

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, March 13, 2023**, 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: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Lorraine Koss (D2-Alt.); Ben Glover, Vice Chair (D3); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt.); Bruce Moia; and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Jane Hart, Planner III; Paul Body, Planner III; Trina Gilliam, Planner II; Melissa Wilbrandt, Associate Planner; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Chelsey L. Cobb

A change of zoning classification from RR-1 (Rural Residential) to AU (Agricultural Residential), on 3.09 acres, located on the south side of James Rd., approx. 0.34 mile east of Friday Rd. (4475 James Rd., Cocoa) (23Z00004) (Tax Account 2405118) (District 1)

Cameron Lightholder, 4475 James Road, Cocoa, stated the reason for the request is to come into compliance on an old code violation and also to make a more sustainable lifestyle by having farm animals and agricultural uses.

Public comment.

Carl Exline, 4375 James Road, Cocoa, stated the subject property currently has an open code enforcement case. The owners would like to have a plant nursery, chickens, and cows on the property. Usually, a garden is planted for vegetables and not an entire nursery, which is considered a business. With the constant use of dump trucks, tractors, and backhoes to move material on and off the property, the addition of a nursery is too much of a commercial venture in the RR-1-zoned surrounding area. He said as of today, there are two piles of dirt over 20 feet tall behind the house, and another pile of tree removal on the road in front of the neighbor's house east of the subject property. He stated as far as his property valuation of the surrounding homes, it's less marketable because no one would want to live next to 20-foot piles of dirt and heavy equipment. He said his concern is that changing the zoning to AU will provide an avenue for continued heavy equipment operations, pole barns, and other unpermitted structures to be built. He said his recommendation would be to change the zoning to AU(L), which is more limited but will allow the single-family home and agricultural pursuits of a personal, non-commercial nature, and allows limited farm animals.

Sandra Ake, 4525 James Road, Cocoa, asked the difference between RR-1 and AU. Jeffrey Ball replied, RR-1 zoning is a single-family zoning classification that allows agricultural uses on a personal level, and it allows for horses on a certain amount of acreage. The AU zoning classification allows for farm animals and agricultural commercial uses.

Ms. Ake stated along with the large piles of dirt on the property, there is also commercial equipment, and it is quite loud. She said she is afraid a commercial business will be conducted from the property because right now, that is what is happening.

Carie Exline, 4473 James Road, Cocoa, stated she moved to her house in 2004 on one acre, and she fell in love with the area because it is quiet and residential. The homes in the area are custom built with up to 3,000 square feet of living area. She said the subject property has a large pole barn that houses industrial equipment such as dump trucks, and no one needs such equipment for residential use. She stated she doesn't have a problem with a cow or six chickens, or a vegetable garden, but not for commercial use, and she is concerned about how many cows and chickens they will have because more farm animals will cause an odor issue. She asked if the change of zoning allow them to keep the industrial equipment.

Ron Bartcher asked the applicant if he has plans for commercial uses on the property. Mr. Lightholder replied there will not be any commercial use, nor selling of anything from the property.

Mr. Bartcher asked the reason for the piles of dirt. Mr. Lightholder replied the dirt will be used to build up the soil in the back yard, and it will be spread out to make a garden.

Mr. Bartcher asked staff if there is any reason why he could not have AU(L) zoning. Mr. Ball replied no, the only difference between AU and AU(L) is that AU(L) prohibits commercial uses.

Mr. Bartcher stated it seems AU(L) would be a better solution for the property since he does not want any commercial uses.

Mark Wadsworth asked the applicant if he would agree to AU(L). Mr. Lightholder replied he would rather have AU, but if the board is willing to approve AU(L), he would agree.

Bruce Moia asked what kind of equipment is on the property. Mr. Lightholder replied farm tractors, excavators, front loaders, and dump trucks. Mr. Moia asked if they are full size. Mr. Lightholder replied no, they are mid-size.

Debbie Thomas asked staff if AU zoning increase the number of farm animals allowed on the property. Mr. Ball replied AU and AU(L) allow for the same amount of farm animals.

Mr. Wadsworth asked the nature of the code violation. Mr. Lightholder replied it was for an unpermitted open structure.

Motion by Ron Bartcher, seconded by Ben Glover, to recommend approval as AU(L) (Agricultural Residential). The motion passed unanimously.