in AGR is 750 square feet.

### **Future Land Use**

The subject property's GU zoning classification is consistent with the AGRIC 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 AGR zoning classification is consistent under the current FLUM designation.

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 AGR zoning would allow for one single-family residence due to lot size. It is compatible with the established agricultural character of this part of**

**Mims. This request is not anticipated to significantly diminish the enjoyment, safety or quality of life.**

**Development of the subject property would need to meet performance standards set forth in code sections 62-2251 through 62-2272.**

- 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 Appraiser Institute) appraisal can determine if a 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;

**The historical land use pattern of the surrounding development to the west, north and south is characterized as agricultural on platted five (5) to ten (10) acre lots that are consistent with the established AGRIC FLU designation in this area. The majority of the lots located to the east across D Johnson Ave, extending 0.5 miles north and less than 1 mile south extending east to Highway 95, are approximately one acre in size.**

**There are two (2) FLU designations within 500 feet of the subject site: AGRIC and RES 1. The predominant FLU designation in this area is AGRIC. The RES 1 is on one parcel located on the east side of D Johnson Ave.**

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

**There has been no new development within 0.5 miles of the subject property within the last three years.**

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

**There has not been any approved development within this area in the preceding three (3) years that has yet to be 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.

**This request is not anticipated to have a measurable impact on the area in terms of trip generation, or parking. No commercial or industrial activity is proposed.**

- 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.

**There are no established neighborhoods within a 500 ft. radius of the subject property.**

- 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 are no neighborhood commercial land uses established in this 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.

**There has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years. This area is not transitional.**

**Analysis of 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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

**Natural Resources has noted the entire subject parcel contains mapped hydric soils (Eau Gallie sand); an indicator 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.**

**Please review all comments from the Natural Resources Management Department found at the end of this report.**

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is US 1 between Lionel Road and Burkholm Road, which has a Maximum Acceptable Volume (MAV) of 40,300 trips per day, a Level of Service (LOS) of C, and currently operates at 23.83% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.04%. The corridor is anticipated to operate at 23.87% 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.

Potable water and/or sanitary sewer service to the subject property is not available from any provider.

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

- Potential Wetlands (Hydric Soils)
- Protected and Specimen Trees
- Potential Code Enforcement

### **For Board Consideration**

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

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

**Item No. 24Z00065**

**Applicant:** Isabella Zimmerman (Owner: Isabella Zimmerman)

**Zoning Request:** GU to AGR

**Note:** for SFR and agricultural use

**Zoning Hearing:** 03/17/2025; **BCC Hearing:** 04/03/2025

**Tax ID No.:** 2005717

- 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:**

- Potential Wetlands (Hydric Soils)
- Protected and Specimen Trees
- Potential Code Enforcement

**Land Use Comments:**

**Hydric Soils**

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

Section 62-3694 states that non-bona fide agricultural and forestry operations utilizing best management practices are permitted in wetlands **provided they do not result in permanent degradation or destruction of wetlands, or adversely affect the functions of the wetlands.** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require mitigation in accordance with Section 62-3696. Pursuant to the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), any activity of a Bona Fide Agricultural Use, with state-approved Best Management Practices, on land classified as agricultural land pursuant to Section 193.461, Florida Statute is exempt. The Brevard County Property Appraiser's Office establishes Bona Fide Agricultural land classification.

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres** unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. This property was established in 2006. **Therefore 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 623694(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.**

### **Protected and Specimen Trees**

Protected ( $\geq$  10 inches in diameter) and Specimen Trees ( $\geq$  24 inches in diameter) likely exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Potential Code Enforcement**

Information available to NRM indicates that unpermitted land clearing and alteration activities may have occurred on this parcel between 2024 and 2025. The confirmation of unpermitted land clearing and alteration activities may result in code enforcement action.