



Indian River County Florida

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.ircgov.com

Meeting Minutes - Draft

Board of County Commissioners

Chairman Susan Adams
Vice Chairman Joseph E. Flescher
Commissioner Tim Zorc
Commissioner Peter D. O'Bryan
Commissioner Bob Solari

Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller

Tuesday, September 22, 2020

9:00 AM

Commission Chambers

This meeting can be attended virtually via Zoom. Instructions can be found with this agenda and also online at www.ircgov.com.

12.A.1. [20-1948](#)

Jacob Allenbaugh's Appeal of a Decision by the Planning and Zoning Commission that Construction of a Residence on Property at 6390 77th Street with a Legal Nonconforming 500' Tall Communications Tower is not allowed under County Regulations

Recommended Action: Based on the analysis performed, staff recommends that the Board of County Commissioners: 1. Make a finding that staff and the PZC's determination did not fail any of the three areas outlined in LDR Section 902.07(4), and 2. Deny the appeal and wholly affirm staff and the PZC's determination.

Attachments: [Staff Report](#)
[Location Map](#)
[Excerpt from July 23, 2020 PZC Minutes](#)
[County Code Sections 904.05 and 971.44\(1\)](#)
[Appeal Request with Attachments](#)
[County Code Section 902.07 \(Appeal Procedures\)](#)
[March 12, 2020 Staff Letter with Attachments](#)
[County Comprehensive Plan Future Land Use Objective 10](#)

Chief of Current Development Ryan Sweeney utilized a PowerPoint presentation to discuss Jacob Allenbaugh's request to develop the property at 6390 77th Street which had been denied because of the presence of a 500' communications tower. Chief Sweeney gave an overview of the timeline of the request and confirmed that the Planning and Zoning Commission (PZC) did not fail any of the three (3) criteria outlined in the Land Development Regulations Section 902.07(4). He was agreeable with staff and the PZC's determination.

Vice Chairman Flescher sought and received clarification from Chief Sweeney that Mr. Allenbaugh was interested in purchasing the property.

Commissioner O'Bryan agreed that the PZC did make the correct decision; however, he felt that the County could find a way to allow Mr. Allenbaugh to build a home on the property as long as there was a deed restriction to hold the County harmless of any future liability.

A discussion ensued between Mr. Allenbaugh, the Board and staff to clarify how many residences would be built on the property, and they determined that two homes would be allowed; one on the parcel at the front of the property; and one on the parcel at the back of the property. It was determined that the middle parcel would include the tower. Mr. Allenbaugh was agreeable to the deed restriction.

Commissioner O'Bryan made a motion that included establishing a 200 foot fall zone radius for the parcel that included the tower. Following further Board discussion, the Commissioner agreed to amend his motion to change the fall zone radius from 200 feet to 250 feet.

Chairman Adams opened the floor to public comment.

Jim Parks, 6550 77th Street, thanked the Board for their decision.

An amended motion was made by Commissioner O'Bryan, seconded by Commissioner Zorc, to: 1) confirm that the Planning and Zoning Commission made the proper finding under the three (3) criteria; 2) approve the Appellant's request to utilize the property, directing staff to establish a 250 foot radius setback, which would allow the property to be divided into two parcels for residential construction; and 3) directed the Appellant to work with the County Attorney on a deed restriction that indemnifies the County from any future liability related to the tower on the property. The motion carried by the following vote:

Aye: 4 - Chairman Adams, Vice Chairman Flescher, Commissioner Zorc, and Commissioner O'Bryan

Nay: 1 - Commissioner Solari