



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3198, **Version:** 1

Subject:

Timothy and Diane Lystlund request a Small Scale Comprehensive Plan Amendment (21S.03) to change the Future Land Use designation from RES 1 to RES 2. (21PZ00026) (Tax Account 30009665) (District 3)

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 Small Scale Comprehensive Plan Amendment (21S.03) to change the Future Land Use designation from RES 1 (Residential 1) to RES 2 (Residential 2).

Summary Explanation and Background:

The applicant is requesting to amend the FLU (Future Land Use) designation on 0.55 acres of vacant, undeveloped land from RES 1 (Residential 1) to RES 2 (Residential 2). A companion rezoning application has been submitted for a zoning change from RU-1-7 (Single-Family Residential) to SR (Suburban Residential).

Existing development of the surrounding area is generally described as single-family homes on lots that are undersized to meet the one dwelling unit per acre density allowed by RES 1. The applicant intends to build one, single-family home, and a FLU designation of RES 2 is necessary to legitimize the parcel to meet development requirements.

The general area is residential in character with single-family homes on one-half acre lots or smaller along both the east and west sides of Hibiscus Avenue. Although all of the lots along Hibiscus Avenue have RES 1 FLU and are undersized to meet requirements for development, all have been developed as single-family residential with the exception of the subject parcel.

The Board may wish to consider if the request to introduce RES 2 is consistent with the Comprehensive Plan and compatible with the surrounding area.

The Board may wish to consider Chapter 2021-195, Laws of Florida, and the potential delay until the following elements are incorporated into the Comprehensive Plan.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

At a minimum, the above listed rights should be considered as part of the Board's decision.

On July 12, 2021, the Local Planning Agency heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

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