



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>

STAFF COMMENTS

21Z00024

James and Julia Garrison

AU (Agricultural Residential) to RU-1-11 (Single-Family Residential)

Tax Account Number: 2419400
Parcel I.D.: 24-36-26-00-266.1
Location: North side of Bevis Rd, approx. 486 feet southeast of Lucas Rd. (District 2)
Acreage: 0.24 acres

Planning & Zoning Board: 10/11/2021
Board of County Commissioners: 11/04/2021

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposed zoning 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-1-11
Potential*	0 units	One single-family unit
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 seeking a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential) for the purpose of legitimizing a substandard AU lot and constructing a single-family residence on the property.

The subject parcel was recorded in Official Records Book 886, Page 887 in July 1966, when AU zoning required a minimum lot size of one acre and a minimum lot depth of 125 feet. The parcel is therefore not a nonconforming lot. The subject lot is 10,454 square feet in size and has a depth of 89.75 feet, making it substandard in regards to lot size and depth for AU. The RU-1-11 zoning classification requires a minimum lot size of 7,500 sq. ft. and a minimum lot depth of 75 feet. This lot meets both requirements. AU is the original zoning classification of the lot.

Per Sec. 62-2102 of the Zoning Code, “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.”

Land Use

The subject property is currently designated as RES 15 (Residential 15). The existing AU zoning classification can be considered with RES 15 FLU. The proposed RU-1-11 zoning classification can also be considered with RES 15 FLU.

Applicable Future Land Use Policies

FLUE Policy 1.4 – The Residential 15 land use designation affords the second highest density allowance, permitting a maximum density of up to fifteen (15) units per acre, except as otherwise may be provided for within this element. The Residential 15 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan

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.

The subject parcel retains a FLU designation of RES 15, which is consistent with the surrounding area. The abutting parcels to the north, east, and west have a FLU designation of RES 15. Bordering the subject parcel on the south is a road (Bevis Road), the other side of which contains parcels with RES 15 FLU. The parcels to the north and east are vacant, while the parcels to the west and across Bevis Road to the south contain existing single-family residences. Additional uses on the south side of Lucas Avenue include a house of worship and a multi-family apartment complex, both of which retain a RES 15 FLU.

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

To the north of the subject property are two vacant lots zoned AU that are substandard. The parcel to the east, also owned by the applicant, is an AU-zoned lot that is substandard in regards to lot size, lot width, and lot depth. This lot was not included in this rezoning as it will need variances, which the applicant wishes to do at a later date. Combining these parcels would not resolve the substandard issues. The parcel to the west is a lot with a single-family home zoned AU. This lot was created and the home built in 1957, prior to the establishment of zoning regulations in the county on May 22, 1958. Across Bevis Road to the south is a lot with a single-family home zoned RU-1-7. This lot was rezoned on February 6, 2019, in order to rectify its substandard status.

Outside of the adjacent parcels, the developed character of the area along Bevis Road consists of small parcels zoned AU containing single-family homes, many of which are included in the Bevis Subdivision plat, which was approved in July 1963 and are considered developable despite not meeting the minimum lot size for AU. The subject property is not included in this plat.

Additionally, there is a house of worship on a parcel zoned Institutional Use – Low Intensity (IN(L)) on the south side of Lucas Avenue, as well as two multi-family apartment complexes across from each other on either side of Lucas Avenue, both zoned RU-2-15.

The current AU zoning classification permits single-family residences and agricultural uses. These agricultural uses may be commercial in nature and include the raising and grazing of animals, the packing, processing, and sales of commodities raised on the premises, and plant nurseries.

There are three undeveloped lots zoned RU-1-11 approximately 135 feet west of the subject property across Bevis Road.

RU-1-7 and RU-1-9 are also present along Bevis Road. These classifications permit single-family homes with a minimum living area of 700 sq. ft. and 900 sq. ft. respectively.

The proposed RU-1-11 classification permits single family residences 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. The subject property is rezoning to RU-1-11 instead of RU-1-7 or RU-1-9 due to lots in RU-1-7 and RU-1-9 zoning requiring 100 feet of depth, while RU-1-11 requires 75 feet of depth.

There have been five rezoning applications in the surrounding area in the past 3 years:

1. On September 6, 2018, **18PZ00051** rezoned 11.88 acres from PUD to RU-2-15 approximately 2,572 feet southeast of the subject property.
2. On February 7, 2019, **18PZ000123** rezoned 0.69 acres from AU and RU-1-9 to all RU-1-7 directly across the street from the subject property.
3. On October 8, 2019, **18PZ00130** rezoned 2.92 acres from RU-1-9 and EU to all RU-1-9 with a Binding Development Plan (BDP) limited to two lots, each developed with one single-family dwelling and one guesthouse with kitchen facilities, and that sewer be installed at the owner's expense approximately 2,896 feet northwest of the subject property.
4. On October 3, 2019, **19PZ00092** rezoned 0.95 acres from AU to SR approximately 903 feet southwest of the subject property.
5. On May 4, 2021, **20Z00033** rezoned 8.47 acres from RU-1-7 and RU-2-30 to RU-2-12 with a BDP limited to 85 units, approx. .22 miles northwest of the subject property.

Surrounding Area

The abutting parcels to the north and east are vacant land zoned AU. The abutting parcel to the west is zoned AU and has a single-family home built in 1957. The parcel to the south across Bevis Road is zoned RU-1-7 and is developed with a single-family home.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected Species

Preliminary Concurrency

The closest concurrency management segment to the subject property is Lucas Road, between N. Tropical Trail and North Courtenay Parkway, which has a Maximum Acceptable Volume of 15,600 trips per day, a Level of Service (LOS) of D, and currently operates at 21.86% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.06%. The corridor is anticipated to continue to operate at 21.92% of capacity daily (LOS D). 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.

There is a gravity main that runs along Bevis Road. The parcel can be serviced by City of Cocoa water.

For Board Consideration

The Board may wish to consider whether the request to RU-1-11 is consistent and compatible with the surrounding area given the fact that RU-1-11 zoning has been established in the surrounding area.

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

Item # 21Z00024

Applicant: James and Julia Garrison

Zoning Request: AU to RU-1-11

Note: Applicant wants to legitimize substandard lot to build a single-family residence.

P&Z Hearing Date: 10-11-21; **BCC Hearing Date:** 11-04-21

Tax ID No: 2419400

- 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:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected Species

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Overlay

The entire parcel 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. At time of building permit, 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 preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM. The applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

Protected Species

Information available to NRM indicates that 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 and/or U.S. Fish and Wildlife Service, as applicable.