

PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 13, 2020**, at **3:00 p.m.**, in the Commission 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: Ron Bartcher; Brian Woltz; Brian Hodgers; Ben Glover; Mark Wadsworth; Joe Buchanan; Bruce Moia; Peter Filiberto; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Eden Bentley, County Attorney; George Ritchie, Planner III; Paul Body, Planner II; Jeanne Allen, Environmental Specialist I; and Jennifer Jones, Special Projects Coordinator.

Mark Wadsworth introduced new members Joe Buchanan, District 4; and Brian Woltz, District 1. Mr. Wadsworth also recognized the resignation Rochelle Lawandales and thanked her for her service to the Planning and Zoning Board. Bruce Moia stated Ms. Lawandales had a wealth of knowledge as a planner and she will be missed on the board.

Excerpt from Complete Agenda

2. Timothy and Rebecca Reaves

A request for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from Residential 1:2.5 to Residential 1. The property is 2 acres, located on the south side of Richey Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area) (19PZ00126) (Tax Account 2000310) (District 1)

3. Timothy and Rebecca Reaves

A request for a change of zoning classification from AU (Agricultural Residential) to RR-1 (Rural Residential). The property is 2 acres, located on the south side of Richey Road, approximately 0.12 mile west of U.S. 1. (No assigned address. In the Mims area) (19PZ00127) (Tax Account 2000310) (District 1)

Rebecca Reaves, 3860 Richey Road, Mims, stated they purchased the two-acre property in 2017 as a pasture. She explained that the previous owner, Peggy Conner, acquired the property in 1985 when a neighbor asked her to buy his two-acre parcel, and he was to sell an acre back to her so that it was a buildable lot. Unbeknownst to Ms. Conner, he sold his property and never offered her back the acre. She reached out to the new owners, but they had no interest in selling her back an acre. She said they can't do anything with the land unless they are able to rezone. She noted that starting at the southwest end of Richey Road, the lot sizes go from 1.69 acres, then 1.85 acres, to 2.02, to 2.2, to 2.65, and the next three are 2.97 acres, with the exception of theirs. She stated one parcel over is a one-acre lot that was zoned BU-1 and a brand new house was just built on it, and two blocks north of them RR-1 property.

She stated one of the objection letters she received is from the Mock's, who back up to the south end of her property, and they are concerned that if she builds a home they will have problems with water intrusion. She explained that any new home will be built to code and lot drainage will be approved by the County, so there should not be an issue with water intrusion. She pointed out there is almost three acres between the back portion of her property and where Mr. Mock's house is situated. She noted she has provided affidavits from the next-door neighbors and surrounding neighbors that support her, and she submitted a letter from Peggy Conner confirming how she acquired the property and why it was divided the way it was.

Ron Bartcher asked Ms. Reaves if she has any plans to build more than one residence on the lot. Ms. Reaves replied no. Mr. Bartcher asked if she would be willing to enter into a binding development plan stating such. Ms. Reaves replied yes.

Mr. Bartcher stated his concern is that the residents of Mims want to keep that a rural area, and one house on 2.5 acres is what they would like to see. He said one house on 2 acres versus 2.5 is not a significant change; however, if she were to subdivide into two lots, that would be a significant change. Ms. Reaves stated they absolutely will not subdivide, they just want to be able to build a house on it.

Peter Filiberto asked what is on the property currently. Ms. Reaves replied horses are currently on the property.

Wayne Mock, 3900 Richy Road, Mims, stated he lives across the street from the subject property. He stated there is a building boom in Mims and the County is letting people build houses four feet off the ground and he's currently in a soup bowl because of it, and he is opposed to further development on Richy Road.

Sabrina Jeffers, 4020 Richy Road, Mims, stated she doesn't want more homes on Richy Road, and they moved there because they liked the room. She said all of the new houses are being built up so much that the County can't handle the water runoff as it is; they've always had problems in heavy rains and hurricanes, and they can't get the County to clean out the ditches properly. She stated she's lived there for 21 years and the more homes that are built the more it's going to impact those who have been there for many years. She noted there are several properties that are for sale on that Richy Road, and that's going to open the door for someone to split lots and build more houses. She said she doesn't want it; she likes it the way it is; and she's very much opposed. She asked the board to not put more stress on the properties, as the whole area was designed to be room for people. She said Ms. Reaves knew when she purchased the property that it was unbuildable.

Mr. Bartcher stated the Mims Small Area Study group wanted to keep that area rural, and if someone were to buy a 2.5-acre lot and try to split it, he would certainly oppose it, but he doesn't think that's a concern. He said as far as the water, everyone has water problems. He stated he sees no reason to deny the request, and he would rather approve it with the condition that there only be one house built on the two acres.

Bruce Moia stated he doesn't think this board has ever denied someone the right to build a single-family home on a lot that large, no matter where it was. He understands the area is not well drained or well planned, so there are those issues. He said a binding development plan runs with the land, so even if she sells the property, the future owners could not split the lot.

Motion by Ron Bartcher, seconded by Bruce Moia, to approve the Small Scale Plan Amendment to change the Future Land Use designation from Residential 1:2.5 to Residential 1. The vote was unanimous.

Motion by Ron Bartcher, seconded by Bruce Moia, to approve the change of zoning classification from AU to RR-1, with a BDP limited to one single-family residence.