



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

25Z00011

Steven Schulze Jr.

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

Tax Account Number: 2800112
Parcel I.D.s: 28-36-01-00-271
Location: West side of Gray Rd., 1,114 ft. north of W. New Haven Ave.
(District 5)
Acreage: 0.69 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 Single-Family Residence	1 Single-Family Residence
Can be Considered under the Future Land Use Map	YES RES 6	YES RES 6

* 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) to expand the existing single-family residence on 0.69 acres, aligning the zoning classification with the property's lot size. The parcel was subdivided from an approximate 1.16-acre parent property, and the current configuration was recorded on March 29, 1990, as recorded in ORB 3051, Page 1261, of

the Public Records of Brevard County, Florida. The original parent property was recorded, May 1968, in ORB 1025, Page 926, of the Public Records of Brevard County, Florida.

Per Section 62-2102: No person shall sever any lot in such a manner that a violation of any of the provisions of this chapter would be created on any new or altered lot, including their uses or structures. This subject criterion has existed since its adoption in 1979 and was amended on October 31, 2000.

Agricultural Residential (AU) is the original zoning for the subject property as adopted by the Brevard County Zoning Regulation on May 22, 1958. The subdivision created a lot that is inadequate to the AU lot size requirements. From May 22, 1958, to March 6, 1975, the AU zoning classification had minimum lot criteria of 125 feet width, 125 feet depth and a minimum lot area of 1.0 acre. Since the lot was split after March 1975, it cannot be considered a non-conforming lot of record.

The proposed RU-1-13 zoning requires an area of not less than 7500 square feet, having a lot width of not less than 75 feet and a lot depth of not less than 75 feet. The subject property meets these minimum size requirements. RU-1-13 zoning is established in the area.

The subject property is improved with a single family residence and has frontage on Gray Rd, which is 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 6
South	Single-family residence	RU-1-13	RES 6
East	ROW, Single-family Residence	RU-1-13	RES 6
West	Vacant	AU	RES 6

The property to the north of the subject property is a 1.49-acre lot improved with a single-family home built in 1966; zoned AU.

The property to the south is a 0.61-acre parcel developed with a single-family home built in 1989; zoned RU-1-13.

To the east of the subject property, across Gray Rd., is a 0.49-acre parcel developed with a single-family home built in 1975; zoned RU-1-13.

To the west of the subject property is a 0.47-acre vacant parcel zoned AU.

All of the properties described are within the RES 6 FLUM.

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.

RU-1-13 permits 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 6 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 6 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;

The applicant's intent to enlarge the existing primary structure is therefore neutral in regards to the enjoyment of safety or quality of life in the existing residential area. A preliminary concurrency analysis does not indicate that the proposed request would impact the surrounding established residential area.

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

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

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

1. historical land use patterns;

There are five (5) FLUM designations within a half-mile radius of the subject property. They include RES 4, RES 6, RES 15, Community Commercial (CC), and Neighborhood Commercial (NC). The subject property is surrounded RES 6 and is the predominant FLUM designation. The existing commercial is along W. New Haven Ave.

There have been no FLUM changes within the defined radius within the last three years.

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

Staff analysis has determined no actual development has occurred within one-half mile over the immediately preceding three years.

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

There has been one (1) zoning changed approved within one-half mile over the preceding three (3) years, 24Z00061 (RU-1-7 to RU-1-13), which has an active building permit to construct a single-family residence.

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 mostly single-family residential, with the residential lots ranging in size from 0.23 acres to 3.14 acres. Zoning classifications in the area include AU, RU-1-9, RU-1-13, and RU-2-6. The predominant zoning classifications in the area are RU-1-13 and RU-1-9. As the parcel is 0.69 acres and abutting parcels of similar size with RU-1-13 to the east across Gray Rd. and south, a preliminary concurrency analysis does not indicate that the proposed request would materially or adversely impact the surrounding area.

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

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

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
3. **The request is not for commercial use. It is located within an existing single-family residential area.**
4. 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.

Admin 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.

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and hydric soils (Valkaria sand); indicating 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(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress. 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.

Preliminary Concurrency

The closest concurrency management segment to the subject property is US 192, between John Rodes Blvd. and Wickham Rd., which has a Maximum Acceptable Volume (MAV) of 39,800 trips per day, a Level of Service (LOS) of D, and currently operates at 76.35% of capacity daily. The proposal is not anticipated to create a deficiency in LOS as the subject property has already been improved with a single-family home since 1966.

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

The subject property has access to potable water through the City of Melbourne.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

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

For Board Consideration

The Board 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. 25Z00011

Applicant: Steven Schulze Jr. (Owner: Steven Schulze Jr.)

Zoning Request: AU to RU-1-13

Note: for consistent zoning for building permit to add an addition to home

Zoning Hearing: 06/16/2025; **BCC Hearing:** 07/17/2025

Tax ID No.: 2800112

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

Summary of Mapped Resources and Noteworthy Land Use Issues:

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

Land Use Comments:

Wetlands and Hydric Soils

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and hydric soils (Valkaria sand); 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. **Per Section 62-3694(e), any wetland impact, authorized under this division, for residential use shall be limited to the structural building area requirements for the primary use as defined by the zoning code, on-site disposal system requirements, and the 100-year flood elevation requirement for first floor elevations, and necessary ingress and egress.** 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.**

Aquifer Recharge Soils

This property contains Valkaria sand, which may also function as highly permeable soils. Additionally, the mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The 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.