



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

12/12/2024

Subject:

Christopher Espanet (Kimberly Rezanka) requests a Comprehensive Plan Amendment to change the Future Land Use designation from RES 1 to RES 2. (24SS00013) (Tax Account 2963382) (District 3)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider transmittal of a Comprehensive Plan Amendment to change the Future Land Use designation from RES 1 (Residential 1) to RES 2 (Residential 2).

Summary Explanation and Background:

The applicant is requesting to amend the Future Land Use designation from RES 1 to RES 2 on 0.7 acres to construct a single-family home. RES 2 permits up to two (2) units per acre. The subject property's current configuration would require a RES 2 FLU designation to be suitable for development as a single-family home. The proposed residential use may be consistent with the existing pattern of surrounding development. However, the request to increase residential intensity from 1 unit per acre to 2 units per acre is not consistent with historical interpretation of Coastal Management Element Policy 7.1 of the Brevard County Comprehensive Plan, which prohibits increases in residential density in this area. In addition, on November 7, 2024 Board voted to transmit the Brevard Barrier Island Area (BBIA) for state review which includes this prohibition on density increases. Currently, this document is under state review.

In 1992, in accordance with the South Beaches Small Area Plan, amendment 92B4.2 changed the FLUM of the subject property from the Mixed-Use District to RES 1. At the time of the amendment, the subject property was 1.71 acres and in compliance with the future land use designation. Subsequently, the recordation condominium declaration in May 2005 for Casseekee Trails (ORB 5460 PGs' 2504-2530) split the property into separate units with Unit 1 containing approximately seven tenths (7/10th) of an acre and Unit 2 containing approximately one (1) acre of land. This action caused Unit 1 to be substandard and inconsistent with RES 1. Pursuant to Section 718.105, Florida Statutes, the Clerk of the Court is responsible for the review and approval condominium plats, and the process does not involve County staff. Further, the applicant acquired the parcel on July 15, 2005 well after the 1992 South Beaches Small Area Plan and the promulgation of the associated FLUM.

A Binding Development Plan (BDP) was submitted with this request limiting the density to one (1) unit. Sec.

62-1157 allows the applicant for a change of *zoning* or a *conditional use permit* to voluntarily submit a binding development plan in support of such change of zoning or conditional use permit. This application is for neither of those actions, and a BDP should not be considered as part of this FLU request.

Approval of the RES 2 will create an inconsistency between the RP zoning classification and future land use designation which will necessitate the applicant to change the zoning.

The subject property has no direct road frontage on a County maintained right-of-way and will need to meet the requirements found in Section 62-102 for access and issuance of a building permit.

North of the subject property are single-family attached townhomes having fee simple ownership. The current zoning is SEU with RES 1 FLU. South of the subject property is a private road for the condominiums that are located West of the subject property. It is zoned RU-2-10 and has a RES 1 FLU. East of the subject property is a single-family home zoned RP with a RES 1 FLU constructed in 2017. West of the subject property is the Lighthouse Cove Condominium. This property is within a RES 1 FLU. It contains 81 condominium units on 11 acres.

Procedurally, because this property is located within the Area of Critical State Concern - Brevard Barrier Island Area, Section 380.0553, Florida Statutes, this request is subject to the process established pursuant to Section 163.3184(2)(c). This includes review of this application by Florida Commerce for consistency with the Guiding Principles established statutorily in the Area.

The Board should consider whether it can make the following findings necessary for approval of this application to transmit an amendment from RES 1 to the requested RES 2:

1. The request is consistent and compatible with the surrounding area, and
2. satisfies the locational criteria established in FLUE Policy 1.8, and
3. increasing the residential density designation is consistent with Coastal Management Element Policy 7.1, and
4. it meets the intent of the Brevard Barrier Island Area Guiding Principles Section 380.0553(5), Florida Statutes, which into effect July 1, 2023.

On November 18, 2024, the Local Planning Agency heard the request and recommended approval with a BDP (Binding Development Plan). The vote was 6-4 in favor.

Clerk to the Board Instructions:

Once filed with the State, please return a copy of the Ordinance to Planning and Development.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

*Comprehensive Plan Amendment 24S.11 (24SS00013)
Township 29, Range 38, Section 10*

Property Information

Owner / Applicant: Christopher L. Espanet / Kimberly B Rezanka Attorney

Adopted Future Land Use Map Designation: Residential 1 (RES 1)

Requested Future Land Use Map Designation: Residential 2 (RES 2)

Acreage: 0.7 acres

Tax Account #: 2963382

Site Location: West side of Highway A1A 150 ft north of Casseekee TR

Commission District: 3

Current Zoning: RP (Residential Professional)

Requested Zoning: No Change

Background & Purpose

The applicant is requesting to amend the Future Land Use designation from Residential 1 (RES 1) to Residential (RES 2) on 0.7 acres to construct a single-family home. RES 2 permits up to two (2) units per acre. The subject property's current configuration would require a RES 2 FLU designation to be suitable for development as a single-family home. A Binding Development Plan (BDP) was submitted with this request limiting the density to one (1) unit.

Procedurally, because this property is located within the Area of Critical State Concern – Brevard Barrier Island Area, Section 380.0553, Florida Statutes, this request is subject to the process established pursuant to Section 163.3184(2)(c), Florida Statutes, which provides, in pertinent part, as follows:

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS. –

(c) Plan amendments that are in an area of critical state concern designated pursuant to [Section 380.05, Florida Statutes] . . . must follow

the state coordinated review process in [Section 163.3184(4), Florida Statutes].

As a result, this request will be transmitted to the Florida Department of Commerce under the State-coordinated review process for comprehensive plan amendments. Should the Board of County Commissioners decide to approve transmittal to the State, the adoption hearing date will be scheduled at a future date, which will allow time for the applicant to address any comments or responses from any of the State review agencies prior to final adoption of this request by the Board.

On August 15, 2024, staff advised the applicant that the request for RES 2 would represent a density increase, which is inconsistent with the Coastal Management Element of the Comprehensive Plan. Staff also advised the applicant that the use of a BDP under the circumstances was also improper. Pursuant to Section 62-1157, Brevard County Code, the purpose of a BDP is to address conditions imposed on a rezoning or conditional use permit application. The Board should not consider the BDP as a mechanism to restrict density associated with a Future Land Use Map amendment. The approval of this request would constitute an increase in residential density which is not consistent with the Coastal Management Element of the Comprehensive Plan, Policy 7.1, Coastal Residential Densities. Policy 7.1, states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

The subject property has no direct road frontage on a County maintained right-of-way and will need to meet the requirements found in Section 62-102 for access and issuance of a building permit.

On May 27, 1992, the Board of County Commissioners adopted the South Beaches Small Area Study. The study, at a minimum, was to address the issues of public facility and service availability, environmental constraints, hurricane evacuation capabilities, land use compatibility, and the character of each planning area. The study area encompassed 12 miles of the barrier island from the southern limits of Melbourne Beach south to the County line. This property was included in the study area.

In 1992, in accordance with the South Beaches Small Area Plan, amendment **92B4.2** changed the FLUM of the subject property from the Mixed Use District to RES 1. At the time of the amendment, the subject property was 1.71 acres. The RES 1 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan limits development to one (1) unit per acre. **Approval of the RES 2 will create an inconsistency between the RP zoning classification and future land use designation which will necessitate the applicant to seek a zoning change.**

On July 31, 1995, a zoning change from BU-1 to RP was approved under action **Z-9546** on 1.71 acres. The original request was BU-1 to BU-1-A. Zoning action **Z-10749(6)**, November 7, 2002, removed CUP **Z-4931** for sewer facilities. At the time of the 1995

rezoning, the area of the subject property was under one (1) Parcel ID described as 788, totaling 1.71 acres; therefore, the request was consistent with the RES 1 FLU designation.

Subsequently, the subject property was created as one of two units within a condominium development known as Casseekee Trails, A Condominium containing a total of 1.71 acres. The condominium declaration was recorded on May 2, 2005, via ORB 5460 PGs' 2504-2530. Within the document (page 4, Paragraph 3.1), the subject is described as "Unit 1 contains approximately seven tenths (7/10th) of an acre of land and may have constructed thereon one (1) single family residence". Unit 2 is described as follows, "Unit 2 contains approximately one (1) acre of land and may have constructed thereon either one (1) commercial office building or one (1) single family residence". It further states "in no event shall any building improvements be constructed on the northerly seventy-five feet (75') of Unit 2." According to the Brevard County Property Appraiser's Office website, the property was purchased by the current property owner on July 15, 2005. Pursuant to Section 718.105, Florida Statutes, the Clerk of the Court is responsible for the review and approval condominium plats, and the process does not involve County staff. There is a single-family home on Unit 2, constructed in 2017.

The subject property (Unit 1) of 0.7 acres, under Tax Account number 2963382 and Parcel ID 788 in its current configuration meets the RP lot size requirements. Unit 2 is described as Parcel ID 788.B under tax account number 2963383 as one (1) acre. RP zoning classification allows no more than one (1) detached dwelling on a minimum lot area of 7,500 square feet, with 75 feet of width and depth. The current configuration of the subject property described as Unit 1 meets the RP zoning requirements. However, while the subject property complied with both the applicable zoning classification and land use designation prior to 2005, once the property was split into a substandard lot in 2005, in violation of Section 62-2102, Brevard County Code, the property failed to meet the standard of one (1) unit per acre applicable to the RES 1 FLU designation.

Additionally, when Units 1 and 2 were created with a 75' ingress/egress easement in 2005 by the above referenced recorded Condominium documents, the approval process for the easement was never reviewed by Brevard County. As such, County staff was not able to assist in preventing a transaction that would result in a land locked property, which appears to have occurred with respect to the subject property. An access easement would need to have approval to construct a single-family home.

The subject property falls within the boundaries of an Area of Critical State Concern. Pursuant to **Sections 163.3187(1) and 163.3184(2)(c)**, Florida Statutes, this request will be processed and transmitted to the Florida Department of Commerce under the State Coordinated review process. This is a two-step process, with the first step being the transmittal to Florida Department of Commerce. Should the Board choose to transmit the proposed amendment, the adoption hearing date will be scheduled for a future Board meeting date, which will allow time for the applicant to address any comments or responses from any of the State reviewing agencies, prior to adoption by the Board.

Pursuant to **Section 380.0553(5)**, Florida Statutes, which established the Brevard Barrier Island Area (BBIA) and took effect July 1, 2023, staff provides the following analysis:

(5) **GUIDING PRINCIPLES FOR DEVELOPMENT.**—State, regional, and local agencies and units of government in the Brevard Barrier Island Area shall coordinate their plans and conduct their programs and regulatory activities to be consistent with all of the following guiding principles for development within the area:

(a) Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.

There would be minimal impacts from development of this property on resources critical to sea turtle habitat. The subject property is located approximately 475 feet west of the shoreline across Highway A1A, therefore policies regarding no new shoreline hardening structure and existing state and county coastal construction regulations are not applicable.

(b) Prioritizing water quality restoration projects in the Indian River Lagoon.

The proposed does not involve a water quality restoration project in the Indian River Lagoon.

(c) Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.

The subject property is located approximately 1,250 feet east of the Indian River Lagoon. The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. Approval of this request may have nutrient contribution impacts from adding another Onsite Sewage Treatment and Disposal system (OSTDs) to the area.

(d) Supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.

Development plans supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration were not submitted with this request. The subject property is located approximately 475 feet west of the Atlantic Ocean shoreline across Highway A1A, therefore no adverse impacts are anticipated.

(e) Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in s. 380.093.

The proposed single-family residential unit is not defined as a critical asset according to Section 380.093, Florida Statutes. However, the subject property is located within a Category 4 Storm Surge area.

(f) Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.

The subject property is located approximately 475 feet west of the Atlantic Ocean shoreline across Highway A1A, therefore there would be no adverse impacts from development of this property on shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats. Furthermore, there are no mapped wetlands on the subject property.

(g) Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.

The subject property does not contain, nor does it abut, any upland resources.

(h) Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the Indian River Lagoon.

This property contains Palm Beach sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. Furthermore, the request would allow an additional Onsite Sewer Treatment and Disposal system, which includes a septic system, for sewer and an additional well for potable water.

(i) Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.

The intent of the applicant is to construct a single-family residence and is not anticipated to enhance natural scenic resources which would promote the aesthetic benefits of the natural environment. Enhancing natural scenic resources involves a combination of conservation, restoration, and sustainable management of the natural environment. RP zoning allows for a maximum height of 35 feet which may impact the visual corridor to the ocean for the residences situated to the west of the subject property.

(j) Ensuring that development is compatible with the unique characteristics of the Brevard Barrier Island Area.

The proposed single-family residence may be considered compatible with the area. The surrounding area can be considered residential in nature as there are developed properties with townhomes, single-family residences and condominiums that range from one detached dwelling unit on a one acre

parcel to 81 condominium units on 11 acre parcel and approximately 129 townhome units on approximately 25.7 acres.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Townhomes	SEU	RES 1
South	Private road	RU-2-10	RES 1
East	Single-family Residential	RP	RES 1
West	Multi-family Condominium	RU-2-10	RES 1

North of the subject property are single-family attached townhomes having fee simple ownership. The current zoning is SEU with RES 1 FLU. August 5, 1982, zoning action **Z-6105** rezoned approximately 7.5 acres from TU-1 with a Cap of 20 units per acre to TU-1 with a Cap of 22 units per acre. Zoning action **Z-6304** approved a zoning change on 24.29 acres from RU-2-10 with a Cap of 8 units per acre to RA-2-10 with a binding site plan on April 7, 1983. The density of the property preceded the 1988 Comprehensive Plan and the 1992 South Beaches Study.

South of the subject property is a private road for the condominiums that are located West of the subject property. It is zoned RU-2-10 and has a RES 1 FLU.

East of the subject property is a single-family home zoned RP with a RES 1 FLU constructed in 2017. This property as well as the subject lot have been established as a condominium development with 2 lots total per the Casseekee Trail condominium recorded documents. Condominium documents are not reviewed or approved by Brevard County prior to recording or, in this case, the property split.

West of the subject property is the Lighthouse Cove Condominium. This property is within a RES 1 FLU. It contains 81 condominium units on 11 acres. Zoning action **Z-1425** approved RU-3 zoning on June 4, 1964. ORD 73.13 administratively reclassified the zoning from RU-3 to RU-2-10. Under zoning action **Z-4931** a zoning change from BU-1 to RU-2-10 on 1.2 acres with a Conditional Use Permit (CUP) for a sewer facility on June 7, 1979. Under zoning action **Z-10749(6)**, the previously approved CUP, under zoning action **Z-4931**, for the sewer facilities, was removed on November 7, 2002.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

FLUE Policy 1.8 – The Residential 2 Future Land Use designation. The Residential 2 land use designation permits low-density residential development with a maximum density of Two (2) unit per acre, except as otherwise may be provided for within the Future Land Use Element.

Criteria:

- A. Areas adjacent to existing Residential 2 land use designation; or

There is no existing RES 2 in the surrounding area.

- B. Areas which serve as a transition between existing land uses or land use designations with density greater than two (2) units per acre and areas with density of less than two (2) units per acre; or

The request could be considered an introduction of Res 2 due to the surrounding area having a FLU designation of RES 1 except four parcels, approximately 0.36-0.5 acres each, totaling approximately 1.78 acres, across Highway A1A to the Northeast of the subject property approximately 0.1 miles (528 feet) which have RES 4 Directive FLU designation. The surrounding area FLU allows one dwelling unit to the acre while the proposed request would allow two dwelling units to the acre. Therefore, there would be no transition between existing land uses or land use designations to the east or west.

- C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 2.

Not applicable.

- D. Up to a 25% density bonus to permit up to 2.5 dwelling units per acre may be considered where the Planned Unit Development concept is utilized, where deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements set forth in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

The Coastal Management Element of the Comprehensive Plan, Policy 7.1, Coastal Residential Densities, states that Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet. This policy does not allow for density bonuses, regardless of whether those properties are located within the CHHA.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 – 8 of the Future Land Use Element.

Administrative Policy 3 - Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The applicant proposes to construct a single-family residence in an existing residential area. The proposed use is not anticipated to diminish the enjoyment, safety, or quality of life in this existing residential area.

The proposed use would be evaluated pursuant to performance standards during building permitting review. Specifically, performance standards within Sections 62-2251 through 62-2272 will be reviewed at the permitting stage.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.

Only a certified MAI (Master Appraiser Institute) appraisal can determine if material reduction has or will occur due to the proposed use(s).

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

- 1. historical land use patterns;

RES 1 is the predominant FLU designation within the immediate surrounding area. To the east along the ocean frontage is an area of RES 4 Directive. PUB-CONS are located to the north and south of the subject property within the half mile radius.

The existing pattern of surrounding development to the north and northwest are single family detached and single family attached with RA-2-10 and SEU with RES 1 FLU designation. RES 1 FLU was applied to the property in 1992 under the South Beaches Small Area Study FLU amendment 92B4.12. However, on October 10, 1995, the Board approved the owner Vested Rights (VR08) which allowed amendment to the site to a maximum of 98 units consistent with RA-2-6 zoning.

The property to the west was established as RU-2-10 zoning classification on August 7, 1973 and June 7, 1979 under ORD 73-13 and Z-4931 respectively. The site is developed as 80 condominiums unit. Amendment 92B4.12 established the RES 1 FLU designation.

The property to the southwest of the subject property was established with RU-2-4 zoning on September 4, 1990 under Z-8658 (prior to the South Beaches Small Area Study). At that time, the FLU was Mixed Use District with Service Sector Designation of Urban Fringe, which established density at 4 units per acre. This site is developed as 23 single family units on approximately half acre lots. Amendment 92B4.12 established the RES 1 FLU designation.

The 1.29 acre property to the south is vacant with RR-1 zoning established on May 22, 1997. Amendment 92B4.12 established the RES 1 FLU designation.

The proposed residential use may be consistent with the existing pattern of surrounding development. However, the request to increase residential intensity from 1 unit per acre to 2 units per acre is not consistent with historical interpretation of Coastal Conservation Element Policy 7.1. which prohibits increase in residential density in this area.

- 2. actual development over the immediately preceding three years; and
There has been no new development within the past three years.
No FLUM amendments have been approved within the past three (3) years within one-half mile.**

3. development approved within the past three (3) years but not yet constructed.

Based on staff analysis, there does not appear to be any approved development projects within the past three (3) years that have not yet been constructed.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Coastal Management Element of the Comprehensive Plan, Policy 7.1, Coastal Residential Densities, states that Brevard County “shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet.” This request is a material violation of CM Policy 7.1, which is incorporated herein by this reference.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Approval of the requested FLUM amendment would permit the applicant to develop the property as a professional offices or one (1) single-family detached dwelling unit under RP zoning. RP zoning is a residential-professional zoning classification, intended to promote low to medium density residential development along with low intensity commercial usage.

The introduction of a new single-family residence to area would require the applicant to have approved County access to the property using an easement over Unit 2 which would have minimal impact to the established residential neighborhood with regards to traffic. However, development of professional offices on the subject property may

potentially impact the established residential neighborhood to the west. Access to the professional offices would be required via the Casseekee Trail, which is a private road for the ingress/egress used by the residents of Lighthouse Cove condominium.

A preliminary concurrency evaluation did not indicate that the proposal has the potential to cause a deficiency in the transportation adopted level of service based on the proposed use of a single-family dwelling.

B. In determining whether an established residential neighborhood exists, the following factors must be present:

- 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.**

The area has clearly established boundaries of a single-family residential subdivision, condominiums and multifamily developments. The subject property is located 1,250 feet east of the Indian River Lagoon and 475 feet west of the Atlantic Ocean across Highway A1A.

- 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.**

The proposed use is not a request for a neighborhood commercial use. However, approval of this request would allow the site to be developed as professional offices. Meaning a building providing office space for use by a person or persons engaged in an occupation generally classified as being professional in nature, including but not limited to the following: appraisers, architects, attorneys, accountants, engineers, doctors, dentists, osteopaths, chiropractors, optometrists, realtors and other similar or related professions. Specifically excluded from such use is the display, sale, storage and delivery of goods and merchandise.

- 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.**

There have been no commercial, industrial or other non-residential uses applied for and approved during the previous five years.

Preliminary Concurrency

The closest concurrency management segment to the subject property is SR A1A between Heron Dr and Marlen Dr, which has a Maximum Acceptable Volume (MAV) of 24,200 trips per day, a Level of Service (LOS) of D, and currently operates at 36.16% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.04%. The corridor is anticipated to operate at 36.20% of capacity daily. The proposal will not create a deficiency in LOS.

No school concurrency information has been provided as the development proposal is below the threshold.

There are no available public utilities in the area for approximately over 3 miles to the north.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species
- Coastal Management

Historic Resources

There are no recorded historic or archaeological sites on the project site according to the Master Site File from the Florida Division of Historic Resources.

For Board Consideration

The Board should consider whether it can make the following findings necessary for approval of this application to transmit an amendment from RES 1 to the requested RES 2:

1. Is consistent and compatible with the surrounding area, and
2. satisfies the locational criteria established in FLUE Policy 1.8, and
3. increasing the residential density designation is consistent with Coastal Management Element Policy 7.1, and
4. the request meets the intent of the Brevard Barrier Island Area Guiding Principles **Section 380.0553(5)**, Florida Statutes, which into effect July 1, 2023.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 24SS00013**

Applicant: Kimberly Rezanka (Owner: Christopher Espanet)

Land Use Request: RES 1 to RES 2

Note: to develop the vacant condominium Unit 1 for residential use. The applicant is concurrently seeking a BDP to limit the development to 1 on the .7-acre parcel.

LPA Hearing: 11/18/2024; **BCC Hearing:** 12/12/2024

Tax ID No.: 2963382

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Aquifer Recharge Soils
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements
- Protected Species
- Coastal Management

Land Use Comments:

Aquifer Recharge Soils

This property contains Palm Beach sand, classified as an aquifer recharge soil. Mapped topographic elevations indicate the soils may consist of Type 3 Aquifer Recharge soils that have impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

Indian River Lagoon Nitrogen Reduction Septic Overlay

The property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected (≥ 10 inches in diameter) and Specimen (≥ 24 inches in diameter) tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

Protected Species

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission (FWC), and/or U.S. Fish and Wildlife Service, as applicable. The applicant is advised to call Valeria Guerrero at 561-882-5714 (O) or 561-365-5696 (C) with the FWC to obtain any necessary permits or clearance letters for Gopher Tortoises.

Coastal Management

The Coastal Management Element of the Comprehensive Plan, Policy 7.1, Coastal Residential Densities, states that Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet.



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

August 15, 2024

Caitlin Lewis
Lacy Lyons Rezanka
1290 US Highway 1, Suite 103
Rockledge, FL 32955

RE: SSCPA 24SS00013- Espanet Property Located at 5610 Highway A1A

Dear Ms. Lewis:

Thank you for contacting me about your recent submittal of the SSCPA for Tax Account # 2963384 (the "Property") requesting to change the Future Land Use Map designation from RES 1 to RES 2 with a BDP limited to 1 unit per acre. As you are aware, there are significant land development challenges relating to the Property.

According to the information available to the County, the Property is only 0.7 acres and was created by virtue of a property split in 2005. The lot currently has a RES 1 land use designation. The RES 1 land use designation establishes a maximum of one unit per acre. Due to the 2005 split, the Property became substandard for land use purposes.

Chapter X of the Brevard County Comprehensive Plan, also referred to as the Coastal Management Element, was put in place to, among other things, ensure growth management is done in a way that "does not damage or destroy the function of coastal resources, protects human life, and limits public expenditures in areas subject to destruction by natural disasters." As it applies to the Property, Coastal Residential Densities, Policy 7.1, provides as follows: "*Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet.*" **Based on the plain language of the Comprehensive Plan, the aforementioned request is not permitted and, therefore, it is staff's position that it must recommend the Board deny the application.**

Pursuant to Section 62-1157, Brevard County Code, a binding development plan is used for rezonings and conditional use permits; a BDP should not be used for land use amendments.

Lastly, it appears your client's property is located within the State-designated Area of Critical State Concern, which will require the State's involvement in the review process for the requested action.

Generally, the County will not process an application that, on its face, conflicts with the plain language of the Comprehensive Plan as it costs time, money, and resources for both the County and the applicant for such a request. Staff will process the application with the understanding that the above-stated limitations will be put on the record.

Phone (321) 633-2070 • Fax (321) 633-2087

Visit Brevard County's Zoning Homepage at: <https://www.brevardfl.gov/PlanningDev/Home>



Planning & Development Department
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Should you have reason to believe staff's position is in error, I request that you submit your reasoning in writing so that staff has a chance to carefully consider and review it prior to the creation of our staff report.

Based on staff's acceptance of this application as of August 15, 2024, staff will complete its sufficiency review. The anticipated LPA meeting is November 18, 2024 and the December 12, 2024 Board meeting.

Respectfully,

Jeffrey Ball, AICP, Planning & Zoning Manager
Planning and Development Department

Phone (321) 633-2070 • Fax (321) 633-2087

Visit Brevard County's Zoning Homepage at: <https://www.brevardfl.gov/PlanningDev/Home>

OCEAN GARDEN VILLAGE OF SOUTH SHORES
PHASE 1 and PHASE 2
Plat Book 42, Page 67

Lot 5
Lot 4
Lot 3
Lot 2
Lot 1

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LIGHTHOUSE COVE
A CONDOMINIUM
O.R.B. 3010, Page 1863

Unit 1
Vacant

Unit 2
Residence

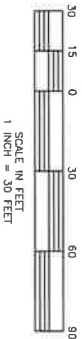
CASSEKEE TRAIL
Lighthouse Cove Condominium
Plat Book 42, Page 183

Note: Based on closure calculations, the Surveyor believes the record dimension along the south line of Unit 1 contains a typographical error.

LEGAL DESCRIPTION:

UNIT 1, as described in DECLARATION OF CONDOMINIUM OF CASSEKEE TRAILS, A CONDOMINIUM, dated May 2, 2005 as recorded in Official Records Book 5460, Page 2504, of the Public Records of Brevard County, Florida.

STATE ROAD A-1-A
(Right-of-Way Width Varies)



SMITH SURVEYING & MAPPING, INC.
100 W. US Highway 90, Suite 1
Fort Pierce, Florida 34949
Phone: 888-344-7426
Fax: 888-344-7426
Email: info@smithsurveying.com
Website: www.smithsurveying.com

CERTIFICATE OF AUTHORIZATION L.B. 7426

MAP OF SURVEY

CERTIFIED TO: CHRIS ESPINET

PROPERTY ADDRESS: 5610 #1 Highway A-1-A
Melbourne Beach, Florida 32951

SURVEYOR'S NOTES:

1. THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF DETERMINING THE BOUNDARIES OF THE PROPERTY DESCRIBED IN THE DECLARATION OF CONDOMINIUM OF CASSEKEE TRAILS, A CONDOMINIUM, DATED MAY 2, 2005, AS RECORDED IN OFFICIAL RECORDS BOOK 5460, PAGE 2504, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.
2. THE SURVEY WAS CONDUCTED ON THE DATE OF THE SURVEY, AND THE RESULTS OF THE SURVEY ARE SET FORTH IN THIS MAP.
3. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF A PROFESSIONAL SURVEYOR.
4. THE SURVEY WAS CONDUCTED USING THE FOLLOWING EQUIPMENT: TOTAL STATION, GPS, AND A LEVEL.
5. THE SURVEY WAS CONDUCTED BY THE SURVEYOR, AND THE RESULTS OF THE SURVEY ARE SET FORTH IN THIS MAP.
6. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF A PROFESSIONAL SURVEYOR.
7. THE SURVEY WAS CONDUCTED USING THE FOLLOWING EQUIPMENT: TOTAL STATION, GPS, AND A LEVEL.
8. THE SURVEY WAS CONDUCTED BY THE SURVEYOR, AND THE RESULTS OF THE SURVEY ARE SET FORTH IN THIS MAP.
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13. THE SURVEY WAS CONDUCTED USING THE FOLLOWING EQUIPMENT: TOTAL STATION, GPS, AND A LEVEL.
14. THE SURVEY WAS CONDUCTED BY THE SURVEYOR, AND THE RESULTS OF THE SURVEY ARE SET FORTH IN THIS MAP.
15. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE STANDARDS AND PRACTICES OF A PROFESSIONAL SURVEYOR.
16. THE SURVEY WAS CONDUCTED USING THE FOLLOWING EQUIPMENT: TOTAL STATION, GPS, AND A LEVEL.
17. THE SURVEY WAS CONDUCTED BY THE SURVEYOR, AND THE RESULTS OF THE SURVEY ARE SET FORTH IN THIS MAP.
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LEGEND:

1. BOUNDARY LINE	2. EASEMENT	3. FLOOD ZONE	4. FLOOD INSURANCE RATE MAP
5. SURVEYOR'S MARK	6. SURVEYOR'S MARK	7. SURVEYOR'S MARK	8. SURVEYOR'S MARK
9. SURVEYOR'S MARK	10. SURVEYOR'S MARK	11. SURVEYOR'S MARK	12. SURVEYOR'S MARK
13. SURVEYOR'S MARK	14. SURVEYOR'S MARK	15. SURVEYOR'S MARK	16. SURVEYOR'S MARK
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21. SURVEYOR'S MARK	22. SURVEYOR'S MARK	23. SURVEYOR'S MARK	24. SURVEYOR'S MARK
25. SURVEYOR'S MARK	26. SURVEYOR'S MARK	27. SURVEYOR'S MARK	28. SURVEYOR'S MARK
29. SURVEYOR'S MARK	30. SURVEYOR'S MARK	31. SURVEYOR'S MARK	32. SURVEYOR'S MARK
33. SURVEYOR'S MARK	34. SURVEYOR'S MARK	35. SURVEYOR'S MARK	36. SURVEYOR'S MARK
37. SURVEYOR'S MARK	38. SURVEYOR'S MARK	39. SURVEYOR'S MARK	40. SURVEYOR'S MARK
41. SURVEYOR'S MARK	42. SURVEYOR'S MARK	43. SURVEYOR'S MARK	44. SURVEYOR'S MARK
45. SURVEYOR'S MARK	46. SURVEYOR'S MARK	47. SURVEYOR'S MARK	48. SURVEYOR'S MARK
49. SURVEYOR'S MARK	50. SURVEYOR'S MARK	51. SURVEYOR'S MARK	52. SURVEYOR'S MARK
53. SURVEYOR'S MARK	54. SURVEYOR'S MARK	55. SURVEYOR'S MARK	56. SURVEYOR'S MARK
57. SURVEYOR'S MARK	58. SURVEYOR'S MARK	59. SURVEYOR'S MARK	60. SURVEYOR'S MARK
61. SURVEYOR'S MARK	62. SURVEYOR'S MARK	63. SURVEYOR'S MARK	64. SURVEYOR'S MARK
65. SURVEYOR'S MARK	66. SURVEYOR'S MARK	67. SURVEYOR'S MARK	68. SURVEYOR'S MARK
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89. SURVEYOR'S MARK	90. SURVEYOR'S MARK	91. SURVEYOR'S MARK	92. SURVEYOR'S MARK
93. SURVEYOR'S MARK	94. SURVEYOR'S MARK	95. SURVEYOR'S MARK	96. SURVEYOR'S MARK
97. SURVEYOR'S MARK	98. SURVEYOR'S MARK	99. SURVEYOR'S MARK	100. SURVEYOR'S MARK



Prepared by: Kimberly B. Rezanka, Esq.
Address: Lacey Lyons Rezanka
1290 U.S. Highway 1, Ste 103
Rockledge, FL 32955

BINDING DEVELOPMENT PLAN (BDP)

THIS AGREEMENT, entered into this _____ day of _____, 2024 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Christopher L. Espanet (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested a small-scale amendment to the County's Future Land Use Map from Residential (RES) 1 to RES 2 to develop the Property consistent with the Residential Professional (RP) zoning requirements and desires to develop the Property with a limit of one (1) unit per acre, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on coastal resources, protect human life, and limit public expenditures in this area subject to natural disasters as its neighboring Coastal High Hazard Areas pursuant to Florida Statute 163.3178(8); and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting landowners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the

Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

3. The Developer/Owner shall limit density to one (1) unit per acre and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. The Developer/Owner shall provide appropriate mitigation to support the coastal management in the neighboring Coastal High Hazard Area as appropriate to include at the Site Plan review process.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.

10. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Rachel M. Sadoff, Clerk of Court
(SEAL)

Rita Pritchett, Chair

As approved by the Board on _____

WITNESSES:

DEVELOPER/OWNER
Christopher L. Espanet
345 NW 3rd Avenue, Delray Beach, FL 33444

(Witness Name typed or printed)

(Witness Name typed or printed)

STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me, by means of ____ physical presence or ____ online notarization, this ____ day of _____, 2024, by Aaron Reninger, who is personally known to me or who has produced _____ as identification.

My commission expires:
SEAL
Commission No.:

Notary Public

(Name typed, printed or stamped)

EXHIBIT "A"

LEGAL DESCRIPTION:

Condominium Unit No. 1, CASSEEKKE TRAILS, a Condominium, in accordance with and subject to the covenants, conditions, restrictions, terms and provisions of the Declaration thereof as set forth in the Declaration of Condominium recorded in Official Records Book 5460, at Page(s) 2504, of the Public Records of Brevard County, Florida.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2004.



Dana Blickley, CFA, Brevard County Property Appraiser
Titusville • Viera • Melbourne • Palm Bay

(321) 264-6700

www.BCPAO.us

Disclaimer

REAL PROPERTY DETAILS
Account 2963382 - Roll Year 2023

Owners ESPANET, CHRISTOPHER L
Mailing Address 345 NW 3RD AVE DELRAY BEACH FL 33444
Site Address 5610 HIGHWAY A1A UNIT 1 MELBOURNE BEACH FL 32951
Parcel ID 29-38-10-00-788.A
Taxing District 3400 - UNINCORP DISTRICT 3
Exemptions NONE
Property Use 0040 - CONDOMINIUM UNIT - VACANT LAND
Total Acres 0.70
Site Code --
Plat Book/Page 0000/0000
Subdivision --
Land Description CASSEEKKE TRAILS CONDO UNIT 1 CASSEEKKE TRAILS CONDO AS DESC IN ORB 5460 PG 2504 AND ALL AMENDMENTS THERETO



CONDO COMMON AREA INFORMATION

Name	CASSEEKKE TRAILS CONDO	Pools	0
Number	1224	Elevators	0
Account	2963384	Tennis Courts	0
Parcel ID	29 3810-00-788.X-A	Spas	0
Units	--	Docks	0
Buildings	--	Gate Entry	0
Floors	--	Waste Chute	No
Rec Hall	0	Laundry	No

VALUE SUMMARY

Category	2023	2022	2021
Market Value	\$155,000	\$130,000	\$110,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$133,100	\$121,000	\$110,000
Assessed Value School	\$155,000	\$130,000	\$110,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$133,100	\$121,000	\$110,000
Taxable Value School	\$155,000	\$130,000	\$110,000

SALES / TRANSFERS

Date	Price	Type	Instrument
07/13/2005	\$250,000	WD	5503/1936

BUILDINGS

PROPERTY DATA CARD #1

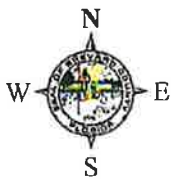
Building Use: 0040 - CONDOMINIUM UNIT - VACANT LAND

Materials		Details	
No Data Found	No Data Found	Year Built	0
		Story Height	--
		Floors	--
		Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Non 9K Condo	0	No Data Found	
Total Base Area	0		
Total Sub Area	0		

1

AERIAL MAP

Espanet, Christopher
24SS00013



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2024

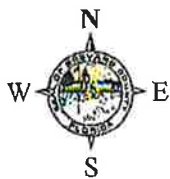
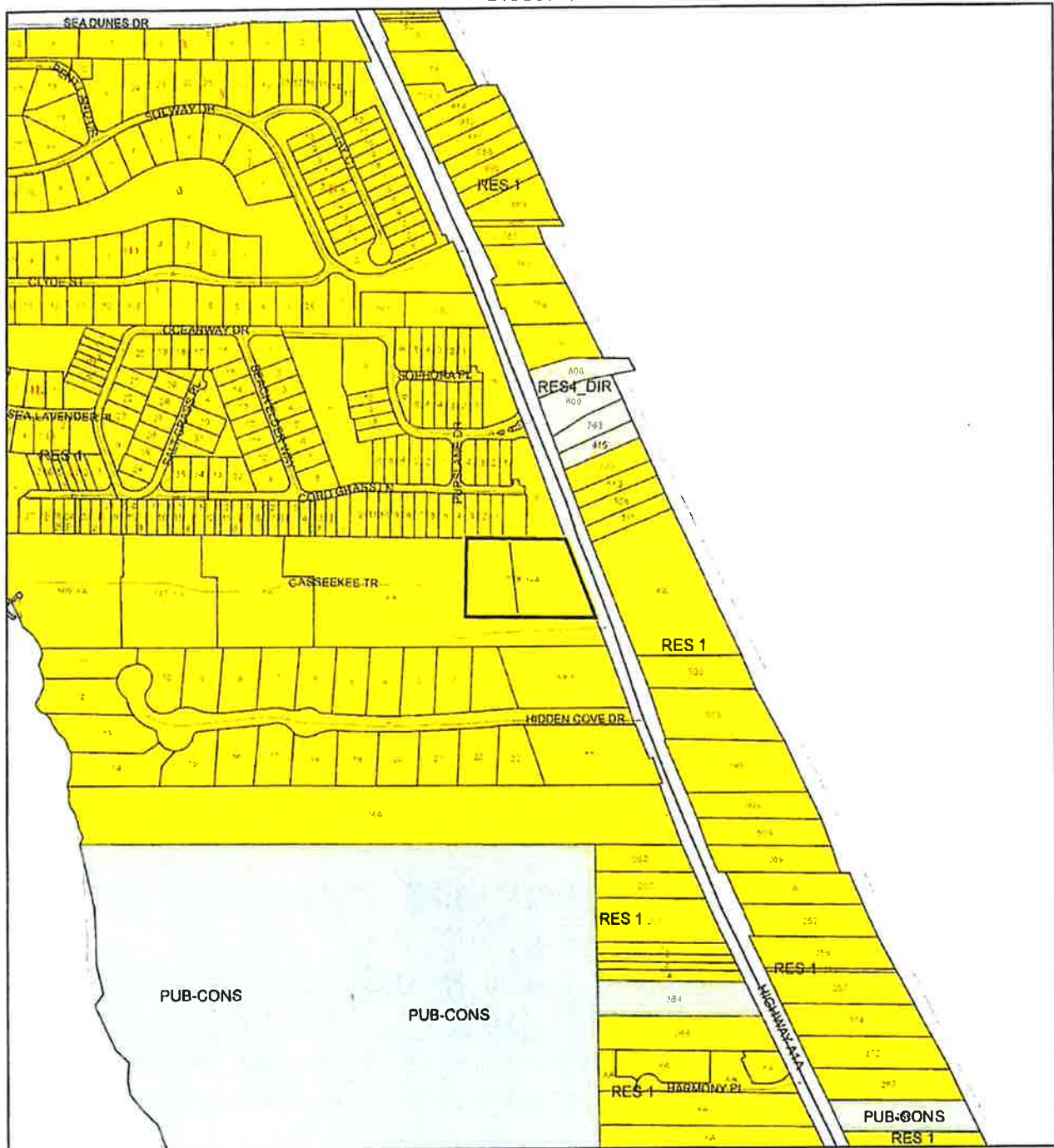
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/23/2024

— Subject Property
□ Parcels

FUTURE LAND USE MAP

Espanet, Christopher
24SS00013



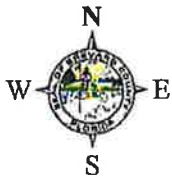
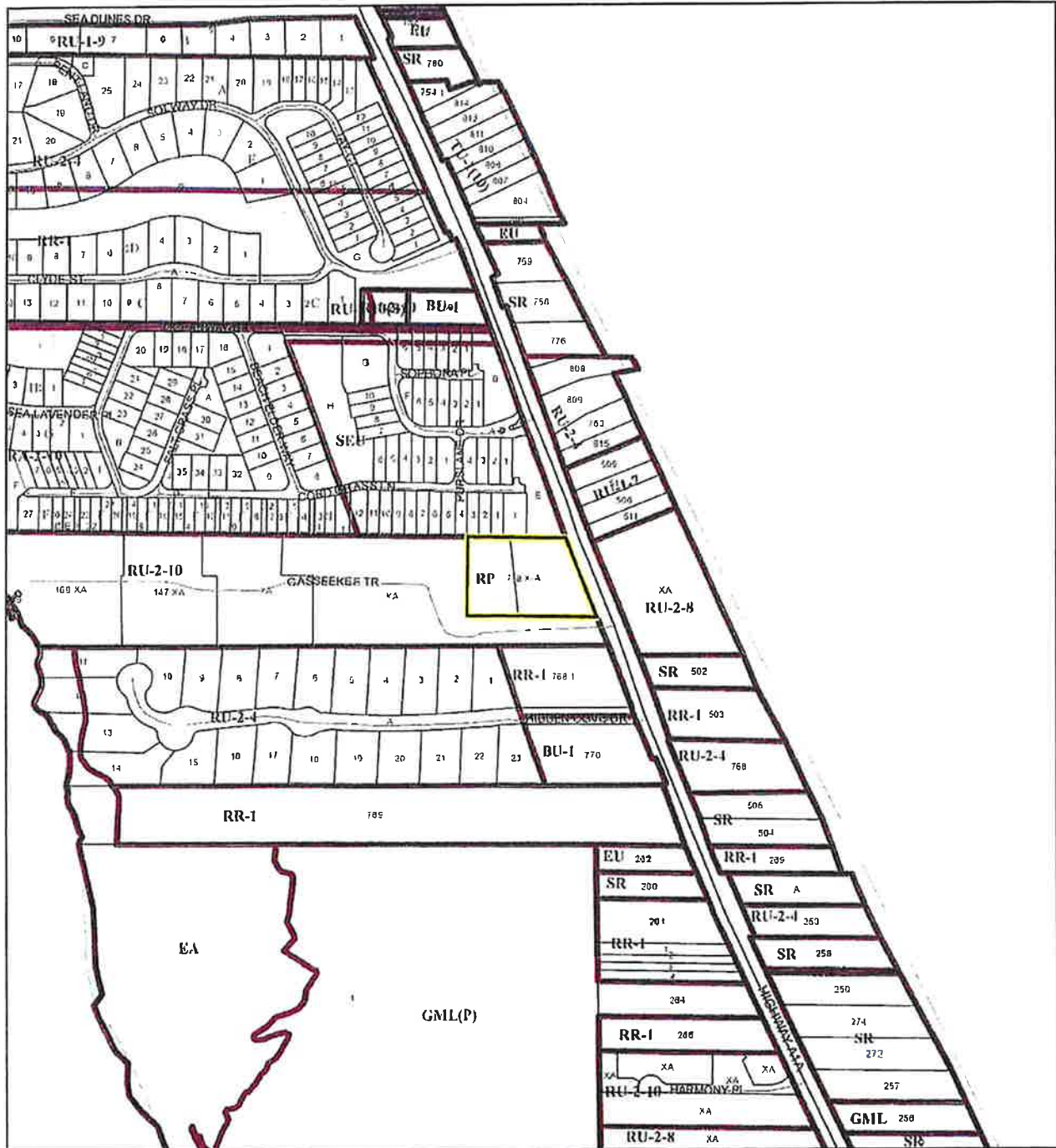
1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/23/2024

— Subject Property
□ Parcels

3



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

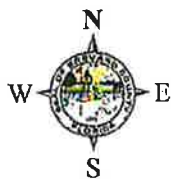
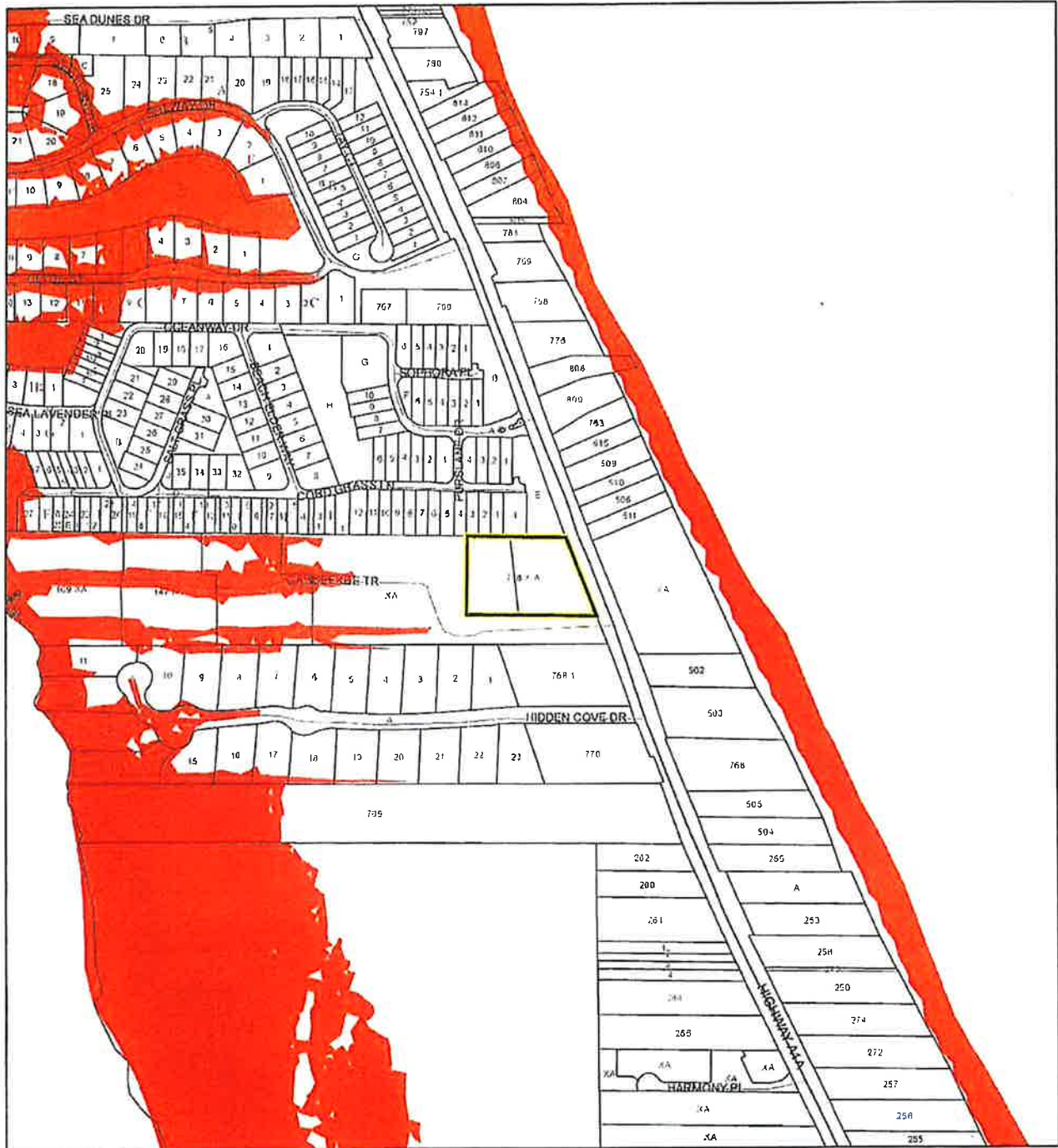
Produced by BoCC - GIS Date: 8/23/2024

Subject Property



COASTAL HIGH HAZARD AREA MAP

Espanet, Christopher
24SS00013



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 8/23/2024

— Subject Property





□ Parcels

Coastal High Hazard Area

■ SurgeZoneCat1

5

Choose Columns

Map	Eagle	Account	Site Address	Owner	Parcel ID	Sale Date
		2963382	5610 HIGHWAY A1A UNIT 1 MELBOURNE BEACH FL 32951	ESPANET, CHRISTOPHER L	29-38-10-00-788.A	07/13/2005
		2963383	5610 HIGHWAY A1A UNIT 2 MELBOURNE BEACH FL 32951	DECORT, ROBERT FRANK DECORT, ANNEMARIE DEGEN	29-38-10-00-788.B	11/03/2023
		2963384	UNKNOWN FL	N/A - CONDO COMMON AREA	29-38-10-00-788.X-A --	

6

CFN:2005151983 05-02-2005 12:27 pm
OR Book/Page: 5460 / 2504

Scott Ellis
Clerk Of Courts, Brevard County
#Pgs: 35 #Names: 2
Trust: 18.00 Rec: 281.00 Serv: 0.00
Excise: 0.00
Mtg: 0.00 Int Tax: 0.00

DECLARATION OF CONDOMINIUM

OF

CASSEEKKE TRAILS, A CONDOMINIUM

DOUGLAS R. LALLY, whose mailing address is at 1653 The Fairway, Suite 205, Jenkintown, Pennsylvania 19046-4027 (hereinafter called the "Developer"), does hereby declare as follows:

1 INTRODUCTION AND SUBMISSION.

1.1 The Land. The Developer owns the fee title to certain land located in Brevard County, Florida, as more particularly described on Sheet 2 of Exhibit A attached hereto, which is hereinafter referred to as the "Land."

1.2 Submission Statement. The Developer hereby submits the Land and all Improvements erected or to be erected thereon, all easements, rights and appurtenances belonging thereto, and all other property, real, personal or mixed, intended for use in connection therewith, to the condominium form of ownership and use in the manner provided by the Florida Condominium Act as it exists on the date hereof.

1.3 Name. The name by which this condominium is to be identified is CASSEEKKE TRAILS, A CONDOMINIUM (hereinafter called the "Condominium").

2 DEFINITIONS. The following terms when used in this Declaration and in its exhibits, and as they may hereafter be amended, shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

2.1 "Act" means the Condominium Act (Chapter 718 of the Florida Statutes) as it exists on the date this Declaration is recorded.

2.2 "Assessment" means a share of the funds required for the payment of Common Expenses which from time to time is assessed against the Unit Owner.

2.3 "Association" or "Condominium Association" means CASSEEKKE TRAILS CONDOMINIUM ASSOCIATION, INC., a not for profit Florida corporation and the entity responsible for the operation of the Condominium.

2.4 "Board of Directors" or "Board" means the Association's board of administration.

2.5 "Buildings" means the structure or structures which may be constructed on the Units in accordance with the terms of this Declaration.

2.6 "By-Laws" mean the By-Laws of the Association.

2.7 "Common Elements" mean and include:

2.7.1 The portions of the Condominium Property which are not included within the Units.

HC - Gray Robinson DR 2

7

CASSEEKIE TRAIL OWNERS ASSOCIATION, INC., A CONDOMINIUM



SURVEYOR'S NOTES CONCERNING THE GRAPHIC PLOT PLAN:

CFN:2005161983

OR Book/Page: 5460 / 2527

1. Casseekee Trail, A Condominium contains 2 units, Unit 1 and Unit 2.

2. The graphic plot plan was prepared under the direction of Robert M. Salmon, Professional Land Surveyor, No. 4262, State of Florida, from a boundary survey prepared by Allen Engineering, Inc.

SURVEYOR'S NOTES CONCERNING THE BOUNDARY SURVEY:

1. Unless otherwise noted, underground improvements (foundations, utilities, etc.) were not located by this survey.
2. According to F.I.R.M.(Flood Insurance Rate Map) Number 125092 0607 F, Map Index date: November 19, 1997, this property lies within F.I.R.M. Zone "X".
3. The bearings shown hereon are based on a bearing of S 20°22'53" E along the West right of way of State Road A-1-A.

DESCRIPTION OF CONDOMINIUM OWNED LANDS: (Official Records Book 5048, Page 1188)

A parcel of land lying in part of Government Lot 5, Section 10, and in part of Government Lot 1, Section 11, Township 29 South, Range 38 East, Brevard County, Florida, and being more particularly described as follows:

From the Southeast corner of said Section 10, Township 29 South, Range 38 East, run North 0 degrees 36 minutes 18 seconds West along the East line of said Section 10 a distance of 575.32 feet; thence South 89 degrees 14 minutes 08 seconds East a distance of 38.16 feet to the West right of way line of State Road A-1-A (33 feet West of centerline); thence North 20 degrees 21 minutes 38 seconds West along said West right of way line of State Road A-1-A a distance of 80.40 feet to the POINT OF BEGINNING of the herein described parcel; thence North 89 degrees 14 minutes 08 seconds West a distance of 372.35 feet; thence North 0 degrees 43 minutes 15 seconds East a distance of 226.25 feet; thence South 89 degrees 16 minutes 09 seconds East a distance of 285.00 feet to the said West right of way line of State Road A-1-A; thence South 20 degrees 21 minutes 38 seconds East along said West right of way line of State Road A-1-A a distance of 242.73 feet to the POINT OF BEGINNING.

NOTE:

REFER TO SHEET 1 OF 3 FOR THE SKETCH OF BOUNDARY SURVEY.

ABBREV. DESCRIPTION

CONC.	CONCRETE
F.I.R.M.	FLOOD INSURANCE RATE MAP
LB	LAND SURVEYING BUSINESS
M.	MEASURED
WPP	WOOD POWER POLE
RCP	REINFORCED CONCRETE PIPE
COR	CORNER
MLP	METAL LIGHT POLE
WP	WOOD POST

LEGEND:

- = FOUND 5/8" IRON ROD WITH PLASTIC CAP - ILLEGIBLE.
- ▲ = FOUND 1/2" IRON ROD (NO IDENTIFICATION).
- ⊕ = FOUND 5/8" IRON ROD WITH PLASTIC CAP STAMPED "PSM 4305".
- △ = FOUND MAG NAIL & DISK STAMPED "PCP 4305".
- = FOUND 5/8" IRON ROD - (NO IDENTIFICATION).

SURVEYOR'S CERTIFICATION:

I hereby certify that the attached sketch of survey shown on Sheet 1 of 3 is an accurate representation of a Sketch of Boundary Survey, performed under my direction and completed on November 4, 2004, in accordance with all applicable requirements of the "Minimum Technical Standards," for surveys, described in Chapter 616.17-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.

Not valid without the signature
and the original raised seal of a
Florida licensed surveyor and mapper.

ALLEN ENGINEERING, INC.
BY:
ROBERT M. SALMON
Professional Surveyor & Mapper
Florida Registration No. 4262

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
JANUARY 20, 2005

EXHIBIT "A"

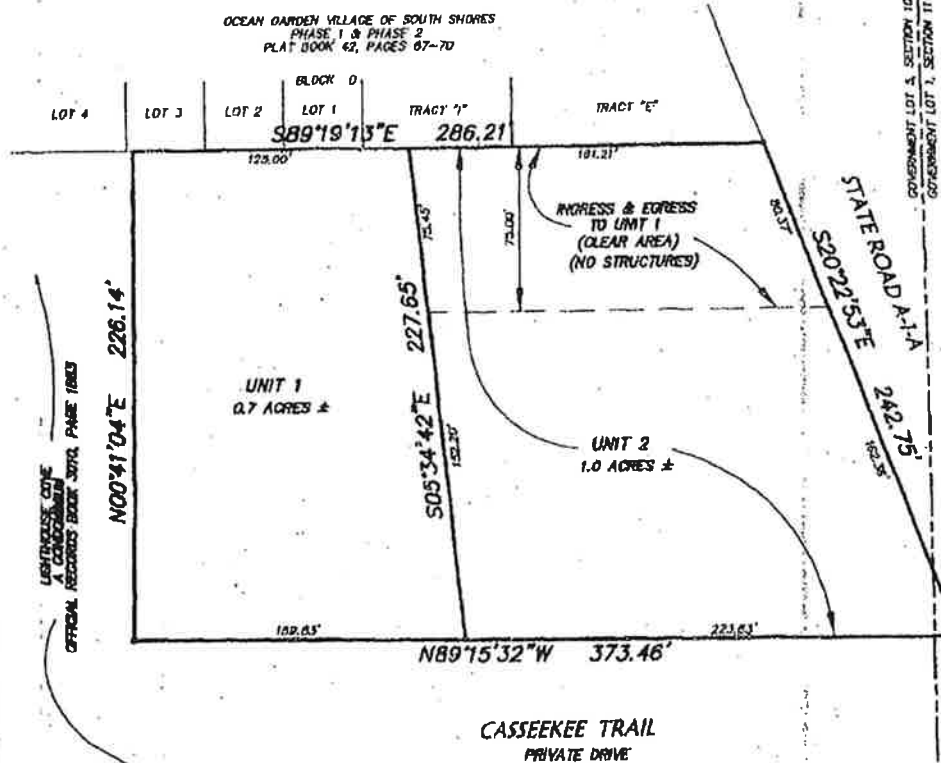
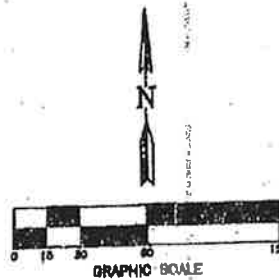
SHEET 2 OF 3

8

CASSEEKEE TRAIL OWNERS ASSOCIATION, INC. A CONDOMINIUM

GRAPHIC PLOT PLAN TO DEFINE THE LIMITS OF THE UNITS

CFN 2005151983
OR Book/Page: 5460 / 2528



NOTES:

1. SEE SHEET 2 FOR THE NOTES CONCERNING THE GRAPHIC PLOT PLAN.

ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
JANUARY 20, 2005

EXHIBIT "A"

SHEET 3 OF 3

9

**Dana Blickley, CFA, Brevard County Property Appraiser**

Titusville • Viera • Melbourne • Palm Bay

(321) 264-6700

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REAL PROPERTY DETAILS

Account 2963383 - Roll Year 2024

Owners DECORT, ROBERT FRANK; DECORT, ANNEMARIE DEGEN
Mailing Address 5610 S HIGHWAY A1A, # 2 MELBOURNE BEACH FL 32951
Site Address 5610 HIGHWAY A1A UNIT 2 MELBOURNE BEACH FL 32951
Parcel ID 29-38-10-00-788.B
Taxing District 3400 - UNINCORP DISTRICT 3
Exemptions HEX1 - HOMESTEAD FIRST
HEX2 - HOMESTEAD ADDITIONAL
Property Use 0414 - CONDOMINIUM UNIT
Total Acres 1.00
Site Code --
Plat Book/Page 0000/0000
Subdivision --
Land Description CASSEEEKE TRAILS CONDO UNIT 2 CASSEEEKE TRAILS CONDO AS DESC IN ORB 5460 PG 2504 AND ALL AMENDMENTS THERETO

**CONDO COMMON AREA INFORMATION**

Name	CASSEEEKE TRAILS CONDO	Pools	0
Number	1224	Elevators	0
Account	2963384	Tennis Courts	0
Parcel ID	29 3810-00-788.X-A	Spas	0
Units	--	Docks	0
Buildings	--	Gate Entry	0
Floors	--	Waste Chute	No
Rec Hall	0	Laundry	No

VALUE SUMMARY

Category	2024	2023	2022
Market Value	\$902,080	\$691,860	\$559,680
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$902,080	\$448,500	\$435,440
Assessed Value School	\$902,080	\$448,500	\$435,440
Homestead Exemption	\$25,000	\$25,000	\$25,000
Additional Homestead	\$25,000	\$25,000	\$25,000
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$852,080	\$398,500	\$385,440
Taxable Value School	\$877,080	\$423,500	\$410,440

SALES / TRANSFERS

Date	Price	Type	Instrument
11/03/2023	\$1,329,000	WD	9928/1214
06/28/2017	--	WD	7925/2599
06/22/2016	\$155,000	WD	7648/2183
11/06/2009	--	CT	6059/0634
06/23/2009	--	CT	5976/1356

BUILDINGS**PROPERTY DATA CARD #1**

Building Use: 0110 - SINGLE FAMILY RESIDENCE

Materials		Details	
No Data Found	No Data Found	Year Built	2017
		Story Height	10
		Floors	1
		Residential Units	1
		Commercial Units	0
Sub-Areas		Extra Features	
Base Area (1st)	2,250	No Data Found	
Base Area (1st)	494		

10

https://www.zillow.com/homedetails/5610-Highway-A1a-2-Melbourne-Beach-FL-32951/126039765_zpid/



https://www.zillow.com/homedetails/5610-Highway-A1a-2-Melbourne-Beach-FL-32951/126039765_zpid/





Dana Blickley, CFA, Brevard County Property Appraiser
Titusville • Viera • Melbourne • Palm Bay

(321) 264-8700
www.BCPAO.us
Disclaimer

REAL PROPERTY DETAILS
Account 2953698 - Roll Year 2024

Owners HOATSON, ROBERT J; HOATSON, PAMELA J
Mailing Address 5635 HIGHWAY A1A, # A704 MELBOURNE BEACH FL 32951
Site Address 5635 HIGHWAY A1A UNIT A704 MELBOURNE BEACH FL 32951
Parcel ID 29-38-10-00-791.W
Taxing District 3400 - UNINCORP DISTRICT 3
Exemptions HEX1 - HOMESTEAD FIRST
HEX2 - HOMESTEAD ADDITIONAL
Property Use 0414 - CONDOMINIUM UNIT
Total Acres 0.05
Site Code --
Plat Book/Page 0000/0000
Subdivision --



Land Description SOUTH SHORES OCEANSIDE CONDO PH I UNIT A-704
SOUTH SHORES OCEANSIDE CONDO PH I AS DESC IN
ORB 2714 PG 924 EXC ORB 3579 PG 2239 & ALL
AMENDMENTS THERETO

CONDO COMMON AREA INFORMATION

Name	SOUTH SHORES OCEANSIDE CONDO PH I	Pools	1
Number	0762	Elevators	1
Account	2960647	Tennis Courts	0
Parcel ID	29 3810-00-791-XA	Spas	1
Units	28	Docks	0
Buildings	1	Gate Entry	1
Floors	8	Waste Chute	Yes
Rec Hall	0	Laundry	No

VALUE SUMMARY

Category	2024	2023	2022
Market Value	\$859,700	\$868,820	\$696,770
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$859,700	\$868,820	\$614,380
Assessed Value School	\$859,700	\$868,820	\$696,770
Homestead Exemption	\$25,000	\$25,000	\$0
Additional Homestead	\$25,000	\$25,000	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$809,700	\$818,820	\$614,380
Taxable Value School	\$834,700	\$843,820	\$696,770

SALES / TRANSFERS

Date	Price	Type	Instrument
10/26/2020	\$879,000	WD	8903/0239
02/06/2019	\$880,000	WD	8363/2824
09/20/2016	\$620,000	WD	7721/0741
02/16/2007	--	MISC	5804/8261
10/15/2003	--	QC	5101/2175
06/01/1997	--	QC	3685/3279
02/28/1995	--	WD	3457/0703
01/30/1995	--	WD	3450/0358
04/01/1988	\$245,000	WD	2901/1720

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 0414 - CONDOMINIUM UNIT

Materials	Details
Exterior Wall:	STUCCO
Roof Structure:	FLAT/SHED
Roof Cover:	BU-TG/MMBRN
Heat & Air:	FHA & AC
	Year Built
	Story Height
	Floors
	Residential Units

Prepared by: Kimberly B. Rezanka, Esq.
 Address: Lacey Lyons Rezanka
 1290 U.S. Highway 1, Ste 103
 Rockledge, FL 32955

BINDING DEVELOPMENT PLAN (BDP)

THIS AGREEMENT, entered into this _____ day of _____, 2024 between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and Christopher L. Espanet (hereinafter referred to as "Developer/Owner").

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Developer/Owner has requested a small-scale amendment to the County's Future Land Use Map from Residential (RES) 1 to RES 2 to develop the Property consistent with the Residential Professional (RP) zoning requirements and desires to develop the Property with a limit of one (1) single-family dwelling, and pursuant to the Brevard County Code, Section 62-1157; and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on coastal resources, protect human life, and limit public expenditures in this area subject to natural disasters as its neighboring Coastal High Hazard Areas pursuant to Florida Statute 163.3178(8); and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting landowners and affected facilities or services; and

WHEREAS, the County is authorized to regulate development of the Property.

NOW, THEREFORE, the parties agree as follows:

1. Recitals. The above recitals are true and correct and are incorporated into this Agreement by their reference.
2. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the

Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

3. The Developer/Owner shall limit density to one (1) single-family dwelling and permitted accessory buildings and uses, and may be further restricted by any changes to the Comprehensive Plan or the Land Development Regulations.
4. The Developer/Owner shall provide appropriate mitigation to support the coastal management in the neighboring Coastal High Hazard Area as appropriate to include at the Site Plan review process.
5. Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
6. Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
7. This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
8. Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
9. Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7 above.

10. Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940

Rachel M. Sadoff, Clerk of Court
(SEAL)

Rita Pritchett, Chair
As approved by the Board on _____

WITNESSES:

DEVELOPER/OWNER
Christopher L. Espanet
345 NW 3rd Avenue, Delray Beach, FL 33444

(Witness Name typed or printed)

(Witness Name typed or printed)

STATE OF FLORIDA §

COUNTY OF BREVARD §

The foregoing instrument was acknowledged before me, by means of ____ physical presence or ____ online notarization, this ____ day of _____, 2024, by Aaron Reninger, who is personally known to me or who has produced _____ as identification.

My commission expires:
SEAL
Commission No.:

Notary Public
(Name typed, printed or stamped)

EXHIBIT "A"

LEGAL DESCRIPTION:

Condominium Unit No. 1, CASSEEEKEE TRAILS, a Condominium, in accordance with and subject to the covenants, conditions, restrictions, terms and provisions of the Declaration thereof as set forth in the Declaration of Condominium recorded in Official Records Book 5460, at Page(s) 2504, of the Public Records of Brevard County, Florida.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2004.

Prepared by Kimberly Bonder Rezanka, Esquire
LACEY LYONS REZANKA
Address 1290 U S Hwy 1, Ste 201
Rockledge, FL 32955

DUNKIN
1980 N. Courtenay Pkwy
M.I.

BINDING DEVELOPMENT PLAN

THIS AGREEMENT, entered into this 26 day of May, 2022, between the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and SUNIL RAJAN, SUDHIR RAJAN, and SURESH RAJAN ("Developer/Owner")

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described as: The South 200 feet of the N ½ of SE ¼ of SW ¼, East of State road No. 3 Right-of-Way, except land described in Official Record Book 559, page 707, Section 14, Township 24 South, Range 36 East

WHEREAS, Developer/Owner has requested a small scale amendment to the County's Future Land Use Map from NC to CC develop the Property as restaurant with drive through aisles, and pursuant to the Brevard County Code, Section 62-1157, and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impacts on abutting landowners and affected facilities or services, and

WHEREAS, the County is authorized to regulate development of the Property

NOW, THEREFORE, the parties agree as follows

- 1 Recitals The above recitals are true and correct and are incorporated into this Agreement by their reference
- 2 The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements
- 3 The Developer/Owner shall not have a shared driveway access with the property to the South unless permission is received from the Diocese of Orlando, at which point such access may be further

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- regulated by the Comprehensive Plan or the Land Development Regulations, as may be amended
- 4 Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This Agreement provides no vested rights against changes to the Brevard County Comprehensive Plan or land development regulations as they may apply to this Property.
 - 5 Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Court all costs of recording this Agreement in the Public Records of Brevard County, Florida.
 - 6 This Agreement shall be binding and shall inure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and shall be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property, and shall be subject to the above referenced conditions as approved by the Board of County Commissioners on _____, 2022. In the event the subject Property is annexed into a municipality and rezoned, this Agreement shall be null and void.
 - 7 Violation of this Agreement shall constitute a violation of the zoning classification and of this Agreement. This Agreement may be enforced by Sections 1-7 and 62-5 of the Code of Ordinances of Brevard County, Florida, as may be amended.
 - 8 Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and shall be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any condition is a violation of this Agreement and constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 7, above.
 - 9 Severability clause. If any provision of this BDP is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provision shall continue in full force and effect without being impaired or invalidated in any way.

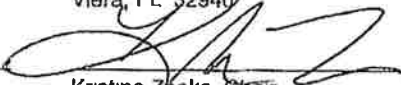
SR 19

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above

ATTEST



Rachel M. Sedoff, Clerk of Court
(SEAL)


BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Fran Jamieson Way
Viera, FL 32940


Kristine Zonka, Chair

As approved by the Board on 5-26-2022

WITNESSES


Michelle Benjamin F. Cug
(Witness Name typed or printed)


Nicholas N. Rahal
(Witness Name typed or printed)

SUNIL RAJAN




STATE OF Florida §

COUNTY OF Duval §

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or _____
online notarization, this 13th day of May, 2022, by SUNIL RAJAN, who are
personally known to me or who has produced DL as identification

My commission expires 10/21/25
SEAL
Commission No HH190098

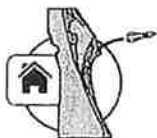


Notary Public
(Name typed, printed or stamped)



ROSEMARIE G KUA
Notary Public
State of Florida
Comm# HH190098
Expires 10/21/2025

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Dana Blickley, CFA, Brevard County Property Appraiser
Titusville • Viera • Melbourne • Palm Bay

(321) 264-6700
www.BCPAO.us
Disclaimer

REAL PROPERTY DETAILS
Account 3032446 - Roll Year 2024

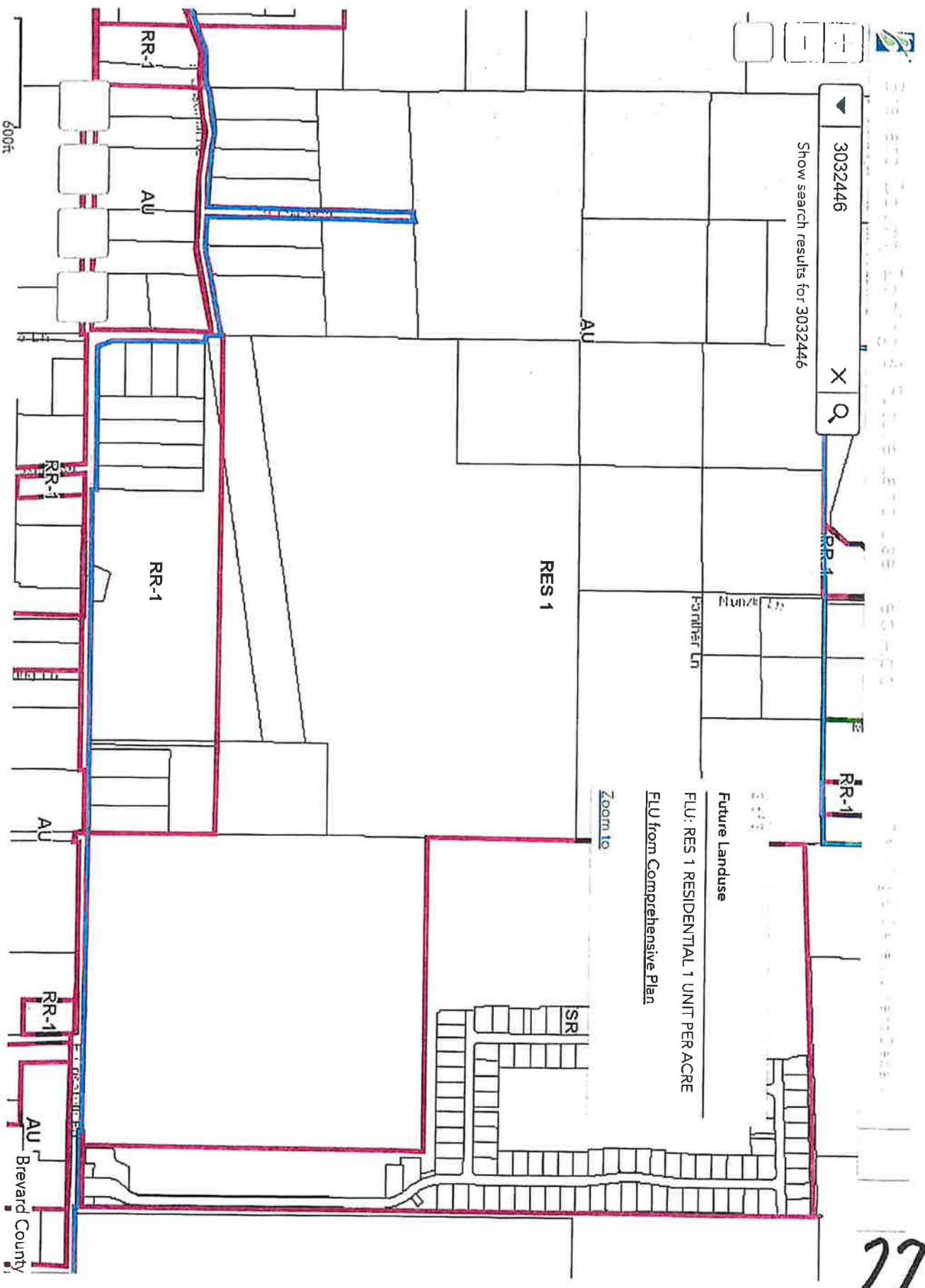
Owners: IFP DEVELOPMENT LLC
Mailing Address: 4760 N US HIGHWAY 1, STE 201 MELBOURNE FL 32935
Site Address: 1438 CYGNUS PL MERRITT ISLAND FL 32963
Parcel ID: 23-36-24-75-E-1
Taxing District: 2200 - UNINCORP DISTRICT 2
Exemptions: NONE
Property Use: 0010 - VACANT RESIDENTIAL LAND (SINGLE FAMILY, PLATTED)
Total Acres: 0.29
Site Code: 0150 - CNSRV/TRACT/BUF FRTG
Plat Book/Page: 0073/0047
Subdivision: ISLAND FOREST PRESERVE
Land Description: ISLAND FOREST PRESERVE LOT 1 BLK E



Category	VALUE SUMMARY		
	2024	2023	2022
Market Value	\$120,000	\$20,000	\$0
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$22,000	\$20,000	\$0
Assessed Value School	\$120,000	\$20,000	\$0
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$22,000	\$20,000	\$0
Taxable Value School	\$120,000	\$20,000	\$0

SALES / TRANSFERS			
Date	Price	Type	Instrument
No Data Found			

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Prepared by Charles B. Genoni
Beachland Managers, LLC
4780 N US1 #201
Melbourne FL 32935

**BINDING
DEVELOPMENT PLAN**

THIS AGREEMENT, entered into this 26 day of Feb., 2019 between the BOARD OF COMMISSIONERS OF BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and W K & R Groves, Inc, a Florida Corporation (hereinafter referred to as "Developer/Owner")

RECITALS

WHEREAS, Developer/Owner owns property (hereinafter referred to as the "Property") in Brevard County, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference, and

WHEREAS, Developer/Owner has requested the SR zoning classification(s) and desire to develop the Property as a Single Family Subdivision, and pursuant to the Brevard County Code, Section 62-1157, and

WHEREAS, as part of its plan for development of the Property, Developer/Owner wishes to mitigate negative impact on abutting land owners and affected facilities or services, and

WHEREAS, the County is authorized to regulate development of the

Property NOW, THEREFORE, the parties agree as follows

1. The County shall not be required or obligated in any way to construct or maintain or participate in any way in the construction or maintenance of the improvements. It is the intent of the parties that the Developer/Owner, its grantees, successors or assigns in interest or some other association and/or assigns satisfactory to the County shall be responsible for the maintenance of any improvements.

2. The Developer/Owner shall limit the project to 110 units and may be further restricted by any changes to the comprehensive plan or the Land Development Regulations.

3. Developer/Owner shall extend the Sewer line from the nearest connection point to the project. If the Developer/Owner does not install Sewer to the Property, it shall limit the number of units to 50 which shall be serviced by septic systems capable of reducing the total nitrogen (TN).

in effluent by 65% or greater

4 Developer/Owner shall complete a topographical survey prior to site plan submittal. The topographical survey shall be submitted as part of the initial site plan review.

5 Developer/Owner shall comply with all regulations and ordinances of Brevard County, Florida. This Agreement constitutes Developer's/Owner's agreement to meet additional standards or restrictions in developing the Property. This agreement provides no vested rights against changes to the Comprehensive Plan or land development regulations as they may apply to this Property.

6 Developer/Owner, upon execution of this Agreement, shall pay to the Clerk of Courts the cost of recording this Agreement in the Public Records of Brevard County, Florida.

7 This Agreement shall be binding and shall insure to the benefit of the successors or assigns of the parties and shall run with the subject Property unless or until rezoned and be binding upon any person, firm or corporation who may become the successor in interest directly or indirectly to the subject Property and be subject to the above referenced conditions as approved by the Board of County Commissioners on 12/6, 2018. In the event the subject Property is annexed into a municipality and rezoned, this agreement shall be null and void.

8 Violation of this Agreement will also constitute a violation of the Zoning Classification and this Agreement may be enforced by Sections 17 and 62-5, Code of Ordinances of Brevard County, Florida, as may be amended.

9 Conditions precedent. All mandatory conditions set forth in this Agreement mitigate the potential for incompatibility and must be satisfied before Developer/Owner may implement the approved use(s), unless stated otherwise. The failure to timely comply with any mandatory condition is a violation of this Agreement, constitutes a violation of the Zoning Classification and is subject to enforcement action as described in Paragraph 8 above.

IN WITNESS THEREOF, the parties hereto have caused these presents to be signed all as of the date and year first written above.

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ATTEST

Scott Ellis, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
2725 Judge Frank Jamison Way
Viera, FL 32940

Kristine Isnardi, Chair
As approved by the Board on Feb. 26, 2019

(Please note you must have two witnesses and a notary for each signature required, the notary may serve as one witness)

WITNESSES

DEVELOPER/OWNER

W K & R Groves, Inc

GARY TRIPOLI
Gary Tripoli
(Witness Name typed or printed)

LISA TRIPOLI
Lisa Tripoli
(Witness Name typed or Printed)

Marie McKessy Mantell
1945 SW 16th Ave Boynton Beach FL 33426
4989 Palm Way
As President Lakewood A1 33463
Marie McKessy Mantell

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 5th day of Jan, 2019
by Marie McKessy Mantell as president of W K & R Groves, Inc
who is personally known or produced as identification

My commission expires 7-21-2020
Commission no GG 004951
SEAL

Lisa Tripoli
Notary Public
(Name typed, printed or stamped)

NOTARY PUBLIC
STATE OF FLORIDA
LISA TRIPOLI
MY COMMISSION # GG 004951
EXPIRES: July 21, 2020
Bonded Thru Budget Notary Services

Exhibit "A"

Legal Description

Begin at the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 24, Township 23 South, Range 36 East, Brevard County, Florida, thence run N $0^{\circ}46'15''$ E, along the West lines of the Southeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of said Section 24, a distance of 3897 81 ft, to a point, thence run N $88^{\circ}26'15''$ East, a distance of 2000 24 ft, to a point on the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 24, thence run S $0^{\circ}36'53''$ W, along said East line of West $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of said Section 24, a distance of 1300 61 ft, to a point on the East-West Center Line of said Section 24, thence run S $0^{\circ}31'38''$ West, along the East line of the West $\frac{1}{2}$, East $\frac{1}{2}$, Southeast $\frac{1}{4}$, Section 24, a distance of 2669 25 feet to a point on the South line of Section 24, thence run N $89^{\circ}29'49''$ West along said South line, Section 24, a distance of 2013 48 ft, to a point of Beginning (Containing 181 10 Acres, more or less)

Less and Except

Commence at the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, Section 24, Township 23 South, Range 36 East, Brevard County, Florida Thence run North $0^{\circ}46'15''$ East along the West line of the Southeast $\frac{1}{4}$ of said Section 24 a distance of 25.00 feet to the point of Beginning of the following herein described parcel, thence continue North $0^{\circ}46'15''$ E along said West line of the Southeast $\frac{1}{4}$ a distance of 1,835 29 feet; thence run South $89^{\circ}29'49''$ E parallel with the South line of the Southeast $\frac{1}{4}$ a distance of 1678 77 feet, thence run South $0^{\circ}46'15''$ West parallel with the West line of the Southeast $\frac{1}{4}$ a distance of 1835 29 feet, thence run North $89^{\circ}29'49''$ West parallel with the South line of the Southeast $\frac{1}{4}$ a distance of 1678 77 feet to the point of beginning and being subject to any and all easements, deed restrictions and rights-of-way of record

Also Described as

Legal Description

PARCEL ID 23-36-24-00-750 TA# 2316619 105 05 ACRES
W $\frac{3}{4}$ OF SE $\frac{1}{4}$ & W $\frac{3}{4}$ OF S $\frac{1}{2}$ OF NE $\frac{1}{4}$ AS DESC IN ORB 1204 PG 358, EXC S 2000 FT OF W 1300 FT ORB 2838 PG 2885

PARCEL ID 23-36-24-00-752 TA# 2316620 1 00 ACRES
E 210 FT OF W 1938 48 FT OF N 210 FT OF S 255 FT OF SE $\frac{1}{4}$

PARCEL ID 23-36-24-00-754 TA# 2316622 4 92 ACRES
2000 FT OF W 1300 FT OF SE $\frac{1}{4}$ EXC ORB 2838 PG 2885

Coastal Residential Densities

Objective 7

Limit densities within the coastal high hazard area and direct development outside of this area.

Policy 7.1

Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet.

Policy 7.2

Brevard County shall continue its program of land acquisition and management for recreation and preservation, contingent upon availability of funding.

Policy 7.3

Brevard County shall maintain the Brevard County Comprehensive Emergency Management Plan (BrevCEMP). This plan shall be consistent with this Comprehensive Plan, and shall be coordinated with the municipalities, the appropriate state and federal agencies, and be approved by the appropriate state agency(s).

Policy 7.4

Public facilities, such as hospitals, wastewater treatment plants or fire stations, shall not be located on causeways.

Hurricane Evacuation

Objective 8

Reduce excessive evacuation times where they currently exist, and maintain all other evacuation times within the acceptable standard. Acceptable evacuation standards will be reviewed and updated as necessary but shall not exceed the times indicated in the current Brevard County Comprehensive Emergency Management Plan

Policy 8.1

Brevard County shall maintain acceptable hurricane evacuation times based upon the following:

Criteria:

- A. The most current behavioral response scenario.
- B. The requirement to evacuate prior to sustained tropical storm force (40 mph) winds.

West's Florida Statutes Annotated

Florida Constitution--1968 Revision (Refs & Annos)

Article V. Judiciary (Refs & Annos)

West's F.S.A. Const. Art. 5 § 21

§ 21. Judicial interpretation of statutes and rules

In interpreting a state statute or rule, a state court or an officer hearing an administrative action pursuant to general law may not defer to an administrative agency's interpretation of such statute or rule, and must instead interpret such statute or rule de novo.

Credits

Added general election, Nov. 6, 2018.

Notes of Decisions (1)

West's F. S. A. Const. Art. 5 § 21, FL CONST Art. 5 § 21

Current through November 6, 2018, General Election

Notes of Decisions - § 21. Judicial interpretation of statutes and rules | Westlaw

☐ 1. Legislative authority

When determining if a proposed or existing agency rule is an invalid exercise of the authority delegated to the agency, courts focus on whether the authorizing statute contains a specific grant of legislative authority for the rule being reviewed, as opposed to whether the grant of authority is specific enough; either the enabling statute authorizes the rule at issue or it does not. *State, Department of Elder Affairs v. Florida Senior Living Association, Inc.*, App. 1 Dist., 2020 WL 464618 (2020), opinion withdrawn and superseded on clarification 2020 WL 2781869. Administrative Law and Procedure ¶ 1292

☐ 2. Review

An appellate court's review of an agency's interpretation of the statutes it implements is de novo. *MB Doral, LLC v. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco*, Fla.App. 1 Dist., 295 So.3d 850 (2020). Administrative Law and Procedure ¶ 2206

GOALS, OBJECTIVES AND POLICIES

GOAL

TO ENSURE CONSIDERATION OF PRIVATE PROPERTY RIGHTS IN THE LOCAL DECISION MAKING PROCESS.

Objective 1

Brevard County shall follow a set of policies to ensure that private property rights are considered in the local decision making process.

Policy 1.1

Brevard County shall consider the following in the local decision making process:

- A. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- D. The right of a property owner to dispose of his or her property through sale or gift.

JPM Consulting

James Mcknight, Principal
1675 S Fiske Blvd., C211
Rockledge, Florida 32955

Phone: 321-698-1317
E-mail: Jimmcknight1956@gmail.com

Work Experience

Jim served in local government for over 42 years, including as the City Manager for Rockledge (30+ years) and Cocoa Beach (5+ years). He retired in 2022. During his tenure, both Cities completed key public facilities and infrastructure projects. Among those:

- New Waste Water Plant with Reclaimed Water Systems (Rockledge)
- Major upgrade to Advance Treatment Plant (Cocoa Beach)
- Public Parking Garage (Cocoa Beach)
- New City Hall construction project (Rockledge)
- Storm Water improvement projects (Rockledge & Cocoa Beach)
- Multiple Park projects (Rockledge)
- 2 completed Fire Station construction projects (Rockledge)
- Constructed Law Enforcement facilities (Cocoa Beach & Rockledge)
- Redevelopment Projects (Barton Blvd, US Highway 1 & Barnes Blvd (Rockledge)
- Redevelopment projects (Public Parking Garage, Minuteman Streetscape & Hardscape (Cocoa Beach)
- Prepared original Comprehensive Plan for City of Rockledge 1988.
- Charter update and Land Development Code, major revisions (Cocoa Beach)
- Multiple Road improvement projects

Education

Bachelor of Science, Troy State University
Master of Science, University of Southern Mississippi (City Planning)

Volunteer Work

Board of Directors - Keep Brevard Beautiful
Board of Directors - Cocoa Beach Regional Chamber of Commerce (Board Chairman 2020)
Commissioner - Florida Law Enforcement Accreditation Commission
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Brevard District 4 Recreation, Past Chairman

**Dana Blickley, CFA, Brevard County Property Appraiser**

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REAL PROPERTY DETAILS
Account 2963382 - Roll Year 2024

Owners ESPANET, CHRISTOPHER L
Mailing Address 345 NW 3RD AVE DELRAY BEACH FL 33444
Site Address 5610 HIGHWAY A1A UNIT 1 MELBOURNE BEACH FL 32951
Parcel ID 29-38-10-00-788.A
Taxing District 3400 - UNINCORP DISTRICT 3
Exemptions NONE
Property Use 0040 - CONDOMINIUM UNIT - VACANT LAND
Total Acres 0.70
Site Code --
Plat Book/Page 0000/0000
Subdivision --
Land Description CASSEEKKE TRAILS CONDO UNIT 1 CASSEEKKE TRAILS CONDO AS DESC IN ORB 5460 PG 2504 AND ALL AMENDMENTS THERETO

**CONDO COMMON AREA INFORMATION**

Name	CASSEEKKE TRAILS CONDO	Pools	0
Number	1224	Elevators	0
Account	2963384	Tennis Courts	0
Parcel ID	29 3810-00-788.X-A	Spas	0
Units	--	Docks	0
Buildings	--	Gate Entry	0
Floors	--	Waste Chute	No
Rec Hall	0	Laundry	No

VALUE SUMMARY

Category	2024	2023	2022
Market Value	\$225,000	\$155,000	\$130,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$146,410	\$133,100	\$121,000
Assessed Value School	\$225,000	\$155,000	\$130,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$146,410	\$133,100	\$121,000
Taxable Value School	\$225,000	\$155,000	\$130,000

SALES / TRANSFERS

Date	Price	Type	Instrument
07/13/2005	\$250,000	WD	5503/1935

BUILDINGS**PROPERTY DATA CARD #1****Building Use:** 0040 - CONDOMINIUM UNIT - VACANT LAND

Materials	Details
No Data Found	Year Built 0
	Story Height --
	Floors --
	Residential Units 1
	Commercial Units 0

Sub-Areas	Extra Features
Non 9K Condo 0	No Data Found
Total Base Area 0	
Total Sub Area 0	

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 18, 2024, 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 Henry Minneboo, Vice-Chair (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Erika Orriss (D3); Mark Wadsworth, Chair (D4); Ana Saunders (D5); Debbie Thomas (D4); Melissa Jackson (D5); and Robert Brothers (D5).

Staff members present were Tad Calkins, Director (Planning and Development); Alex Esseeesse, Deputy County Attorney; Jeffrey Ball, Zoning Manager; Trina Gilliam, Planner; Derrick Hughey, Planner; Sandra Collins, Planner; and Alice Webber, Operations Support Specialist.

Excerpt of complete agenda.

Item H.4. Christopher Espanet (Kimberly Rezanka) requests a Small-Scale Comprehensive Plan Amendment to change the Future Land Use designation from RES 1 to RES 2. (24SS00013) (Tax Account 2963382) (District 3)

Trina Gilliam read the application into the record.

Kim Rezanka on behalf of the applicant spoke to this item and passed out documents to the board members. Also with me is Jim McKnight, a professional planner, whom I will pass out his resume when he speaks and ask that you consider his testimony to be expert testimony. This is a request for RES 1 to RES 2. It normally would be a very simple request; we have an inconsistent zoning with a future land use that's a greater density. However, there is some discrepancy as to what the comprehensive plan says and what the South Barrier Island law really means and how it's applied. I had been working with Mr. Espanet for 2 years find a way to help him develop this property. As you can see from page one, he purchased this in 2005, it had just recently become a condominium. When you try to find this, you pull up the whole condominium of 1.7 acres, but this is really a 0.7-acre piece of property. Mr. Espanet owns condominium unit 1 and he tells me he checked with the zoning office before he bought it, but who knows if the condominiums were read properly or whatever, so he believed he could build one single-family home. He lives in Delray Beach. He bought it intending to move up here as his forever home, and now he can't build on it. If this isn't changed, he cannot build on this property. The purpose of this again is to allow him to build one single-family home. As you can see on page 2 this is the aerial map from your package, it shows the yellow square on the right side is one home, on the left side, the vacant property is Mr. Espanet's property. You can see that there are condos to the west but they're more like duplexes. There are duplexes to the north, single-family homes to the south, condominium due east, and some very tall 2 and 3 story homes along the beach there to the north and south. As you see on page 3 it actually shows the whole property, the 1.7 acres. We're only seeking the 0.7-acre future land use amendment to RES 1. The other owner is not involved in this property. You'll see also, almost everything in the future land use map is RES 1. Just immediately to the north on the beach side there is some residential 4, and I point that out because this RES 2 actually can serve as a transition between the RES 4 and the RES 1. This is the same issue with had with Sun Terra in Palm Bay, down south. The comp plan as you'll see doesn't say adjacent transition, it just says transition in the area. When you look at this page 4, you'll look at the zonings currently with this RES 1 future land use over RU-210, RU-2-4, RU-2-8, SR, these are all inconsistent zonings with the future land use. And the county did this. So, as I was talking with Mr. McKnight, what happens if these townhomes are blown away by a hurricane. Are they going to be rebuilt because they're inconsistent. I just raise that because this is a huge problem down here in the

south beaches. Page 5, coastal high hazard area map, this property is not in a coastal high hazard area, and that is extremely important because of the comprehensive plan policy that says you can't build in the coastal high hazard area. Page 6, this is from the property appraisers, this shows Mr. Espanet's property, the Decort's property, which is the built condominium unit, and then the condominium common area. The declaration of condominium on page 7. This is just a few pages. This was recorded like 2 months before Mr. Espanet purchased the property, and it does have on page 9, it shows the unit 1 and the unit 2. It also shows an ingress and egress easement of 75 feet. Looks like 75 feet by 181 feet. That's an easement area. Granted it has not been approved yet by the county, but as an administrative approval for an easement. And unit 2 can't complain. So, if this is approved then he would go to building permit and we would go through administrative approval through Mr. Calkins to get an easement approved. All we need is a 20-foot easement under 62.1.02. Page 10, Mr. Decort, he's the one that owns the built condominium unit. Pages 11 and 12 are pictures from Zillow that show the area even better than the property appraiser's map. Actually, beautiful pictures on Zillow, like 67 of them. This was recently sold to the Decorts, you can see all of what's around it. You can see the vacant lot that's Mr. Espanet's. It would be next to the pool for the condominium to the west. You also see the trees along A1A and along the Casseekee Trail to the south there. Page 12 again, this is also partially a 2-story house, so it does have some height as well. And then page 12, that's the driveway. So, it is heavily wooded. I only raise that because there's some comment in the staff report oh it might harm the visual buffer to the scenic route to the beach. Well, they're not going to see it anyhow, and they're already blocked by the 3-story homes that you see on the top of page 12. The Hautsons, page 13, they sent in an email, and granted I just got that package before I got here, of all those that came in Friday, so I don't know what's in that package of comments. So, this is the one that I did have, Mrs. Hautson, she did not want a trailer park. This is not going to be a trailer park; a trailer park requires TR-3 zoning and 10 acres. This is going to be one single-family home, which we've put in a binding development plan, you have the wrong version in your packet, I have it for you here today. Starting on page 14, a binding development plan, based upon the future land use, paragraph number 3, on page 15, a developer shall limit density to one single-family dwelling and permitted accessory buildings, if he wants to have a shed or a pool that's why that was in there. This was submitted to the county on October 28th, it somehow didn't make it into your packet, you have the wrong version in your packet. Page 18, the reason this is acceptable is because the county has done this before. They have approved a BDP for a future land use amendment with Dunkin Donuts, when Dunkin Donuts had to rezone on North Merritt Island. I had to change the future land use to CC so it could have a drive through. This is next to Divine Mercy, up on Merritt Island. So, there is precedence for this, and this is the Dunkin BDP that I was involved with, and the county commission asked for, recommended, and approved. Another instance, and this is under 62.1.2.5.5. that says you basically, simplified, you can have inconsistent future land uses and zoning categories, so long as a BDP makes them compatible. And that's what this BDP is intended to do. I show you another one, Island Forest Preserve, I think Mr. Minneboo knows this one very well, off Cristofoli Road. This one has RES 1 future land use, but it wanted an SR zoning. So, that was done, and you'll see on page 22 where it's all RES 1, but they do indeed, page 22, have SR zoning. And this was to limit the density to one unit to the acre. So, we're limiting the density to one unit for a RES 2. It's the same type of concept for a binding development plan to limit the use to make it consistent with the future land use. Page 27, this is where staff and the applicant's representatives disagree. I initially thought this should be changed because to me objective 7 and policy 7.1 are inconsistent. The way these things usually work is you start with A, if you don't meet A, you don't go further. So, limit densities with the coastal high hazard area and direct development outside of this area. This property is not in the coastal high hazard area so therefore the rest of this doesn't apply.

And it doesn't make sense that say you can't develop on a 0.7-acre piece of property for a single-family home. The staff report says this is an historical interpretation. I think it became historical because of this property in 2018 or 2019, I know it was an issue with the condominiums, the Deeter condominium that we did 2 or 3 years ago, but that had the proper future land use and Mr. Calkins said that's fine you can change the zoning. Well changing zoning here it doesn't help Mr. Espanet, we have to change the future land use, or he cannot develop. Again, the staff has said it's historical interpretation. Mr. McKnight is going to give you a different interpretation and you are permitted to listen to Mr. McKnight because of Constitutional Article 5, Section 21, on page 28 of your packet, judicial interpretation in statutes and rules. A state court or officer hearing may not defer to administrative agency's interpretation of a statute or rule and must interpret the statute or rule on your own. So, you do not have to abide by the interpretation of the staff, and you are perfectly permitted to make up your own mind of what the comprehensive plan means and was intended to mean. Finally, I cite to you page 29, which Ms. Saunders referenced a few minutes back, private property rights and local decision-making process. Mr. Espanet cannot do anything with his property if this is not changed, the future land use. There's no way to get a variance to the lot size because there's no way to get a variance to the comp plan, and therefore this is the only potential way to have use of this property. Also, I did want to let you know, Mr. Espanet has been paying taxes on this property since 2005. I know the page I gave you said the value is 155,000, this year it's 225,000. I'll give a copy to the clerk to show for the property appraisers. And pulling the taxes that were paid, he has paid almost \$41,000 in taxes since he's owned it, for property he cannot use. So, with that I'm going to ask that Mr. McKnight come up. I'm going to hand out his resume and he'll give you a little bit of an overview. I think many of you know Mr. McKnight and he will give you additional information to consider.

Jim McKnight stated he a professional planner. Most of my life was spent as a city manager, but I'm doing that nowadays and very enjoyable, most of the time. I think what is important in this, there seems to be a lot of discussion for 0.7 of an acre that's intended for one single-family home. Staff's interpretation, and staff has every right to interpret things the way they see them, I'm not going to debate that with them, but the objective that says, objective 7 in the coastal management element, limit densities within the coastal high hazard area, and direct development outside the area. This is outside of that area. This meets the objective of directing it outside. So, we're not requesting that we put something on RES 1, we need RES 2, and we recognize it has to be RES 2. It is also a good transition when you do that. Now I understand it's a small piece, we all agree with that, but it is directly behind a single-family home, and it is before you get to the multi-family. So, from a compatibility standpoint it's exactly the way you draw it up in planning. So, I don't think policy 7.1 really comes into play because you can't get beyond the overall objective because you have directed development outside of that area. You also have a major inconsistency between the existing zoning and the RES 1 that is on the property for the comp plan. You've got zoning that's everything out there. I've looked at the map and it made my eyes cross because you've got some multi-family, some single-family, different types of single-family, and that's how it's developed over the years. But now you have a residential 1 on it, which limits someone from being able to build simply a single-family home 0.7 acre. To the north you have SEU, you have the road with an RU-2-10 zoning to the south. You have RP to the east, and you have RU-2-10 to the west. It cannot be said that this doesn't fit the neighborhood. It does. It absolutely fits the neighborhood from a planning perspective. I read through the guiding principles for development, and though that's not really where we're at if you read through the guiding principles for development this is exactly what would be intended for this piece of property. It's the piece that comes up because you're not increasing residential density because you're building a single home on a single lot. Ms. Rezanka has covered most of the area on that, but from what I see, and I read through some of the input about statutory noncompliance, again we're

requesting a change to the comp plan and therefore I don't think statutory noncompliance comes into play. The environmental and vulnerability I think whatever gets built there meets the same criteria. So, I don't think that really plays much into it. It is a critical state concern designation, and while I understand the critical state concern it is not a coastal high hazard area. And, the comprehensive plan inconsistency, again this is addressing a 0.7-acre, one unit, one home and therefore this would eliminate the inconsistency that's being brought out. And, while binding development plans aren't normally used on comp plan amendments, it has happened, and it has been done. I've seen it done in places like that. But it's just very unusual, I will give you that. But it does happen, and, in this case, it would make sense, because then everybody would know what you're getting on that property. I'll be glad to answer any questions you have, but in my opinion, this meets the intent of what is in the code, and I think it goes outside what the state was doing when they were trying to limit density. They weren't trying to create a situation where somebody couldn't develop a single-family home on 0.7 acre.

Henry Minneboo inquired how many square feet is the house.

Jim McKnight responded 4,000 square feet. So, we're talking about 15% of the property.

Brian Hodgers stated forgive me if I'm a little confused on this, but who owns that house that's immediately adjacent to the east.

Kim Rezanka responded page 10, Mr. & Mrs. Decort.

Brian Hodgers stated that when we look at it on aerial view it looks like the same owner on both the entire parcel.

Jim McKnight responded yes, but it's not. There're some maps in there that show.... it's divided. You have one acre.

Brian Hodgers continued with it just shows one owner for both parcels.

Kim Rezanka stated if you look at page 6 of that packet I gave you, when you run a search by condominium you have to search in the property appraiser's website by condominium as opposed to owner. When you do it by Casseekee Trails condominium, page 6 it shows the 3 owners. As does the condo docs which show the unit 1 and unit 2.

Jim McKnight commented which page 9 shows the clear division of unit 2 and unit 1.

Jeffrey Ball stated in 1992 the board adopted the south beaches area plan out, where the board directed staff to reduce the densities on the majority of the property down there on RES 1, based on a number of factors. There were several properties that remained RES 4, but the majority of the property was designated as RES 1. This property, along with other properties on south beaches is part of the critical area of state concern which you all decided to transmit up to the state. And, the board, last week decided that with that there are regulations that limit the density designations in that area. So, going from RES 1 to RES 2 is a density increase, because you're going from one unit to the acre to 2. That's a density increase. As far as the history of the property, sometime in 2005 the property was split using a condo doc with the house that was in front of the property to the rear. That property before it was split was 1.7 acres. So, the front property is one acre, the back part of it is 0.7, which is not in conformance with the RES 1 land use. And that's why we're here today. So, if this

board recommends approval this will be sent to the board of County Commissioners as well, and this will be reviewed under the state board of review, because it's part of the critical area of state concern. And then it would come back for you all under the adoption process as well.

Henry Minneboo asked do we have any other ones because there's some that's peculiar, that A1A section. Do we have some more if we open the door here.

Jeffrey Ball stated I would tell you from a staff perspective that it would set a precedence, yes sir.

Robert Sullivan commented so primarily this is a preventative issue from staff looking down range based on the area of critical concerns that has gone to the state. We don't want to open a precedence for Mission Creek for later development to use this as a precedence for something.

Jeffrey Ball replied just to answer your question, and it's going to go in a round about way, this application would in the way that we're interpreting 7.1 and that is to restrict residential designations with the south beaches area. This property would do that.

Robert Sullivan stated only in the zoning aspect.

Jeffrey Ball commented that is from a land use perspective not from a zoning perspective. That's a separate issue outside of what we're discussing today.

Robert Sullivan went on to say that the impasse right now is the RES 1 and the RES 2.

Jeffrey Ball replied correct.

Robert Sullivan a solution, because the owner is not increasing density, and then this goes back to the owners and what, are you recommending going to RES 2, but that would establish a precedence, and so now that would create a conflict between staff and yourself. I don't see a problem with approving it as 1. I'm trying to figure out why you need it as RES 2.

Kim Rezanka says because it's RES 1 right now and you can't build on property that's less than an acre, when it's RES 1. And I disagree that it sets a precedent because this is a legislative decision, a policy decision of whether it makes sense for this particular piece of property. So, if you have another one similar to this, I'd be really shocked because I'd have heard about it by now. So, this is not going to set a precedent because each piece of property is looked at individually and because it's a comp plan amendment versus zoning it's a legislative policy decision. So, I don't think it sets precedent and he just can't build on it because it's too small of a property for the residential 1 which requires one unit per acre, only allows one unit per acre.

Robert Sullivan went on with you have your binding agreement, builder's agreement.

Kim Rezanka responded Mr. Ball has worked with me for 2 years. He really has and you can't get a variance to the comp plan. There's no way to do it. I wish there were a way to do it.

Robert Brothers asked is it true that this is missed zoned. We cannot as a county zone property to make it where it can't be used.

Kim Rezanka responded right. But the county didn't do this. This was done by the person that created the condominium, the prior owner to Mr. Espanet. But, yes, it is true.

Robert Brothers commented the county puts out the zoning. You can't make your own zoning. Cause I would change mine.

Kim Rezanka stated there's been a number of times people have come before you and said I need to change the zoning because it's incompatible with the future land use or vice versa. I mean that's a lot of what you see.

Mark Wadsworth asked to hold on one second and yes sir you've got the floor.

Tad Calkins stated that the request is to increase the density. Right now, they're allowed one unit to the acre. RES 2 would allow two units to the acre. So that's why they have to have the two units to the acre to comply with the 0.7 aspect of the zoning. What they're trying to utilize by the binding development plan is say they will build only one unit on that property. I think that there's been a lot of discussion but when you look at policy 7.1, I think it is very clear in the limitations that the board has adopted in the comp plan. It says that Brevard County shall not increase residential density designations for property located on the barrier island, between the southern boundary of Melbourne Beach and the Sebastian Inlet. It doesn't talk about a coastal high hazard area. It gives you a definitive line from the south Melbourne Beach to Sebastian Inlet. And historically we have not entertained any land use changes which would increase density. There have been a few zonings where people have had a higher land use density where they could change the zoning to qualify to meet that.

Henry Minneboo commented but Tad anywhere else in Brevard County we can.

Tad Calkins replied yes sir. Any place outside of that area I would say you could.

Erika Orriss stated so this could increase density down there.

Tad Calkins responded it would increase density from a land use standpoint, yes ma'am.

Erika Orriss commented I live down in that area and the south beaches and they're pretty adamant about that. They did not want to increase density.

Ron Bartcher stated that the applicant was able to speak very eloquently about why this is not a density change. And his recommendation is she take that eloquent speech to the county commission. To me we've got a policy and it's very clear what the policy says, it's very clear what is being requested violates that policy. I for one will not vote to recommend approval because it violates the policy. Now if the county commission wants to do that it's their policy. They can change their policy. I don't think we have that authority to do it.

Erika Orriss stated I agree with that. Absolutely.

Robert Brothers asked is it not true that we did enter into an agreement, that this county, entered into an agreement with the state that we must make peoples land usable. That you can't deny the use of a person's property. This land is unusable the way it is zoned. He can't do anything on it. You can't build 7/10 of a house.

Alex Esseeesse asked to clarify with respect to the timeline. In addition to what Mr. Ball and Mr. Calkins have already said, in 2005 the property was split which created a substandard lot. And that restricted the property owner at that time. It wasn't a creation of the Board of County Commissioners that's restricting the use of the property, it was the property owner at the time splitting the lot improperly that's created this limitation on the current owner, who bought it subject to that limitation.

Robert Brothers continued with we found a lot of ways for why they can't. But it seems like we need to find a way that they can.

Brian Hodgers asked is that owner that split that property in 2005 still the owner of east section.

Kim Rezanka responded no. That was Mr. Lally. He sold it to Mr. Decort. I have to respond. We disagree with staff. You don't have to hold what the staff says as gospel. When you look at the objective, we meet objective 7, 7.1 is inconsistent with that. We don't get to 7.1 because objectives trump policy. This is a legislative decision, a policy decision that you all get to recommend. And yes, it did happen in 2005 and Mr. Espanet apparently went and talked to staff and got misinformation and they can't be held to that. So, we are trying to make it buildable. If you look at objective 7, we meet it. Therefore 7.1 is either a typo or inconsequential or inconsistent. And you can choose to look at 7 and not 7.1. And you're probably going to hear from people who disagree, but this is a policy decision, and the constitution says that you should not defer to people when you're zoned different.

Henry Minneboo commented to Tad that he dwelled on everything that's been said, I fully understand, but you know what's amazing...nobody's missed a beat on the taxes. He's got to pay those the whole time. You might say that's a little bit disturbing. I'd be a little disappointed, I think. I don't know if it has any impact, I'm just saying here are the tax side they didn't miss a beat. They chopped it up and put it in the registry.

John Shofford stated he lives directly to the west. Our pool, and my building is the first buildings there. I realize I can't see the ocean because of the 7-story that was there forever, but the lot as they said was a 1.7-acre lot and the owner broke it down into 2 lots because he couldn't get it sold. 1.7 acres, you know he figured he could get more money, so he broke it in 2. So that's the story on that. But my question is how the new owners will get to their lot in the back there. That's what I'd like to know. Because as they said, or whoever wrote that, it's landlocked. They can't enter it from our side, and they would have to enter it from A1A. Okay, let that go. But still there is this barrier island area of critical state concern and every septic tank, every whatever that's built on there is going to really put a lot of strain on the whole ecosystem there. The owner is going to have to build up. They're going to have to fill in because the whole area is in like a little, lower than anywhere else so they're going to have to fill in, which may cause that water to drain into our pool, but that's okay that can probably be prevented somewhere. Everybody talks about cutting the density down and yet they keep building it up. There is a lot to the south of this lot, it's lot 5660 which eventually will come, if they get their way, that will come under the same condition, and all of a sudden you have God knows what. What we're trying to prevent is naturally something like what the Harbor Island up there near the 7-Eleven and the Ocean Ridge people. There are single family homes and then there's a 3-story plus a garage right next to them. So, they don't get any sun, any time of the year. So, they say 1 story, I don't know 2 story, I don't know what they're going to put there.

Doug Page stated he lives around the corner from John. I've heard lots of stuff this afternoon and it's clear the property owner knew, or ought to have known, when they bought the property what the

zoning was. I also heard tonight that there's one philosophical approach of finding ways to help people use their property. It seems to me if you knew what the zoning was going into it you may have reflected, you may not want to buy it. If you knew it was a piece of cake to go change the zoning maybe we would have gotten together bought the property. But we didn't. We recognized what the zoning was. It appears that the owner had it for 19 years and now wants to build on it, 19 years later, or so. That's my understanding. We don't really know what going to go on the property. A 4,000 sq ft single-family home, where's the septic, where's the sewer going. I think John eloquently made comments about the issues with the leachate going into the Indianantic. I just have one additional comment that the board now has documents that the public does not. As of, immediately starting before this meeting the applicant's attorney handed out documents that are not part of the public record, that we have no idea what's in it. It just seems that there should be more public time to review and comment on documents that are provided at this hearing. That's my 2 minutes.

Catherine Odom stated our community is 138 homes just to the north of this property. We are South Shores Riverside. We're made up of the large homes across the street, a few of those homes, within the west side of A1A. We have single family homes, we have townhomes, and we have condominiums. I don't know if you received emails from people, there was some mix up in the communications regarding who was to be copied on this. I think some of your emails went to the city of Melbourne, so you may not have gotten those, but the majority of the people that I've spoken to are opposed to this, for the single fact that we are now a state area of critical concern and as that we need to be careful that we don't set up the precedent which may or may not be considered a precedent. I don't want to see this happening throughout the community. I feel badly for our potential new neighbor that he purchased a home that did not have zoning that would accommodate him. What we can do about it is beyond anything I can understand. I do understand that there is an easement there that will be used as the driveway.

End of public comment.

Kim Rezanka stated, again this isn't zoning, it's future land use. It's a legislative policy decision versus zoning which is strictly if you meet the requirements then you should be considered. So, there is an easement, it's in your documents, it's a 75-foot easement that he would have access subject to approval by Mr. Calkins or his designee. Mr. Espanet actually went to Clayton Bennet in 2018 to start this process and Mr. Bennet got shut down and didn't want to fight. And I get it because this is not an easy fight. This is trying to get people to understand the difference between policy, objectives and goals, and the fact that this is completely unbuildable without a change. This would not have sewer, it would have the high-density nutrient reduction septic system, as in your staff report. And, regarding Ms. Odom, again we do have the zoning, but if you look at that zoning that her development has, that's RA-2-10, SEU, RU-2-4, RU-1-7, it's all over the place, most of it inconsistent with RES 1. So again, we are trying to make the zoning consistent, and we can't build, we could build under RP. We could build a house under RP, but he can't build anything because of the Residential 1 and the size of the lot. Yes, he thought he did his due diligence and now he's stuck and it's something he didn't create. So, we would ask that you consider our arguments, consider our statements that the objective controls over the policy on page 27 and that one unit is not going to impact the environment, the flooding, the birds, or anything. And that even if it were he would have to climb all the zoning codes. But it's not and it's not going to stop the visual impact which is the only thing that came up.

Mark Wadsworth stated there's been a lot said from staff and board that you said, there was a RES 2 with a BDP.

Kim Rezanka answered that was not in this area. That was in Merritt Island that we used a BDP to make the zoning consistent with the future land use change. That was the Dunkin Donuts in Merritt Island.

Henry Minneboo stated I remember that. That was Dunkin donuts. For the drive thru.

Kim Rezanka said yes, for the drive thru. And here we're making it consistent. So, everyone knows that there's going to be one single-family home and not an 85,000 sq ft commercial center which is also permitted under the condominium docs and under RP. He just wants to build a house.

Ana Saunders inquired if she could ask staff a question. Mr. Calkins, I heard Mr. McKnight say that it's unusual but it can be done, a BDP with the land use. Can you speak to that a little bit. They're doing a RES 2 land use that foreseeably would increase the density, but they are willing to restrict it to one. That would be consistent with 7.1 in your mind.

Tad Calkins asked Ms. Saunders to repeat the last part of the question.

Ana Saunders stated if they were to restrict it to the one unit would that help with the consistency of this policy 7.1 by not increasing the density.

Tad Calkins responded I think the problem is the RES 2 future land use that they're requesting because I see that as a density increase which their position is that the objective is what we should be enforcing, but if I just enforced objectives I wouldn't be here very long because the comp plan is full of policies and we have to enforce all of the comp plan.

Brian Hodgers asked the staff when was the law put in force that restricted the increase in density to the south beaches?

Jeffrey Ball replied that the study which was the south beaches area plan was adopted in 1992.

Brian Hodgers stated so that law was in force before this property was split. Who takes the responsibility of allowing that split to have taken place since technically it was probably done illegally.

Jeffrey Ball responded my understanding is it was put through a condo plat. Which staff does not review condo plats.

Tad Calkins added the condo plats are reviewed by the clerk of the court's office by statute.

Robert Sullivan responded there was no opportunity for the staff to review the partition of that property. Is that correct?

Tad Calkins replied to the best of my knowledge the county staff did not have any review of that document.

Brian Hodgers commented that if that property had stayed in one parcel there would have been one tax bill. Then probably similar to the tax bill that sits on that single house now, but instead now the county gets the enjoyment of 2 tax bills at a much higher price, and which the owner cannot build on it, but he is being charged taxes on it. Am I correct?

Jeffrey Ball stated I can't address what or how the tax collector taxes properties. That's outside of what our staff does.

Brian Hodggers stated I realize this is planning not tax, but I have a problem with the fact that he's being told that he can't use that property but he's getting taxed on it. So, this again isn't for this board to address, him not having to pay taxes on it but for almost 20 years of taxes I think that this needs to be reviewed and maybe between you and the tax department to try and figure out what can come to fruition to help this gentleman.

Tad Calkins responded we can do that. We can talk to them. I think that the challenge though is that this property is inconsistent, standard. It wasn't done by us; it was done by an action of an individual. And so, property is sold every day that we have no part of, or we're not included in regulations. But we come in when people try to develop, which is where we are, we fully started 2 years ago.

Brian Hodggers stated yeah, but I'm sure he's paying fire fees and all sorts of other tax fees for property that's unbuildable, that he can't use. So, at the end of the day, you guys didn't do anything wrong, the person who divided that property up did. He's not going to get his money back. Okay, let's say you lift the taxes, and he doesn't have to pay taxes anymore on it, that's great, but he's still out a quarter of a million dollars for property he bought that he cannot develop. Let's be realistic, it is developed land.

Tad Calkins responded the request is to put a single-family home on there and it doesn't have the proper land use density for that.

Henry Minneboo commented I'm just going to add to Brian that if this was anywhere else, we wouldn't be having this discussion. If it were on Merritt Island we would have this discussion.

Tad Calkins stated correct. There may be other issues but may not be the one.

Brian Hodggers said he had a question for the applicant. It was brought up about access, is there a plan for how to get access to property?

Kim Rezanka responded yes sir. If you look at the condominium docs, I believe it's page 10 or 11, there is an access easement on that property and the process is to make an administrative application that would go through Mr. Calkins or his designee to say hey this is where we want to put our driveway and there's already a bona fide easement and they hopefully would recognize the easement to allow him to have access.

Brian Hodggers asked and that current owner's not having a problem with that.

Kim Rezanka responded he has no choice. It's in the document he bought, and I don't know if he does or not, but he would have no choice. I mean it's in the condominium docs and he agreed to it when he bought the property.

Brian Hodggers asked at his expense.

Kim Rezanka responded at Mr. Espanet's expense. There's already a driveway there. The current owner, Mr. Decort, may want that used, may want it next to it, but it's 75 feet. There's plenty of space to put a 20-foot driveway.

Robert Sullivan asked are we done with discussion on the board.

Mark Wadsworth stated we can ask that. Any other comments by the board. I guess we're done with discussion.

Motion to deny by Robert Sullivan, seconded by Erika Orriss. The vote was 4 to 6.

Alex Esseeesse stated the motion fails and you're going to have to take another vote.

Mark Wadsworth stated we're going to need another motion.

Motion to approve with a BDP by Robert Brothers.

Alex Esseeesse stated I must not have understood the previous vote. It looked like it was 4 to 6 and now there's not a second for the approval. So maybe we need to take another toll, we have a motion on the floor, but it doesn't seem like it's tracking.

Mark Wadsworth stated we have a motion for approval, I need a second.

Seconded by Ana Saunders.

Mark Wadsworth, we need a show of hands for the approval. So, we have some undecided.

Alex Esseeesse stated frankly I apologize for my ignorance; I'm not understanding either. It looks like it was 4 to 6 for the last vote. Now it's 3 to 7?

Kim Rezanka looks like you have some abstentions.

Alex Esseeesse, you can't abstain, you have to vote. Unfortunately. Unless you have a conflict which in general, I don't think anyone does. Let's do a vote. You point people out and they'll vote in favor or against.

Mark Wadsworth took a poll. The vote was 6 to 4. The motion passed.

Jackson, Desiree

From: Susan Rodgers <susanrr55@yahoo.com>
Sent: Tuesday, November 19, 2024 6:54 PM
To: AdministrativeServices
Subject: Fwd: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

>
> To:
> Paul.alfrey@mlbfl.org;
> Yvonne.minus@mlbfl.org; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org;
> Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org;
> Julie.kennedy@mlbfl.org
>
> Re: Opposition to Future Land Use Amendment Request ID# 24SS00013
>
> Dear Elected and Zoning Leaders of Brevard County,
>
> I am a nearby owner, and I am writing to express my strong opposition
> to the proposed Future Land Use Amendment Request ID# 24SS00013 for
> the property at 5610 Highway A1A Unit 1, Melbourne, owned by
> Christopher L. Espanet.
>
> This request to increase residential density from Residential 1 to
> Residential 2 raises serious concerns, including environmental risks
> as the property is located on the Brevard Barrier Island Area of
> Critical State Concern, and the amendment would threaten the fragile
> Indian River Lagoon ecosystem that has become increasingly threatened.
> The proposal also fails to address storm surge risks, septic issues,
> groundwater intrusion, and the cumulative impact on marine and coastal
> environments.
>
> Non-Compliance with the Comprehensive Plan: Brevard County's Coastal
> Management Policy 7.1 explicitly prohibits increasing residential
> density in this area, and approval would directly contradict this
> policy.
>
> Community Character: our area is predominantly low-density,
> single-family communities. This amendment would disrupt the
> established character of our neighborhood and set a dangerous
> precedent for future high-density developments.
>
> I respectfully urge you to deny this proposed re-zoning to protect the
> environment, uphold the Comprehensive Plan, and preserve the character
> of our community.
>

> Thank you for your attention to this matter. Please feel free to
> contact me if you have any questions or require additional
> information.
>
> Sincerely,
Susan Rodgers Unit 166

November 15, 2024

Board of County Commissioners
Brevard County Government Center
2725 Judge Fran Jamieson Way
Viera, Florida 32940

RE: Objection to Future Land Use Amendment Request **ID# 24SS00013** Property: 5610 Highway A1A Unit 1, Melbourne

Dear Board Members,

We, the Board of Directors of **Hidden Cove Condominium Association**, strongly object to the request by Christopher L. Espanet to change the Future Land Use designation from Residential 1 to Residential 2 on the 0.7-acre parcel located at 5610 Highway A1A Unit 1, Melbourne. Our opposition is based on several critical factors:

Statutory Non-Compliance

The subject property lies within the Area of Critical State Concern – Brevard Barrier Island Area (Section 380.0553, Florida Statutes). The requested change directly contradicts the Coastal Management Element Policy 7.1 of the Comprehensive Plan, which explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

Environmental Vulnerability

The property's location between the Indian River Lagoon and Atlantic Ocean makes it particularly susceptible to natural disasters, which have increased in frequency and intensity. The applicant's materials fail to address:

- Rising sea levels and storm surge risks
- Increased hurricane intensity and flooding potential
- Impact on the already stressed Indian River Lagoon ecosystem
- Groundwater intrusion concerns

Furthermore, our objection is based on the following substantive grounds:

Critical State Concern Designation

The aforementioned Area of Critical State Concern within which the subject property lies requires heightened scrutiny of any density increases, particularly given the increasing frequency of natural disasters and the documented deteriorating condition of the Indian River ecosystem.

Comprehensive Plan Inconsistency

The requested change would constitute an increase in residential density, which directly contradicts Policy 7.1 of the Coastal Management Element of the Comprehensive Plan. This

policy explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

Improper Use of Binding Development Plan (BDP)

Expert opinion confirms that using a BDP under these circumstances is improper. Per Section 62-1157, Brevard County Code, BDPs are intended to address conditions imposed on rezoning or conditional use permits, not to restrict density associated with Future Land Use Map amendments.

Inadequate Environmental Impact Assessment

We find significant deficiencies in the applicant's responses to the guiding principles for development:

On behalf of the Hidden Cove Condominium Association Owners:

Paul Bayer, President
153 Hidden Cove Drive
Melbourne Beach, FL 32951

cc: Planning and Zoning Board Planning & Development Department, and local elected officials

Jackson, Desiree

From: Robert Gondola <robert.gondola@gmail.com>
Sent: Friday, November 15, 2024 12:22 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including:

Environmental Risks: The property is located in the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Bobby Gondola, Lighthouse Cove
144 Casseekee Trail Melbourne Beach, FL 32951

Jackson, Desiree

From: ebquest <ebquest@protonmail.com>
Sent: Friday, November 15, 2024 12:27 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: ID#24SS00013 OBJECTION to changing land use designation from RES 1 to RES2

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

FROM: Edna Ber
LHC (Lighthouse Cove) Unit #126-6

TO: administrativeservices@brevardfl.gov
Paul.alfrey@mlbfl.org
Yvonne.minus@mlbfl.org
Tim.Thomas@mlbfl.org
mark.larusso@mlbfl.org
Rachael.bassett@mlbfl.org
Mimi.hanley@mlbfl.org
Julie.kennedy@mlbfl.org

RE: **ID#24SS00013** Property: 5610 Highway A1A Unit 1, Melbourne
OBJECTION to changing land use designation from RES 1 to RES2

DATE: 11/15/24

To members of the Planning and Zoning Boards and local Elected Officials:

As a unit owner at LHC (#126-6) for the last 32 years, I have seen the devastating changes and concomitant adverse impacts that rapid development along A1A has caused over a very short span of time. This past decade especially has been marked by rapid clearing of land beachside and along the river to build homes that are erected at lightning speeds, built on angles to crack

and pack as many densely populated units onto small pieces of land, despite designations all along segments of A1A reading “Archie Carr Nature Preserve.” This was the primary reason we bought our home in Melbourne Beach in 1992 believing this area will not fall prey to voracious developers destroying our natural environment, which attracted us here in the first instance.

This proposal is nothing short of yet another land grab by greedy developers who do not reside in the area, have no vested interest in preserving the quality of life- factors that attracted the inhabitants to this area, and of course corrupt politicians all too eager to collude with rapacious developers seeking land easements to line their pockets at the expense of their constituents, riding rough shod over their express will.

As you are all well aware, Brevard county has been designated by the state of FL as one of 6 critical infrastructure areas for the preservation of our fragile ecosystem as both a Barrier Island and a unique turtle nesting ground. (**Section 380.0553, Florida Statutes**). The aforementioned proposal for consideration before you not only is not in keeping with preservation but is an effort to upend and materially harm these objectives. This proposal specifically states it “is not anticipated to enhance natural scenic resources which would promote the aesthetic benefits of the natural environment. Enhancing natural scenic resources involves a combination of conservation, restoration, and sustainable management of the natural environment.”

The rezoning request before you proposes changing residential land use designation from **RES1 to RES2 (FLUE Policy 1.8)**. What this will enable is the construction of “low-density” residential development; in essence permitting 2 dwellings per acre lot (**vs**) the current requirement of 1 dwelling per acre property. With this oxymoron term of “low-density,” aka doubling the number of units, also comes the permission to erect buildings as high as 35ft above ground. This will clearly obstruct ocean views and also permit these new units to overlook LHC bedrooms and clubhouse/pool, robbing residents of their privacy and aesthetic benefits of their natural environment with new neighbors crammed in their backyards overseeing their every move.

In addition, section 7.1 of the Coastal Management Comprehensive Plan expressly forbids: ...“Brevard County **shall not** (mandatory not permissive language) **increase residential density designations** for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet...” Moreover, this proposal ignores the perilous traffic conditions caused along A1A as a DIRECT RESULT of overdevelopment beachside. Two deaths, in the past two years alone, resulted from traffic accidents right in front of the extant property at issue; a pedestrian residing at South Shores was killed walking across the street, the second fatality occurred by a car striking a cyclist in front of LHC. So clearly the rezoning request of the property at issue, proposing to build **two multi-family units** will materially impact additional traffic, congestion, and perils to cyclists and pedestrians. More residents in an already congested area will only contribute to more traffic problems, higher noise levels,

increased lighting adversely impacting turtle habitats, and a general diminishing of quality of life, quiet enjoyment of the neighborhood, and general public safety concerns. No where mentioned in this proposal are there any express prohibitions on the owners of this property to use it for purposes of Air B&Bs, which has been a huge issue vehemently opposed by the very same residents this proposal impacts. Residents of the south beaches have resoundingly let our elected officials know that we are **unequivocally opposed** to a transitory population (revolving door renters and spring break vacationers) entering our lives who have no interest in our environment, communities, or regard for our public safety.

For all the aforementioned reasons and in consideration thereof, **I respectfully request that the application for re-zoning the property at 5610 Highway A1A Unit 1, from RES1 to RES2 be denied.**

Sincerely,

Edna Ber

LHC,

126-6 Casseekee Trail

Melbourne Beach, FL 32951

Sent with [Proton Mail](#) secure email.

Jackson, Desiree

From: Guillaume Bagal <guillaume.r.bagal@gmail.com>
Sent: Friday, November 15, 2024 12:30 PM
To: AdministrativeServices
Cc: Julie.kennedy@mlbfl.org; Mimi.hanley@mlbfl.org; Paul.alfrey@mlbfl.org; Rachael.bassett@mlbfl.org; Tim.Thomas@mlbfl.org; Minus-External, Yvonne; mark.larusso@mlbfl.org
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at [5610 Highway A1A Unit 1](#), Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Guillaume, Lighthouse Cove
[144 Casseekee Trail Melbourne Beach, FL 32951](#)

Jackson, Desiree

From: Tracy Heins <tracy.heins@gmail.com>
Sent: Friday, November 15, 2024 1:05 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

>
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> the property at 5610 Highway A1A Unit 1, Melbourne, owned by
> Christopher L. Espanet.
>
> This request to increase residential density from Residential 1 to
> Residential 2 raises serious concerns, including:
>
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> surge risks, septic issues, groundwater intrusion, and the cumulative
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> Non-Compliance with the Comprehensive Plan: Brevard County's Coastal
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> environment, uphold the Comprehensive Plan, and preserve the character
> of our community.
>
> Thank you for your attention to this matter. Please feel free to
> contact me if you have any questions or require additional
> information.
>
> Sincerely,

- > Tracy K. Heins, Lighthouse Cove
- > 182 Casseekee Trail Melbourne Beach, FL 32951

November 15, 2024

Board of County Commissioners Brevard County Government Center 2725 Judge Fran Jamieson Way Viera, Florida 32940

RE: **Objection** to Future Land Use Amendment Request ID# **24SS00013** Property: 5610 Highway A1A Unit 1, Melbourne

Dear Zoning Board Members and Local Leadership:

We, the owners of Lighthouse Cove Condominium Association, strongly object to the request by Christopher L. Espanet to change the Future Land Use designation from Residential 1 to Residential 2 on the 0.7-acre parcel located at 5610 Highway A1A Unit 1, Melbourne.

Our opposition is based on several critical factors:

1. Statutory Non-Compliance

The subject property lies within the Area of Critical State Concern – Brevard Barrier Island Area (Section 380.0553, Florida Statutes). The requested change directly contradicts the Coastal Management Element Policy 7.1 of the Comprehensive Plan, which explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

2. Environmental Vulnerability

The property's location between the Indian River Lagoon and Atlantic Ocean makes it particularly susceptible to natural disasters, which have increased in frequency and intensity. The applicant's materials fail to address:

- Rising sea levels and storm surge risks
- Increased hurricane intensity and flooding potential
- Impact on the already stressed Indian River Lagoon ecosystem
- Groundwater intrusion concerns

Furthermore, our objection is based on the following substantive grounds:

1. **Critical State Concern Designation** The aforementioned Area of Critical State Concern within which the subject property lies requires heightened scrutiny of any density increases, particularly given the increasing frequency of natural disasters and the documented deteriorating condition of the Indian River ecosystem.
2. **Comprehensive Plan Inconsistency** The requested change would constitute an increase in residential density, which directly contradicts Policy 7.1 of the Coastal Management Element of the Comprehensive Plan. This policy explicitly states that "Brevard County shall

not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

3. **Improper Use of Binding Development Plan (BDP)** Expert opinion confirms that using a BDP under these circumstances is improper. Per Section 62-1157, Brevard County Code, BDPs are intended to address conditions imposed on rezoning or conditional use permits, not to restrict density associated with Future Land Use Map amendments.
4. **Inadequate Environmental Impact Assessment** We find significant deficiencies in the applicant's responses to the guiding principles for development:

a) **Sea Turtle Habitat (Principle A)** The assertion of "minimal impacts" based solely on distance from shoreline is overly simplistic. Light pollution from additional residential units can affect sea turtle nesting behavior even from inland locations.

b) **Water Quality (Principles B & C)** The response acknowledges potential nutrient contribution impacts from additional septic systems but fails to address cumulative effects. The property's location within the Indian River Lagoon Nitrogen Reduction Overlay demands stricter scrutiny of density increases.

c) **Environmental Solutions (Principle D)** The complete absence of nature-based solutions in the development plan demonstrates a lack of commitment to environmental stewardship.

d) **Storm Surge Risk (Principle E)** The property's location in a Category 4 Storm Surge area poses significant public safety risks. Increasing density in such an area contradicts prudent coastal management practices.

e) **Marine Resource Protection (Principle F)** The response fails to consider the cumulative impact of increased density on marine ecosystems, particularly regarding stormwater runoff and groundwater quality.

f) **Upland Resources (Principle G)** The claim of no upland resources ignores the interconnected nature of barrier island ecosystems.

g) **Water Quality Impact (Principle H)** The acknowledgment of Type 3 Aquifer Recharge soils and the need for additional septic systems raises serious concerns about water quality impacts.

h) **Scenic Resources (Principle I)** The potential 35-foot height allowance would negatively impact existing ocean views and the natural aesthetic of the area.

i) **Compatibility (Principle J)** The response cherry-picks higher-density developments while ignoring the predominant single-family character of the immediate vicinity.

5. **Environmental Vulnerability** Given the increasing frequency and intensity of storms affecting Florida's coast, allowing density increases on the barrier island contradicts sound planning principles and puts additional residents at risk.

The application also fails to satisfy multiple criteria required by FLUE Policy 1.8 including:

Response to Criterion A: The applicant acknowledges "there is no existing RES 2 in the surrounding area." This admission directly undermines their request as it confirms the incompatibility with existing land use patterns.

Response to Criterion B: The applicant's statement that "The request could be considered an introduction of Res 2" actually supports our opposition. Their acknowledgment that surrounding areas maintain RES 1 designation (except for distant RES 4 parcels) demonstrates this change would disrupt established land use patterns rather than provide transition.

Response to Criterion C: The applicant's "Not applicable" response further demonstrates failure to meet policy requirements.

Response to Criterion D: The applicant's response reinforces our position by acknowledging Policy 7.1's prohibition of density increases in this area with a primarily subjective plan to address guidelines pertaining to Area of Critical State Concern.

Precedent Setting Approval of this request would:

- Set a dangerous precedent for future density increases in the barrier island
- Undermine the integrity of the Comprehensive Plan
- Contradict the area's historical development pattern
- Potentially trigger similar requests that could cumulatively impact the barrier island's carrying capacity

The applicant has failed to demonstrate how this density increase would serve the public interest or protect the barrier island's unique ecosystem. Their own responses to the criteria repeatedly highlight the proposal's incompatibility with existing regulations and land use patterns.

We respectfully request that the Board deny this Future Land Use amendment request as it:

- Contradicts established coastal management policies
- Poses environmental risks to sensitive ecosystems
- Sets a dangerous precedent for future density increases in the Area of Critical State Concern
- Fails to adequately address the guiding principles for development

Sincerely,

Larry Gerry

Board President of Lighthouse Cove Condominium Association

on behalf of the following Lighthouse Cove Condominium Association Owners:

Sean Oakhem, unit 101

John and Christiane Schaufert, unit 103

Daniel and Elizabeth Burden, unit 105

Michael Fitzgerald, unit 110

Lourdes Lecours, unit 112

Steve and Jerilyn Cary, unit 114

Betty Lenhart, unit 115

Jean Bayer, unit 120

Kathleen Sexton, unit 121

Doug and Kim Page, unit 122

Susan Hultenius, unit 123

Wilma and Donald Schmitt, unit 124

Elaine Ber, unit 126

Tuesday Lantgios, unit 127

Guy Penny, unit 132

Richard and Dennette Virock, unit 135

Suzanne and Joseph Rizzo, unit 136

Walter and Noreen Sherman, unit 138

Jay Carlin, unit 143

Guillaume Bagal, Dr. Robert Gondola, unit 144

Denise and Dr. David Mannino, unit 146

Grace and Richard Drapeau, unit 147

Margaret and Shawn Clifford, unit 148

Jim and Gayle Riddle, 155

Ingrid and Paul Phenix, unit 161

Michele Rosicke and Bogdan Chojnacki, unit 164

Cathy Bryant, unit 165

Susan Rogers, unit 166

Phyllis and Delbert Sellers, unit 167

Karen Haydon, unit 169

Lisa Kalbach, unit 170

Sarah and Robert Rizzo, unit 175

Larry and Gail Gerry, unit 179

Robert and Liz Martina Swearsky, unit 180

Tracy Heins, unit 182

Kathleen Kodl, Douglas Beardmore, unit 183

Kathy Kodl and Doug Beardman, unit 183

Margaret Brown, unit 184

cc: Planning and Zoning Board Planning & Development Department, and local elected officials

November 15, 2024

Board of County Commissioners
Brevard County Government Center
2725 Judge Fran Jamieson Way
Viera, Florida 32940

RE: Objection to Future Land Use Amendment Request **ID# 24SS00013** Property: 5610 Highway A1A Unit 1, Melbourne

Dear Board Members,

We, the **Owners of South Shores Riverside Homeowners Association**, a community totaling **138 homeowners**, strongly object to the request by Christopher L. Espanet to change the Future Land Use designation from Residential 1 to Residential 2 on the 0.7-acre parcel located at 5610 Highway A1A Unit 1, Melbourne. Our opposition is based on several critical factors:

Statutory Non-Compliance

The subject property lies within the Area of Critical State Concern – Brevard Barrier Island Area (Section 380.0553, Florida Statutes). The requested change directly contradicts the Coastal Management Element Policy 7.1 of the Comprehensive Plan, which explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

Environmental Vulnerability

The property's location between the Indian River Lagoon and Atlantic Ocean makes it particularly susceptible to natural disasters, which have increased in frequency and intensity. The applicant's materials fail to address:

- Rising sea levels and storm surge risks
- Increased hurricane intensity and flooding potential
- Impact on the already stressed Indian River Lagoon ecosystem
- Groundwater intrusion concerns
- Impact on local water supply and sewer systems that are nearing capacity, especially in light of new Federal and State regulations that are significant for this area where non-public systems must provide water and sewer services

Furthermore, our objection is based on the following substantive grounds:

Critical State Concern Designation

The aforementioned Area of Critical State Concern within which the subject property lies requires heightened scrutiny of any density increases, particularly given the increasing frequency of natural disasters and the documented deteriorating condition of the Indian River ecosystem.

In addition, the difficult traffic situation with Route A1A being the only through road in this area, numerous traffic accidents and pedestrian deaths of our residents and others, have occurred exactly at this location in the past several years. Furthermore, the number of elderly and handicapped residents in our community are impacted negatively by this problem and are the ones who have died recently due to the fast-moving traffic on A1A right at this location.

Comprehensive Plan Inconsistency

The requested change would constitute an increase in residential density, which directly contradicts Policy 7.1 of the Coastal Management Element of the Comprehensive Plan. This policy explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

Improper Use of Binding Development Plan (BDP)

Expert opinion confirms that using a BDP under these circumstances is improper. Per Section 62-1157, Brevard County Code, BDPs are intended to address conditions imposed on rezoning or conditional use permits, not to restrict density associated with Future Land Use Map amendments.

Inadequate Environmental Impact Assessment

We find significant deficiencies in the applicant's responses to the guiding principles for development:

On behalf of the following South Shores Homeowners Association Owners:

Dr. Ralph Stocker and Marnie Cooper, President of the South Shores Homeowners Association
Board of Directors
5731 Sea Lavender Place, Melbourne Beach, FL 32951, Tel: 860-202-2000

Lisa Thimas, Secretary of the South Shores Homeowners Association Board of Directors
193 Oceanway Drive, Melbourne Beach, FL 32951, Tel: 508-737-8914

At-Large:

Dawn Penny, 5535 Cord Grass Lane, Melbourne Beach, FL 32951

Cynthia and Robert Pennington, 5661 Sea Lavender Place, Melbourne Beach, FL 32951

Katherine Odom, 5721 Sea Lavender Place, Melbourne Beach, FL 32951

Bruce and Rita Molloy, 108 Sophora Place, Melbourne Beach, FL 32951

cc: Planning and Zoning Board Planning & Development Department, and local elected officials

Jackson, Desiree

From: Jay Mastromarino <jay.mastromarino@gmail.com>
Sent: Friday, November 15, 2024 3:42 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at [5610 Highway A1A Unit 1](#), Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Jay & Susan Mastromarino
160 Casseekee Trail
Melbourne Beach FL 32951

Jackson, Desiree

From: lhcvp179@gmail.com
Sent: Friday, November 15, 2024 4:08 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: FW: Opposition to Future Land Use Amendment Request ID# 24SS00013

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I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Lawrence Gerry
179 Casseekee Trail
Melbourne Beach, FL 32951

Jackson, Desiree

From: karen giuliano <karengiuliano1@gmail.com>
Sent: Friday, November 15, 2024 4:27 PM
To: AdministrativeServices
Subject: Opposed

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

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Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Karen & James Giuliano
Indian Landing

Sent from my iPhone

Jackson, Desiree

From: Karyn Daniel <karynpdaniel@yahoo.com>
Sent: Friday, November 15, 2024 4:27 PM
To: Julie.kennedy@mlbfl.org; AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; mark.larusso@mlbfl.org
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

> Dear Elected and Zoning Leaders of Brevard County,
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> the property at 5610 Highway A1A Unit 1, Melbourne, owned by
> Christopher L. Espanet.
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> Critical State Concern, and the amendment would threaten the fragile
> Indian River Lagoon ecosystem that has become increasingly threatened.
> The proposal also fails to address storm surge risks, septic issues,
> groundwater intrusion, and the cumulative impact on marine and coastal
> environments.
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> Management Policy 7.1 explicitly prohibits increasing residential
> density in this area, and approval would directly contradict this
> policy.
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> Community Character: our area is predominantly low-density,
> single-family communities. This amendment would disrupt the
> established character of our neighborhood and set a dangerous
> precedent for future high-density developments.
>
> I respectfully urge you to deny this proposed re-zoning to protect the
> environment, uphold the Comprehensive Plan, and preserve the character
> of our community.
>
> Thank you for your attention to this matter. Please feel free to
> contact me if you have any questions or require additional
> information.
>
> Sincerely,
Karyn and Patrick Daniel
#130 Casseekee Tr.

Jackson, Desiree

From: lkalbach@gmail.com
Sent: Friday, November 15, 2024 4:33 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

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I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Lisa Kalbach
170 Casseekee Trl
Melbourne Beach, FL 32951

Jackson, Desiree

From: Gerry Ryan <gryan@emeralddocument.com>
Sent: Friday, November 15, 2024 4:34 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

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Dear Elected and Zoning Leaders of Brevard County,

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Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Gerard Ryan
116 Casseekee Trail
Melbourne Beach FL 32951

Jackson, Desiree

From: Bob Swearsy <rswearsy@gmail.com>
Sent: Friday, November 15, 2024 4:43 PM
To: AdministrativeServices
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thanks, Bob

Begin forwarded message:

From: Robert Gondola <robert.gondola@gmail.com>
Date: November 15, 2024 at 4:32:28 PM EST
To: rswearsy@gmail.com
Subject: **Opposition to Future Land Use Amendment Request ID# 24SS00013**

administrativeservices@brevardfl.gov; Paul.alfrey@mlbfl.org;
Yvonne.minus@mlbfl.org; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org;
Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org;
Julie.kennedy@mlbfl.org

Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

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Community Character: our area is predominantly low-density,

single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Robert Swearsky
180 Casseekee Trail
Melbourne Beach, FL 32951

Jackson, Desiree

From: Richard Virock <huntermn628@gmail.com>
Sent: Friday, November 15, 2024 4:46 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Future Land Use Amendment Request ID#24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County:

We are nearby owners, and we are writing to express our strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including:

Environmental Risks: The property is located in the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

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We respectfully urge you to deny this proposed rezoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact us if you have any questions or require additional information.

Sincerely,
Richard and Dennette Virock
135 Casseekee Trail Melbourne Beach, FL 32951

Jackson, Desiree

From: Larry Krieger <lkrieger445@gmail.com>
Sent: Friday, November 15, 2024 4:56 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

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I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter.

Sincerely,
Lawrence and Kathleen Krieger
171 Casseekee Trail
Melbourne Beach, Florida 32951

Jackson, Desiree

From: John and Chris Schaufert <jcammeer@aol.com>
Sent: Friday, November 15, 2024 4:57 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

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Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

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I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

John and Gertrude Schaufert
103 Casseekee Trl.
Melbourne Beach, Fl
32951

Jackson, Desiree

From: Robert Gondola <robert.gondola@gmail.com>
Sent: Friday, November 15, 2024 5:23 PM
To: AdministrativeServices
Cc: LHC Board
Subject: Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you, for your service. The following owners asked to be added to the Lighthouse Cove opposition letter:

Linda Taylor, unit 178
Gayle Riddle, unit 155

Bobby Gondola, Jr., Ph.D.

On Fri, Nov 15, 2024 at 5:00 PM AdministrativeServices <administrativeservices@brevardfl.gov> wrote:

>
> Public comment received.
>
>
>
>
>
> Main: (321) 724-1230
> Brevard County Planning & Development Department
> 2725 Judge Fran Jamieson Way
> Building A, Room 114
> Viera, FL 32940
>
>
> This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

>
>
> -----Original Message-----
> From: Robert Gondola <robert.gondola@gmail.com>
> Sent: Friday, November 15, 2024 12:22 PM
> To: AdministrativeServices <administrativeservices@brevardfl.gov>;
> Paul.alfrey@mlbfl.org; Minus-External, Yvonne
> <yvonne.minus@mlbfl.org>; Tim.Thomas@mlbfl.org;
> mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org;
> Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
> Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013
>

> [EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.
>
> Dear Elected and Zoning Leaders of Brevard County,
>
> I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.
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> Environmental Risks: The property is located in the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.
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> Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.
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> I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.
>
> Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.
>
> Sincerely,
> Bobby Gondola, Lighthouse Cove
> 144 Casseekee Trail Melbourne Beach, FL 32951

--
Bobby

Jackson, Desiree

From: Betty Lenhart <bettyski63@gmail.com>
Sent: Friday, November 15, 2024 5:27 PM
To: AdministrativeServices
Subject: Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at [5610 Highway A1A Unit 1](#), Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

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I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Beata Lenhart

115 Casseekee trl
Melbourne Beach, fl 32951

Jackson, Desiree

From: Margaret Ahrweiler <ahrweiler.clifford@gmail.com>
Sent: Friday, November 15, 2024 5:39 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: RE: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I live in Lighthouse Cove in the south beaches area, one of the neighborhoods adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013. I am writing to express my strong opposition to the proposed zoning amendment of Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

As Florida residents and voters, we have watched with alarm over the decades as so much property in our beloved Melbourne Beach and South Beaches has become overdeveloped without concern for proportion, protection or preservation.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including *environmental risks* as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly damaged. The property is home to several burrows of threatened gopher tortoises as well. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy and set a dangerous precedent for future requests.

Community Character: Our South Beaches area is predominantly low-density, single-family communities, and multi-family PUDs such as the adjoining Lighthouse Cove and South Shores are low-profile and considerably lower density than more recent PUDs such as Harbor Island Beach Club. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Margaret Ahrweiler Clifford
Shawn P. Clifford

145 Casseekee Trail
Melbourne Beach FL 32951

Jackson, Desiree

From: Mungo, Ana <Ana.Mungo@srz.com>
Sent: Friday, November 15, 2024 5:50 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Cc: Ana Mungo
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

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Dear Elected and Zoning Leaders of Brevard County,

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Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Ana McGrane-Mungo and Mark Maciuch
153 Casseekee Trl

Ana McGrane-Mungo

Associate

T: +1 212.756.2142

E: Ana.Mungo@srz.com

Schulte Roth & Zabel LLP
919 Third Avenue, New York, NY 10022
srz.com | [LinkedIn](#) | [Twitter](#)



SCHULTE ROTH + ZABEL

----- NOTICE This e-mail message is intended only for the named recipient(s) above. It may contain confidential information that is privileged or that constitutes attorney work product. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail and any attachment(s) is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by replying to this e-mail and delete the message and any attachment(s) from your system. Thank you.

Jackson, Desiree

From: Doug Page <dougpage99@icloud.com>
Sent: Friday, November 15, 2024 6:05 PM
To: Julie.kennedy@mlbfl.org; Mimi.hanley@mlbfl.org; AdministrativeServices;
Rachael.bassett@mlbfl.org; mark.larusso@mlbfl.org; Paul.alfrey@mlbfl.org;
Tim.Thomas@mlbfl.org; Minus-External, Yvonne
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Douglas and Kimberly Page
122 Casseekee Trail
Melbourne Beach, FL 32951

Jackson, Desiree

From: Grace Drapeau <grace.drapeau@compass.com>
Sent: Friday, November 15, 2024 6:07 PM
To: AdministrativeServices
Subject: 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

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Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Always,
Grace and Richard Drapeau
#147 Casseekee Trail
Melbourne Beach, FL 32951

Jackson, Desiree

From: cathy bryant <cb9804876@gmail.com>
Sent: Friday, November 15, 2024 6:26 PM
To: AdministrativeServices
Subject: Fwd: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: Cathy Bryant
cb9804876@gmail.com
Lighthouse Cove unit 165
Date: Fri, Nov 15, 2024 at 4:44 PM
Subject: Fwd: Opposition to Future Land Use Amendment Request ID# 24SS00013

To:
administrativeservices@brevardfl.gov; Paul.alfrey@mlbfl.org;
Yvonne.minus@mlbfl.org; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org;
Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org;
Julie.kennedy@mlbfl.org

Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at [5610 Highway A1A Unit 1](#), Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

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Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Jackson, Desiree

From: Ted Cooper <tecooper31@yahoo.com>
Sent: Friday, November 15, 2024 6:52 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Fw: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To:
administrativeservices@brevardfl.gov; Paul.alfrey@mlbfl.org;
Yvonne.minus@mlbfl.org; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org;
Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org;
Julie.kennedy@mlbfl.org

Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

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I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to

contact me if you have any questions or require additional information.

Sincerely,

Ted & Mary Cooper
137 Casseekee Trl
Melbourne Beach , FL

Jackson, Desiree

From: Dorine Zimmerman <dorinez10@gmail.com>
Sent: Friday, November 15, 2024 7:25 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Opposition to Future Land Use Amendment Request ID#24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

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Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Edward and Dorine Zimmerman
Lighthouse Cove Unit 186
Registered voters

Jackson, Desiree

From: susan hultenius <slh53@hotmail.com>
Sent: Friday, November 15, 2024 7:49 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Fw: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To:
administrativeservices@brevardfl.gov; Paul.alfrey@mlbfl.org;
Yvonne.minus@mlbfl.org; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org;
Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org;
Julie.kennedy@mlbfl.org

Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

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Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Susan Hultenius
123 Casseekee Trail
Lighthouse Cove
Melbourne Beach, FL



Virus-free www.avast.com

Jackson, Desiree

From: Suzanne Rizzo <suzanne.rizzo@yahoo.com>
Sent: Friday, November 15, 2024 9:33 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Sent from my

>
> Re: Opposition to Future Land Use Amendment Request ID# 24SS00013
>
> Dear Elected and Zoning Leaders of Brevard County,
>
> I am a nearby owner, and I am writing to express my strong opposition
> to the proposed Future Land Use Amendment Request ID# 24SS00013 for
> the property at 5610 Highway A1A Unit 1, Melbourne, owned by
> Christopher L. Espanet.
>
> This request to increase residential density from Residential 1 to
> Residential 2 raises serious concerns, including environmental risks
> as the property is located on the Brevard Barrier Island Area of
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> Indian River Lagoon ecosystem that has become increasingly threatened.
> The proposal also fails to address storm surge risks, septic issues,
> groundwater intrusion, and the cumulative impact on marine and coastal
> environments.
>
> Non-Compliance with the Comprehensive Plan: Brevard County's Coastal
> Management Policy 7.1 explicitly prohibits increasing residential
> density in this area, and approval would directly contradict this
> policy.
>
> Community Character: our area is predominantly low-density,
> single-family communities. This amendment would disrupt the
> established character of our neighborhood and set a dangerous
> precedent for future high-density developments.
>
> I respectfully urge you to deny this proposed re-zoning to protect the
> environment, uphold the Comprehensive Plan, and preserve the character
> of our community.
>
> Thank you for your attention to this matter. Please feel free to
> contact me if you have any questions or require additional
> information.
>
> Sincerely,

Suzanne and Joe Rizzo
Lighthouse Cove
136 Casseekee Trail
Melbourne Beach, Florida 32951
suzanne.rizzo@yahoo.com

Jackson, Desiree

From: lrgerry@aol.com
Sent: Saturday, November 16, 2024 8:56 AM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: FW: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

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Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Gail B. Gerry
179 Casseekee Trail
Melbourne Beach Florida

Jackson, Desiree

From: Windstream <laverrob@windstream.net>
Sent: Saturday, November 16, 2024 9:45 AM
To: AdministrativeServices
Cc: Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Julie.kennedy@mlbfl.org; Mimi.hanley@mlbfl.org
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

>
> To:
> administrativeservices@brevardfl.gov; Paul.alfrey@mlbfl.org;
> Yvonne.minus@mlbfl.org; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org;
> Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org;
> Julie.kennedy@mlbfl.org
>
> Re: Opposition to Future Land Use Amendment Request ID# 24SS00013
>
> Dear Elected and Zoning Leaders of Brevard County,
>
> I am a nearby owner, and I am writing to express my strong opposition
> to the proposed Future Land Use Amendment Request ID# 24SS00013 for
> the property at 5610 Highway A1A Unit 1, Melbourne, owned by
> Christopher L. Espanet.
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> Critical State Concern, and the amendment would threaten the fragile
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> The proposal also fails to address storm surge risks, septic issues,
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>
> Community Character: our area is predominantly low-density,
> single-family communities. This amendment would disrupt the
> established character of our neighborhood and set a dangerous
> precedent for future high-density developments.
>
> I respectfully urge you to deny this proposed re-zoning to protect the
> environment, uphold the Comprehensive Plan, and preserve the character
> of our community.

>
> Thank you for your attention to this matter. Please feel free to
> contact me if you have any questions or require additional
> information.
>
> Sincerely,
> Robert and Roberta Laver
> 5522 cord grass lane
> Melbourne Beach, FL 32951

Jackson, Desiree

From: lademore@zoominternet.net
Sent: Saturday, November 16, 2024 10:21 AM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: FW: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

168 Casseekee Trail

-----Original Message-----

From: Robert Gondola <robert.gondola@gmail.com>
Sent: Friday, November 15, 2024 4:24 PM
To: 168 Lou & Bonnie DeMore <lademore@zoominternet.net>
Subject: Fwd: Opposition to Future Land Use Amendment Request ID# 24SS00013

Lou and Bonnie,
Can you personally please forward the following email, today please, - be sure to add your name and unit number

To:
administrativeservices@brevardfl.gov; Paul.alfrey@mlbfl.org; Yvonne.minus@mlbfl.org; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org

Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Jackson, Desiree

From: delbert sellers <delbosellers@gmail.com>
Sent: Saturday, November 16, 2024 11:15 AM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner on Casseekee Trail, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: **Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.**

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you and expect you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Delbert Sellers
167 Casseekee Trail

Melbourne Beach

Jackson, Desiree

From: DonThimas <donthimas@yahoo.com>
Sent: Saturday, November 16, 2024 11:15 AM
To: AdministrativeServices; Minus-External, Yvonne; Tim.thomas@mlbfl.org; mark.larusso@mlbfl.org; mimi.hanley@mlbfl.org; julie.kennedy@mlbfl.org; paul.alfrey@mlbfl.org; rachael.bassett@mlbfl.org
Cc: Donald H Thimas
Subject: PROPOSED LAND USE CHANGE ID#24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

November 16, 2024

Board of County Commissioners
Brevard County Government Center
2725 Judge Fran Jamieson Way
Viera, Florida 32940

RE: Objection to Future Land Use Amendment Request **ID# 24SS00013** Property: 5610 Highway A1A Unit 1, Melbourne

Dear Board Members,

As executive leader of the South Shores Utility Association, I write with serious concern and opposition to the request by Christopher L. Espanet to change the Future Land Use designation from Residential 1 to Residential 2 on the 0.7-acre parcel located at 5610 Highway A1A Unit 1, Melbourne. Our opposition is based on several critical factors:

Statutory Non-Compliance

The subject property lies within the Area of Critical State Concern – Brevard Barrier Island Area (Section 380.0553, Florida Statutes). The requested change directly contradicts the Coastal Management Element Policy 7.1 of the Comprehensive Plan, which explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

Environmental Vulnerability

The property's location between the Indian River Lagoon and Atlantic Ocean makes it particularly susceptible to natural disasters, which have increased in frequency and intensity. The applicant's materials fail to address:

- Rising sea levels and storm surge risks
- Increased hurricane intensity and flooding potential
- Impact on the already stressed Indian River Lagoon ecosystem
- Groundwater intrusion concerns
- Impact on local water supply and sewer systems that are nearing capacity, especially in light of new Federal and State regulations that are significant for this area where non-public systems must provide water and sewer services.

Furthermore, our objection is based on the following substantive grounds:

Critical State Concern Designation

The aforementioned Area of Critical State Concern within which the subject property lies requires heightened scrutiny of any density increases, particularly given the increasing frequency of natural disasters and the documented deteriorating condition of the Indian River ecosystem.

In addition, the difficult traffic situation with Route A1A being the only through road in this area, numerous traffic accidents and pedestrian deaths of our residents and others, have occurred exactly at this location in the past several years. Furthermore, the number of elderly and handicapped residents in our community are impacted negatively by this problem and are the ones who have died recently due to the fast-moving traffic on A1A right at this location.

Comprehensive Plan Inconsistency

The requested change would constitute an increase in residential density, which directly contradicts Policy 7.1 of the Coastal Management Element of the Comprehensive Plan. This policy explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

Improper Use of Binding Development Plan (BDP)

Expert opinion confirms that using a BDP under these circumstances is improper. Per Section 62-1157, Brevard County Code, BDPs are intended to address conditions imposed on rezoning or conditional use permits, not to restrict density associated with Future Land Use Map amendments.

Inadequate Environmental Impact Assessment

We find significant deficiencies in the applicant's responses to the guiding principles for development:

Signed respectfully,
 Donald Thimas
 President - South Shores Utility Association Inc.

cc: Planning and Zoning Board Planning & Development Department, and local elected officials

November 15, 2024

Board of County Commissioners
Brevard County Government Center
2725 Judge Fran Jamieson Way
Viera, Florida 32940

RE: Objection to Future Land Use Amendment Request ID# 24SS00013 Property: 5610 Highway A1A Unit 1, Melbourne

Dear Board Members,

We, the Owners of South Shores Oceanside Condominium Association, strongly object to the request by Christopher L. Espanet to change the Future Land Use designation from Residential 1 to Residential 2 on the 0.7-acre parcel located at 5610 Highway A1A Unit 1, Melbourne. Our opposition is based on several critical factors:

Statutory Non-Compliance

The subject property lies within the Area of Critical State Concern – Brevard Barrier Island Area (Section 380.0553, Florida Statutes). The requested change directly contradicts the Coastal Management Element Policy 7.1 of the Comprehensive Plan, which explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

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- Impact on the already stressed Indian River Lagoon ecosystem
- Groundwater intrusion concerns
- Impact on local water supply and sewer systems that are nearing capacity, especially in light of new Federal and State regulations that are significant for this area where non-public systems must provide water and sewer services

Furthermore, our objection is based on the following substantive grounds:

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In addition, the difficult traffic situation with Route A1A being the only through road in this area, numerous traffic accidents and pedestrian deaths of our residents and others, have occurred exactly at this location in the past several years. Furthermore, the number of elderly and handicapped residents in our community are impacted negatively by this problem and are the ones who have died recently due to the fast-moving traffic on A1A right at this location.

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Inadequate Environmental Impact Assessment

We find significant deficiencies in the applicant's responses to the guiding principles for development:

On behalf of the following South Shores Oceanside Condominium Association Owners:

cc: Planning and Zoning Board Planning & Development Department, and local elected officials

Thank you for valuing our opinion and
Our Community.

Regards,

Tricia Turpin

President, South Shores Oceanside HOA

5635 S. Highway A-1A

Representing 28 Units / Owners

Jackson, Desiree

From: Sarah Rizzo <rizzo1342@gmail.com>
Sent: Saturday, November 16, 2024 11:59 AM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed rezoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Robert and Sarah Rizzo
Lighthouse Cove Unit 175

Jackson, Desiree

From: Kathy Odom <katherineodom@cfl.rr.com>
Sent: Saturday, November 16, 2024 1:47 PM
To: Ball, Jeffrey
Cc: AdministrativeServices; Champion, Kristen
Subject: Planning and Zoning Board Agenda Item H.1 re. SSCPA24SS00013 - Espanet Property Located at 5610 Hwy A1A

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Planning and Zoning Board of Brevard County, FL

I am a resident of South Shores Riverside. Our community is a PUD which is adjacent to (North of) this proposed FLU change. I would like to see the Board deny the request for the zoning change. The proposed use from RES 1 to RES 2 would make this lot incompatible with surrounding lots. It would also open up the possibility of increased traffic on our only road in and out of the South Beaches, Highway A1A. Further the change in density is against The Brevard County Comp Plan, Coastal Residential Densities, Policy 7.1 *"Brevard County shall not increase residential density designation for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."*

Please hold firm on your decision (letter to applicant dated 8/15/24) to deny the applicants request for a Zoning change from RES 1 to RES 2.

Thank you for your consideration.

Sincerely,
Katherine M. Odom
Resident of South Shores Riverside
5721 Sea Lavender Place
Melbourne Beach, FL 32951

Jackson, Desiree

From: nsherm@charter.net
Sent: Saturday, November 16, 2024 6:42 PM
To: AdministrativeServices
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet. This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including:

Environmental Risks: The property is located in the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments. I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community. Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely, Noreen and Walter Sherman Lighthouse Cove 138 Casseekee Trail, Melbourne Beach, FL 32951

Jackson, Desiree

From: llbraven <llbraven@aol.com>
Sent: Saturday, November 16, 2024 10:51 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: FW: Request to change land use

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density,

single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter.

Sincerely,

Lenore Devlin

5562 Cord Grass Lane

Melbourne Beach, FL 32951

Jackson, Desiree

From: llbraven <llbraven@aol.com>
Sent: Saturday, November 16, 2024 11:18 PM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; tim.thomas@mlbfl.org; Minus-External, Yvonne; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: FW: Request to change land use

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Sent from my Verizon, Samsung Galaxy smartphone

Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential

density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter.

Sincerely,

Lenore L. Devlin

5562 Cord Grass Lane

Melbourne Beach, FL 32951

Jackson, Desiree

From: Dawn Penny <dpenny66@gmail.com>
Sent: Sunday, November 17, 2024 10:03 AM
To: AdministrativeServices; Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: Re: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This will impede on my privacy and view as this is almost directly behind my property.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter.

Sincerely,

Dawn Penny
5535 Cord Grass Lane

Jackson, Desiree

From: Kathy Odom <katherineodom@cfl.rr.com>
Sent: Sunday, November 17, 2024 8:47 PM
To: AdministrativeServices
Cc: Ball, Jeffrey
Subject: Wrong email addresses used?

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

The letter authored by a neighbor seems to have mistakenly been sent to members of the City of Melbourne. I see that the email was correctly addressed to the Admin of Brevard County. Please forward it to the appropriate members of the Planning and Zoning Board as a number of my neighbors have signed it in support.

Thank you. See text below:

Sincerely,
Katherine Odom
5721 Sea Lavender Place
Melbourne Beach FL 32951

Opposition to Future Land Use Amendment Request ID# 24SS00013

*Dear Elected and Zoning Leaders of Brevard County,
I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.*

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density,

single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Signature of original author

Jackson, Desiree

From: Kathy Odom <katherineodom@cfl.rr.com>
Sent: Sunday, November 17, 2024 9:23 PM
To: Champion, Kristen
Cc: Ball, Jeffrey; AdministrativeServices
Subject: Planning and Zoning Board Agenda Item H.1 re. SSCPA24SS00013 - Espanet Property Located at 5610 Hwy A1A

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

This is from the community of South Shores Riverside. It was erroneously sent to the City of Melbourne staff.

November 15, 2024

Board of County Commissioners
Brevard County Government Center
2725 Judge Fran Jamieson Way
Viera, Florida 32940

RE: Objection to Future Land Use Amendment Request ID# 24SS00013
Property: 5610 Highway A1A Unit 1, Melbourne

Dear Board Members,

We, the Owners of South Shores Riverside Homeowners Association, a community of 138 homeowners, strongly object to the request by Christopher L. Espanet to change the Future Land Use designation from Residential 1 to Residential 2 on the 0.7-acre parcel located at 5610 Highway A1A Unit 1, Melbourne. Our opposition is based on several critical factors:

Statutory Non-Compliance

The subject property lies within the Area of Critical State Concern – Brevard Barrier Island Area (Section 380.0553, Florida Statutes). The requested change directly contradicts the Coastal Management Element Policy 7.1 of the Comprehensive Plan, which explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

Environmental Vulnerability

The property's location between the Indian River Lagoon and Atlantic Ocean makes it particularly susceptible to natural disasters, which have increased in frequency and intensity. The applicant's materials fail to address:

- Rising sea levels and storm surge risks
- Increased hurricane intensity and flooding potential
- Impact on the already stressed Indian River Lagoon ecosystem
- Groundwater intrusion concerns

- Impact on local water supply and sewer systems that are nearing capacity, especially in light of new Federal and State regulations that are significant for this area where non-public systems must provide water and sewer services. Furthermore, our objection is based on the following substantive grounds:

Critical State Concern Designation

The aforementioned Area of Critical State Concern within which the subject property lies requires heightened scrutiny of any density increases, particularly given the increasing frequency of natural disasters and the documented deteriorating condition of the Indian River ecosystem. In addition, the difficult traffic situation with Route A1A being the only through road in this area, numerous traffic accidents and pedestrian deaths of our residents and others, have occurred exactly at this location in the past several years. Furthermore, the number of elderly and handicapped residents in our community are impacted negatively by this problem and are the ones who have died recently due to the fast-moving traffic on A1A right at this location.

Comprehensive Plan Inconsistency

The requested change would constitute an increase in residential density, which directly contradicts Policy 7.1 of the Coastal Management Element of the Comprehensive Plan. This policy explicitly states that "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and the Sebastian Inlet."

Improper Use of Binding Development Plan (BDP)

Expert opinion confirms that using a BDP under these circumstances is improper. Per Section 62-1157, Brevard County Code, BDPs are intended to address conditions imposed on rezoning or conditional use permits, not to restrict density associated with Future Land Use Map amendments.

Inadequate Environmental Impact Assessment

We find significant deficiencies in the applicant's responses to the guiding principles for development.

On behalf of the following South Shores Homeowners Association Owners:

(for signatures, please see the email sent to administrativeservices@brevardfl.gov on 11/15/24

Thank you.

Jackson, Desiree

From: Mary Anne Minerva <maminerva@gmail.com>
Sent: Monday, November 18, 2024 8:43 AM
To: AdministrativeServices
Subject: Opposition to Future Land Use Amendment Request ID# 24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Elected and Zoning Leaders of Brevard County,

I am a nearby owner, and I am writing to express my strong opposition to the proposed Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet.

This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, including environmental risks as the property is located on the Brevard Barrier Island Area of Critical State Concern, and the amendment would threaten the fragile Indian River Lagoon ecosystem that has become increasingly threatened. The proposal also fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments.

Non-Compliance with the Comprehensive Plan: Brevard County's Coastal Management Policy 7.1 explicitly prohibits increasing residential density in this area, and approval would directly contradict this policy.

Community Character: our area is predominantly low-density, single-family communities. This amendment would disrupt the established character of our neighborhood and set a dangerous precedent for future high-density developments.

I respectfully urge you to deny this proposed re-zoning to protect the environment, uphold the Comprehensive Plan, and preserve the character of our community.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or require additional information.

Sincerely,
Anthony & Mary Anne Minerva
5681 Sea Lavender Pl
Melbourne Beach FL 32951

Sent from my iPad

Jackson, Desiree

From: delbert sellers <delbosellers@gmail.com>
Sent: Friday, November 15, 2024 11:06 AM
To: AdministrativeServices
Cc: Paul.alfrey@mlbfl.org; Minus-External, Yvonne; Tim.Thomas@mlbfl.org; mark.larusso@mlbfl.org; Rachael.bassett@mlbfl.org; Mimi.hanley@mlbfl.org; Julie.kennedy@mlbfl.org
Subject: ID#24SS00013- opposed to rezoning to multi-family

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello County Board,

I'm writing to express strong opposition to rezoning an undersized parcel to multi family. By your own words you understand this property is located within the Area of Critical State Concern – Brevard Barrier Island Area. The county should be working to decrease the loading on already strained resources, not adding more load/septics. Please do not approve this rezoning - there is no reason except builder greed. Vote on the side of common sense and decency and deny rezoning. No hardship will result to the owner as they knew the zoning when they purchased the parcel (and bulldozed many tortice holes). Let the owner/builder develop a nice single family home as was intended per current zoning. Restoring the Indian River Lagoon will require sensible decision making, not catering to greed.

Respectfully,
Delbert Sellers
167 Casseekee Trail
Melbourne Beach FL 32951

Jackson, Desiree

From: Pam Hoatson <drpepperlady1@gmail.com>
Sent: Wednesday, November 13, 2024 5:10 PM
To: AdministrativeServices
Subject: ID#24SS00013

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To the Planning and Zoning Board at the Brevard County Government Center.

My name is Pamela Hoatson. My husband, Robert Hoatson and I live across the street from the property in question at 5635 Highway A1A, #704, Melbourne Beach, FL. 32951.

We have done some research and we would like to respectfully request that the current "FLU: RES 1 (Residential 1) remain unchanged."

Changing the property from a "RES 1 to RES 2" has the potential to have an adverse effect on the value of all our properties.

This kind of zoning change could allow this property owner to put in a mobile home park. There's not a mobile home park within miles of us and we want to keep it that way.

We DO NOT want the property changed to RES 2.

Again, I urge that you deny the request to rezone this property.

Sincerely yours,
Robert and Pamela Hoatson
5635 S Hwy A1A, #704
Melbourne Beach, FL 32951

From: [Cindy Hewitt](#)
To: [Commissioner, D4](#)
Subject: Please vote NO on Item H4, the up-zoning of 5610 A1A
Date: Friday, December 6, 2024 9:04:03 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioner,

I'm a proud Brevard resident and I'm asking you to please VOTE NO ON ITEM H4, regarding the up-zoning of 5610 A1A. An increase in density will start a precedent of eroding our quality of life. With this precedent of more density, the island's water, sewer, and evacuation resources will become unmanageable. It is also my understanding that the up-zoning violates the Coastal Management Element Policy 7.1 of the County Comprehensive Plan and Policy 12.1 of the Brevard Barrier Island Amendment approved by the Commission.

Please keep Brevard beautiful and our roads, water, and sewer manageable.

Thank you,

Cynthia Hewitt

From: [Edward Moseley](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: 5610 A1A Up-Zoning
Date: Thursday, December 5, 2024 8:33:43 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioners,

We are AGAINST item H4 for the up-zoning of: 5610 A1A in South Melbourne Beach. This has been denied previously and should continue to be denied because;

- 1) It will set a precedent that cannot be stopped.
- 2) It violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan.
- 3) It violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to State Commerce Department on November 7th.
- 4) The island's water, sewer and evacuation resources cannot handle any more density.

We have lived here for decades and we wish to preserve it. There has been tremendous growth over the last several years and further development in this manner will negatively affect our town, resources, infrastructure, as well as our ability to evacuate quickly/safely in the event of an emergency.

Thank you for your attention to this matter!

Helen and Edward Moseley
144 Bayshore Drive,
Melbourne Beach,
FL 32951

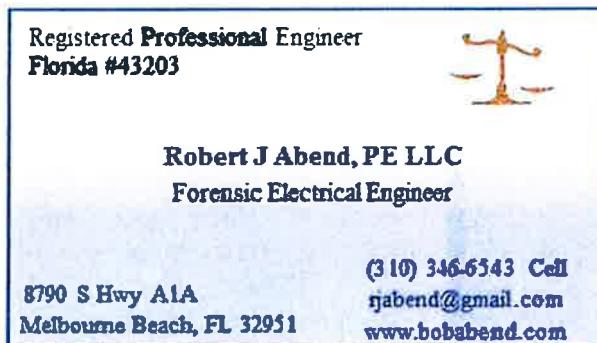
From: rjabend@gmail.com
To: rjabend@gmail.com
Subject: South Beaches Zoning
Date: Thursday, December 5, 2024 7:09:46 PM
Attachments: [image001.png](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Commissioner,

I received the following email from BIPPA. Before deciding to attend the December 12th meeting, I thought I would ask if there are any special reasons for the unit area reduction from 1.7 to 0.7 Acres that I should consider. Thank you in advance for any response to my email inquiry.

Sincerely,



From: (BIPPA) Barrier Island Preservation & Protection Assn. <bippafl@yahoo.com>
Sent: Thursday, December 5, 2024 12:14 PM
To: meegank@hotmail.com
Subject: Please Email and Call to STOP Increasing Zoning in South Beaches (BBIA)

Brevard Board of County Commissioners, 2725 Judge Fran Jamieson Way Viera, FL 32940.
Meeting Dec 12, 2024 (next Thursday)
5PM

Action Needed: to preserve our Area of Critical State Concern

5610 Highway A1A zoning change will be brought up again at the county Commission on Dec 12, 2024.

We need a showing of South Beaches support for the Area of Critical State Concern. The applicant has requested an up-zoning change from RES 1 to RES 2. This is a 1.7 acre parcel that is zoned 1 unit/acre and has been divided (subject lot is only .7 acres) to increase density and circumvent the prohibitions of the Comprehensive Plan Policies below.

This zoning request should not happen and should not be allowed. The Brevard County staff recommended the Commissioners to Deny the application, yet here we are again, for the 3rd time, with this request. If allowed, this will set a nasty precedent leading to increased density that we will not be able to stop.

Please show up on December 12 and let the new County Commissioners know that this zoning request should be denied.

Also, Please call and e-mail our 5 commissioners below.

AGAINST item H4 for the up-zoning of: 5610 A1A

- The reasons are: 1) It will set a precedent that cannot be stopped.
2) It violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan.
3) It violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to State Commerce Department on November 7th.
4) The island's water, sewer and evacuation resources cannot handle any more density.

Copy and Paste to:

d1commissioner@brevardfl.gov

d2commissioner@brevardfl.gov

d3commissioner@brevardfl.gov

d4commissioner@brevardfl.gov

d5commissioner@brevardfl.gov

CALL: Commissioner: Delaney 321-607-6901

Goodson 321-454-6601

Atkinson 321-633-2075

Feltner 321-633-2044

Altman 321-253-6611

Please attend the meeting on Thursday, December 12th, at 5pm, it would be very

helpful. Speaking at the dais is optional.

Board of County Commission Chambers (1st floor), 2725 Judge Fran Jamieson Way
Viera, FL 32940.

Thank You for your continued support to keep our natural habitat preserved.

Mark Shantzis, Executive Director

Barrier Islands Preservation and Protection Association (BIPPA)

"Leading Efforts To Preserve The Balance of Population Growth, Natural Habitat
and Wildlife on the Barrier Islands for over 30 years"

bippa@yahoo.org

From: [S. Dunaif](#)
To: [Commissioner, D4](#)
Subject: 4H
Date: Friday, December 6, 2024 3:45:58 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Please
Vote NO on Zoning Change request for 5610 S Hwy A1A!

Thank you,
Shari Smith Dunaif
Floridana

From: [jimfratt233@fratt](#)
To: [Commissioner, D4](#)
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A
Date: Friday, December 6, 2024 2:42:20 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

The reasons are: 1) It will set a precedent that cannot be stopped.
2) It violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan.
3) It violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to State Commerce Department on November 7th.
4) The island's water, sewer and evacuation resources cannot handle any more density.

James Frattarola 233 and 239 Camino Pl resident
36 years

From: [Denis Freiden](#)
To: [Commissioner D4](#)
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A
Date: Friday, December 6, 2024 11:41:16 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

AGAINST item H4 for the up-zoning of: 5610 A1A

The reasons are: 1) It will set a precedent that cannot be stopped.

2) It violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan.

3) It violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to State Commerce Department on November 7th.

4) The island's water, sewer and evacuation resources cannot handle any more density.

From: [Mohamad Hussein](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A
Date: Friday, December 6, 2024 10:39:32 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear all, apologize for the inconvenience. I failed to include my full name and address and was directed to do so.

Apologize for the inconvenience.

Mohamad Hussein
8955 S Hwy A1A, Melbourne Beach, FL 32951
2162353308

Thanks for the opportunity to voice my opposition and reasons against item H4 relative to the up-zoning of 5610 A1A.

A) Allowing item H4 will set a precedence that cannot be stopped.

B) Passing item H4 relative to the up-zoning on 5610 A1A

- i- Violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan
- ii- Violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to State Commerce Department on November 7th 2024.

C) The island's water, sewer and evacuation resources cannot handle any further increase in density.

Appreciate your consideration and attention to this serious matter.

Mohamad

From: [helen.stamatacos](#)
To: [Commissioner.D4](#)
Subject: Fw: NO to H4 For up-zoning of: A1A
Date: Thursday, December 5, 2024 5:33:12 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioners,

We urge you to please please vote AGAINST H4 for the up-zoning of 5616 A1A, Melbourne Beach.

We have fought so hard to try to maintain the treasure that is for all to enjoy AND PROTECT.

If zoning keeps changing for "special reasons" presented by the owners -we are unprotected. Why is this zoning request happening ? Actually this should not even be an issue to discuss. WHY? This is a precedent that we as a community cannot have.

We are an area designated as an AREA OF CRITICAL STATE CONCERN. This means EVERYTHING on how to treat all new zoning issues.

You all know and have heard over and over again what the community wants other than those whose self interests do not align with the plans in place.

This up-zoning violates the Coastal Management Element Policy 7.1 of the County Comprehensive Plan.

It also violates Policy 12.1 of the Brevard Barrier Island Area Amendment just approved by the Commission (THANKFULLY) and sent to State Commerce department last month.

We are not against development. We need to continue low density with respect for the neighborhood and the creatures sharing this space.

Thank you .

Sincerely,

Helen Stamatacos
Charles Magal, MD

9010 S A1A
Melbourne Beach, FL 32951

717-830-0065

From: Kathleen Conway
To: [Commissioner, D4](#)
Subject: H4 for the up-zoning of 5610 A1A Highway
Date: Sunday, December 8, 2024 11:34:45 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Morning Commissioner,

I am against the approval of item H4 for the up-zoning of 5610 A1A Highway. I have been in this area of the beach since 1988. I hope you will not approve this item. Thank you for all that you do for our county.

The reasons are: 1) It will set a precedent for future development that cannot be stopped.
2) It violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan.
3) It violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to State Commerce Department on November 7th.
4) The island's water, sewer and evacuation resources cannot handle any more density.

Best Regards,

Kathleen Conway

From: [Kristie Ferriell](#)
To: [Commissioner_D1](#); [Commissioner_D2](#); [Commissioner_D3](#); [Commissioner_D4](#); [Commissioner_D5](#)
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A
Date: Saturday, December 7, 2024 5:30:19 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioners,

I live south of Melbourne Beach and am concerned about the request for an up-zoning change from Res 1 to Res 2.

This zoning request should not happen and should not be allowed. The Brevard County staff recommended the Commissioners to Deny the application, yet here we are again, for the 3rd time, with this request. If allowed, this will set a nasty president leading to increased density that we will not be able to stop.

Please don't allow this upgrade. Please don't circumvent the prohibitions of the Comprehensive Plan Policies.

Thank you,
Kristie A Ferriell
167 Tramore Place
Melbourne Beach.

From: Gary
To: [Commissioner, D-1](#)
Subject: AGAINST ITEM H4
Date: Friday, December 6, 2024 6:40:48 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

AGAINST item H4 for the up-zoning of: 5610 A1A

The reasons are: 1) It will set a precedent that cannot be stopped.
2) It violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan.
3) It violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to State Commerce Department on November 7th.
4) The island's water, sewer and evacuation resources cannot handle any more density.

From: [terry.gill](#)
To: [Commissioner, D4](#)
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A
Date: Saturday, December 7, 2024 3:52:00 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

AGAINST item H4 for the up-zoning of: 5610 A1A

Terry

From: gloverop@bellsouth.net
To: [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#); [Commissioner, D1](#); [Commissioner, D3](#)
Subject: Dec 12 Meeting Agenda item H4
Date: Saturday, December 7, 2024 9:09:31 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Morning Commissioners;

RE: SSCPA24SS00013-Espanet Property, 5610 Highway A1A

On December 12, 2024 Agenda item H4 will come before you. I ask you to vote No on the zoning change request. This request has been brought before the previous Commissioners and it was denied. Why is it being presented again?

This request goes against the new State designated Critical Area of State Concern (CASC). The property is only .7 acres. The CASC specifically calls for no increase in density.

Please vote No on this request for rezoning.

Beth Glover

321-726-0800

Melbourne Beach, Fl 32951

From: [Jodie Irish](#)
To: [Commissioner_D1](#); [Commissioner_D2](#); [Commissioner_D3](#); [Commissioner_D4](#); [Commissioner_D5](#)
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A
Date: Friday, December 6, 2024 6:26:56 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

The reasons are as follows:

- 1) It will set a precedent that cannot be stopped
- 2) It violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan.
- 3) It violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to State Commerce Department on November 7th.
- 4) The island's water, sewer and evacuation resources cannot handle any more density.

It's unbelievable that we are here for a 3rd time on the same zoning issue.

Sincerely,
Jodie Hager
325 Hiawatha Way
Melbourne Beach, FL 32951

From: charleshardin@aol.com
To: [Commissioner, D1](#); [Commissioner, D2](#); d3.commissioner@brevardfl.gov; [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Zoning request for 5610 S Highway A1A
Date: Monday, December 9, 2024 7:03:05 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Commissioners Delaney, Goodson, Adkinson, Feltner, and Altman:

I am writing this email to inform you that I am **highly against** any changes in the zoning of the South Beaches for the property at 5610 S Highway A1A. In my opinion there is no justification for increasing the density allowances in the south beaches as "we" have been designated as an Area of Critical State Concern.

ANY increase in the density would be counterproductive to the preservation of the nature of our area and would also set a dangerous precedent for other property owners to pursue. In addition it would be in violation of current Coastal Management Policies.

Preservation of the South Beaches should be a priority not only with respect to the designation of it as an Area of Critical Concern but also in light of how other coastal areas in Brevard County have been developed "to the hilt" with the obviously concomitant traffic and pedestrian safety concerns. In addition it is my understanding that Brevard County Staff has already recommended that this zoning change request be denied.

Please do not add to the demise of one of the most beautiful (and bountiful) areas of Brevard County by allowing this zoning change request. It would not, in my opinion, be in the best interests of your constituents nor to those who visit here.

Thank you for your kind attention and consideration.

Sincerely,

C. Roger Hardin
290 Heron Dr.
Melbourne Beach, FL 32951
321-431-6779

From: [tim kloc](#)
To: [Commissioner, D4](#)
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A
Date: Friday, December 6, 2024 4:10:02 PM

[EXTERNAL EMAIL.] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Pls vote no
Sent from my iPhone

From: [Richard Magin](#)
To: [Commissioner_D1](#); [Commissioner_D2](#); [Commissioner_D3](#); [Commissioner_D4](#); [Commissioner_D5](#)
Subject: Please vote No on Item H4 for the up-zoning of: 5610 A1A
Date: Friday, December 6, 2024 8:55:36 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

TO:

Brevard Board of County Commissioners, 2725 Judge Fran Jamieson Way Viera, FL 32940.

Meeting Dec 12, 2024 (next Thursday)
 5PM

I am sorry that we can not attend the Dec. 12 meeting. Nevertheless, as a member of the Barrier Islands Preservation and Protection Association (BIPPA), I urge you to vote no on Item H4 for the up-zoning of: 5610 A1A to preserve our Area of Critical State Concern.

The applicant has requested an up-zoning change from RES 1 to RES 2.

This is a 1.7 acre parcel that is zoned 1 unit/acre and has been divided (subject lot is only .7 acres) to increase density and circumvent the prohibitions of the Comprehensive Plan Policies below.

This zoning request should not happen and should not be allowed. The Brevard County staff recommended to the Commissioners that they Deny the application, yet here we are again, for the 3rd time, with this request. If allowed, this reclassification will set a precedent leading to increased density that we may not be able to prevent.

Additional reasons are:

2) It violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan.

3) It violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to the State Commerce Department on November 7th.

4) The island's water, sewer and evacuation resources cannot handle any more density.

Thank you for your attention to this issue.

Richard and Karen Magin

(Personal Note: We were married on a sand dune just down the beach at 8085 A1A in 1979. Our four grandchildren now live on South Ivory Dr, Melbourne Beach, just a mile up the road from the lots at 5610 A1A. We hope that 10-15 years from now that they can be married on a fully protected barrier island.)

From: [Fred Seleman](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A
Date: Monday, December 9, 2024 9:29:02 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

All:

Please vote NO on the request for a zoning change for 5610 South Highway A1A, Melbourne Beach. Thank you.

Fred Seleman
7617 Kiawah Way
Melbourne Beach, FL 32951

From: [Catherine Stamatacos](#)
To: [Commissioner, D4](#)
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A
Date: Sunday, December 8, 2024 8:19:12 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

With my address added below, thank you.
(125 Rue de Nancy)
Sent from my iPhone

On Dec 8, 2024, at 8:10 PM, Catherine Stamatacos <cstamatacos@yahoo.com> wrote:

Dear Commissioner,

Please vote AGAINST item H4.

The reasons are: 1) It will set a president that cannot be stopped.

2) It violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan.

3) It violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment just approved by the Commission and sent to State Commerce Department on November 7th.

4) The island's water, sewer and evacuation resources cannot handle any more density.

Thank you for your consideration,
Catherine Stamatacos

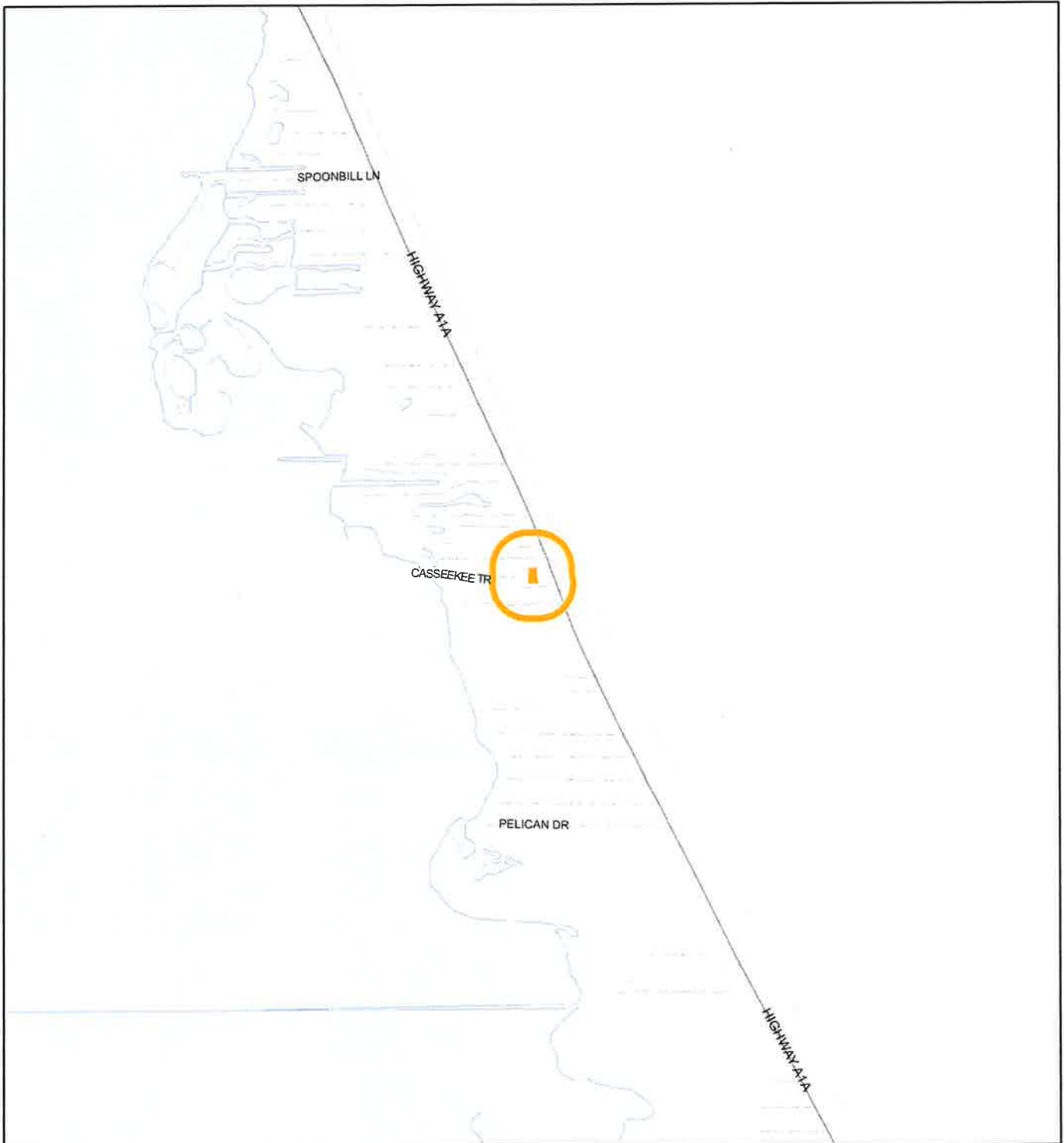
125 Rue de Nancy

Melbourne Beach
321-726-9853

LOCATION MAP

ESPANET, CHRISTOPHER L

24SS00013



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

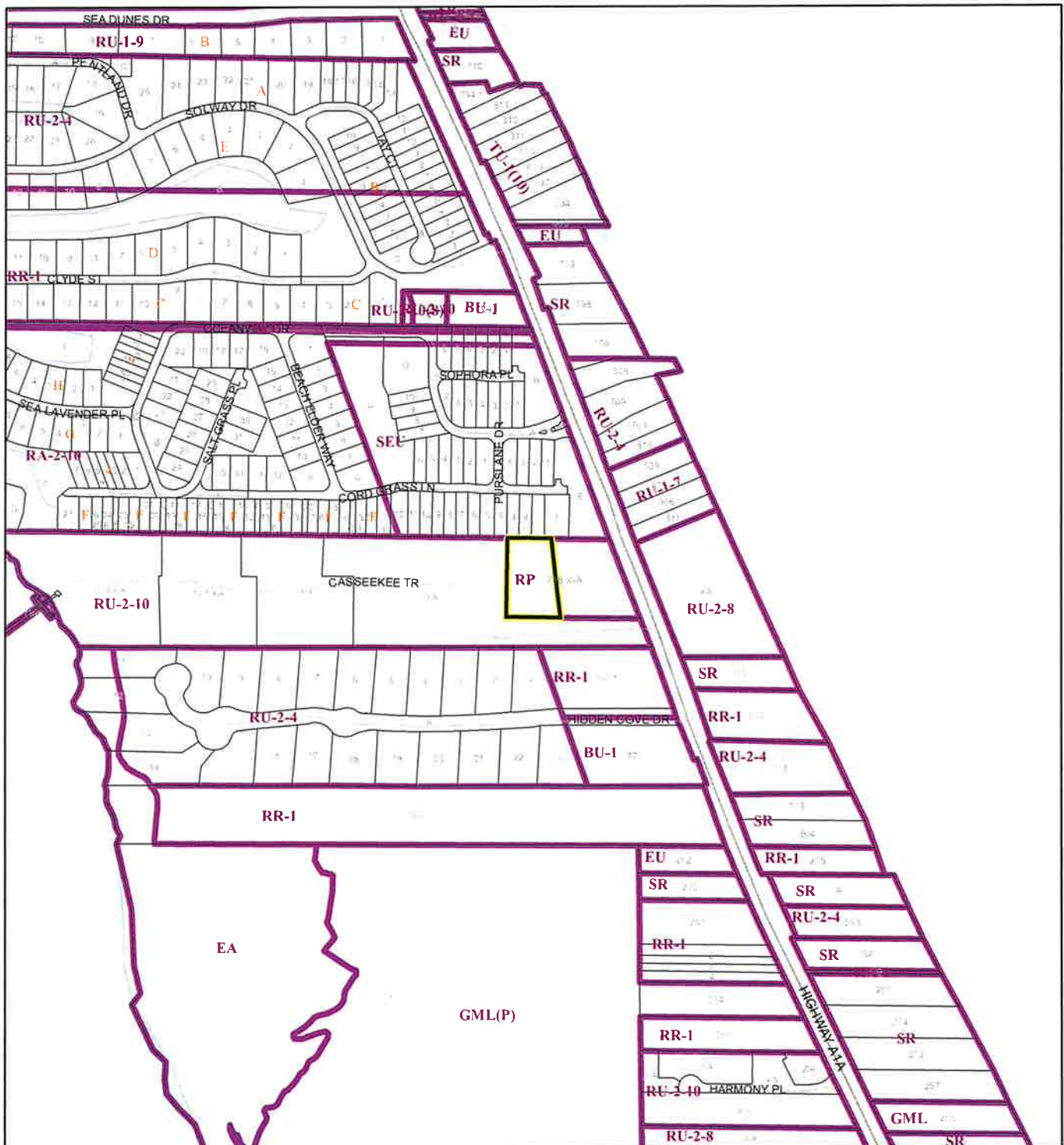
Produced by BoCC - GIS Date: 11/21/2024

— Buffer

— Subject Property

ZONING MAP

ESPANET, CHRISTOPHER L
24SS00013



1:4,800 or 1 inch = 400 feet

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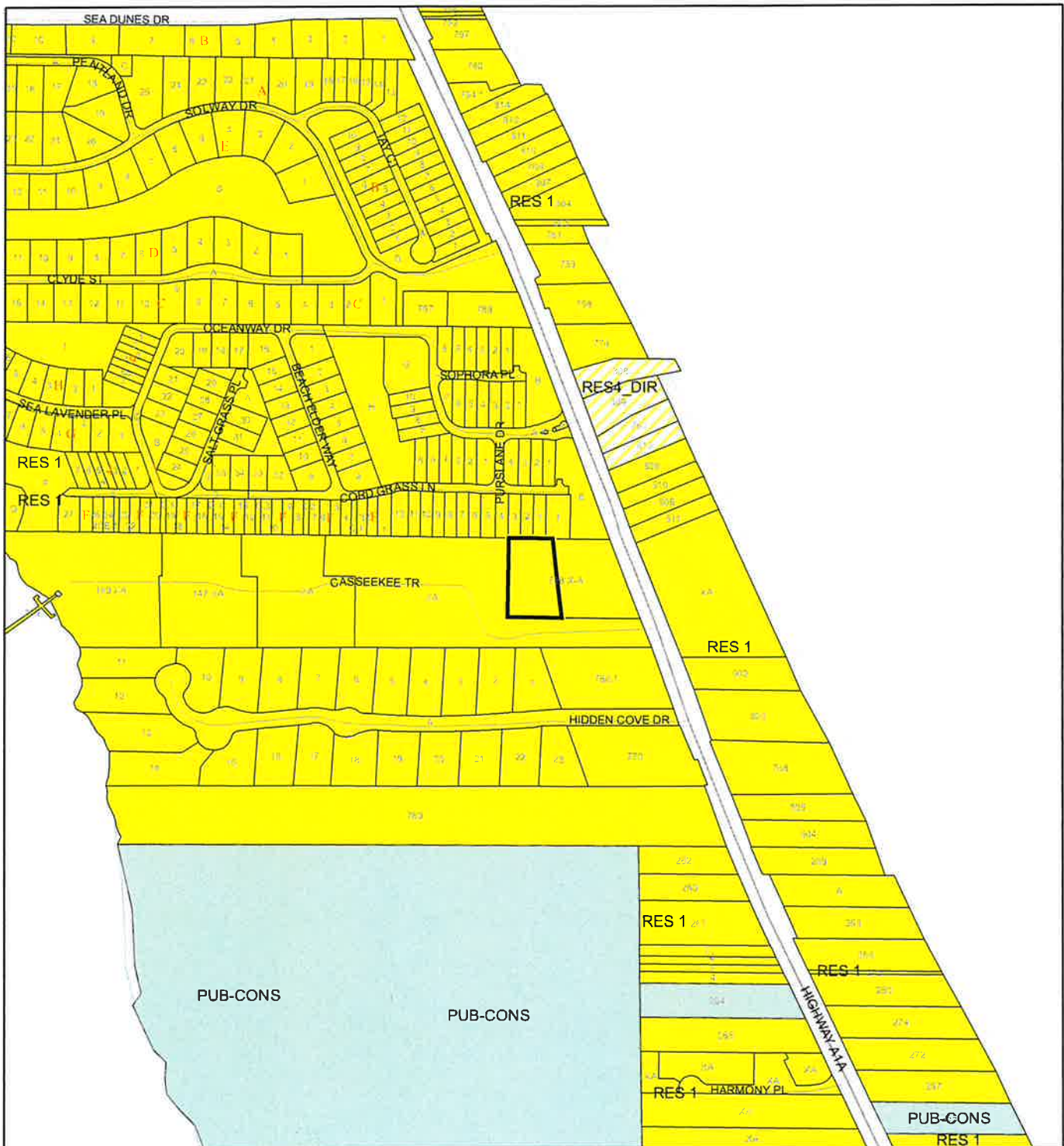
Produced by BoCC - GIS Date: 11/21/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

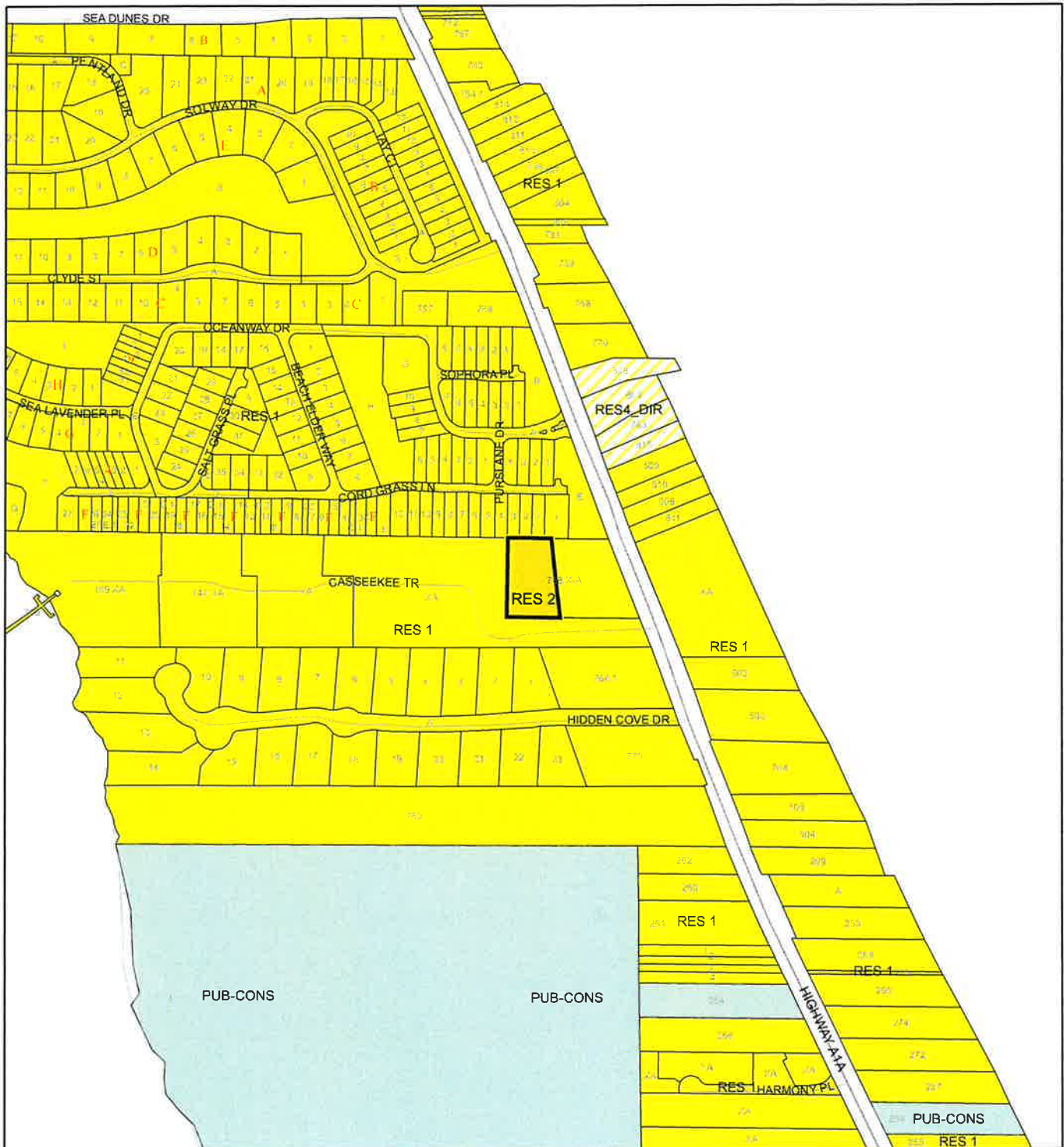
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Produced by BoCC - GIS Date: 11/21/2024

PROPOSED FUTURE LAND USE MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

— Subject Property
 □ Parcels

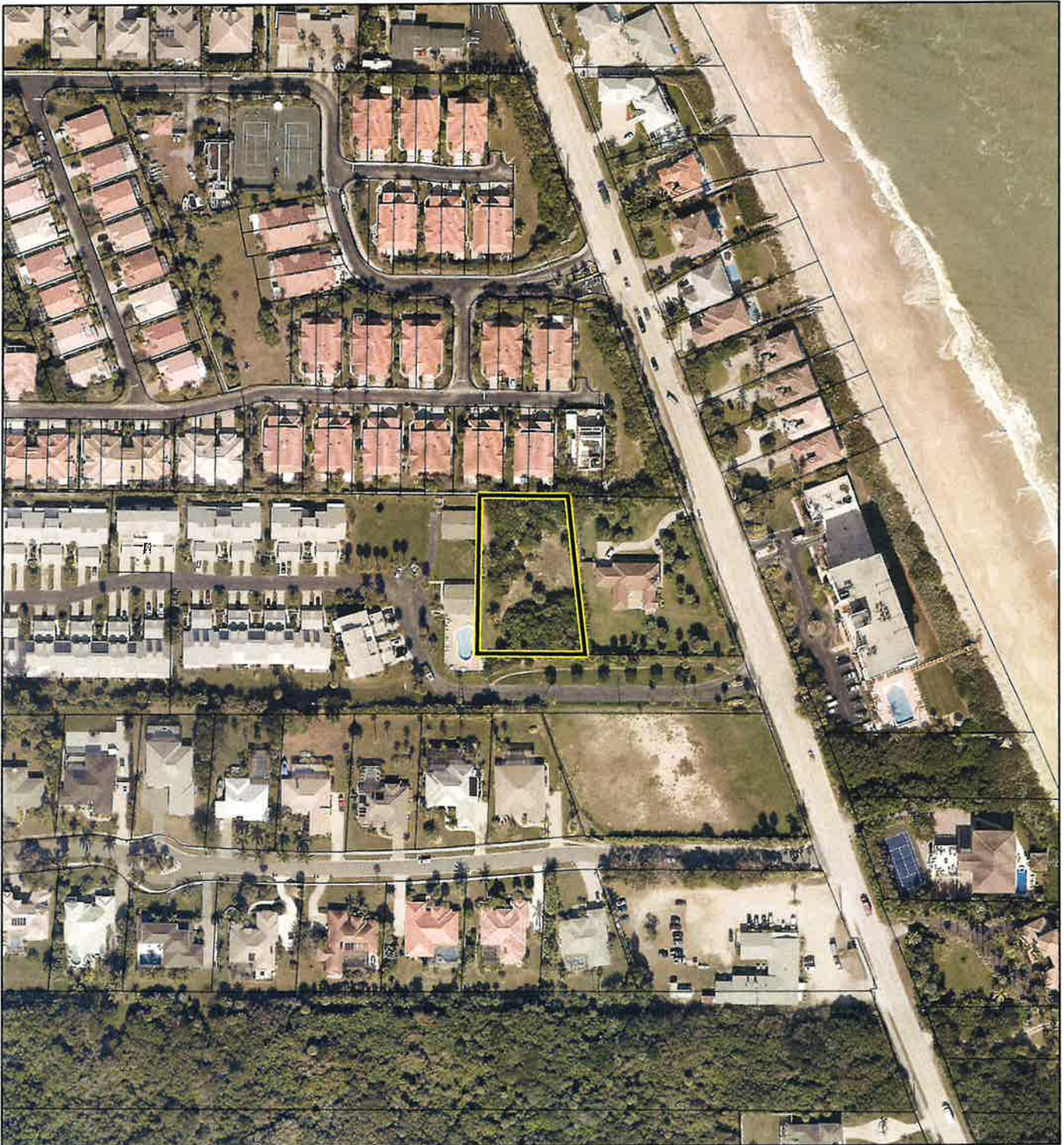
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/21/2024

AERIAL MAP

ESPANET, CHRISTOPHER L

24SS00013




1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2024

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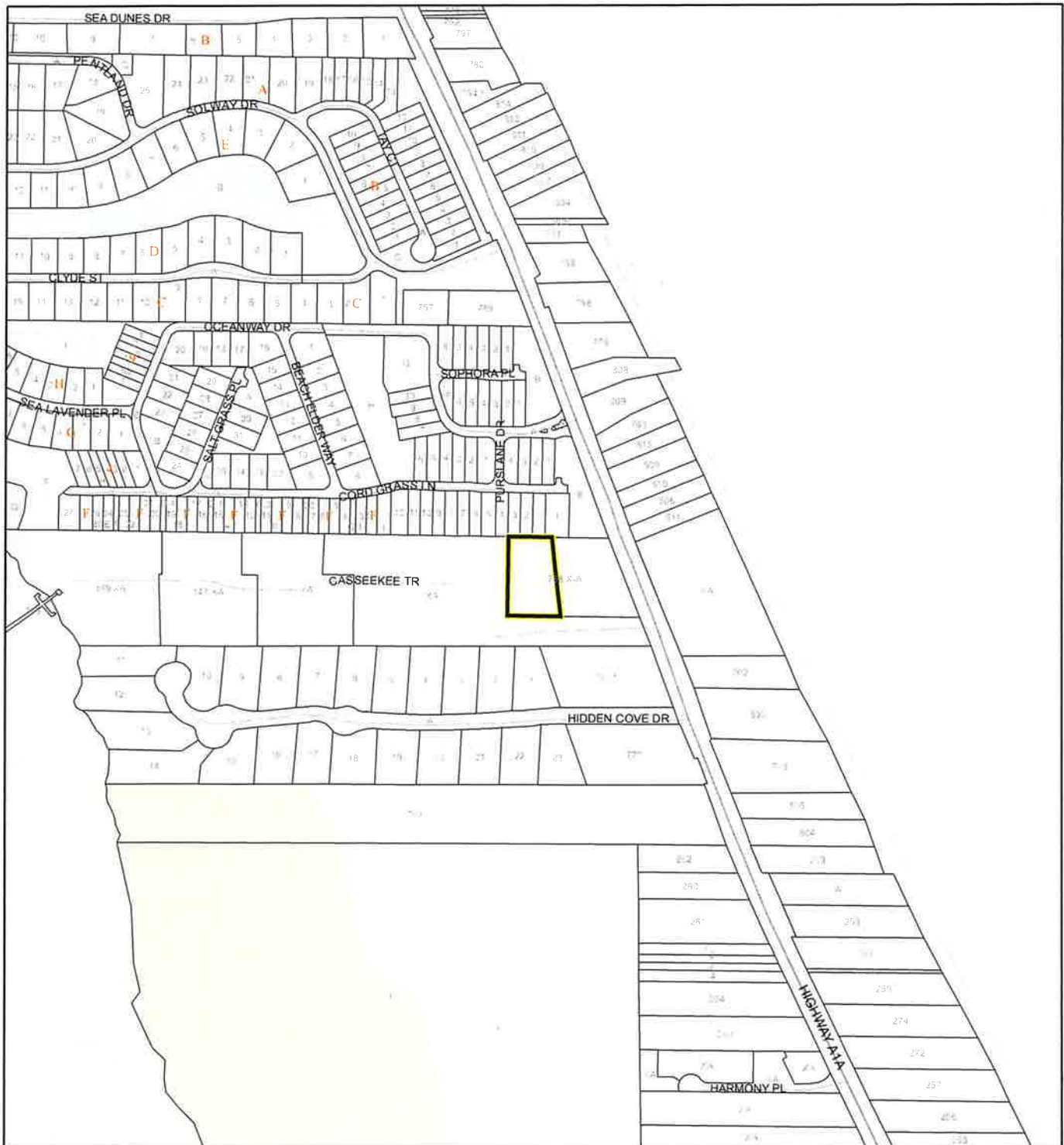
 Subject Property

 Parcels

NWI WETLANDS MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/21/2024

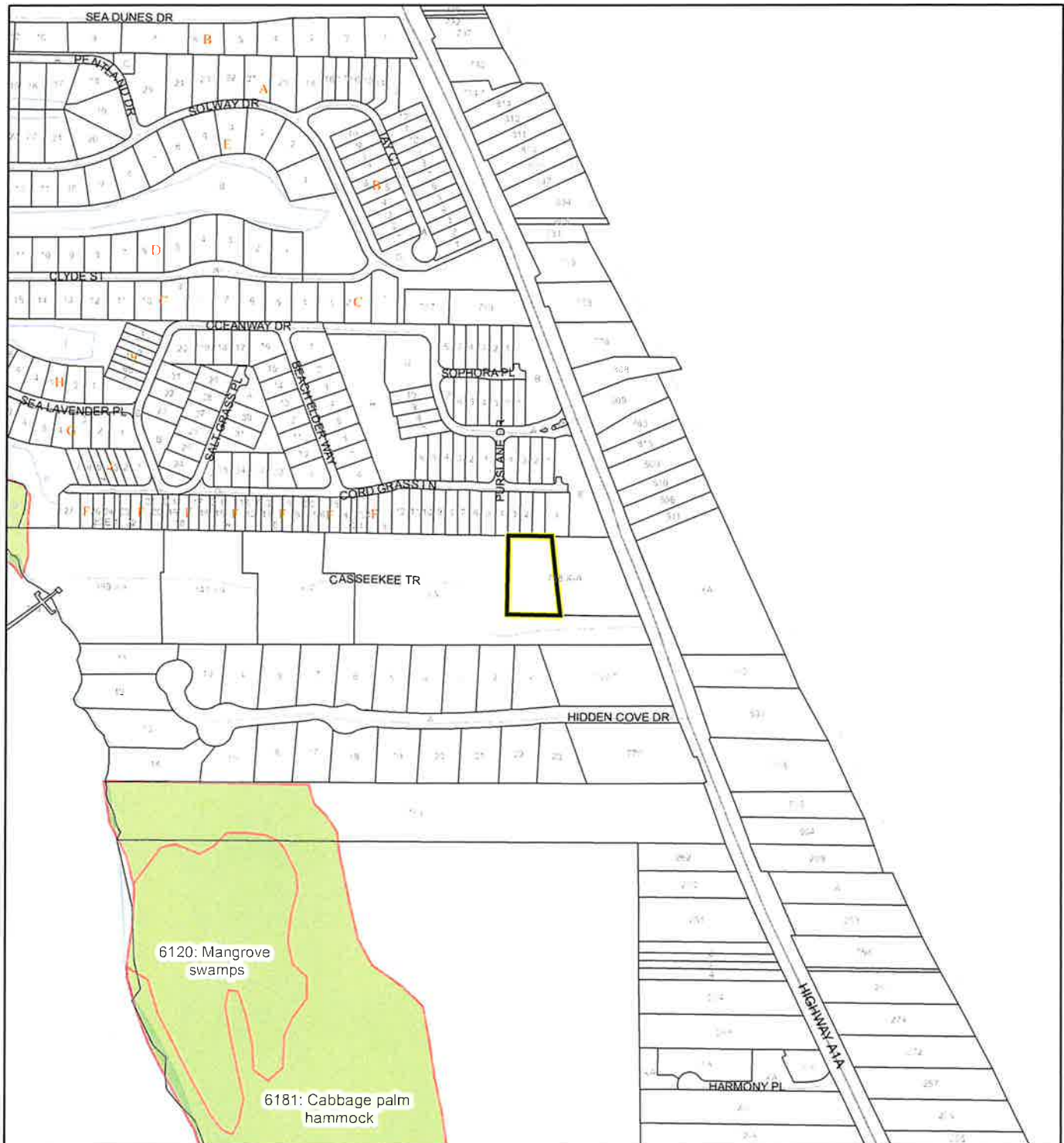
National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

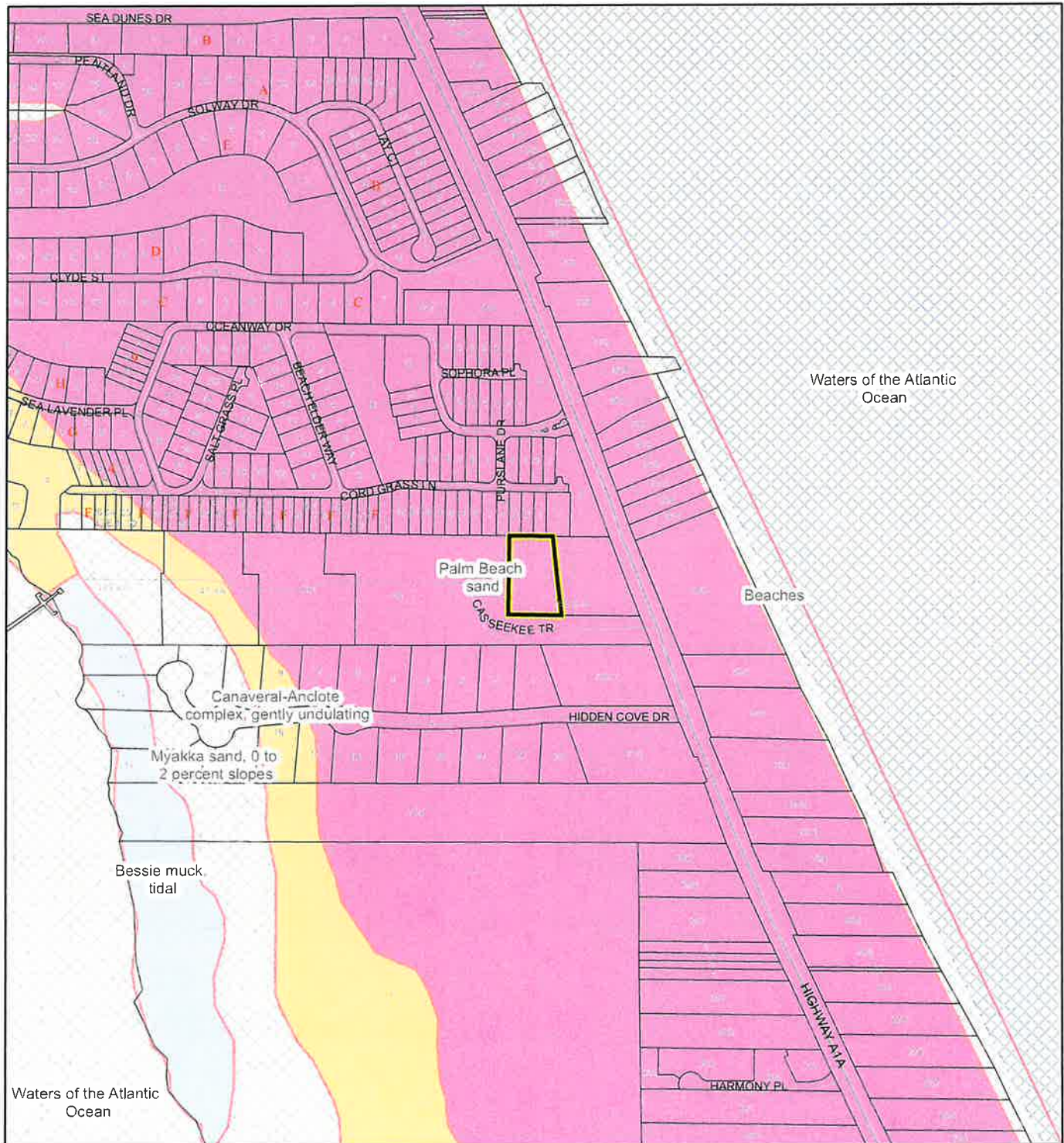
Subject Property

Parcels

USDA SCSSS SOILS MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 11/21/2024

USDA SCSSS Soils

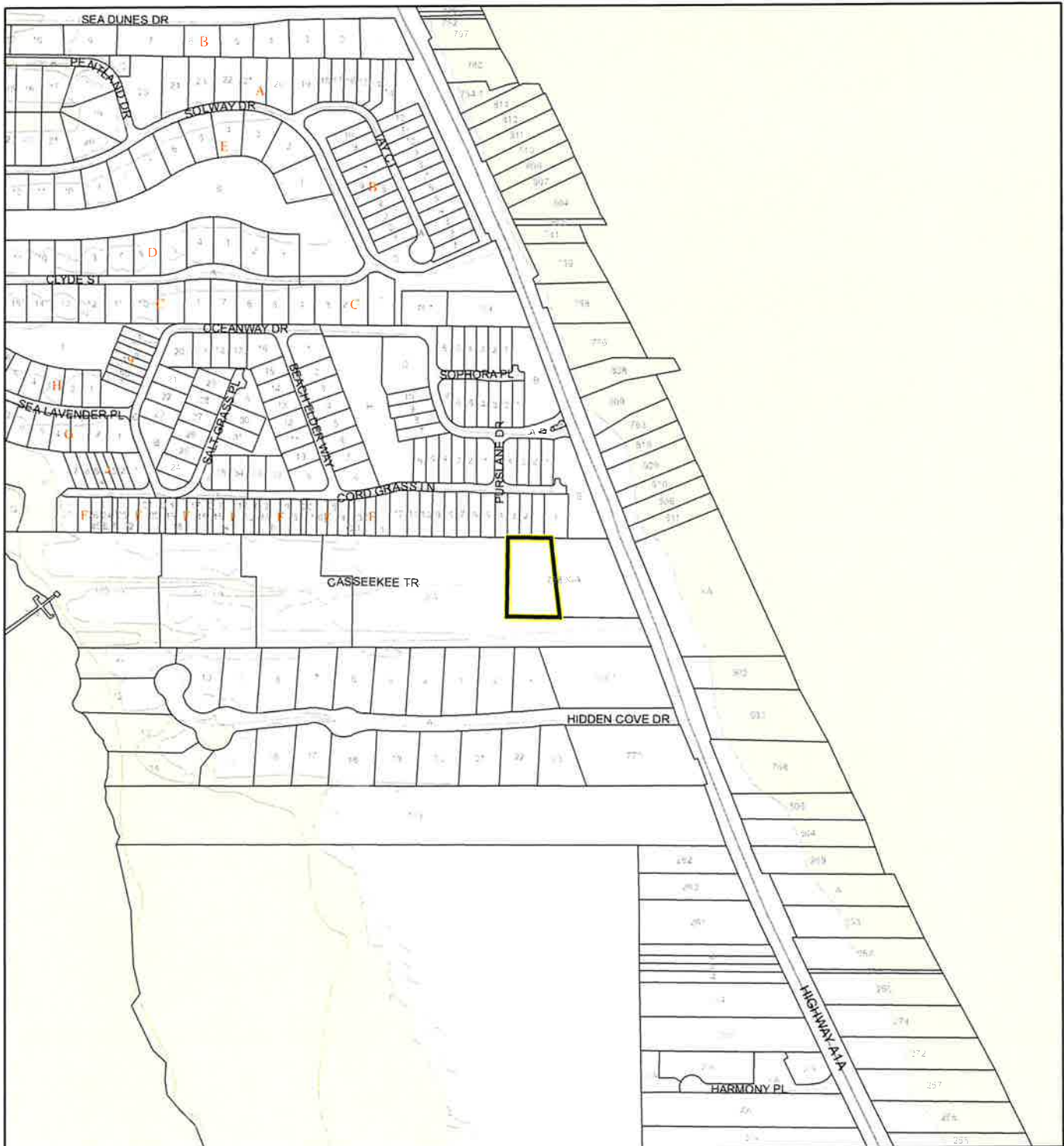
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

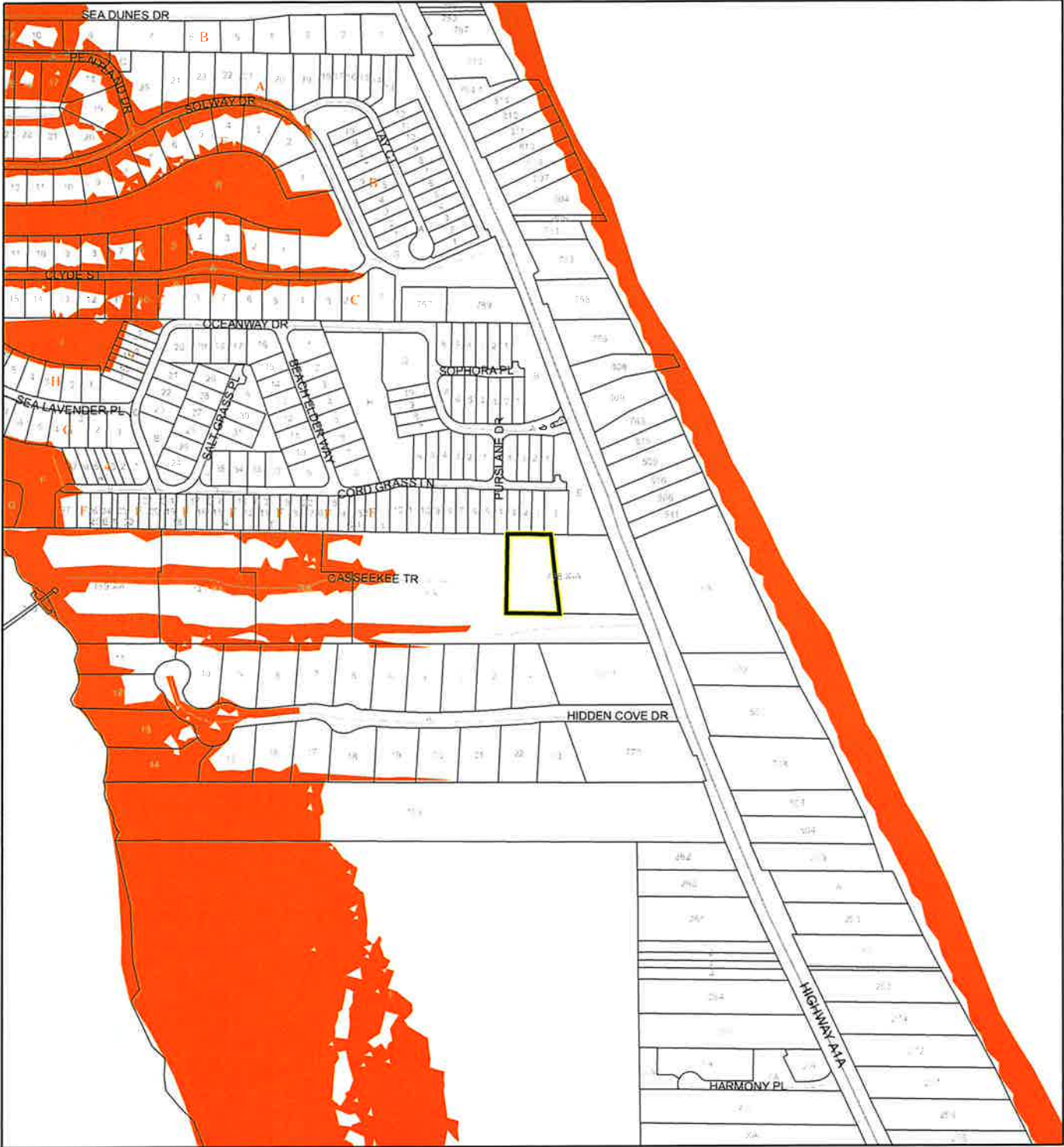
Produced by BoCC - GIS Date: 11/21/2024

FEMA Flood Zones

- | | | |
|------------------|------------|---------|
| A | AO | X |
| AE | Open Water | |
| AH | VE | |
| Subject Property | | Parcels |

COASTAL HIGH HAZARD AREA MAP

ESPANET, CHRISTOPHER L
24SS00013



1:4,800 or 1 inch = 400 feet

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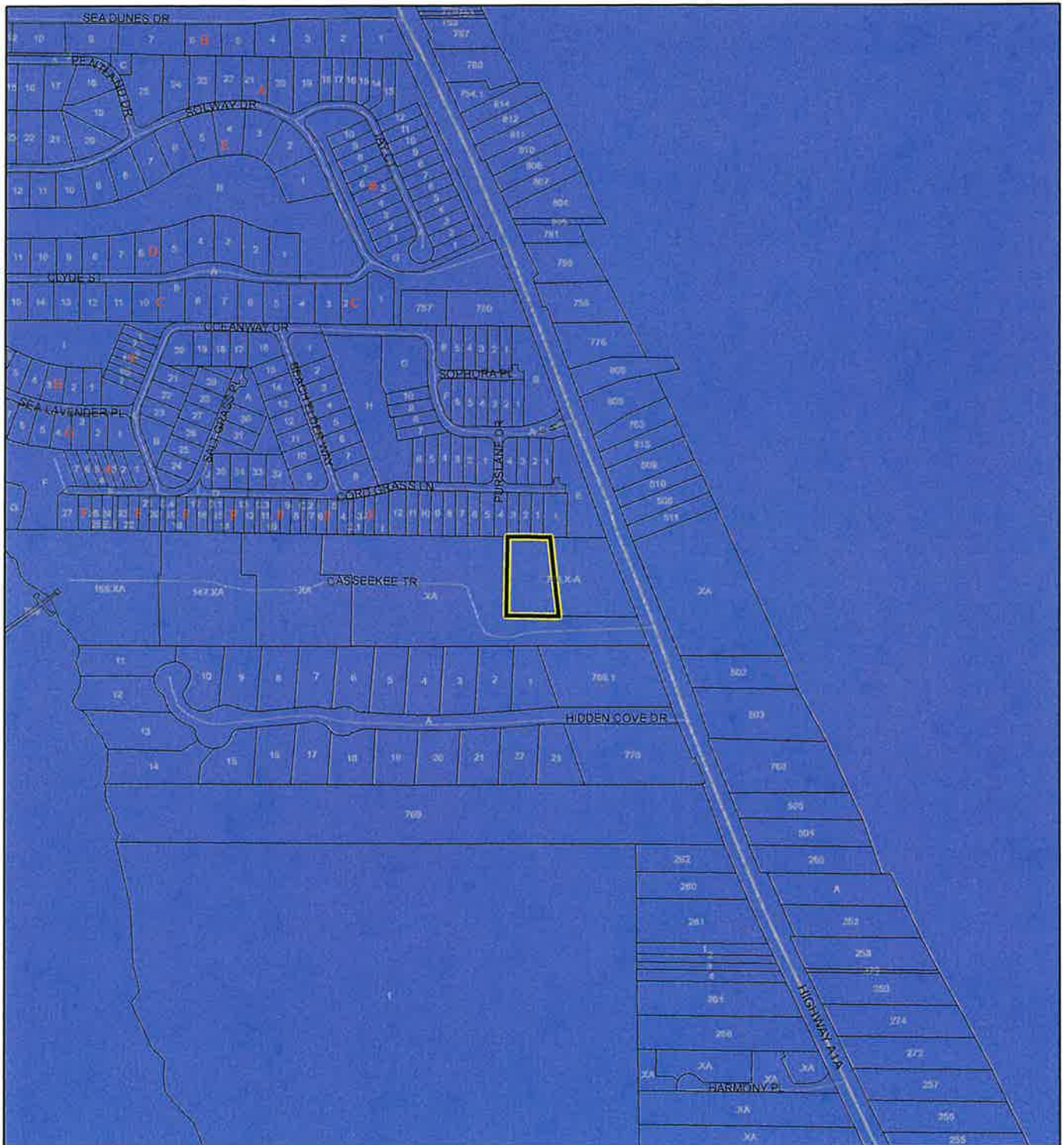
Produced by BoCC - GIS Date: 11/21/2024

- Subject Property
- Parcels
- Coastal High Hazard Area
- SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/21/2024

 Subject Property

 Parcels

Septic Overlay

 40 Meters

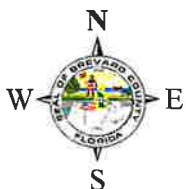
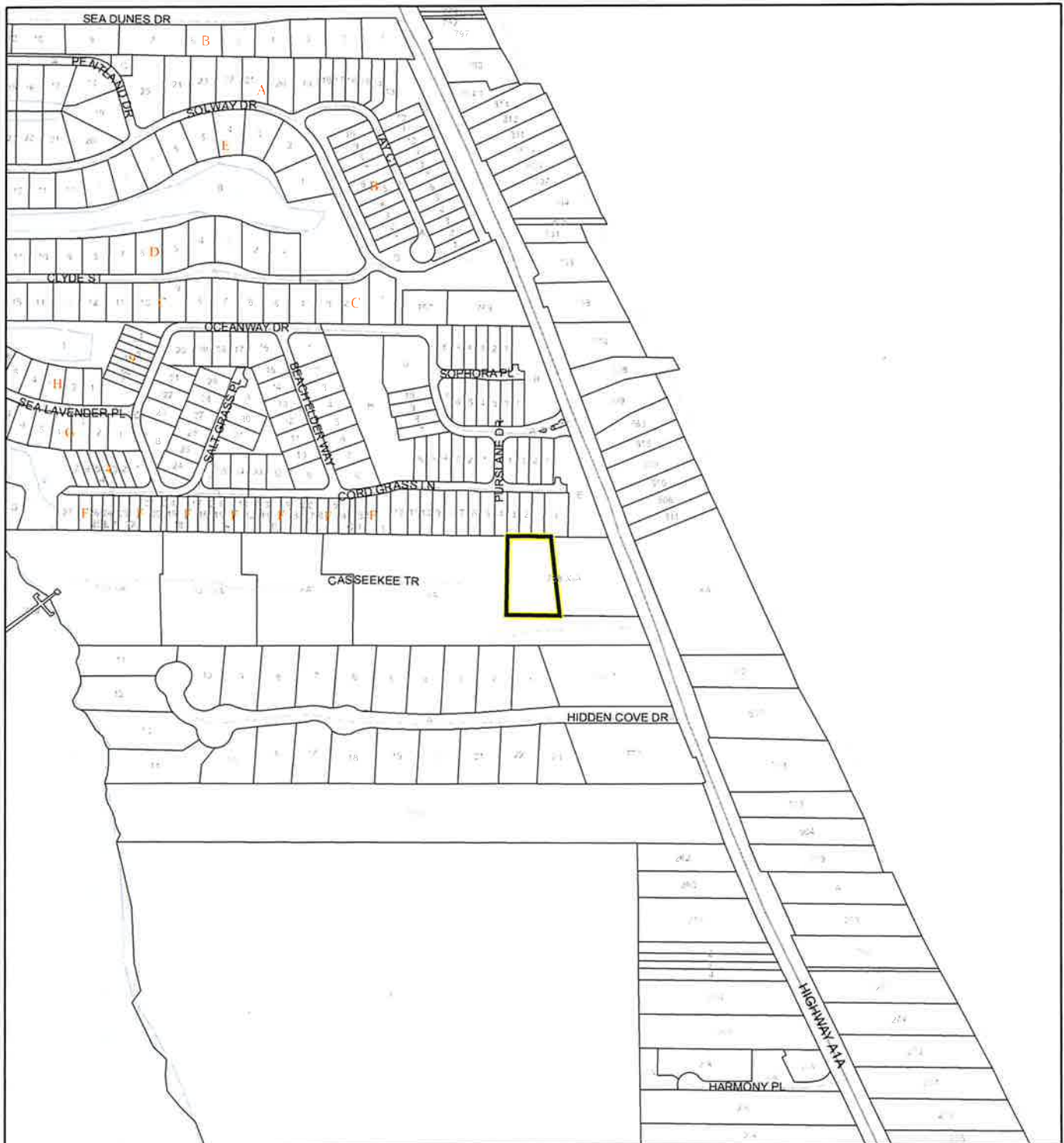
 60 Meters

 All Distances

EAGLE NESTS MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/21/2024

 Subject Property

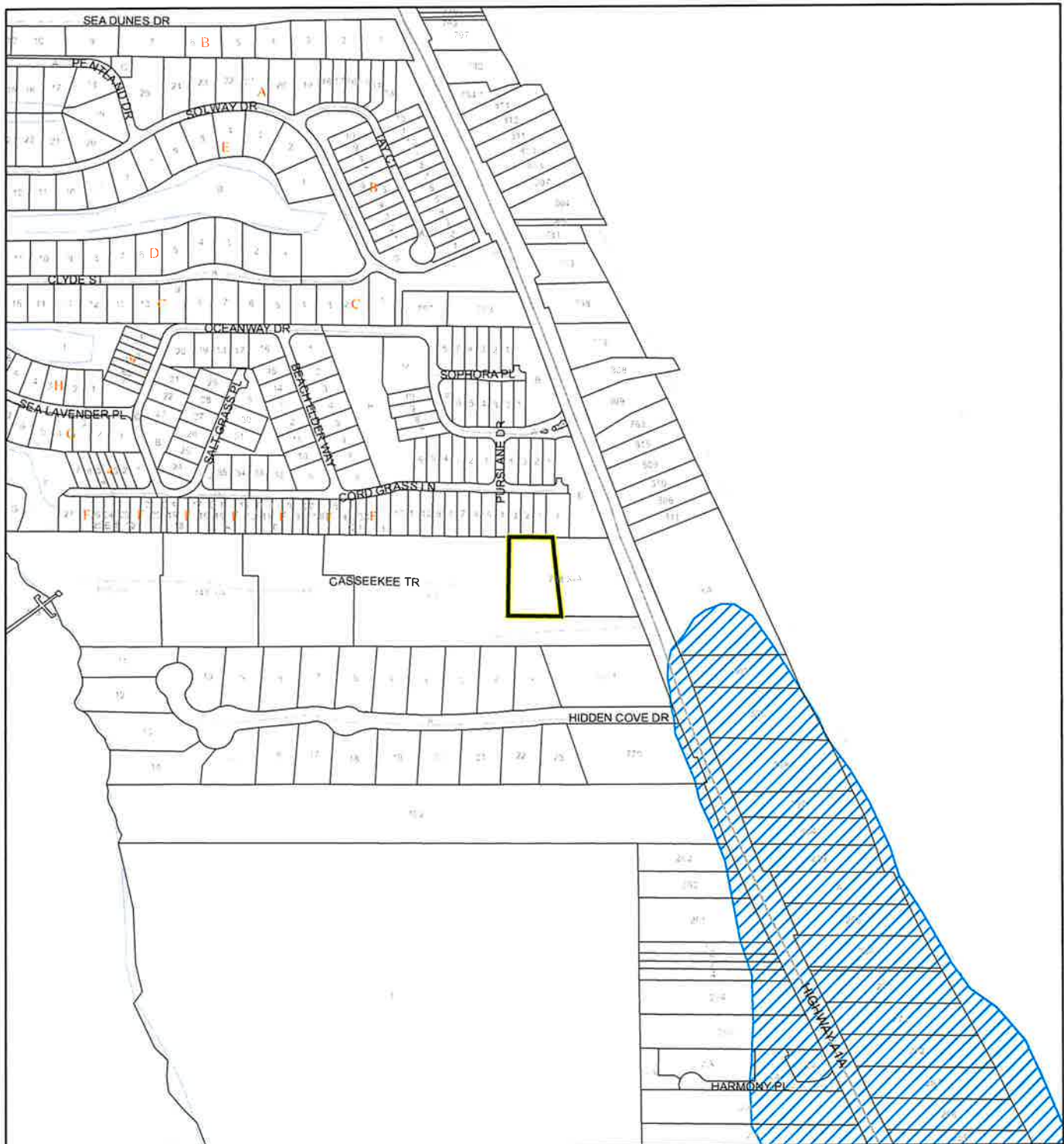
 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

ESPANET, CHRISTOPHER L

24SS00013




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 11/21/2024

 Subject Property

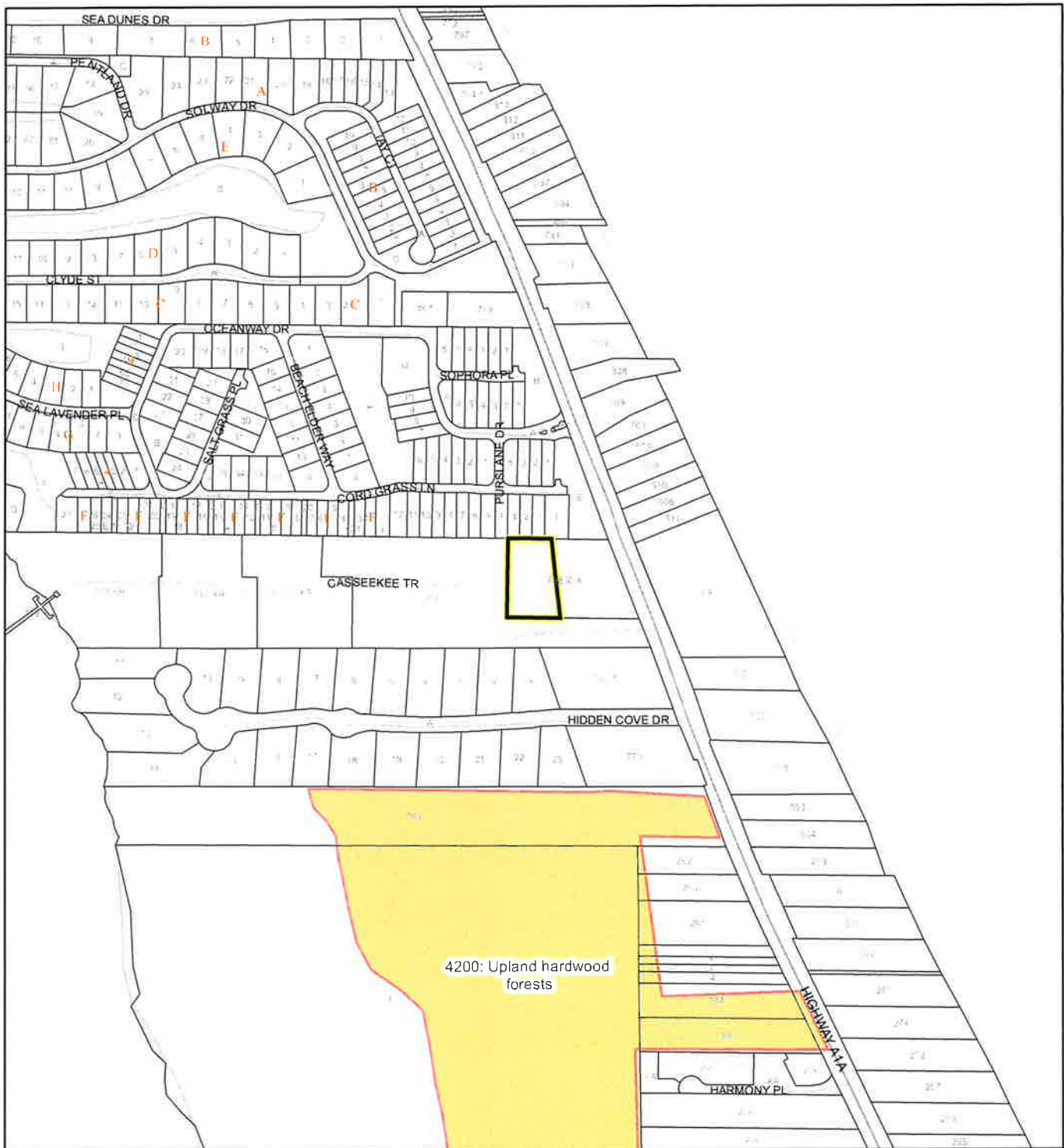
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels