

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, August 12, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Billy Prasad, Deputy Director (Planning and Development); Edward Fontanin, Director (Utility Services); Jeffrey Ball, Planning and Zoning Manager; Trina Gilliam, Planner; Desiree Jackson, Planner; and Kristen Champion, Special Projects Coordinator.

Mark Wadsworth stated that if any Board Member has had an ex-parte communication regarding any application, please disclose so now.

Excerpt of complete agenda.

G.2. Home Nation Cocoa, LLC (Roxanne Comino) requests a change of zoning classification from AU (Agricultural Residential) to RU-1-11 (Single-Family Residential), on property described as Tax Parcel 263. The property is 0.31 acres, located on the southeast corner of Lucas Rd. and Bevis Rd. (**24Z00027**) (No assigned address. In the Merritt Island area.) (Tax Account 2802480) (District 2)

Trina Gilliam read the application into the record.

Susan Martini, 1545 Island Drive Merritt Island Florida 32952. Ms. Martini stated the following "I am representing Roxanne commo and I have the signed paperwork to represent her on this property. We bought this parcel of property. It was owned by the neighbor right next door. He owned the lot with a house on it and this lot and they had separated the two lots. This was zoned AU and that is no longer large enough to build on or to keep zoned as AU. We would like it to move to RU-1-11 and we're going to be doing a single-family residence, 1560 square feet."

Mr. Hopengarten asked staff a question. "How does this affect the neighbors? They are all under AU."

Jeffrey Ball responded with "the area is in a pocket of AU. There are quite a few different zoning districts out there. Just to the South is RU-1-11. It is really a hodgepodge of different zoning districts. What should be recognized as AU is a 2.5-acre lot minimum. 150 ft deep and 150 ft wide. A rezone of the property would make it a um developable lot to meet zoning district standards."

Mr. Hopengarten stated "but will the neighbors still maintain AU? I'm talking about the six lots that are in that same area."

Mr. Ball replied "we would have to look at that individually but typically they would have to rezone the property as well if they were if they were not considered a non-conformity lot of record. There are certain time frames that that lot would have had to be created prior to zoning district standards or if they were changed. That would have to be looked at from a staff analysis on an individual basis."

Mr. Hopengarten asked, "so they wouldn't be forced to come in here and ask for a change?"

Mr. Ball noted "I don't want to make a judgment call. If someone were to want to come into the office and ask us, we'd have to do research to see what would be appropriate. Changing the zoning would be an appropriate measure to make it a buildable lot. Obviously, those lots do not meet the zoning District standards, so that would be the first choice of action. There are variances or there's a possibility that they may be considered a non-conforming lot of record, but until staff does the research, we cannot advise of that at this point."

Mr. Hopengarten further asked "there are houses on those other lots. So, they are non-conforming now?"

Mr. Ball answered "I don't know when those building permits were issued. They could have been done in the 60s where you know it just..."

Mr. Minneboo added "I'm almost going to tell you before building."

Mr. Hopengarten stated he just didn't want the outcome to be "if we approve this one that they're going to be forced to come in here and pay a fee and have their lots updated to the same zoning."

Mr. Minneboo said, "I think they're going to be in good shape."

Ron Bartcher believes they're going to be fine unless they decide to do something.

Motion to recommend approval of item G.2. by Ron Bartcher, seconded by Brian Hodgers. The motion passed unanimously.