

## **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 of Complete Agenda**

#### **6. John Vogt**

A change of zoning classification from RU-1-7 (Single-Family Residential) and TR-1 (Single-Family Mobile Home) to AU(L) (Agricultural Residential, Low-Intensity). The property is 3.20 acres, located on the east side of Palm Street, approximately 245 feet south of Magoon Avenue (No assigned address. In the Mims area.) (19PZ00134) (Tax Accounts 2002584, 2002585, 2002587, 2003161, 2002586, 2003162, 2002593, 3020704) (District 1)

John Vogt, 7215 Milton Avenue, Cocoa, stated he'd like to build a barn on the south end of the property, and in a year or so build a house on the north end, and put a pond between the two. He said all of his neighbors seem to be in favor of it, and he only wants one house and a barn.

Hal Jurka, 5940 Magnolia Street, Mims, stated his property adjoins Mr. Vogt's property, and there's been some issues already with excessive noise from the subject property. He stated at times, Mr. Vogt has used the property as a racetrack for all terrain vehicles; they kicked up a lot of dust, and the noise was unbearable, forcing he and his wife inside. He further stated Mr. Vogt is using his property for storage of a large motor home and travel trailer and it seems they will have a permanent home there, and the proposed construction of a barn will continue to make the property a storage lot, which is not compatible with the residential neighborhood. He said Mr. Vogt recently had a portion of Pine Street vacated in order to construct a single-family residence, but now that's no longer his plan. He pointed out that agricultural zoning allows for other uses such as livestock, and he doesn't think those uses are compatible with the residential nature of the neighborhood. He asked the board to deny the request.

Mr. Vogt explained that they had a birthday party for his five-year old grandson last February and they are going to have another one this February. He said the kids are on 50-cc four-wheelers riding around on the property, and there were about 15 little kids there that day and it lasted for six or seven hours, and most of the other neighbors stopped by and had lunch with them.

Ron Bartcher asked what kind of agricultural uses Mr. Vogt plans do to on the property. Mr. Vogt replied maybe a 4-H cow for the kids. He stated he just wants a large piece of property with a barn at one end, a pond in the middle, and his house at the other end.

Mr. Bartcher stated his concern is that this the residential portion of Scottsmoor. Mr. Vogt pointed out that behind his property is RR-1 zoning, and to the north is another AU-zoned property.

Ben Glover asked staff if AU allows the applicant to sell agricultural products from the property. Jeffrey Ball explained the difference between AU and AU(L) is the ability to sell commercially from the property, and the applicant has requested AU(L), so the selling of products would not be allowed.

Bruce Moia asked how the AU zoning exempts him from the wetland impacts and heritage tree preservation. Jeanne Allen responded that in order to be exempt from any kind of wetlands or landscaping code the applicant would have to be bona fide agriculture, and that goes through the Property Appraiser's Office. Since the applicant is requesting the low-intensity AU(L) zoning, she doesn't think he'll get it because he would need to be able to sell things and prove it with receipts to get bona fide, so he would not be exempt.

Bruce Moia stated the noise comment that was made is a Code Enforcement issue. Mr. Ball stated the County has a noise ordinance, so if there's a noise violation, neighbors can call Code Enforcement to investigate.

Dane Theodore stated under the 'For Board Consideration' of the staff comments it says the board may wish to consider the setbacks allowed for a barn in AU(L) are 50 -feet from the side and rear, and asked if that is not the case if the board doesn't require that.

Paul Body replied yes, the setbacks are still required.

Dane Theodore asked if the applicant will have difficulty building barn with all of the wetlands and meeting the setbacks. Mr. Body replied, possibly, but it will be up to Natural Resources to enforce.

Motion by Ben Glover, seconded by Bruce Moia, to approve the change of zoning classification from RU-1-7 and TR-1, to AU(L). The vote passed 8:1, with Ron Bartcher voting nay.