

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 17, 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: Ron Bartcher (D1); Robert Sullivan (D2); Debbie Thomas (D4); Mark Wadsworth, Chair (D4); Logan Luse (D4-Alt.); and John Hopengarten (BPS). Robert Brothers' presence was noted at 3:09 p.m.

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; and Jennifer Jones, Special Projects Coordinator.

Excerpt of Complete Agenda

Matthew and Christine Morak

A change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential), on 2.22 acres, located on the north side of Burkholm Rd., approx. 0.38 mile east of U.S. Highway 1 (3660 Burkholm Rd., Mims) (23Z00010) (Tax Account 2004738) (District 1)

Matthew Morak, 2972 Eddington Drive, Titusville, stated he and his wife have decided to relocate to North Brevard and have bought a piece of property next to his parents. The property is currently zoned AU; however, it is 2.2 acres, and AU has a requirement of 2.5 acres. He said their plan is to build a single-family home to raise their family.

Public comment.

Naomi Nichols, 3635 Pennsylvania Avenue, Mims, asked if there is a reason the applicants cannot get a variance from the AU zoning classification instead of rezoning to RR-1. She said her concern is that the property could be split to allow two houses on the property if it is rezoned to RR-1. She stated there used to be a five-acre minimum, and she doesn't know when that changed, but the area has grown in the past 15 years. She said another concern is if rezoning to RR-1 would set a precedence.

Jeffrey Ball stated a variance could be possible; however, rezoning would be the first step to get rid of the non-conformities. The Future Land Use is RES 1, which would allow for one-acre lots, and RR-1 is a zoning classification that is consistent with that RES 1 Future Land Use. He stated the size of the property would also allow for a lot split by a flag lot. The other option is to apply for a variance for the lot size. He said there are many ways to fix the situation, but one thing staff looks at first is to change the zoning to match the land use so it provides consistency and compatibility with the area. Ms. Nichols asked if the board would look at changing the zoning more favorably than a variance in most cases. Mr. Ball stated he can only inform her of the options and what the board can and cannot consider. He said staff looks at consistency and compatibility with the Comprehensive Plan, and the RR-1 zoning is considered a down-zoning from AU, which allows for a multitude of commercial agricultural uses that would not be allowed in RR-1. He noted the area is getting some protection from commercial agricultural uses that are allowed in AU zoning.

Ron Bartcher stated he believes the request is consistent and compatible with the surrounding area.

Motion by Ron Bartcher, seconded by Robert Sullivan, to recommend approval of a change of zoning classification from AU to RR-1. The motion passed unanimously.