



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.8.

2/6/2025

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 (FLU) 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, the Board voted to transmit the Brevard Barrier Island Area (BBIA) for state review which includes this prohibition on density increases.

In 1992, in accordance with the South Beaches Small Area Plan, amendment 92B4.2 changed the FLU designation 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 FLU designation. Subsequently, the recordation of the 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. 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 FLU designation.

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 Comprehensive Plan Amendment request.

Approval of the RES 2 will create an inconsistency between the RP zoning classification and FLU 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. Staff has drafted an Addendum (see "Addendum #1, attached) in response to statements made at the Pubic Hearing conducting by the Local Planning Agency.

At the December 12, 2024, Board of County Commission meeting this item was continued to the February 6, 2025, Board of County Commission meeting.

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 a 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.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

2725 Judge Fran Jamieson Way

Building A, Room

114 Viera,

Florida 32940

(321)633-2070 Phone / (321)633-2074 Fax

<https://www.brevardfl.gov/PlanningDev>

**Addendum #1 To Small Scale Comprehensive Plan Amendment (SSCPA) 24SS00013
(Christopher L. Espanet)**

While application 24SS00013 is for a Small Scale Comprehensive Plan Amendment request to change the future land use designation from RES 1 (Residential 1) to RES 2 (Residential 2), this addendum confirms the RP (residential professional) zoning classification is consistent with the RES 1 Future Land Use designation in this instance and clarifies potential development opportunities.

During its advisory meeting on November 18, 2024, the Local Planning Agency (LPA) voted 6 to 4 in favor of recommending approval. At its December 12, 2024 Zoning meeting, the Board continued the application to the February 6, 2025 meeting at the applicants request.

Throughout the LPA meeting, it was frequently stated that the subject property is undevelopable with its current Future Land Use (FLU) and Zoning since a single-family dwelling unit was not allowed. To clarify, the subject property meets the development standards established in Section 62-1344(4) and may be developable (through non-residential uses consistent with RP zoning¹) with no legislative action needed.

As noted in the Staff Comments: On May 27, 1992, the Board of County Commissioners adopted the South Beaches Small Area Study. 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. Pursuant to 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. Of particular relevance to the subject at hand, the **amendment provided for consistency between the RP zoning classification and RES 1 FLU designation (see Exhibit A attached), and the subject property was expressly included in the Board's action when adopting the amendment.**

The RP (residential professional) zoning classification encompasses land devoted to a mixture of professional and residential uses. Principal uses and restrictions of this zoning classification are intended to promote development of low- to medium-density residential development, **in conjunction with low-intensity commercial development.** This zoning classification is intended to provide restricted commercial uses which are compatible with and meet a need for limited commercial services convenient to residential development. **The intent of this zoning classification is to provide for a combination of residential and professional uses on the site,** although this classification does not prohibit use of the site as exclusively residential or professional. Since the subject property is less than one acre, it could not be developed as a single family residence.²

¹ Non-residential permitted uses include professional offices and parks and recreation facilities. Uses permitted with conditions include learning centers and wireless telecommunication facilities (the property must meet all applicable conditions for these uses).

² See Sec. 62-1334(4)(a), Brevard County Code of Ordinances, stating that "maximum density is five dwelling units per acre *or the maximum allowable residential density designation for the subject property, whichever is less.* No more than one detached single-

However, since at least the implementation of the South Beaches Small Area Plan, the parent 1.71 acre parcel has had the potential to have both a residence and those non-residential uses permitted within the RP zoning class. This remains unchanged, with the commercial development potential of the subject property not having been utilized.

family dwelling may be constructed on any minimum sized lot [emphasis added].” Because the subject property is now less than one acre, and its RES 1 density designation allows for one unit per acre, the maximum allowable residential density designation for the subject property is zero. It should be noted that the parent parcel had 1.71 acres prior to being split; therefore, at the time of the implementation of the South Beaches plan the development potential was one unit, and that one residential unit was built.

EXHIBIT A to Addendum #1

FUTURE LAND USE MAP SERIES PLAN AMENDMENT

Request No. 92B4.2

South Beaches Small Area Plan Study Recommendation #4

Applicant: Brevard County

Quad Map: Grant Land Use

Location: Section 10, Township 29, Range 38

Acreage: 16.9 +/- acres

Existing Land Use Designation: Mixed Use District

Existing Density Area Designation: Urban Fringe (4 units/acre)

Proposed Land Use Designation: Residential

Description:

The existing mixed use district is located west of SR A1A, south of Sea Dunes Drive to the south section line. Existing zoning within the mixed use district includes neighborhood commercial (BU-1-A), general retail commercial (BU-1) and general tourist commercial (TU-1) on vacant land, with the exception of the partial construction of South Shore resort, and the Rusty Anchor Restaurant on parcel 770. The Rusty Anchor Restaurant will be eligible for designation as a Pre-Existing Use, and thus could be rebuilt if destroyed, but not expanded.

Removal of the mixed use district designation is based upon compatibility with surrounding uses, character of the area, and impacts to local traffic conditions on SR A1A as described within the South Beaches Small Area Plan Study. The established character of the area is residential, with the exception of the Rusty Anchor Restaurant. The mixed use district ranges in depth from approximately 250 feet to 500 feet. This narrow width would not permit large setbacks or transitional uses within the boundaries of the mixed use district to protect surrounding residential areas.

Neighborhood commercial (BU-1-A zoning) and professional office uses (RP zoning) may be considered within the residential land use category, if the property meets the locational criteria. Thus, amending the Future Land Use Map to residential in this area, will allow consideration of neighborhood commercial, professional office and residential land uses while maintaining the existing residential character of the area.

The proposed amendment is consistent with Future Land Use Policy 4.4, Criterion A, and Future Land Use Policy 4.6, Criteria C and D.

Availability of Public Facilities and Services:

The preliminary concurrency evaluation determined the impact of the proposed amendment on the roadway system would be a reduction of approximately 2000 trips per day at buildout. The current land use configuration is estimated to result in a volume to maximum acceptable volume (Vol/MAV) ratio of 113.9%; the proposed land uses result in an estimated Vol/MAV of 84.1%. This analysis was conducted based upon the existing density, although a density

reduction is proposed by amendment B4.12. Thus, the reduction in traffic volume would be even greater based upon that amendment, which is analyzed separately.

The impacts to parks and recreation facilities is anticipated to be greater based upon the change from commercial to residential. This finding is an artifact of the concurrency management policy which does not require commercial or industrial land uses to meet the parks and recreation level of service.

The subject property is within the service area for the City of Melbourne water system and can be served by that facility. The preliminary concurrency evaluation shows that an increase in potable water needed is expected with a change from commercial to residential. However, the reduction in average daily trips on the transportation network by the change to a less intense land use is overwhelming support for the proposed amendment. Based upon the reduction of density proposed in amendment B4.11, there is proposed to be a reduction in the impact to the water system based upon the existing future land uses.

The subject property is within the 6 to 20 year future service area for sanitary sewer. The residential development proposed by the amendment would be served by on-site sewage disposal systems. The subject property can also be served by the Brevard County land fill, which has sufficient capacity for the proposed land uses.

Environmental Resources:

According to the environmental analysis within the South Beaches Small Area Plan study, the majority of the site is classified as a Type III recharge area because of the presence of Palm Beach soils, and Brevard County Ordinance #89-12 establishes standards for protection of the recharge function of these areas. Within this recharge area, the maximum impervious surface coverage permitted is 45% unless certain conditions are satisfied. New facilities that handle, store, or use hazardous materials in excess of the threshold planning quantity area not permitted.

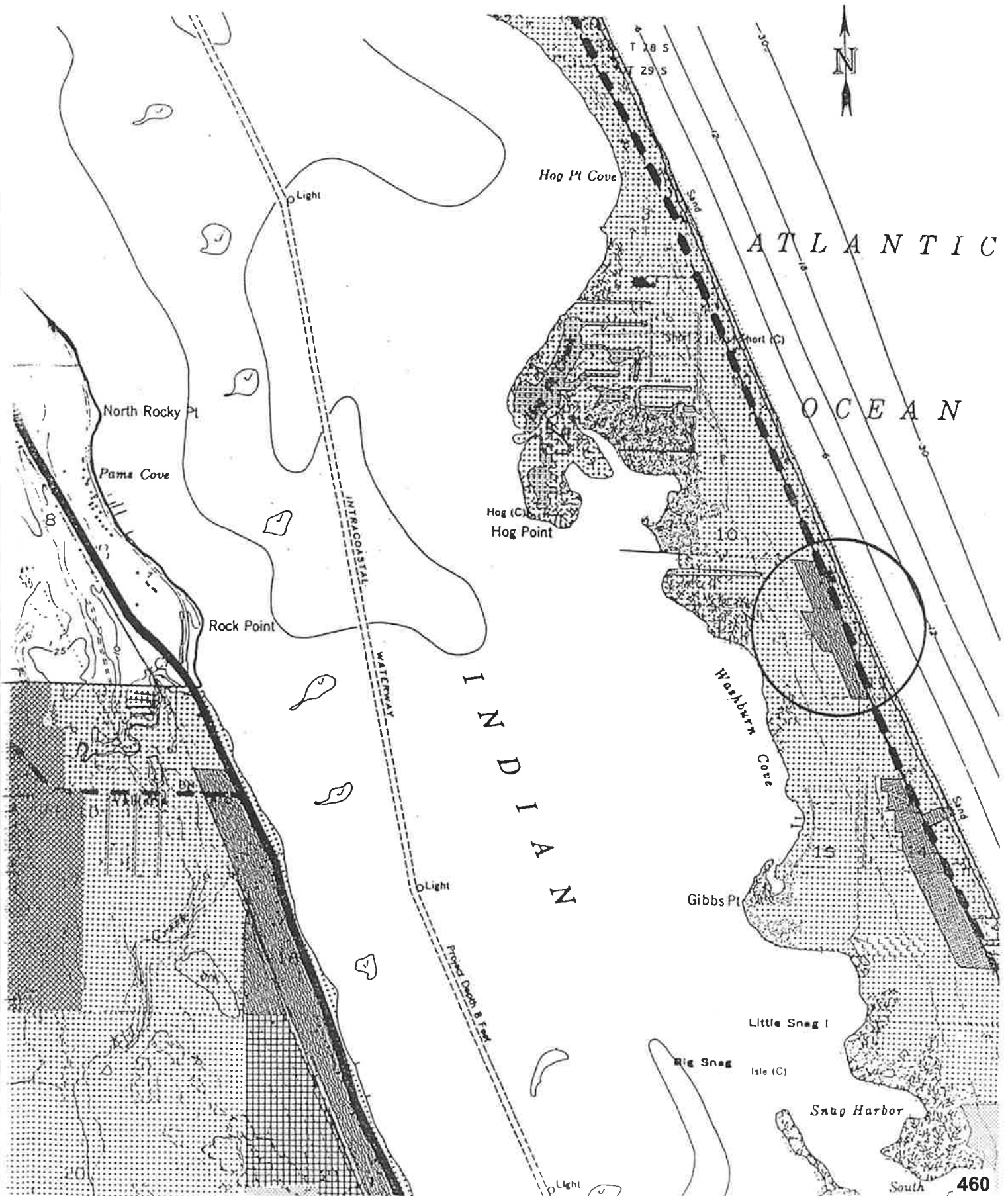
The subject property has been disturbed by construction activities along a majority of its length. Disturbances include clearing of vegetation, some excavation and pilings from the abandoned South Shores development. The remaining vegetation is sparse and does not appear to function well as a community in its present state.

There are no wetlands on the site, and it is located outside of the Indian River Lagoon or Atlantic Ocean floodplains.

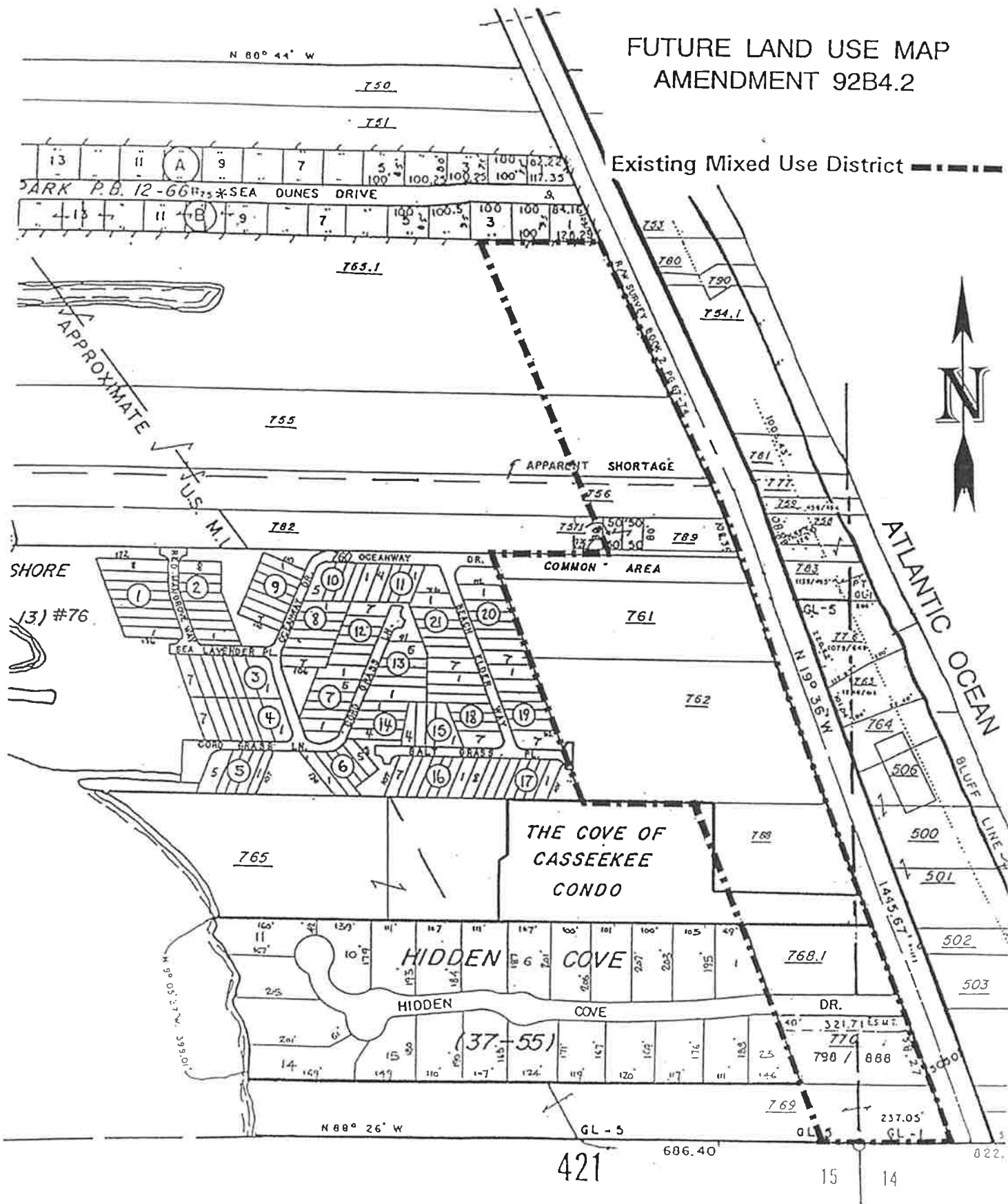
Historic Resources:

There are no known significant historic resources listed on the Florida Master Site File or the National Register of Historic Places which would be impacted by this amendment. Future development activities in the area will be subject to review and discovery procedures of Policies 2.3 and 2.4 of the Historic Preservation Element of the Comprehensive Plan to ensure that any potential resources on this site area not further disturbed by construction or similar activities and to allow for documentation of the site resources.

FUTURE LAND USE MAP
AMENDMENT 92B4.2



FUTURE LAND USE MAP
AMENDMENT 92B4.2



ORDINANCE 25-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 62, ARTICLE III OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, ENTITLED "COMPREHENSIVE PLAN", SETTING FORTH PLAN AMENDMENT 24SS00013 TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; SPECIFICALLY AMENDING SECTION 62-501 ENTITLED "CONTENTS" TO AMEND THE FUTURE LAND USE MAP APPENDIX OF PART XI TO THE COMPREHENSIVE PLAN; PROVIDING LEGAL STATUS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, et seq., Florida Statutes, established the Local Government Comprehensive Planning and Land Development Regulation Act, also referred to as the Community Planning Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a comprehensive plan as scheduled by the Department of Commerce; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, as amended, hereinafter referred to as the "1988 Plan"; and

WHEREAS, Section 163.3184, Florida Statutes, establishes the process for amendments to comprehensive plans and specifically establishes that plan amendments that are in an area of critical state concern must follow the State coordinated review process; and

WHEREAS, Section 380.0553, Florida Statutes, establishes the boundaries of the Brevard Barrier Island Area, hereinafter referred to as the "BBIA", that was created by the Florida Legislature through the Brevard Barrier Island Area Protection Act; and

WHEREAS, the property owner is requesting the land use amendment for property located within the BBIA; and

WHEREAS, on November 7, 2024, Brevard County voted to transmit to the Florida Department of Commerce goals, objectives and policies necessary to implement the requirements contained in Section 380.0553, Florida Statutes, into the County's Comprehensive Plan, but such goals, objectives, and policies have not yet received final approval from the State nor the County; and

WHEREAS, on November 7, 2024, Brevard County has transmitted to the Florida Department of Commerce the changes to the goals, objectives and policies necessary to implement the Evaluation and Appraisal Review of the comprehensive plan contained in

Section 163.3191, Florida Statutes, but such goals, objectives, and policies have not yet received final approval from the State nor the County; and

WHEREAS, Section 62-181, Brevard County Code, designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said Local Planning Agency; and

WHEREAS, the County's Local Planning Agency conducted a duly noticed public hearing on November 18, 2024, and recommended transmittal of the requested land use change, Plan Amendment 24SS00013, to the State land planning agency for review; and

WHEREAS, the Board of County Commissioners conducted a duly noticed public hearing on December 12, 2024, and approved transmittal of Plan Amendment 24SS00013 to the State land planning agency for review; and

WHEREAS, on _____, 202__ the State land planning agency issued its Objections, Recommendations, and Comments (ORC) report; and

WHEREAS, the County has reviewed and addressed the Objections, Recommendations, and Comments report; and

WHEREAS, the Local Planning Agency conducted a duly noticed public hearing on _____, 2025, and recommended approval of the requested land use change, Plan Amendment 24SS00013; and

WHEREAS, the Board of County Commissioners conducted a duly noticed public hearing on _____, 2025, and approved the requested land use change, Plan Amendment 24SS00013.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Recitals. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

SECTION 2. Authority. This Ordinance is adopted in compliance with and pursuant to Florida law, including, but not limited to, Sections 163.3184, 380.05, and 380.0553, Florida Statutes.

SECTION 3. Adoption of Comprehensive Plan Amendment. Pursuant to Plan Amendment 24SS00013 to the 1988 Comprehensive Plan, Chapter 62, Article III, Section 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended as shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are attached hereto and incorporated into this Ordinance by this reference.

SECTION 4. Legal Status of the Plan Amendment. After and from the effective date of this Ordinance and in accordance with Section 7 below, this Plan Amendment shall amend and become part of the 1988 Plan, and the Plan Amendment shall retain the legal status of the 1988 Plan established in Chapter 62, Article III, Brevard County Code of Ordinances, as amended.

SECTION 5. Inclusion in Code. Upon the effective date of the Plan Amendment 24SS00013 adopted by this Ordinance, the contents of the Plan Amendment shall be incorporated into the Brevard County Comprehensive Plan as the Future Land Use Map appendix of Part XI.

SECTION 6. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

SECTION 7. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the State land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the State land planning agency issues a notice of intent determining that this amendment is not in compliance, the amendment shall become effective on the date the State land planning agency ultimately issues its notice of intent or the Administration Commission enters a final order determining this Ordinance, including the associated plan amendment, to be in compliance.

DONE AND ADOPTED, this _____ day of _____, 2025.

ATTEST:

BOARD OF COUNTY
COMMISSIONERS OF BREVARD
COUNTY, FLORIDA

Rachel Sadoff, Clerk

By: _____
Rob Feltner, Chair

As approved by the Board on _____,
2025

EXHIBIT A
PLAN AMENDMENT 24SS00013

Contents

- 1. Adopted Future Land Use Map**

BREVARD COUNTY FUTURE LAND USE MAP AMENDMENT

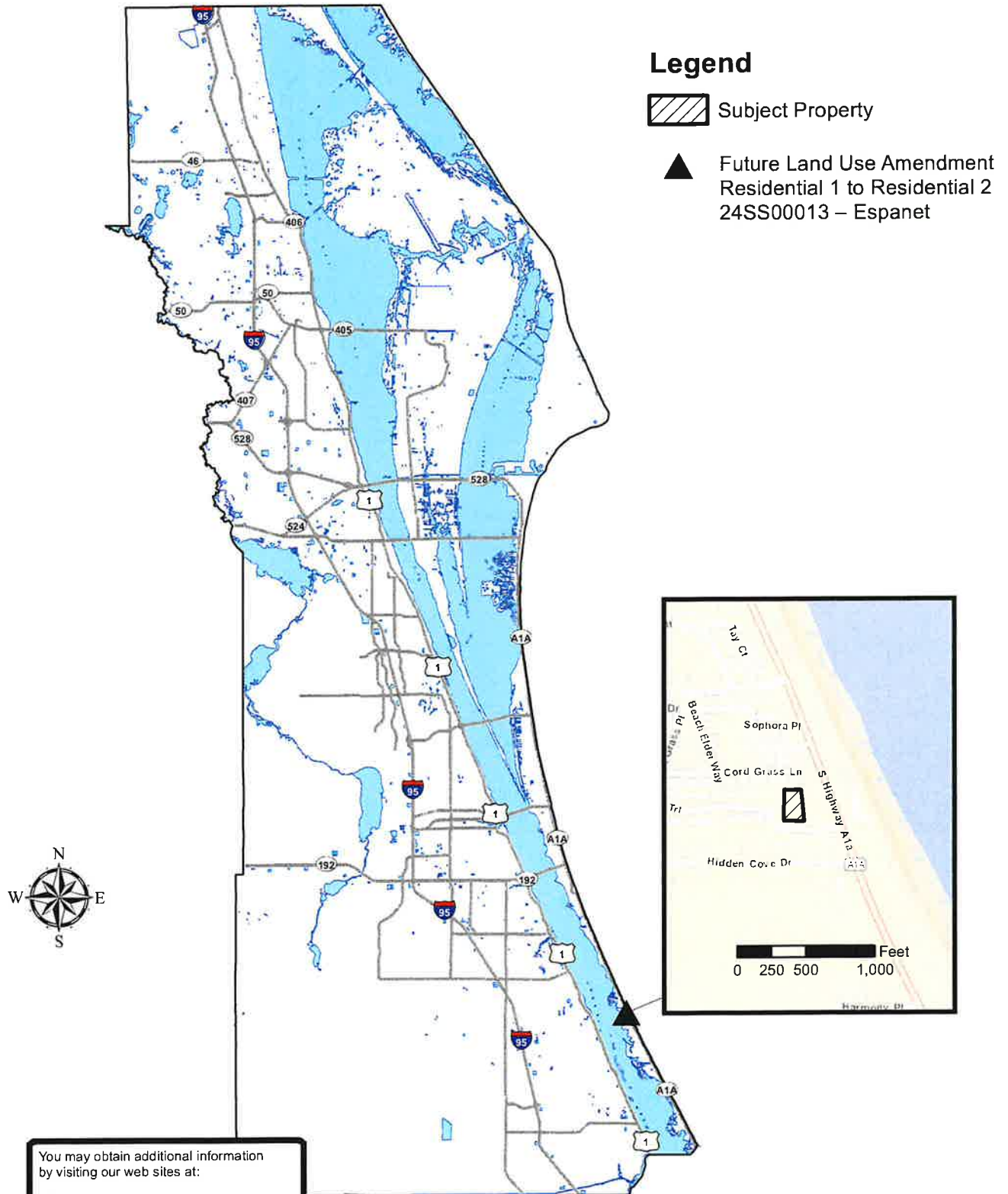


EXHIBIT B

Contents

1. Legal Description

Condominium Unit No. 1, CASSEEKEE 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.

MAP OF SURVEY



PROPERTY ADDRESS: 5610 #1 Highway A-1-A

LEGAL DESCRIPTION: UNIT 1, as described in DECLARATION OF CONDOMINIUM OF CASSEEKEE TRAILS, A CONDOMINIUM, dated May 2, 2005 as recorded in Official Records Book 460, Page 2504, of the Public Records of Bravard County, Florida.

[illegible]

PROPERTY IS LOCATED IN FLOOD ZONE X. FIRM FLOOD INSURANCE RATE MAP 1809080000B WITH AN EFFECTIVE DATE 8/1/2016.



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>

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, 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.



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

(321) 264-8700
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 CASSEEEKEE TRAILS CONDO UNIT 1 CASSEEEKEE TRAILS CONDO AS DESC IN ORB 5460 PG 2504 AND ALL AMENDMENTS THERETO



CONDO COMMON AREA INFORMATION

Name	CASSEEEKEE 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

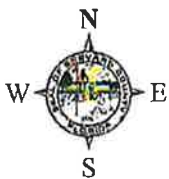
PROPERTY DATA CARD #1

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		

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.

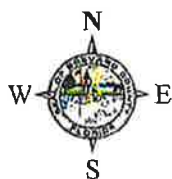
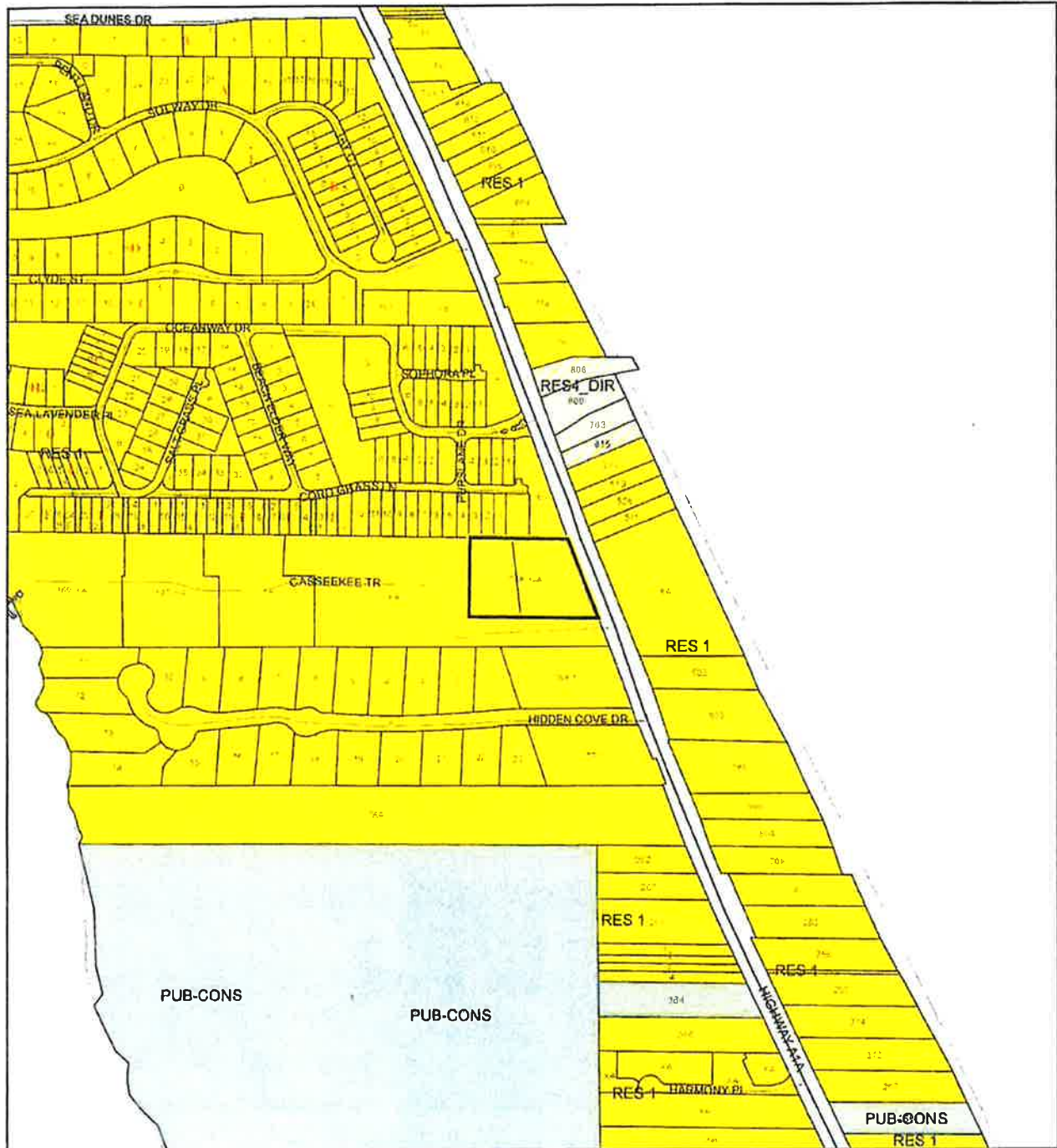
Produced by BoCC - GIS Date: 8/23/2024

— Subject Property

□ Parcels

FUTURE LAND USE MAP

Espanet, Christopher
24SS00013



1:4,800 or 1 inch = 400 feet

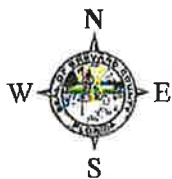
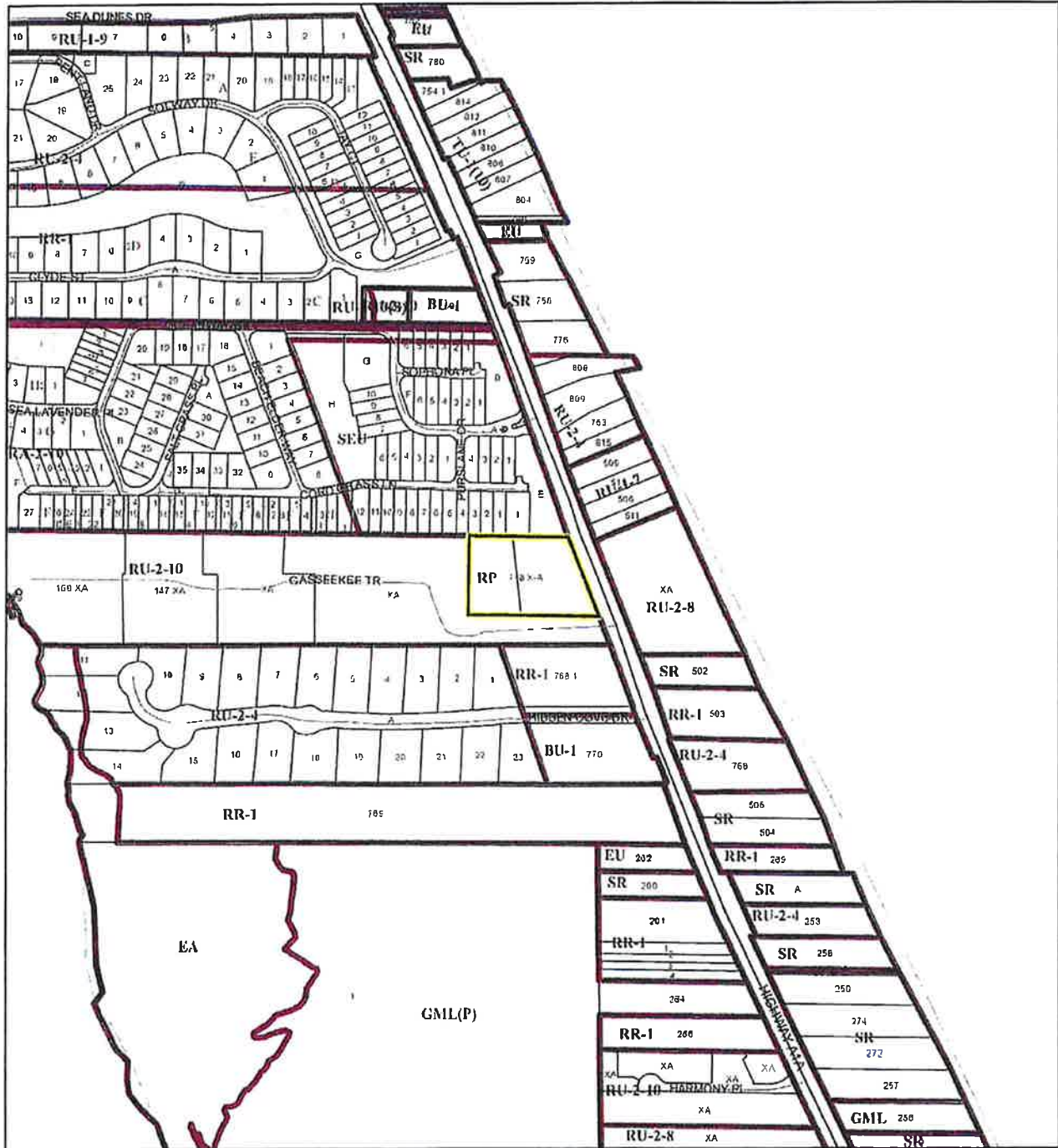
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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

— Subject Property
□ Parcels

ZONING 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

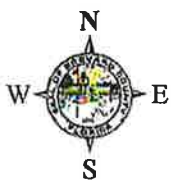
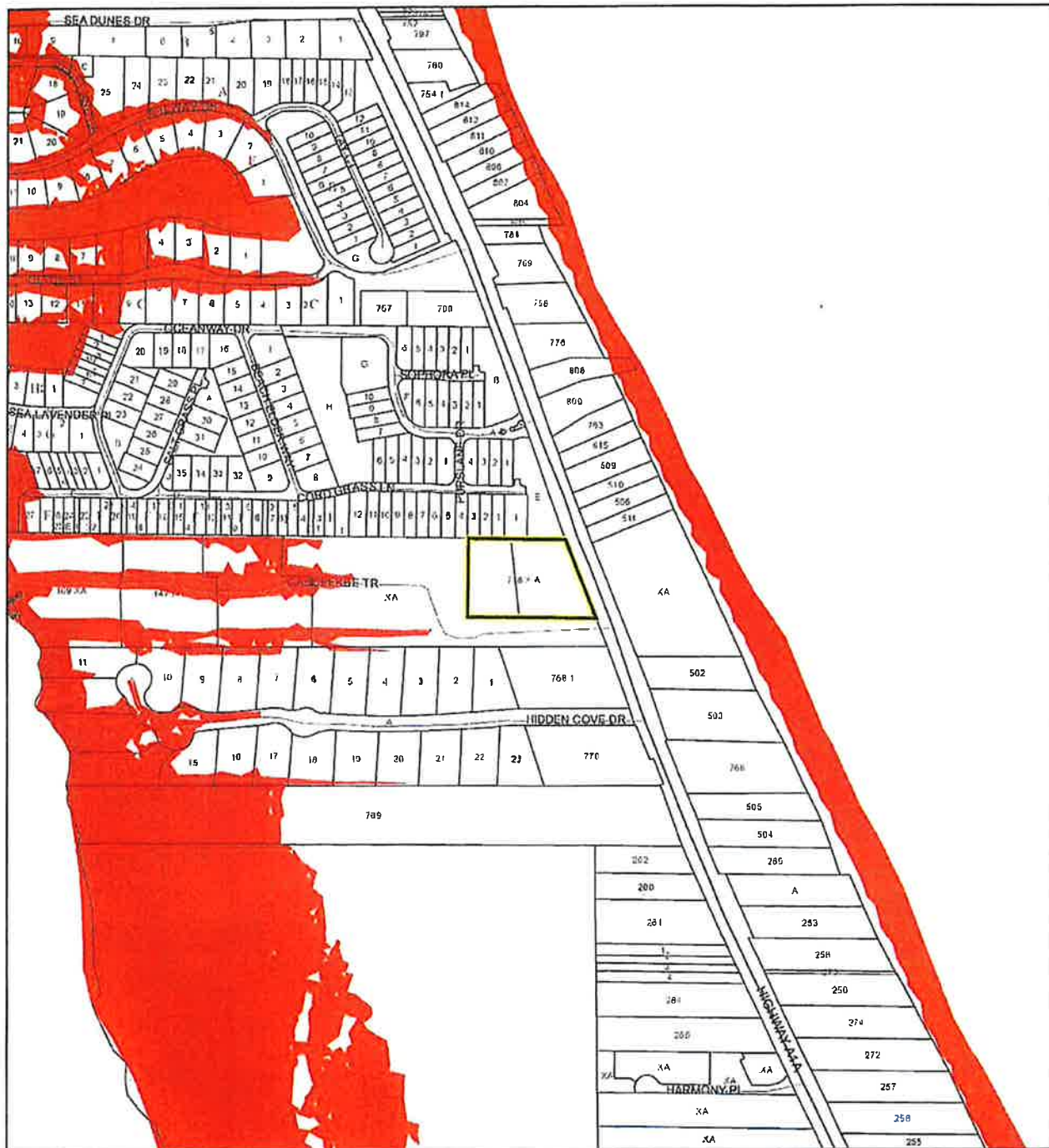
□ Zoning

4

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

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	--

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 DN 2

7

CASSEEKIE TRAIL OWNERS ASSOCIATION, INC., A CONDOMINIUM



SURVEYOR'S NOTES CONCERNING THE GRAPHIC PLOT PLAN:

CFN:2005151983
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 4505".
- △ = FOUND MAG NAIL & DISK STAMPED "PCP 4505".
- = FOUND 5/8" IRON ROD - (NO IDENTIFICATION).

SURVEYOR'S CERTIFICATION:

I hereby certify that the attached sketch of survey shown of 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 61C17-6, 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

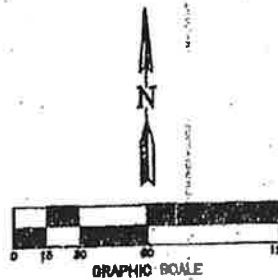
ALLEN ENGINEERING, INC.
106 DIXIE LANE
COCOA BEACH, FLORIDA
JANUARY 20, 2005

EXHIBIT "A"

SHEET 2 OF 3

8

GRAPHIC PLOT PLAN TO DEFINE THE LIMITS OF THE UNITS



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

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

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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 CASSEEKKE TRAILS CONDO UNIT 2 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	\$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	8928/1214
08/28/2017	--	WD	7925/2599
06/22/2016	\$155,000	WD	7648/2183
11/06/2009	--	CT	8059/0634
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**

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(321) 264-6700

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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	Year Built 1986
Roof Structure: FLAT/SHED	Story Height --
Roof Cover: BU-TG/MMBRN	Floors --
Heat & Air: FHA & AC	Residential Units 1

13

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, 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.

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

DUNKIN
1980 N. Courtenay Plcy
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. Sadoff, 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

SUNIL RAJAN

Michelle Bengson F. King
(Witness Name typed or printed)

Nicholas N. Rehal
(Witness Name typed or printed)

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

Rosemarie G. Kua
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 IFF DEVELOPMENT LLC
Mailing Address 4760 N US HIGHWAY 1, STE 201 MELBOURNE FL 32935
Site Address 1438 CYGNUS PL MERRITT ISLAND FL 32953
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

**VALUE SUMMARY**

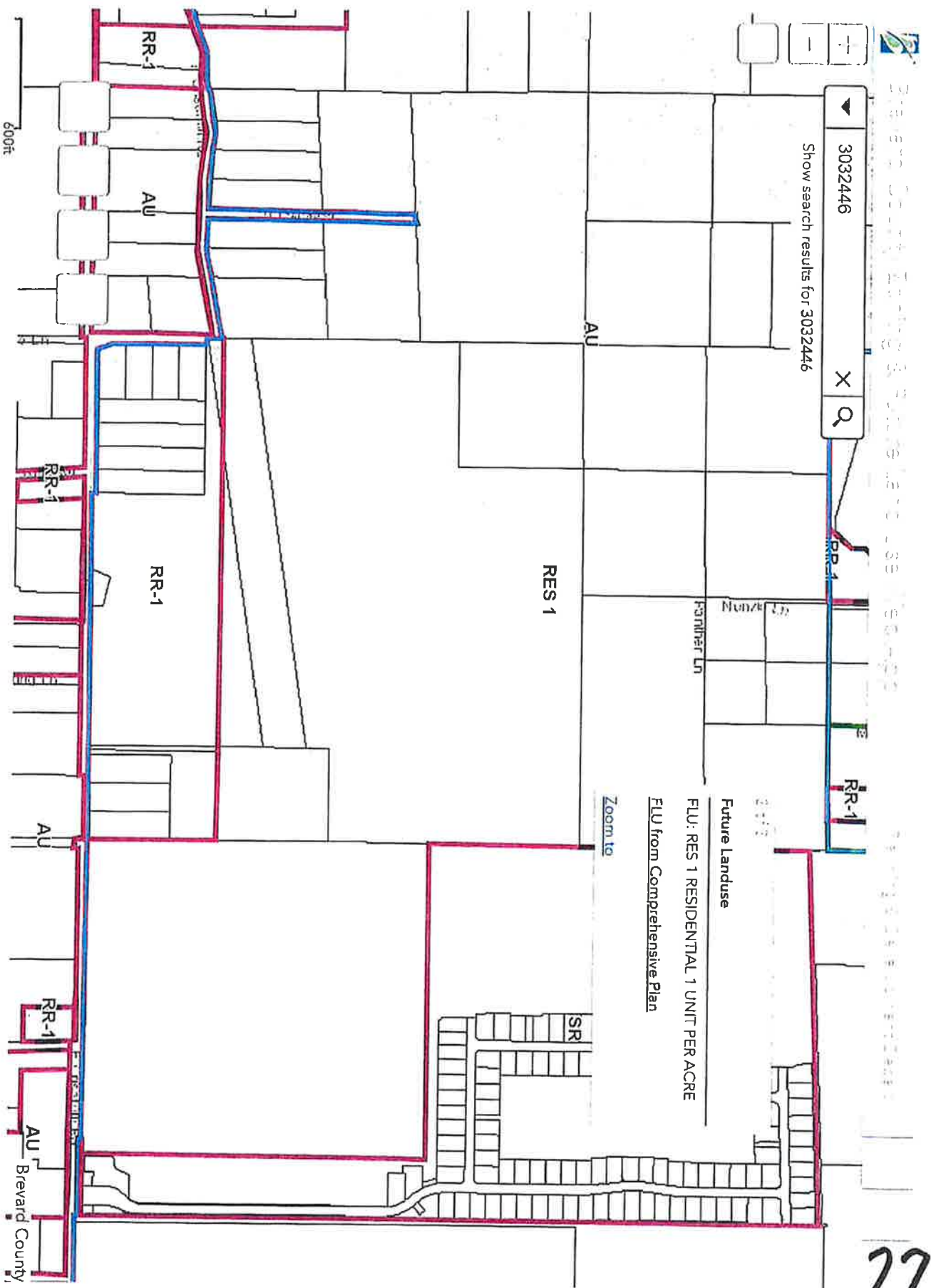
Category	2024	2023	2022
Market Value	\$120,000	\$20,000	\$0
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$22,000	\$20,000	\$0
Assessed Value School	\$120,000	\$20,000	\$0
Homeslead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School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

SALES / TRANSFERS

Date	Price	Type	Instrument
No Data Found			

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.

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
Gay Tripoli
(Witness Name typed or printed)

Lisa Tripodi
Lisa Tripodi
(Witness Name typed or Printed)

Marie McKessy Mantell
1945 SW 16th Ave Boynton Beach FL 33426
4989 Palm Way
As President Lake Worth Fl 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 Tripodi
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 Chainman 2020)
Commissioner - Florida Law Enforcement Accreditation Commission
Board of Directors - Central Brevard Sharing Center
Board of Directors - Brevard Homeless Coalition
Indian River National Estuary Program, Management Committee
Board of Directors - Florida City & County Management Association
Brevard District 4 Recreation, Past Chairman

**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 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	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 Rodgers 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 Rodgers 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 Rodgers 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 Rodgers 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 Rodgers 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.

From: [delbert sellers](#)
To: [Commissioner, D4](#)
Subject: Opposition to 5610 Hwy A1A rezoning, agenda item 4H
Date: Thursday, December 12, 2024 1:04:24 PM

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

Hello commissioner Feltner,

I live behind the subject property and I'm contacting you to express opposition to the proposed rezoning of 5610 Highway A1A from RES1 to RES2. Please vote NO to the request and adhere to your own zoning ordinance. Don't set a bad precedent. Your constituents are watching your actions and expect your NO vote to help preserve and heal the Indian River Lagoon.

Sincerely,
Del Sellers
167 CasseekeeTrail
Melbourne Beach 32951

From: [debbie wilson](#)
To: [Commissioner, D4](#)
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A
Date: Thursday, December 12, 2024 9:45:56 AM

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

Support South Beaches to protect the Area of Critical State Concern by voting NO !
Do not support the money, hungry developers, banging on your doors. You were elected to support the people that live here in Brevard County. Are there not plenty of areas that can support expansion and provide housing for the people that would like to move here to Brevard County without impacting preservation areas?

The applicant has requested a zoning change from RES 1 to RES 2 with a BDP limited to 1 unit per acre. This lot is only .7 acres.

This zoning request should not happen and should not be allowed. The Brevard County staff's position is that it recommended the Board to deny the application, yet here we are again with this request.

Please Help Keep Brevard Beautiful

Respectfully,
Debra Wilson

Sent from my iPhone

From: [Terry Mott](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Commissioners' Meeting December 12, 2024
Date: Thursday, December 12, 2024 12:15:09 PM

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

To: Brevard County Commissioners

Subject: Whether to authorize a request for an up-zoning change from RES 1 to RES 2 for 5610 A1A

I oppose this action.

Reason: I took a leadership course this week and learned that there are more people relocating to Florida than any other state in the US. That fact places an extraordinary responsibility on all public officials in Florida to ensure that growth is managed properly to protect our economy and the quality of life for all Floridians. Granting this specific request would violate Brevard's current policies and place a strain on the utilities and other management issues for this area.

Respectfully,

T. Alexandra Mott
4899 Wexford Dr.
Rockledge, FL 32955
321-223-6951

From: [Karen Hamilton](#)
To: [Commissioner, D4](#)
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A
Date: Thursday, December 12, 2024 1:17:53 PM

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

Hello,

I am a resident in Lighthouse Cove on Casseekee Trail and I am writing to ask that you please vote NO on the zoning change request for 5610 S Hwy A1A as it will set a dangerous precedent in our area of critical state concern.

In addition to displacing endangered Gopher tortoises, approving this zoning request will further burden our natural resources and add to our already known issue of safe evacuation planning. On the barrier island, we need enhanced infrastructure of county sewer plants and water to decrease risk of polluting our lagoon and river. Continuing to support overbuilding without appropriate infrastructure is an ecological disaster waiting to happen.

Thank you
Karen Hamilton
162 Casseekee Trail

From: [Rick Cash](#)
To: [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: 5610 S Hwy A1A Zoning Change Request
Date: Thursday, December 12, 2024 1:49:46 PM

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

Dear Commissioners

Rick Cash here, 124 Carmen St, Florida Beach. I'm writing this note to encourage you to reject the request for re-zoning 5610 S Hwy A1A from RES1 to RES2 at the December 12th 2024 meeting.

Although I expect this type of infill development is better served by a request for variance as opposed to a re-zoning request, I am concerned this is an attempt by the petitioner to establish a precedent for re-zoning to increase density on parcels here in the 'South Beaches.'

Freshly designated as an Area of Special State Concern environmentally through unanimous passage through the state legislature into law last year, I am aware the relevant special area plan has only recently been transmitted to FDEP for review, comment and approval. Addressing this re-zoning request prior to state review completion seems premature.

The purpose of the Area of Concern designation is directly to stop this type of density increase from re-zoning for all the reasons noted in the law.

While this request before you, the commissioners, may seem a very minor step, it could as an unfortunate precedent have huge consequences downstream.

Thank you for your consideration,

Regards

Rick Cash
124 Carmen St
Melbourne Beach FL 32951

From: [tim kloc](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A
Date: Thursday, December 12, 2024 2:20:15 PM

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

Pls use your vote as no
Tim & Patti Kloc
185 Duval st
Melbourne Bch
843-247-1814
Sent from my iPhone

From: [Denise Green](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: 5610 Hwy A1A
Date: Thursday, December 12, 2024 2:14:21 PM

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

Dear Brevard County Commissioners,

I recently attended a hearing of the recommending committee for zoning and wanted to voice my disappointment in that committee's ruling to recommend the zoning change to R2. The committee members who voted in favor appeared to yield to an emotional plea by a paid attorney and seemingly failed to remember its duty to protect the best interests of our community. City officials felt strongly the best interests of our community were met by voting no to this change previously. Panel members were swayed by the un-usability of the land and taxes paid to date. As I understand it, the land was unusable due to its zoning before it was deeded to the owner almost 20 years ago. At any point in the past 20 years that owner could have cut his losses and sold the land as there have been willing buyers; at which time his tax liability would have ceased. He chose to buy unusable land and chose to hold it knowing it was unusable and as a result chose to pay taxes for almost 20 years. Our community should not be forced to burden the consequences of his choices because a paid attorney convinced decision makers to feel sorry for him. I was disappointed and it concerns me for our future in Brevard County.

Thank you,
Denise Mannino
146 Casseeckee Trail; Melbourne Beach, FL

Sent from my iPhone

Jackson, Desiree

From: Beth Ferriell <bethferriell@yahoo.com>
Sent: Wednesday, December 11, 2024 4:43 PM
To: Commissioner, D1
Subject: Zoning Change Request for 5610 S Hwy A1A

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

PLEASE vote NO tomorrow on the zoning change request for 5610 S Hwy A1A.

The current infrastructure cannot handle more multi unit residences. We want to protect the South Beaches Area of Critical Concern.

Thank you for your time.

Beth Ferriell
6466 Floridana Ave

From: [ebquest](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: File # 7600: RE: RES2 zoning change request for 5610 Highway A1A unit 1 Melbourne Beach FL
Date: Wednesday, December 11, 2024 1:37:30 PM

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

Dear Commissioners:

A zoning change is being requested from RES1 to RES2 and is before you for a final vote tomorrow 12/12/24 @5 pm. I am kindly requesting that my objections are read into and filed as part of the record. And, that this body, responsive to the voters of Brevard, give thoughtful deliberation and consideration to the request before you and not simply rubber stamp it for approval.

This authorization contravenes: 1- FL State Law enacted 2023, designating Brevard county one of 6 in the state, with critical infrastructure protections; 2-rides roughshod over the express wishes of residents of these communities; 3- establishes a dangerous precedent, causing irrevocable future harm; and 4-benefits only venal developers, attorneys and politicians, to the absolute detriment of us all and our fragile ecosystem.

BACKGROUND

- Owner purchased a plot of land several decades ago on 0.7acres located at 5610 HWY A1A, unit 1, Melbourne Beach FL
- Owner paid taxes on land, and now decided to build his (retirement) dream home on that land.

Several Problems with this plot of land:

- single family homes beachside are zoned for 1 acres
- Plot is landlocked; no egress to A1A, bounded by private home and 80 unit condominium community of LHC, upon which it directly encroaches (depriving privacy, blocking views, creating potential flooding and traffic issues, etc)

Housing unit will require owner to install *sewer, well, and irrigation* system- again will require suspension of [certain] laws to achieve these objective

- **Two most egregious problems with this request for zoning change:**
 1. **It violates critical infrastructure 7.1 state law** (2023) that prohibits high density buildings. 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.*”

2- It sets a **bad & dangerous precedent**. Once this property is allowed an exemption what possible rationale is there for stopping future zoning requests for high density housing **DESPITE FL state law drafted in 2023 expressly prohibiting these types of development** because they knowingly harm and endanger our fragile ecosystem, putting all residents in danger with future natural disasters like hurricanes when development is hindering precisely these efforts at preservation. **The only beneficiaries for these changes are greedy developers, lawyers, realtors and dirty politicians** willing to have their palms greased to ignore our laws and continue to ravage our fragile shoreline with these types of exemptions.

ISSUE:

1. Owner claims unless he's granted a zoning change from RES1 (single family home) to RES2 (multi family home) he won't be able to build on plot. This imposes unfair burden on him, given he dutifully paid taxes on land he now can't use it.

FACTS:

- Owner bought this property with knowledge that original owner divided a lot unevenly/unfairly (land divided into an acre lot, and a 0.7 acre lot)
- Owner claims to have paid taxes on 0.7 property continuously for past several decades in excess of \$40k
- Owner claims he intends to build a single family house 4k sq ft on lot, though he is asking for change in zoning from RES1 to RES2 for multifamily dwelling. Moreover, under RES2 he can build up to 35' high unit that will definitely obstruct natural beauty, create potential flooding/overflow issues, invade privacy, add to traffic congestion, and be a potential hazard with undesirable lights shining on turtle nesting grounds. This statement of intent - not fact- solely based on owners' word, is granting a zoning change with no future assurances. What if owner changes his mind while building and decides he wants multiple units? Or after building his home sells it and next buyer converts it to a multi-family high density development?
- **OBJECTIONS:** Owner made bad business investment, did not do his due diligence on the property, had option to sell the land instead of paying taxes on it. Now neighbors directly impacted by this zoning change are asked to accept, at face value, a promise that this property will never become a HIGH DENSITY, MULTI FAMILY unit though it is zoned specifically for that purpose which this owner or a future owner can subsequently turn this property into an Air B&B, or subdivide into several units under his tenancy or through a subsequent sale. The lawyer summarily dismissed high density argument, despite state law to the contrary, as well as summarily dismissed issue of egress stating they can encroach on the adjacent property owners' 75' driveway to create an egress. She summarily dismissed “density” issues or ignored others that were never addressed like high traffic at extant location where there were **two FATALITIES** in the past two years, thus necessitating state intervention to create walkways and lights, etc., at the exact site bounding this plot of land, and

another infringements on residents' quality of life.

In light of the aforementioned, I respectfully request denial of this zoning change.

Sincerely,

E Ber

126 Casseekee Trail

Melbourne Beach, FL 32951

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

From: rel2421@aol.com
To: [Commissioner, D4](#)
Subject: Re: against item H\$ application 24ss)))13
Date: Wednesday, December 11, 2024 10:51:54 AM

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

RE: Against Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A

Dear Commissioner Feltner,

This letter is to state my objection to the above referenced application. The County Commission established the Future Land Use Plan and Coastal Element in 1992. They recognized that this fragile barrier island could not support an increase in density and provided hard and fast protections. Ten years later in 2005, the applicant purchased the .7 acres as Unit # 1 of a condo document that 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".

This is NOT a true Statement. The .7 acres was always unbuildable.

If the condo developer thought the lot was buildable, why didn't he divide the lot into 2 equal condo units of .85 acres each? Why did he make his Unit# 2 a full acre and Unit #1 only .7 acres?

What is factual and is in the county records per the 2019 application from the applicant:
He admits with said representation from the developers condo documents he made the purchase.
He was mislead by the developer but sought relief from the county (the current application doesn't include the condo document portion that misrepresents the .7 acres as buildable).

Since when is the County liable for a bad real estate purchase?

Continuing, at the LPA meeting 11-18-2024, the applicant's attorney implies the applicant reached out to county Planning (per record minutes) prior to purchase.

This is also NOT true:

From the P&Z staff comments to LPA BoardMeeting:

"Additionally, when Units 1 and 2 were created... 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...".

- 1) The county was never asked to review the land before the purchase.
- 2) Since when has a land purchase ever been reviewed by County staff without being asked?

JUNE 2022: the applicant filed a zoning classification letter where once again he was informed the property was non-compliant.

DECEMBER 2022: the applicant filed again with a similar argument but added language that somehow Coastal Element 7.0 was in conflict with 7.1 and that inconsistency should somehow allow his increase in density. That application morphed into a large scale text amendment which imploded due to the implications it could affect over 50 acres on the barrier island. The application was pulled from the agenda the night before at 10pm.

JULY 2024: This current application contains the same previous arguments that were rejected by P&Z but adds a Binding Development Plan, which county staff agrees does not apply. Additional expert testimony that clouds the factual issue that an increase in density is not allowed per CME Policy 7.1.

Planning and Zoning staff clearly states four times in their report to you that the application violates Policy 7.1. This same letter was provided to the the LPA, but the new uninformed majority of members were mostly concerned with the money the applicant spent. One member actually stated on the record that he was voting to provide, what would turn out to be an outrageous, and unfair, windfall million dollar profit to a land speculator, while at the same time admitting it was contrary to Policy 7.1.

All this to help a buyer that, admittedly on record, made a bad purchase decision in 2005.

Since when is it the responsibility of the county to provide relief to an applicant who bought a sub-standard lot just because he paid taxes on it?

This is not a County issue. It is a civil case between the applicant and the condo developer that sold him the unbuildable lot.

This is not a property rights issue. This a civil matter of a possible fraudulent real estate transaction

Please vote AGAINST the application.

Please do not provide a loophole for future land owners to convert their property to a condo and mislead other dupitious purchasers.

Our courts are full enough without adding to the fire.

Regards,

Robert Logsdon Jr.

9020 Highway A1A Melbourne Beach, FL. 32951

From: [Stephen LaScola](#)
To: d1commissioner@brevardfl.gov; [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: 5610 Highway A1A zoning change
Date: Tuesday, December 10, 2024 4:31:27 PM

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

To all of the commissioners involved in this, I AM AGAINST item H4 for the up-zoning of: 5610 A1A

FOR THE FOLLOWING REASONS:

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 the State Commerce Department on November 7th.

4) The island's water, sewer and evacuation resources cannot handle any more density.

Steve LaScola
LaScola's Building & Remodeling LLC
lic. 17-RC-CT-00101
cell: 203 767 3577
office: 321 831 3361
lascolasremodeling.com

From: dccapemay@aol.com
To: [Commissioner, D4](#)
Subject: December 12, 2024 Commission Meeting Item H4
Date: Wednesday, December 11, 2024 1:54:22 PM

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

Dear Commissioner Rob Feltner,

I want to welcome and congratulate you in this new session as a new Brevard County Commissioner member.

You have a lot of information to assimilate with each meeting. So, I wanted to provide you with a summary of the history of the South Beaches barrier island and why keeping density and intensity low, is so important. This is not a new issue; it started 40 years ago.

If you do not know the History of the South-South Beaches area, you cannot make an informed decision about density challenges that keep popping up.

Please read this short history before the Commission Meeting on December 12, 2024, involving a request to increase density at 5610 S Hwy A1A in the South Beaches area. I am opposed to the zoning request from Res1 to Res2 at 5610 S Hwy A1A, Melbourne Beach, and I ask you to please vote no.

- In 1981, Brevard County adopted a Comprehensive Plan for growth management to manage future development. The South-South Beaches were mentioned specifically as being unique in the Land Use Element and needing special evaluation, **noting that 'land values were high while public services were few ' in the South Beaches area.**
- In 1984, the South Beaches Growth Management Resolution was adopted. It provided details for building two new Bridges from the mainland to A1A between the 28-mile stretch from the 192 Causeway and the Wabasso Causeway. The two new bridges, Malabar Bridge and Valkaria Bridge would cross the Indian River to A1A at the South Beaches area. The plan included expanding the two-lane Highway A1A up to 4 or 6 lanes with infrastructure such as public sanitary sewer, potable water, drainage, etc.

The 2 new bridges were not built. The two-lane A1A remains the only north-south corridor. No potable water or sewer. Infrastructure is pretty much the same as in 1984.

- In 1985, Growth Management Legislation was passed as part of Florida's commitment to provide facilities and services for economic growth and preserve natural resources. The **Act required that infrastructure be in place concurrent with the development.**
- In 1989 Congress approved the Archie Carr National Wildlife Refuge Proposal to preserve a 20-mile stretch of barrier island that included the 12 miles of South Beaches in Brevard County and 8 miles in Indian River County. **Its purpose was to "protect the habitat of the most significant area for loggerhead turtle nesting, in the world. And to protect the most significant nesting area for green sea turtles in North America."**

- In 1990, The Environmentally Endangered Lands (EEL) Program was established to protect the natural habitats of Brevard County by acquiring environmentally sensitive lands for conservation, with voter-approved funds. The EEL Program protects turtle nesting sites, natural habitats, and native plants and animals in the South Beaches area.
- In 1991, 61% of Brevard voters, voted to approve the new EEL program. Voters also approved the EEL Tax, which provided \$55 million for funding.
- In 1992, Brevard County BOCC adopted the South Beaches Small Area Plan Study (SAPS) to address the lack of public facilities and available services, environmental constraints, hurricane evacuation, and land use compatibility. The SAPS focused on the narrow 12-mile stretch of A1A from Melbourne Beach City limits to the Inlet.

The Brevard County Comprehensive Plan, Objective 10, Policy 10.3 of the FLU element established a 2-step process for determining the density/intensity in the South Beaches area. **The first step was the SAPS/Report. The second step was to follow the SAPS recommendations with a subsequent Administrative Rezoning. Most residential lots in South Beaches were down-zoned to RR-1 Single Family Residence. Down-zoning reduced density/intensity to RR-1, one (1) residential unit per acre. It allowed development consistent with good growth management in an area with few public services, inadequate infrastructure, endangered habitats, one north-south two-lane highway A1A with no controlled intersections, and no new bridges.**

- In 2004, 69% of Brevard voters, voted to approve \$60 million for EEL for 20 years.
- In 2022, 70.43% of Brevard voters, voted to approve \$50 million for EEL over 20 years.
- In January 2023, a large group of residents from the South Beaches area of District 3 with the help of some special Representatives, embarked on a journey to create a Bill to protect the South Beaches barrier island from overdevelopment. The short name was the Brevard Barrier Island Protection Act. It is specific to the 12 miles of Southern Brevard barrier island area from the Melbourne Beach city limits south to Sebastian Inlet.
- By June 2023, HB 1489 Bill passed with a Senate Vote of 38-0, a House Vote of 115-0, and was signed by Governor DeSantis. The South Beaches was designated an Area of Critical State Concern by the Florida Legislature, as **codified in section 380.0553, Florida Statutes**. The designation of an Area of Critical State Concern (*ACSC*), is a rare event in Florida, and Brevard County received one. There are only five other areas designated *ACSC* in *Florida*; The *Florida* Keys, Key West, Big Cypress, the Green Swamp, and the Apalachicola Bay area.
- From July 2023 – July 2024, the Draft of the BBIA, *ACSC* Comprehensive Plan was being developed by Brevard County.
- August 2024 – December 2024, work continues on the Final Draft of the Brevard Barrier Island Area Comprehensive Plan Element.
- October 14, 2024, P&Z Meeting Public Hearing resulted in many excellent suggestions and comments to be included in the Final Draft of the Comp Plan Element.

- November 7, 2024 Commission Meeting. BOCC Transmittal of a Large-Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review process. The BBIA residents were a little disappointed that many of their suggestions, as well as Robert Sullivan's/FEMA Exhibit 1, and some excellent comments from Staff, were not included in the Draft to be transmitted.

- Meeting 12-12-2024 Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A. Zoning request that will increase density if approved and possibly undo all the work of the past 40 years.

Please do not approve the zoning request from Res1 to Res2 for 5610 S. Hwy A1A, at the 12/12/24 Commission Meeting. Everything we have worked for including the State designation of BBIA, ACSC has been done to limit density increases.

Thank you,

Sincerely yours,

Dolores Conway, Cardinal Drive, Melbourne Beach, FL 32951

Jackson, Desiree

From: dccapemay@aol.com
Sent: Wednesday, December 11, 2024 1:51 PM
To: Commissioner, D3
Subject: December 12, 2024 Brevard County Commission Meeting Item H4

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

Dear Commissioner Kim Adkinson,

I want to welcome and congratulate you as our new District 3 Representative and Brevard County Commissioner member.

You have a lot of information to assimilate with each meeting. So, I wanted to provide you with a summary of the history of the South Beaches barrier island and why keeping density and intensity low, is so important. This is not a new issue; it started 40 years ago.

If you do not know the History of District 3 and the South-South Beaches, you cannot make an informed decision about density challenges that keep popping up.

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- In 1991, 61% of Brevard voters, voted to approve the new EEL program. Voters also approved the EEL Tax, which provided \$55 million for funding.
- In 1992, Brevard County BOCC adopted the South Beaches Small Area Plan Study (SAPS) to address the lack of public facilities and available services, environmental constraints, hurricane evacuation, and land use compatibility. The SAPS focused on the narrow 12-mile stretch of A1A from Melbourne Beach City limits to the Inlet.
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- In 2004, 69% of Brevard voters, voted to approve \$60 million for EEL for 20 years.
- In 2022, 70.43% of Brevard voters, voted to approve \$50 million for EEL over 20 years.
- In January 2023, a large group of residents from the South Beaches area of District 3 with the help of some special Representatives, embarked on a journey to create a Bill to protect the South Beaches barrier island from overdevelopment. The short name was the Brevard Barrier Island Protection Act. It is specific to the 12 miles of Southern Brevard barrier island area from the Melbourne Beach city limits south to Sebastian Inlet.
- By June 2023, HB 1489 Bill passed with a Senate Vote of 38-0, a House Vote of 115-0, and was signed by Governor DeSantis. The South Beaches was designated an Area of Critical State Concern by the Florida Legislature, as **codified in section 380.0553, Florida Statutes**. The designation of an Area of Critical State Concern (ACSC), is a rare event in Florida, and Brevard County received one. There are only five other areas designated ACSC in *Florida*; The *Florida* Keys, Key West, Big Cypress, the Green Swamp, and the Apalachicola Bay area.
- From July 2023 – July 2024, the Draft of the BBIA, ACSC Comprehensive Plan was being developed by Brevard County.
- August 2024 – December 2024, work continues on the Final Draft of the Brevard Barrier Island Area Comprehensive Plan Element.
- October 14, 2024, P&Z Meeting Public Hearing resulted in many excellent suggestions and comments to be included in the Final Draft of the Comp Plan Element.
- November 7, 2024 Commission Meeting. BOCC Transmittal of a Large-Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review process. The BBIA residents were a little

disappointed that many of their suggestions, as well as Robert Sullivan's/FEMA Exhibit 1, and some excellent comments from Staff, were not included in the Draft to be transmitted.

- Meeting 12-12-2024 Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A. Zoning request that will increase density if approved and possibly undo all the work of the past 40 years. Please do not approve the zoning request from Res1 to Res2 for 5610 S. Hwy A1A, at the 12/12/24 Commission Meeting. Everything we have worked for including the State designation of BBIA, ACSC has been done to limit density increases.

Thank you,

Sincerely yours,
Dolores Conway, Cardinal Drive, Melbourne Beach, FL 32951

Jackson, Desiree

From: ebquest <ebquest@protonmail.com>
Sent: Wednesday, December 11, 2024 1:37 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: File # 7600: RE: RES2 zoning change request for 5610 Highway A1A unit 1 Melbourne Beach FL

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

Dear Commissioners:

A zoning change is being requested from RES1 to RES2 and is before you for a final vote tomorrow 12/12/24 @5 pm. I am kindly requesting that my objections are read into and filed as part of the record. And, that this body, responsive to the voters of Brevard, give thoughtful deliberation and consideration to the request before you and not simply rubber stamp it for approval.

This authorization contravenes: 1- FL State Law enacted 2023, designating Brevard county one of 6 in the state, with critical infrastructure protections; 2-rides roughshod over the express wishes of residents of these communities; 3- establishes a dangerous precedent, causing irrevocable future harm; and 4-benefits only venal developers, attorneys and politicians, to the absolute detriment of us all and our fragile ecosystem.

BACKGROUND

- Owner purchased a plot of land several decades ago on 0.7 acres located at 5610 HWY A1A, unit 1, Melbourne Beach FL

- Owner paid taxes on land, and now decided to build his (retirement) dream home on that land.

Several Problems with this plot of land:

- single family homes beachside are zoned for 1 acres
- Plot is landlocked; no egress to A1A, bounded by private home and 80 unit condominium community of LHC, upon which it directly encroaches (depriving privacy, blocking views, creating potential flooding and traffic issues, etc)

Housing unit will require owner to install sewer ,well, and irrigation system- again will require suspension of [certain] laws to achieve these objective

- - **Two most egregious problems with this request for zoning change:**
 1. It violates critical infrastructure 7.1 state law (2023) that prohibits high density buildings. 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.*"

_2- It sets a **bad & dangerous precedent**. Once this property is allowed an exemption what possible rationale is there for stopping future zoning requests for high density housing **DESPITE FL state law drafted in 2023 expressly prohibiting these types of development** because they knowingly harm and endanger our fragile ecosystem, putting all residents in danger with future natural disasters like hurricanes when development is hindering precisely these efforts at preservation. **The only beneficiaries for these changes are greedy developers, lawyers, realtors and dirty politicians** willing to have their palms greased to ignore our laws and continue to ravage our fragile shoreline with these types of exemptions.

ISSUE:

1. Owner claims unless he's granted a zoning change from RES1 (single family home) to RES2 (multi family home) he won't be able to build on plot. This imposes unfair burden on him, given he dutifully paid taxes on land he now can't use it.

FACTS:

- Owner bought this property with knowledge that original owner divided a lot unevenly/unfairly (land divided into an acre lot, and a 0.7 acre lot)
- Owner claims to have paid taxes on 0.7 property continuously for past several decades in excess of \$40k
- Owner claims he intends to build a single family house 4k sq ft on lot, though he is asking for change in zoning from RES1 to RES2 for multifamily dwelling. Moreover, under RES2 he can build up to 35' high unit that will definitely obstruct natural beauty, create potential flooding/overflow issues, invade privacy, add to traffic congestion, and be a potential hazard with undesirable lights shining on turtle nesting grounds. This statement of intent -not fact- solely based on owners' word, is granting a zoning change with no future assurances. What if owner changes his mind while building and decides he wants multiple units? Or after building his home sells it and next buyer converts it to a multi-family high density development?
- **OBJECTIONS:** Owner made bad business investment, did not do his due diligence on the property, had option to sell the land instead of paying taxes on it. Now neighbors directly impacted by this zoning change are asked to accept, at face value, a promise that this property will never become a HIGH DENSITY, MULTI FAMILY unit though it is zoned specifically for that purpose which this owner or a future owner can subsequently turn this property into an Air B&B, or subdivide into several units under his tenancy or through a subsequent sale. The lawyer summarily dismissed high density argument, despite state law to the contrary, as well as summarily dismissed issue of egress stating they can encroach on the adjacent property owners' 75' driveway to create an egress. She summarily dismissed "density" issues or ignored others that were never addressed like high traffic at extant location where there were **two FATALITIES** in the past two years, thus necessitating state intervention to create walkways and lights, etc., at the exact site bounding this plot of land, and another infringements on residents' quality of life.

In light of the aforementioned, I respectfully request denial of this zoning change.

Sincerely,

E Ber

126 Casseekee Trail

Melbourne Beach, FL 32951

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

Jackson, Desiree

From: rel2421@aol.com
Sent: Wednesday, December 11, 2024 10:40 AM
To: Commissioner, D3
Subject: Re Against item h4 application 24SS00013

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

RE: Against Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A

Dear Commissioner Adkinson,

This letter is to state my objection to the above referenced application.

The County Commission established the Future Land Use Plan and Coastal Element in 1992.

They recognized that this fragile barrier island could not support an increase in density and provided hard and fast protections.

Ten years later in 2005, the applicant purchased the .7 acres as Unit # 1 of a condo document that 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".

This is NOT a true Statement. The .7 acres was always unbuildable.

If the condo developer thought the lot was buildable, why didn't he divide the lot into 2 equal condo units of .85 acres each? Why did he make his Unit# 2 a full acre and Unit #1 only .7 acres?

What is factual and is in the county records per the 2019 application from the applicant:

He admits with said representation from the developers condo documents he made the purchase.

He was mislead by the developer but sought relief from the county (the current application doesn't include the condo document portion that misrepresents the .7 acres as buildable).

Since when is the County liable for a bad real estate purchase?

Continuing, at the LPA meeting 11-18-2024, the applicant's attorney implies the applicant reached out to county Planning (per record minutes) prior to purchase.

This is also NOT true:

From the P&Z staff comments to LPA BoardMeeting:

"Additionally, when Units 1 and 2 were created... 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...".

1) The county was never asked to review the land before the purchase.

2) Since when has a land purchase ever been reviewed by County staff without being asked?

JUNE 2022: the applicant filed a zoning classification letter where once again he was informed the property was non-compliant.

DECEMBER 2022: the applicant filed again with a similar argument but added language that somehow Coastal Element 7.0 was in conflict with 7.1 and that inconsistency should somehow allow his increase in density.

That application morphed into a large scale text amendment which imploded due to the implications it could affect over 50 acres on the barrier island. The application was pulled from the agenda the night before at 10pm.

JULY 2024: This current application contains the same previous arguments that were rejected by P&Z but adds a Binding Development Plan, which county staff agrees does not apply. Additional expert testimony that clouds the factual issue that an increase in density is not allowed per CME Policy 7.1.

Planning and Zoning staff clearly states four times in their report to you that the application violates Policy 7.1. This same letter was provided to the the LPA, but the new uninformed majority of members were mostly concerned with the money the applicant spent. One member actually stated on the record that he was voting to provide, what would turn out to be an outrageous, and unfair, windfall million dollar profit to a land speculator, while at the same time admitting it was contrary to Policy 7.1.

All this to help a buyer that, admittedly on record, made a bad purchase decision in 2005.

Since when is it the responsibility of the county to provide relief to an applicant who bought a sub-standard lot just because he paid taxes on it?

This is not a County issue. It is a civil case between the applicant and the condo developer that sold him the unbuildable lot.

This is not a property rights issue. This a civil matter of a possible fraudulent real estate transaction

Please vote AGAINST the application.

Please do not provide a loophole for future land owners to convert their property to a condo and mislead other dupitious purchasers.

Our courts are full enough without adding to the fire.

Regards and Congratulations,

Robert Logsdon Jr.

9020 Highway A1A Melbourne Beach, FL. 32951

Jackson, Desiree

From: Stephen LaScola <lascolasremodeling@gmail.com>
Sent: Tuesday, December 10, 2024 4:31 PM
To: d1commissioner@brevardfl.gov; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: 5610 Highway A1A zoning change

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

To all of the commissioners involved in this, I AM **AGAINST** item H4 for the up-zoning of: **5610 A1A**

FOR THE FOLLOWING REASONS:

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 the State Commerce Department on November 7th.

4) The island's water, sewer and evacuation resources cannot handle any more density.

Steve LaScola
LaScola's Building & Remodeling LLC
lic. 17-RC-CT-00101
cell: 203 767 3577
office: 321 831 3361
lascolasremodeling.com

Jackson, Desiree

From: PATRICIA BIAGI <biagi@bellsouth.net>
Sent: Tuesday, December 10, 2024 11:51 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Fwd: Area of Critical concern Melbourne Beach

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

Begin forwarded message:

From: PATRICIA BIAGI <biagi@bellsouth.net>
Subject: Area of Critical concern Melbourne Beach
Date: December 10, 2024 at 11:47:56 AM EST
To: d1.commissioner@brevardfl.gov

Area of Critical State Concern request for density increase

I am Voting NO on Zoning Change request for 5610 S Hwy A1A

Please be aware the residents here at this very far end of the island are sick of developers and greedy builders coming in and trying to destroy this very amazing area without any regard to the endangered wildlife. If you drive down A1A on any given morning the carnage of dead animals on the road is heartbreaking. I'm guessing if you keep allowing this reckless building there will be nothing left.

When the lot in question was cleared (at least three years ago.) Beautiful trees and I am sure habitats for many animals. POINTLESS! And now they want to change the zoning. NO NO NO.

I am sure the majority of folks around here are not even aware this pathetic request is being brought up to the commissioners.

Please listen to the people that are reaching out to you.

Sincerely,

**Larry and Patricia Biagi
155 Sea Dunes Dr
Melbourne Beach 32951**

Jackson, Desiree

From: Tim Reed <tim.reed@hotmail.com>
Sent: Tuesday, December 10, 2024 9:41 AM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

Commissioner Atkinson -

As a resident & property owner in Melbourne Beach, I urge to act in the best interests of the south beaches and oppose Item H4 for the up-zoning of 5610 A1A in Brevard County.

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 November 7th.
4. The island's water, sewer and evacuation resources cannot handle any more density.

Thank you,
Tim Reed

Jackson, Desiree

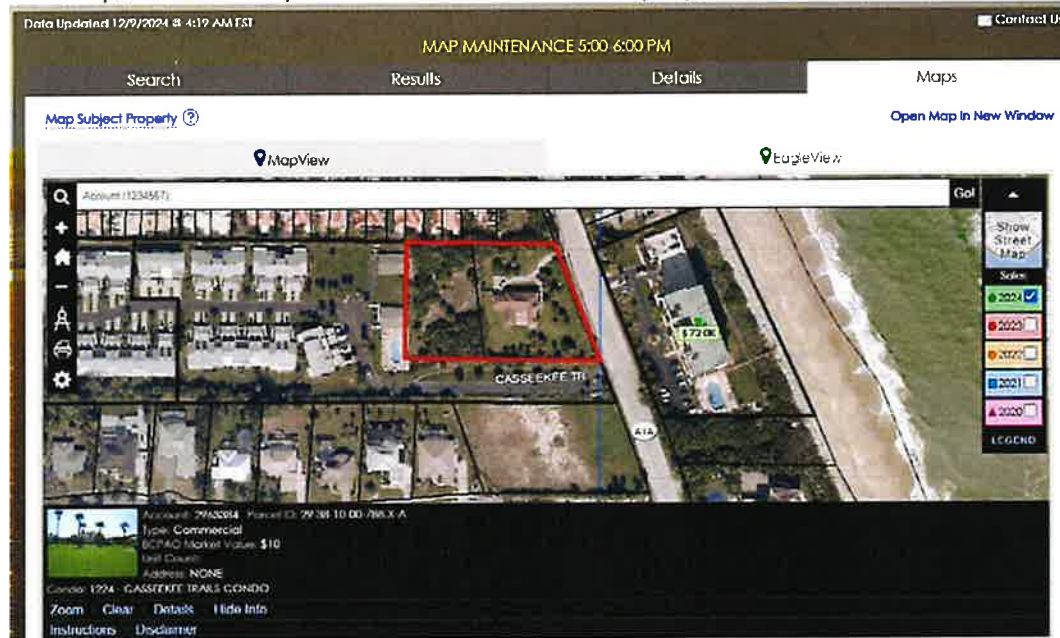
From: Sandra Sullivan <s2sully@gmail.com>
Sent: Monday, December 9, 2024 10:09 PM
To: Commissioner, D3; kim.atkinson@brevardfl.gov
Subject: D4 Thursday zoning

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

Just to be clear - they bought property in South Beaches which was zoned Res 1. They built their house. There is NO Bert Harris because they bought with that zoning. Now they want to build a second residence Res2 but that is not the zoning.

Buyer beware - they bought where you cannot upzone.

Please uphold the history of the area and the will of the people in South Beaches



The staff comments are clear:

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.**

Jackson, Desiree

From: Fred Seleman <fseleman@gmail.com>
Sent: Monday, December 9, 2024 9:29 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

[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

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:18 PM
To: Commissioner, D3
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A

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

With address added below, thank you.
(125 Rue de Nancy)
Sent from my iPhone

On Dec 8, 2024, at 8:09 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

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:10 PM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

Dear Commissioner,

Please vote AGAINST item H4.

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.

Thank you for your consideration,
Catherine Stamatacos
Melbourne Beach
321-726-9853

Jackson, Desiree

From: Kathleen Conway <kcmslp@aol.com>
Sent: Sunday, December 8, 2024 11:34 AM
To: Commissioner, D3
Subject: H4 for the up-zoning of 5610 A1A Highway

[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

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:10 PM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

Dear Commissioner,

Please vote AGAINST item H4.

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.

Thank you for your consideration,
Catherine Stamatacos
Melbourne Beach
321-726-9853

Jackson, Desiree

From: Kristie Ferriell <kaferriell@gmail.com>
Sent: Saturday, December 7, 2024 5:30 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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 precedent 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.

Jackson, Desiree

From: terry gill <gillbilly1951@yahoo.com>
Sent: Saturday, December 7, 2024 3:52 PM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: glovprop@bellsouth.net
Sent: Saturday, December 7, 2024 9:09 AM
To: Commissioner, D2; Commissioner, D4; Commissioner, D5; Commissioner, D1; Commissioner, D3
Subject: Dec 12 Meeting Agenda item H4

[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

Jackson, Desiree

From: Richard Magin <richardmagin@gmail.com>
Sent: Friday, December 6, 2024 8:55 PM
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

[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, 7<7:0ziljKwfs0fr njxts% f~%[njwFKQ%7>953
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.)
%

Jackson, Desiree

From: Jodie Irish <irish_jodie@yahoo.com>
Sent: Friday, December 6, 2024 6:27 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: tim kloc <tmkloc@yahoo.com>
Sent: Friday, December 6, 2024 4:09 PM
To: Commissioner, D3
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

[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

Jackson, Desiree

From: S Dunaif <sdunaif@gmail.com>
Sent: Friday, December 6, 2024 3:45 PM
To: Commissioner, D3
Subject: 4H

[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!

Shari Smith Dunaif

Floridana

Jackson, Desiree

From: jimfratt233 fratt <jimfratt@gmail.com>
Sent: Friday, December 6, 2024 2:39 PM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: Denis Freiden <denisfreiden@gmail.com>
Sent: Friday, December 6, 2024 11:40 AM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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.

Jackson, Desiree

From: Mohamad Hussein <mashussein@gmail.com>
Sent: Friday, December 6, 2024 10:39 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: Mohamad Hussein <mashussein@gmail.com>
Sent: Friday, December 6, 2024 10:21 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

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

Jackson, Desiree

From: Gary <garnat@aol.com>
Sent: Friday, December 6, 2024 6:40 AM
To: Commissioner, D3
Subject: AGAINST ITEM H4

[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.

Jackson, Desiree

From: Edward Moseley <jedmose@bellsouth.net>
Sent: Thursday, December 5, 2024 8:33 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: 5610 A1A Up-Zoning

[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

Jackson, Desiree

From: helen stamatacos <hnstamatacos@yahoo.com>
Sent: Thursday, December 5, 2024 5:33 PM
To: Commissioner, D3
Subject: Fw: NO to H4 For up-zoning of: A1A

[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

11 December 2024

Annemarie De Cort
Robert De Cort
5610 South Highway A1A
Melbourne Beach, Florida 32951

Commissioner Kim Adkinson
1311 E. New Haven Avenue
Melbourne, FL 32901

Dear Commissioner, Adkinson,

Annemarie DeCort and Robert DeCort are residents of Melbourne Beach in Brevard's 3rd District which you ably represent. We are writing to urge you, and your fellow Commissioners to deny the Application brought by Delray Beach resident Christopher Espanet (Kimberly Rezanka) to unnecessarily increase the density of our beachside community by proposing an Amendment to the Comprehensive Plan that requires a change to the longstanding (19 + years) Future Land Use designation of property (24SS00013) (Tax Account 2963382) that directly abuts our residence. This most recent Application which requests a change from RES1 to RES 2, was thoroughly reviewed by the Brevard County Planning and Development Department who advised the Applicant that the request "...is not permitted..." and based on consideration of the facts, regulations and Policy further advised the Applicant that the Department therefore "...must recommend the Board to deny the application." In addition to these professional experts who are charged with effective and thoughtful management of Brevard Counties land resources, the Application is also being strenuously opposed by numerous other of our resident neighbors who like us have voiced their concern with the wide-ranging negative impact and dangerous precedent that would arise from the Applications Approval.

It is also important to note that this is not the first such request by the Applicant since purchase of the known at the time, substandard parcel in 2005. All previous Applications have been denied following thoughtful well-reasoned decisions by the Brevard County Planning & Development Department and the Brevard Board of Commissioners based on their similar defects in law, facts, process or non-compliance with existing State of Florida and Brevard County Regulation, Policy, and Codes. We also note that since 2005 when the Applicant knowingly purchased the substandard for land use purposes property, there have been no salient changes

in the afore mentioned circumstances and regulations that were considered by the Board of Commissioners at the time of the several previous denied Applications.

Please see a summary of the many issues identified by impacted residents as well as the Brevard County Planning & Development Department with this Application:

- a) The Property of the Applicant was known to be substandard for land use at the time of purchase.
- b) The change from RES 1 to RES 2 represents a density increase.
- c) Based on the plain language of the Comprehensive Plan, specifically the Coastal Management Element, any requested change to land use that increases density is not permitted and is improper.
- d) The approval of an application that conflicts with the Comprehensive Plan will require additional cost to be borne by the taxpayers of Brevard County and may potentially require protracted litigation further burdening the taxpayers.
- e) The proffered attempted procedural device invoked by the Applicant to circumvent his conceded detrimental stand-alone impact of the change to RES 2 on the surrounding community and residents; applying for a Future Land Use (FLU) inextricably linked and dependent on a Building Development Plan (BDP), cannot be used per Brevard County Code.
- f) The Property is located within the Area of Critical State Concern – Brevard Barrier Island Area, and therefor requires the State of Florida to be involved in the review process of the Application, specifically per Policy “Brevard County shall not increase the residential density designations for properties located on the barrier island between the south boundary of Melbourne Beach and the Sebastian Inlet.”
- g) Approval of the application will create an inconsistency between the RP zoning classification and future land use designation.
- h) There is no sewer development accessible to the property, therefore approval of the Application may have nutrient content impacts to the Indian River Lagoon.
- i) The approval of the Application allows for the construction of professional offices up to 3 stories (35 feet) which may impact the visual corridor currently enjoyed by existing and future residents the bordering area.
- j) Base on FLUE Policy 1.8:
 - a. There is no other RES 2 in the surrounding area,
 - b. There are no adequate density transition areas between existing land use designations to the east or west,

- c. Brevard Policy 7.1 does not allow for any increase in residential density for the Applicants Property.
- k) Approval of the Application to increase residential density is inconsistent with precedence in the interpretation of the Coastal Conservation Element Policy 7.1. as it relates to residential density.
- l) Approval of the Application would materially adversely impact the established residential neighborhood as it allows the substandard property to be developed as 3 story professional offices requiring parking, vehicular and pedestrian access within the clearly long-established residential boundaries of single-family subdivisions, condominiums, and multifamily developments. Currently there are no commercial, industrial, or other non-residential land uses in the area nor have any been granted in the past 5 years.

We purchased our residence just over 1 year ago upon returning to Melbourne Beach following 39 years of living and working throughout the United States and overseas. The decision to purchase our current residence on the terms agreed were motivated by the natural beauty of the South Beaches and the protection from misguided overdevelopment the area enjoys, the surrounding long established residential neighborhood around the residence, the State and County Plans and regulations that explicitly prohibit any increase in residential density, and the Property Appraisals we and others commissioned to inform our final decision. All of these factors were inextricably linked to known Zoning, Land Use Plans and County Regulations and Policy known at the time, all of which unequivocally provide that the Applicants parcel, at the time of its subdivision (2 May 2005) at the time of its purchase by the Applicant (15 July 2005), at the time of our decision to purchase the adjacent residence (6 November 2023), and today, to be substandard for the change in Land Use requested.

We appreciate your time and consideration, and urge you and your fellow Commissioners to deny the Application.

Sincerely,

Annemarie DeCort

Robert DeCort

e-mail: home@decort.us

Jackson, Desiree

From: dccapemay@aol.com
Sent: Wednesday, December 11, 2024 1:43 PM
To: Commissioner, D2
Subject: December 12, 2024 Commission Meeting Item H4

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Commissioner Tom Goodson,

I want to welcome and congratulate you in this new session as a Brevard County Commissioner member.

You have a lot of information to assimilate with each meeting. So, I wanted to provide you with a summary of the history of the South Beaches barrier island and why keeping density and intensity low, is so important. This is not a new issue; it started 40 years ago.

If you do not know the History of the Brevard County South-South Beaches, you cannot make an informed decision about density challenges that keep popping up.

Please read this short history before the Commission Meeting on December 12, 2024, involving a request to increase density at 5610 S Hwy A1A in the South Beaches area. I am opposed to the zoning request from Res1 to Res2 at 5610 S Hwy A1A, Melbourne Beach, and I ask you to please vote no.

- In 1981, Brevard County adopted a Comprehensive Plan for growth management to manage future development. The South-South Beaches were mentioned specifically as being unique in the Land Use Element and needing special evaluation, **noting that 'land values were high while public services were few ' in the South Beaches area.**
- In 1984, the South Beaches Growth Management Resolution was adopted. It provided details for building two new Bridges from the mainland to A1A between the 28-mile stretch from the 192 Causeway and the Wabasso Causeway. The two new bridges, Malabar Bridge and Valkaria Bridge would cross the Indian River to A1A at the South Beaches area. The plan included expanding the two-lane Highway A1A up to 4 or 6 lanes with infrastructure such as public sanitary sewer, potable water, drainage, etc. **The 2 new bridges were not built. The two-lane A1A remains the only north-south corridor. No potable water or sewer. Infrastructure is pretty much the same as in 1984.**
- In 1985, Growth Management Legislation was passed as part of Florida's commitment to provide facilities and services for economic growth and preserve natural resources. The **Act required that infrastructure be in place concurrent with the development.**
- In 1989 Congress approved the Archie Carr National Wildlife Refuge Proposal to preserve a 20-mile stretch of barrier island that included the 12 miles of South Beaches in Brevard County and 8 miles in Indian River County. **Its purpose was to "protect the habitat of the most significant area for loggerhead turtle**

nesting, in the world. And to protect the most significant nesting area for green sea turtles in North America.”

- In 1990, The Environmentally Endangered Lands (EEL) Program was established to protect the natural habitats of Brevard County by acquiring environmentally sensitive lands for conservation, with voter-approved funds. The EEL Program protects turtle nesting sites, natural habitats, and native plants and animals in the South Beaches area.

- In 1991, 61% of Brevard voters, voted to approve the new EEL program. Voters also approved the EEL Tax, which provided \$55 million for funding.

- In 1992, Brevard County BOCC adopted the South Beaches Small Area Plan Study (SAPS) to address the lack of public facilities and available services, environmental constraints, hurricane evacuation, and land use compatibility. The SAPS focused on the narrow 12-mile stretch of A1A from Melbourne Beach City limits to the Inlet.

The Brevard County Comprehensive Plan, Objective 10, Policy 10.3 of the FLU element established a 2-step process for determining the density/intensity in the South Beaches area. **The first step was the SAPS/Report. The second step was to follow the SAPS recommendations with a subsequent Administrative Rezoning. Most residential lots in South Beaches were down-zoned to RR-1 Single Family Residence. Down-zoning reduced density/intensity to RR-1, one (1) residential unit per acre. It allowed development consistent with good growth management in an area with few public services, inadequate infrastructure, endangered habitats, one north-south two-lane highway A1A with no controlled intersections, and no new bridges.**

- In 2004, 69% of Brevard voters, voted to approve \$60 million for EEL for 20 years.

- In 2022, 70.43% of Brevard voters, voted to approve \$50 million for EEL over 20 years.

- In January 2023, a large group of residents from the South Beaches area of District 3 with the help of some special Representatives, embarked on a journey to create a Bill to protect the South Beaches barrier island from overdevelopment. The short name was the Brevard Barrier Island Protection Act. It is specific to the 12 miles of Southern Brevard barrier island area from the Melbourne Beach city limits south to Sebastian Inlet.

- By June 2023, HB 1489 Bill passed with a Senate Vote of 38-0, a House Vote of 115-0, and was signed by Governor DeSantis. The South Beaches was designated an Area of Critical State Concern by the Florida Legislature, as **codified in section 380.0553, Florida Statutes**. The designation of an Area of Critical State Concern (ACSC), is a rare event in Florida, and Brevard County received one. There are only five other areas designated ACSC in *Florida*; The *Florida* Keys, Key West, Big Cypress, the Green Swamp, and the Apalachicola Bay area.

- From July 2023 – July 2024, the Draft of the BBIA, ACSC Comprehensive Plan was being developed by Brevard County.

- August 2024 – December 2024, work continues on the Final Draft of the Brevard Barrier Island Area Comprehensive Plan Element.

- October 14, 2024, P&Z Meeting Public Hearing resulted in many excellent suggestions and comments to be included in the Final Draft of the Comp Plan Element.

- November 7, 2024 Commission Meeting. BOCC Transmittal of a Large-Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review process. The BBIA residents were a little disappointed that many of their suggestions, as well as Robert Sullivan's/FEMA Exhibit 1, and some excellent comments from Staff, were not included in the Draft to be transmitted.
- Meeting 12-12-2024 Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A. Zoning request that will increase density if approved and possibly undo all the work of the past 40 years.

Please do not approve the zoning request from Res1 to Res2 for 5610 S. Hwy A1A, at the 12/12/24 Commission Meeting. Everything we have worked for including the State designation of BBIA, ACSC has been done to limit density increases.

Thank you - Dolores Conway, Cardinal Drive, Melbourne Beach, FL 32951

Jackson, Desiree

From: rel2421@aol.com
Sent: Wednesday, December 11, 2024 10:55 AM
To: Commissioner, D2
Subject: Re: against item H4 application 24SS00013

Follow Up Flag: Follow up
Flag Status: Flagged

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

RE: Against Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A

Dear Commissioner Goodson,

This letter is to state my objection to the above referenced application.

The County Commission established the Future Land Use Plan and Coastal Element in 1992.

They recognized that this fragile barrier island could not support an increase in density and provided hard and fast protections.

Ten years later in 2005, the applicant purchased the .7 acres as Unit # 1 of a condo document that 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".

This is NOT a true Statement. The .7 acres was always unbuildable.

If the condo developer thought the lot was buildable, why didn't he divide the lot into 2 equal condo units of .85 acres each? Why did he make his Unit# 2 a full acre and Unit #1 only .7 acres?

What is factual and is in the county records per the 2019 application from the applicant:

He admits with said representation from the developers condo documents he made the purchase.

He was mislead by the developer but sought relief from the county (the current application doesn't include the condo document portion that misrepresents the .7 acres as buildable).

Since when is the County liable for a bad real estate purchase?

Continuing, at the LPA meeting 11-18-2024, the applicant's attorney implies the applicant reached out to county Planning (per record minutes) prior to purchase.

This is also NOT true:

From the P&Z staff comments to LPA BoardMeeting:

"Additionally, when Units 1 and 2 were created... 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...".

1) The county was never asked to review the land before the purchase.

2) Since when has a land purchase ever been reviewed by County staff without being asked?

JUNE 2022: the applicant filed a zoning classification letter where once again he was informed the property was non-compliant.

DECEMBER 2022: the applicant filed again with a similar argument but added language that somehow Coastal Element 7.0 was in conflict with 7.1 and that inconsistency should somehow allow his increase in density.

That application morphed into a large scale text amendment which imploded due to the implications it could affect over 50 acres on the barrier island. The application was pulled from the agenda the night before at 10pm.

JULY 2024: This current application contains the same previous arguments that were rejected by P&Z but adds a Binding Development Plan, which county staff agrees does not apply. Additional expert testimony that clouds the factual issue that an increase in density is not allowed per CME Policy 7.1.

Planning and Zoning staff clearly states four times in their report to you that the application violates Policy 7.1. This same letter was provided to the LPA, but the new uninformed majority of members were mostly concerned with the money the applicant spent. One member actually stated on the record that he was voting to provide, what would turn out to be an outrageous, and unfair, windfall million dollar profit to a land speculator, while at the same time admitting it was contrary to Policy 7.1.

All this to help a buyer that, admittedly on record, made a bad purchase decision in 2005.

Since when is it the responsibility of the county to provide relief to an applicant who bought a sub-standard lot just because he paid taxes on it?

This is not a County issue. It is a civil case between the applicant and the condo developer that sold him the unbuildable lot.

This is not a property rights issue. This a civil matter of a possible fraudulent real estate transaction

Please vote AGAINST the application.

Please do not provide a loophole for future land owners to convert their property to a condo and mislead other dupitious purchasers.

Our courts are full enough without adding to the fire.

Regards,

Robert Logsdon Jr.

9020 Highway A1A Melbourne Beach, FL. 32951

Jackson, Desiree

From: rel2421@aol.com
Sent: Wednesday, December 11, 2024 10:55 AM
To: Commissioner, D2
Subject: Re: against item H4 application 24SS00013

Follow Up Flag: Follow up
Flag Status: Flagged

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

RE: Against Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A

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Please vote AGAINST the application.

Please do not provide a loophole for future land owners to convert their property to a condo and mislead other dupitious purchasers.

Our courts are full enough without adding to the fire.

Regards,

Robert Logsdon Jr.

9020 Highway A1A Melbourne Beach, FL. 32951

From: [Beth Ferriell](#)
To: [Commissioner, D1](#)
Subject: Zoning Change Request for 5610 S Hwy A1A
Date: Wednesday, December 11, 2024 4:43:12 PM

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

PLEASE vote NO tomorrow on the zoning change request for 5610 S Hwy A1A.

The current infrastructure cannot handle more multi unit residences. We want to protect the South Beaches Area of Critical Concern.

Thank you for your time.

Beth Ferriell
6466 Floridana Ave

Jackson, Desiree

From: Commissioner, D2
Sent: Thursday, December 12, 2024 9:59 AM
To: Jackson, Desiree
Cc: Commissioner, D2
Subject: Fw: Vote NO on Zoning Change request for 5610 S Hwy A1A

Good morning Desiree,
Please see attached additional disclosure for item H4.

Thank you,

Susan Smith

From: debbie wilson <cusmile1000@gmail.com>
Sent: Thursday, December 12, 2024 9:43 AM
To: Commissioner, D2 <D2.Commissioner@brevardfl.gov>
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

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

Support South Beaches to protect the Area of Critical State Concern by voting NO !
Do not support the money, hungry developers, banging on your doors. You were elected to support the people that live here in Brevard County. Are there not plenty of areas that can support expansion and provide housing for the people that would like to move here to Brevard County without impacting preservation areas?

The applicant has requested a zoning change from RES 1 to RES 2 with a BDP limited to 1 unit per acre. This lot is only .7 acres.

This zoning request should not happen and should not be allowed. The Brevard County staff's position is that it recommended the Board to deny the application, yet here we are again with this request.

Please Help Keep Brevard Beautiful

Respectfully,
Debra Wilson

Sent from my iPhone

Jackson, Desiree

From: Fred Seleman <fseleman@gmail.com>
Sent: Monday, December 9, 2024 9:29 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

[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

Jackson, Desiree

From: PATRICIA BIAGI <biagi@bellsouth.net>
Sent: Tuesday, December 10, 2024 11:51 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Fwd: Area of Critical concern Melbourne Beach

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

Begin forwarded message:

From: PATRICIA BIAGI <biagi@bellsouth.net>
Subject: Area of Critical concern Melbourne Beach
Date: December 10, 2024 at 11:47:56 AM EST
To: d1.commissioner@brevardfl.gov

Area of Critical State Concern request for density increase

I am Voting NO on Zoning Change request for 5610 S Hwy A1A

Please be aware the residents here at this very far end of the island are sick of developers and greedy builders coming in and trying to destroy this very amazing area without any regard to the endangered wildlife. If you drive down A1A on any given morning the carnage of dead animals on the road is heartbreaking. I'm guessing if you keep allowing this reckless building there will be nothing left.

When the lot in question was cleared (at least three years ago.) Beautiful trees and I am sure habitats for many animals. POINTLESS! And now they want to change the zoning. NO NO NO.

I am sure the majority of folks around here are not even aware this pathetic request is being brought up to the commissioners.

Please listen to the people that are reaching out to you.

Sincerely,

**Larry and Patricia Biagi
155 Sea Dunes Dr
Melbourne Beach 32951**

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Monday, December 9, 2024 12:05 PM
To: Commissioner, D2
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

With address added below. Thank you.
(125 Rue de Nancy)

On Dec 8, 2024, at 8:09 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

Sent from my iPhone

Jackson, Desiree

From: charlesrhardin@aol.com
Sent: Monday, December 9, 2024 7:03 AM
To: Commissioner, D1; Commissioner, D2; d3.commissioner@brevardfl.gov; Commissioner, D4; Commissioner, D5
Subject: Zoning request for 5610 S Highway A1A

[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

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:16 PM
To: Commissioner, D2
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A

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

With address added below. Thank you.
(125 Rue de Nancy)

On Dec 8, 2024, at 8:09 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

Sent from my iPhone

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:09 PM
To: Commissioner, D2
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

Dear Commissioner,

Please vote AGAINST item H4.

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.

Thank you for your consideration,
Catherine Stamatacos
Melbourne Beach
321-726-9853

Sent from my iPhone

Jackson, Desiree

From: Kathleen Conway <kcmslp@aol.com>
Sent: Sunday, December 8, 2024 11:33 AM
To: Commissioner, D2
Subject: H4 for the up-zoning of 5610 A1A Highway

[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

Jackson, Desiree

From: Kristie Ferriell <kaferriell@gmail.com>
Sent: Saturday, December 7, 2024 5:30 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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 precedent 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.

Jackson, Desiree

From: terry gill <gillbilly1951@yahoo.com>
Sent: Saturday, December 7, 2024 3:51 PM
To: Commissioner, D2
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: glovprop@bellsouth.net
Sent: Saturday, December 7, 2024 9:09 AM
To: Commissioner, D2; Commissioner, D4; Commissioner, D5; Commissioner, D1; Commissioner, D3
Subject: Dec 12 Meeting Agenda item H4

[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

Jackson, Desiree

From: Richard Magin <richardmagin@gmail.com>
Sent: Friday, December 6, 2024 8:55 PM
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

[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, 7<7:0ziljKwfs0fr njts% f~%[njwf1KQ87>953
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.)
%

Jackson, Desiree

From: Jodie Irish <irish_jodie@yahoo.com>
Sent: Friday, December 6, 2024 6:27 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: tim kloc <tmkloc@icloud.com>
Sent: Friday, December 6, 2024 4:09 PM
To: Commissioner, D2
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

[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

Jackson, Desiree

From: S Dunaif <sdunaif@gmail.com>
Sent: Friday, December 6, 2024 3:44 PM
To: Commissioner, D2
Subject: 4H

[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!

Shari Smith Dunaif

Floridana

Jackson, Desiree

From: jimfratt233 fratt <jimfratt@gmail.com>
Sent: Friday, December 6, 2024 2:39 PM
To: Commissioner, D2
Subject: against item h4 5610 a1a

[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 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.

James frattarola 233 and 239 camino pl resident 36
years

Jackson, Desiree

From: Denis Freiden <denisfreiden@gmail.com>
Sent: Friday, December 6, 2024 11:39 AM
To: Commissioner, D2
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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.

Jackson, Desiree

From: Mohamad Hussein <mashussein@gmail.com>
Sent: Friday, December 6, 2024 10:39 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: Mohamad Hussein <mashussein@gmail.com>
Sent: Friday, December 6, 2024 10:21 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

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

Jackson, Desiree

From: Edward Moseley <jedmose@bellsouth.net>
Sent: Thursday, December 5, 2024 8:33 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: 5610 A1A Up-Zoning

[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

Jackson, Desiree

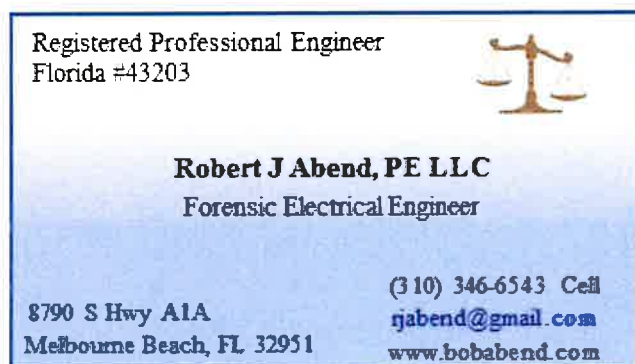
From: rjabend@gmail.com
Sent: Thursday, December 5, 2024 7:10 PM
To: rjabend@gmail.com
Subject: South Beaches Zoning

[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

Jackson, Desiree

From: helen stamatacos <hnstamatacos@yahoo.com>
Sent: Thursday, December 5, 2024 5:32 PM
To: Commissioner, D2
Subject: Fw: Please Vote Against item H4

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

----- Forwarded Message -----

From: helen stamatacos <hnstamatacos@yahoo.com>
To: D1 Commissioner <d1.commissioner@brevardfl.gov>
Sent: Thursday, December 5, 2024 at 05:30:52 PM EST
Subject: Please Vote Against item H4

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

Jackson, Desiree

From: Stephen LaScola <lascolasremodeling@gmail.com>
Sent: Tuesday, December 10, 2024 4:31 PM
To: d1commissioner@brevardfl.gov; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: 5610 Highway A1A zoning change

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

To all of the commissioners involved in this, I AM **AGAINST** item H4 for the up-zoning of: **5610 A1A**

FOR THE FOLLOWING REASONS:

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 the State Commerce Department on November 7th.

4) The island's water, sewer and evacuation resources cannot handle any more density.

Steve LaScola
LaScola's Building & Remodeling LLC
lic. 17-RC-CT-00101
cell: 203 767 3577
office: 321 831 3361
lascolasremodeling.com

Jackson, Desiree

From: Smith, Susan
Sent: Wednesday, December 11, 2024 8:50 AM
To: Jackson, Desiree
Cc: Commissioner, D2
Subject: D2 Disclosures H.4 24SS00013
Attachments: Fwd: Area of Critical concern Melbourne Beach; AGAINST item H4 for the up-zoning of: 5610 A1A; Vote NO on Zoning Change request for 5610 S Hwy A1A; Zoning request for 5610 S Highway A1A; Re: AGAINST item H4 for the up-zoning of: 5610 A1A; AGAINST item H4 for the up-zoning of: 5610 A1A; H4 for the up-zoning of 5610 A1A Highway; AGAINST item H4 for the up-zoning of: 5610 A1A; AGAINST item H4 for the up-zoning of: 5610 A1A; Dec 12 Meeting Agenda item H4 ; Please vote No on Item H4 for the up-zoning of: 5610 A1A; AGAINST item H4 for the up-zoning of: 5610 A1A; Vote NO on Zoning Change request for 5610 S Hwy A1A; 4H; against item h4 5610 a1a; AGAINST item H4 for the up-zoning of: 5610 A1A; Re: AGAINST item H4 for the up-zoning of: 5610 A1A; AGAINST item H4 for the up-zoning of: 5610 A1A; 5610 A1A Up-Zoning; South Beaches Zoning; Fw: Please Vote Against item H4; 5610 Highway A1A zoning change

Hello Desiree,
Please see the attached and below disclosures for item H.4. 7600 – 24SS00013.

Phone calls:

- On 12/4/2024, our office received a phone call from Mark Shantzis opposing this project and stated it violates the Brevard County Comprehensive Plan/Coastal Management Element Policy 7.1
- On 12/10/2024, our office received phone calls from the following constituents opposing this item:
 - Mark Shantzis
 - Kathy Odom
 - Patricia Biaggi

Thank you,



Susan Smith
Legislative Aide
Brevard County Commissioner Tom Goodson District 2
2575 North Courtney Parkway Suite 200
Maitland, FL 32753
Ph: (321) 434-8801
E-mail: Susan.Smith@brevardfl.gov

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,

- >
- > 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
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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,

- > 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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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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> 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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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

[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,

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,

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,

Robert Swearsby
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.

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.

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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Dear Elected and Zoning Leaders of Brevard County,

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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.

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

[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.

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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.

>

> 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


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.

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,
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

[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,

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

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Jackson, Desiree

From: Doug Page <dougp99@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.

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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,

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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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

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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

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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,

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.

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 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
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> the property at 5610 Highway A1A Unit 1, Melbourne, owned by
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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,

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

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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,
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
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> Dear Elected and Zoning Leaders of Brevard County,
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> 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,
> 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."

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 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.

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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.

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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.

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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,

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

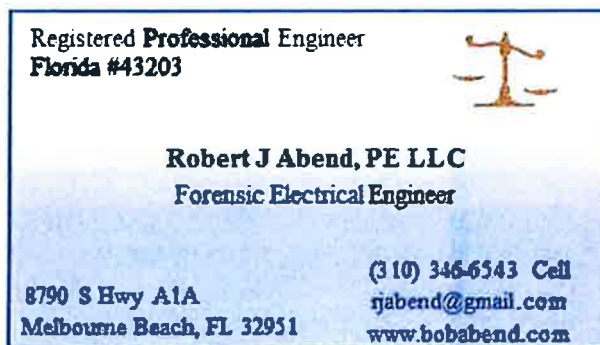
From: rjabend@gmail.com
To: rjabend@gmail.com
Subject: South Beaches Zoning
Date: Thursday, December 5, 2024 7:09:46 PM
Attachments: [image001.png](#)

[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 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.
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 precedent 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, D4](#)
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: charlesrhardin@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



From: [Elisabetta Martino-Swearsky](#)
To: [Commissioner, D4](#)
Subject: Opposition to Zoning Request Change Melbourne Beach
Date: Tuesday, January 28, 2025 12:20:41 PM

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

Dear Rob,

I am registering my opposition to the zoning request change for the land on the west side of Highway A1A 150 ft. North of Casseekee Trail in Melbourne Beach.

The area has been designated by the state as a State Area of Critical Concern. We are concerned about further expanded development as this will affect animals in the area as well as increased beach activity which will affect the Loggerhead, Green and Leatherback turtle migrations.

In addition, it is in a busy and somewhat dangerous area with cars traveling at over 45 MPH with no crosswalk at A1A to the beach. This could put residents living in the future unit/s at risk.

I greatly appreciate your support...Liz

Elisabetta Martino-Swearsky
180 Casseekee Trail, MB 32951
860-863-6616

From: cabsher3@cfl.rr.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Please help!!
Date: Wednesday, January 29, 2025 7:09:25 AM

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

Help keep our area as it was meant to stay!

- 1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- 2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Thank you, Candy Absher (Melbourne Beach)

From: [Margaret Ahrweiler](#)
To: [Commissioner, D4](#)
Subject: Please vote against Future Land Use Amendment Request ID# 24SS00013
Date: Tuesday, January 28, 2025 2:19:18 PM

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

Dear Chairman Feltner,

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. I ask that you vote against this amendment at your Feb. 6 meeting to best represent the interests of Brevard County constituents.

I live in the District 3 south beaches neighborhood of Lighthouse Cove, one of the neighborhoods adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013. As a Florida resident and voter, I have watched with alarm over the decades as so much property in Melbourne Beach and the South Beaches has become overdeveloped without concern for proportion, protection or preservation.

There are several important arguments against granting this variance:

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. The 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.

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern. Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem that we have watched deteriorate since our family moved here in 1993. The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.

At 7 acres, the property does not meet the county's own septic system. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to deny this proposed rezoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, 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
145 Casseekee Trail
Melbourne, FL 32951
ahrweiler.clifford@gmail.com
630.209.0979

From: [Betsy Burden](#)
To: [Commissioner, D4](#)
Subject: Opposition to Future LU Amendment Request ID #24SS00013
Date: Tuesday, January 28, 2025 5:31:08 PM

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

Dear Brevard County Commissioner:

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. I ask that you vote against this amendment to represent the interests of your constituents. I live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

As a Florida resident and voter, I have watched with alarm over the last decade as so much property in Melbourne Beach and the South Beaches has become overdeveloped without concern for proportion, protection or preservation.

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. The 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.

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern. Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem that we have watched deteriorate since our family moved here in 1993. The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.

At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only

exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to deny this proposed re-zoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, 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,

Betsy Burden
105 Casseekee Tr.
Melbourne Beach, Florida
561-313-0589

Sent from my iPhone

From: [Alison Deacon](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Please vote on February 6, AGAINST request increasing zone density in South Beach - Melbourne Beach
Date: Tuesday, January 28, 2025 8:20:39 PM

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

Dear Commissioners,

As a resident of Melbourne Beach, I am asking you to vote to STOP an increase in Zoning at 5610 A1A from RES 1 to RES 2.

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

I'm asking you to please **Follow the LAW**

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you
Alison Deacon
305 Island Drive, Melbourne Beach, FL 32951
alisondeacon08@yahoo.com

From: [jimfratt233@fratt](#)
To: [Commissioner, D4](#)
Date: Tuesday, January 28, 2025 3:04:36 PM

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

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future. This is final so we need to make a stance now.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

From: [Alex Giraldo](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Re: February 6, AGAINST request increasing density
Date: Tuesday, January 28, 2025 7:42:57 PM

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

Commissioners:

As a resident and voter I'm South Beaches I am against any increase in density.
This is ridiculous that you continue to accept hearing requests on this issue.

Follow the LAW

1) Brevard Comprehensive Plan, Coastal Management Element (CME)
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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Concerned Voter -
Alex Giraldo
321-604-0596

334 Island Dr.
Melbourne Beach, Fl. 32951

From: [Alex Giraldo](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: February 6, AGAINST request increasing density
Date: Tuesday, January 28, 2025 7:38:10 PM

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

Commissioners:

As a resident and voter I'm South Beaches I am against any increase in density. This is ridiculous that you continue to accept hearing requests on this issue.

Follow the LAW

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

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Concerned Voter -
Alex Giraldo
321-604-0596

From: [Calkins, Tad](#)
To: [Jackson, Desiree](#); [Randall, Alice](#)
Subject: FW: February 6, AGAINST request increasing density
Date: Wednesday, January 29, 2025 2:09:29 PM

FYI

From: Alex Giraldo <giraldo27@hotmail.com>
Sent: Tuesday, January 28, 2025 7:43 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Re: February 6, AGAINST request increasing density

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

Commissioners:

As a resident and voter I'm South Beaches I am against any increase in density. This is ridiculous that you continue to accept hearing requests on this issue.

Follow the LAW

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Concerned Voter -
Alex Giraldo
321-604-0596

334 Island Dr.
Melbourne Beach, Fl. 32951

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: February 6, AGAINST request increasing density
Date: Wednesday, January 29, 2025 2:09:51 PM

FYI

From: Alex Giraldo <giraldo27@hotmail.com>
Sent: Tuesday, January 28, 2025 7:38 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: February 6, AGAINST request increasing density

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

Commissioners:

As a resident and voter I'm South Beaches I am against any increase in density. This is ridiculous that you continue to accept hearing requests on this issue.

Follow the LAW

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"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) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Concerned Voter -
Alex Giraldo
321-604-0596

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Please vote on February 6, AGAINST request increasing zone density in South Beach - Melbourne Beach
Date: Wednesday, January 29, 2025 2:08:57 PM

FYI

From: Alison Deacon <alisondeacon08@yahoo.com>
Sent: Tuesday, January 28, 2025 8:21 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Please vote on February 6, AGAINST request increasing zone density in South Beach - Melbourne Beach

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

Dear Commissioners,

As a resident of Melbourne Beach, I am asking you to vote to STOP an increase in Zoning at 5610 A1A from RES 1 to RES 2.

- 1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.
- 2) It sets an irreversible precedent opening the door for larger increases in the future.

I'm asking you to please **Follow the LAW**

- 1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
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Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you
Alison Deacon
305 Island Drive, Melbourne Beach, FL 32951
alisondeacon08@yahoo.com

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: STOP Zoning increases on South Beach
Date: Wednesday, January 29, 2025 1:47:50 PM

FYI

From: Karen Hamilton <karensixtonhamilton@gmail.com>
Sent: Wednesday, January 29, 2025 10:31 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: STOP Zoning increases on South Beach

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

Mr. Calkins,
Please vote NO on the upcoming zoning meeting regarding Zoning at 5610 A1A from RES 1 to RES 2.
Please consider the following:

- It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection
- It sets an irreversible precedent opening the door for larger increases in the future.
- Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1
- "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

Please vote NO and as our barrier island is a Critical Area of State Concern that needs to be kept safe from undue development.

Thank you
Karen Hamilton
162 Casseekee Trail
Melbourne Beach, FL
32951

From: [Calkins, Tad](#)
To: [Jackson, Desiree](#); [Randall, Alice](#)
Subject: FW:
Date: Wednesday, January 29, 2025 2:40:44 PM

FYI

From: jimfratt233 fratt <jimfratt@gmail.com>
Sent: Tuesday, January 28, 2025 3:05 PM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject:

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

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future. This is final so we need to make a stance now.

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Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Please help!!
Date: Wednesday, January 29, 2025 1:51:01 PM

FYI

From: cabsher3@cfl.rr.com <cabsher3@cfl.rr.com>
Sent: Wednesday, January 29, 2025 7:09 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Please help!!

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

Help keep our area as it was meant to stay!

- 1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- 2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA..."

Thank you, Candy Absher (Melbourne Beach)

From: [Calkins, Tad](#)
To: [Jackson, Desiree](#); [Randall, Alice](#)
Subject: FW: Please stop the zoning increase on South Beach
Date: Thursday, January 30, 2025 11:01:02 AM

FYI

From: Teresa Main <main.td@gmail.com>
Sent: Wednesday, January 29, 2025 5:17 PM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Please stop the zoning increase on South Beach

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

Good afternoon,

Please follow the law and stop the zoning increase on South Beach.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

I live off A1A past the new large and obnoxious subdivision with multi-family rentals. We need room for animal habitats, no more houses or rentals.

Thank you for your time.
Teresa Main
320 Richards Road
Melbourne Beach, FL

From: [Calkins, Tad](#)
To: [Jackson, Desiree](#); [Randall, Alice](#)
Subject: Fwd: PLEASE STOP INCREASE IN ZONING at 5616 A1A from RES 1 to RES 2
Date: Thursday, January 30, 2025 9:44:56 AM

FYI
Sent from my iPhone

Begin forwarded message:

From: helen stamatacos <hnstamatacos@yahoo.com>
Date: January 29, 2025 at 4:01:25 PM EST
To: "Abbate, Frank B" <Frank.Abbate@brevardfl.gov>
Cc: "Calkins, Tad" <tad.calkins@brevardfl.gov>
Subject: PLEASE STOP INCREASE IN ZONING at 5616 A1A from RES 1 to RES 2

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

Hello-

I am writing to express our deepest concerns over the potential change in Zoning at 5610 A1A from RES 1 to RES 2.

Please STOP this zoning change.

We respectfully demand that you uphold the law.

Our voices, as you are aware, are fortunately supported by the vast majority of the South Beaches and we have gathered collectively to preserve what needs to be preserved. To insist that this and similar future zoning change requests are NOT allowed.

PLEASE follow the law according to Policy 7.1. and Policy BBIA 12.1.

It's that simple.

Thank you,

Helen Stamatacos
Charles Magal, MD
9010 S. A1A
Melbourne Beach, FL 32951
321-728-8876

From: [Karen Hamilton](#)
To: [Commissioner, D4](#)
Subject: STOP Zoning increases on South Beach
Date: Wednesday, January 29, 2025 10:29:33 AM

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

Commissioner,

Please vote NO on the upcoming zoning meeting regarding Zoning at 5610 A1A from RES 1 to RES 2.

Please consider the following:

- It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection
- It sets an irreversible precedent opening the door for larger increases in the future.
- Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1
- "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

Please vote NO and as our barrier island is a Critical Area of State Concern that needs to be kept safe from undue development.

Thank you

Karen Hamilton

162 Casseekee Trail

Melbourne Beach, FL

32951

From: [Linda Johnson](#)
To: [Commissioner, D4](#)
Subject: Feb. 6th meeting
Date: Wednesday, January 29, 2025 6:48:02 PM

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

Please vote no and stop the zoning increase proposal in South Beach. Thank you, Linda Johnson

From: [Teresa Main](#)
To: [Commissioner, D4](#)
Subject: Please stop the zoning increase on South Beach
Date: Wednesday, January 29, 2025 5:15:52 PM

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

Good afternoon,

Please follow the law and stop the zoning increase on South Beach.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 “Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

I live off A1A past the new large and obnoxious subdivision with multi-family rentals. We need room for animal habitats, no more houses or rentals.

Thank you for your time.

Teresa Main
320 Richards Road
Melbourne Beach, FL

From: [Linda Minnick](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Vote "NO" on Zoning increase for South Beaches
Date: Wednesday, January 29, 2025 6:24:06 PM

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

Thank You.

From: [helen.stamatacos](#)
To: [Commissioner, D1](#)
Cc: [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: PLEASE STOP ZONING INCREASE ON SOUTH BEACH
Date: Wednesday, January 29, 2025 3:57:55 PM

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

Dear Commissioners,

I am writing again to express our deepest concerns over the potential change in Zoning at 5610 A1A from RES 1 to RES 2.

Please STOP this zoning change.

We respectfully demand that you uphold the law.

Our voices, as you are aware, are fortunately supported by the vast majority of the South Beaches and we have gathered collectively to preserve what needs to be preserved. To insist that this and similar future zoning change requests are NOT allowed.

PLEASE follow the law according to Policy 7.1. and Policy BBIA 12.1.

It's that simple.

Thank you,

Helen Stamatacos
Charles Magal, MD
9010 S. A1A
Melbourne Beach, FL 32951
321-728-8876

From: [Richard Virock](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Future Land Use Amendment Request ID# 24SS00013 Scheduled for Hearing February 6, 2025
Date: Wednesday, January 29, 2025 12:37:33 PM

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

Dear Brevard County Commissioners:

We are writing to express our 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. We ask that you vote against this amendment. We live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

As property owners, we have watched with alarm over the last six years as so much property in Melbourne Beach and the South Beaches has become overdeveloped without concern for proportion, protection or preservation.

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. **The 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.**

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as **the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern.** Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem. **The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.**

At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its septic field. **Both Lighthouse Cove and South Shores will be at risk of contamination.**

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.

I respectfully urge you to **deny this proposed rezoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan**, 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,

Richard and Dennette Virock
135 Casseekee Trail
Melbourne Beach FL 32951

From: [Dorine Zimmerman](#)
To: [Commissioner, D4](#)
Subject: re zoning request Melbourne Beach
Date: Thursday, January 30, 2025 4:46:54 PM

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

Dear Brevard County Commissioners:

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. I ask that you vote against this amendment to represent the interests of your constituents. I live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

I have lived in Brevard County for 52 years and consistently voted in primaries and general elections. The proposed amendment above for land usage in Melbourne Beach is not in the best interest of the surrounding residents. There is no city water access down this far south. At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its

septic field. Both Lighthouse Cove and South Shores will be at risk of contamination. I respectfully urge you to deny this proposed re-zoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, preserve the character of our community.

Thank you for your serious consideration related to this situation and request.

Respectfully,
Dorine Zimmerman
186 Casseekee Trail
Melbourne Beach, FL 32951

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Vote No 5610 A1A from RES 1 to RES 2
Date: Friday, January 31, 2025 1:46:53 PM

FYI

From: Jodie Irish <irish_jodie@yahoo.com>
Sent: Friday, January 31, 2025 12:09 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Vote No 5610 A1A from RES 1 to RES 2

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

Dear Commissioners,

Here we are again on a subject of increased density that has been outlawed under the Area of Critical Concern as noted below. I would ask that this matter finally be put to rest and prevent years of litigation and future increased density at our beautiful Brevard County coast.

It's illegal under the following policies that were passed by both State Houses and to be implemented by the county. Do your job and follow the law.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

“Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

Please stop illegal density increases in South Beach's Area of Critical State Concern.

Sincerely,
Jodie Hager
325 Hiawatha Way
Melbourne Beach, FL 32951
407-230-1058

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Zoning south beaches
Date: Friday, January 31, 2025 1:46:25 PM

FYI

From: linda nicholson <nicholsong6@yahoo.com>
Sent: Friday, January 31, 2025 12:28 PM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Zoning south beaches

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

Dear Tad ,

I am requesting you to vote no for increase in zoning in the south beach area of Brevard county. I have lived here for 23 years. I am seen an increase in the traffic. An increase in the fatalities of people crossing A1A. Let's not give into the big developers and let's keep south beaches, quaint and small..

Respectfully,

Linda Nicholson
215 SEA DUNES Drive
Melbourne Beach, FL 32951
321-626-2544

[Sent from Yahoo Mail for iPhone](#)

From: [elaine.ber](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [AdministrativeServices](#); robert.brackett@myfloridahouse.gov
Subject: ID# 24SS00013
Date: Friday, January 31, 2025 3:24:40 PM

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

Dear Commissioners:

As a resident of LHC, who will be directly impacted by your decision on February 6, 2025, I am writing to express my strong opposition to granting the rezoning request from RES1 to RES2 for the 0.7 acre lot located at 5601 HWY A1A, unit 1, Melbourne Beach, FL for the following three reasons.

First, it directly contravenes **state law**, and violates the **CME** of the Brevard Comprehensive plan. Second, it establishes a very **dangerous precedent**. Allowing this exemption opens up the floodgates and renders all future denials arbitrary and difficult, if not impossible to justify. And lastly, this is a huge slap in the face to voters who elect you into office to **act in our best interests** not those of venal developers, politicians, lawyers who personally enrich at the expense of the community, and by their short-sighted actions create irrevocable harm for current and future generations. Our quality of life will be adversely and materially impacted by your decision. We intend to hold elected officials to account for any resultant harm from bad policies that are ill advised and easily avoidable.

Specifically, granting this exemption will:

1. **Eviscerate newly enacted FL state law chapter 380 section 0553 (enacted in 2023)**, "Brevard Barrier Island Area Protection Act." Florida Statutes specifically recognizes portion of Brevard county as one of 6 critical infrastructure areas in the state designated for special protections as a barrier island with a fragile ecosystem and unique turtle nesting grounds.

- Zone change from RES1 to RES2 violates purpose and intent of law (380.0553): no high density buildings,
 - legislative intent, in part, stipulates under 2(f) low population density *decreases public tax burden* with regard to provision of services, maintaining critical infrastructure and rebuilding after disasters, and 2(g) recognizes that the entire barrier island is in a mandatory evacuation zone, hence density is a critical consideration with regard to safe and timely evacuations (see: <https://www.flsenate.gov/laws/statutes/2023/380.0553>)

➤ **Violates section 7.1 of the Coastal Management Element (CME) of the Brevard Comprehensive Plan** which states; "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". Since 5610 A1A is directly in the MIDDLE of this area, it is clearly against the law to change the density designation to Res2.

Granting this exemption would allow building up to 30ft in height:

- Tall buildings obstruct views; deprive privacy (LHC community directly below it); allow increased population density in an area that already suffered 2 fatalities on A1A within the past 2 years at the exact proposed building site; invites property use for AirB&Bs which south beach residents have vehemently opposed due to inadequate vetting of turn-style occupancy, invites people without stakes in the community, adds to crime concerns and traffic congestion, disruptive lighting to turtle nesting areas, and adds to overflow concerns from sewer and storm surges
- This specific proposal clearly 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." Clearly, the owner & attorney admit that is not their intent
- High population density impedes emergency evacuations from barrier island during hurricanes and other natural disasters
- **Intent of this bill is to safeguard against** adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets. Granting this exemption is in direct contravention of the law's intent.

➤ Commissioner **Thad Altman** was one of original co-sponsors (along with Rep. Brackett and Moody) of **HB 1489** (2023) "**Designation of Brevard Barrier Island Area as Area of Critical State Concern**" which created 380.0553, F.S.!!! Yet, during Dec 12, 2024 zoning hearing, the commissioner appeared deferential to reconsider granting this exemption. If that proves to be the case, it is extremely troubling. Either we have a law that protects our environment or not! What changed? How do you go from championing a concept to total surrender? Who is pulling the levers and for what favors in exchange? Equally troubling was listening to the owner's attorney during an earlier hearing (Nov 2024) saying that state law can summarily be dismissed and overridden (despite strong opposition to her from the committee staff).
(see: <https://www.flsenate.gov/Session/Bill/2023/1489/ByCategory>).

Listen to then Representative Thad Altman passionately defend his critical infrastructure bill during a news interview where he is quoted as saying:

- "I would say it's been overdeveloped," said Republican state Rep. Thad Altman
- "You look at a map and there's very little green space on the barrier island now, except for the south beaches. The south beaches is a place that has a remnant of what it used to be like," Altman said.
 - The coast is the largest nesting area for loggerhead sea turtles in the world and was home to a flourishing sea trout population Altman says is

now down 90%.

- It's key for the endangered manatees in the area as a home for its main food source.
- "This area has some of the last remaining healthy seagrass beds in Brevard County," Altman said. <https://www.wesh.com/article/brevard-county-barrier-islands-protection/43414035>

2. **This exemption Sets a very dangerous precedent** for all future land use along south beach area

- Granting one exemption opens floodgates-establishes no legal standing for denying others their exemptions
- This particular plot is landlocked so it will require lifting other easements to enable septic, irrigation, well water, egress to A1A, and other construction barriers. So just changing zoning won't end lifting of other state and local laws & protections from flooding and other environmental mitigations to enable its construction

3. **Accords extreme deference to developers, realtors, politicians** at expense of inhabitants

- Reinforces status quo ante- no oversight or accountability-so developers and politicians are free to strike mutually beneficial deals for personal enrichment/benefit to the detriment of the citizens causing irrevocable harm.
- Putting our elected officials on notice that they are being watched and we expect they act in **our** best interests not their own to preserve our community for future generations is essential if we want to protect the quality of life of our community.
- Recent unrestrained development along our beaches has created a multitude of problems from allowing AirB&Bs with transitory populations that have no stake in our community, to increased traffic congestion, to increased crime, to cracking and packing lots to fit as multi-family, multi-level homes on tiny pieces of land marketed as "Beachfront" that require a periscope to see the ocean because of their awkward angled positioning

4. **Owner contends he bought this plot many years ago, has been paying taxes on it for years and is now prohibited from building his retirement dream house**

- Unfortunate if owner was either ill-advised, or did not do his due diligence at time of purchase when he bought a 0.7 acre lot knowing zoning for homes required 1.0 acres+
- Owner could have sold his plot of land years ago not necessitating paying taxes
- Owner made a **bad business decision**, as we all have at some point in life. Unfortunately, he is **asking all south beaches residents to assume his burden** at an unreasonably high price by trying to lift easements, state laws and local ordinances to accommodate his wishes, at the expense of all current and future residents who will be harmed irrevocably due to his bad business decision
- Most aggravating was listening during public hearing to commissioners who were readily willing to cave in to emotional appeals (ex: owner's diligent payment of taxes). Time to govern by reason not raw emotion. Fight for principles, defend them not just sign bills for photo ops. If Commissioner **Thad**

Altman caves-(as author **HB 1489**, 2023 the Brevard critical infrastructure environmental protection bill that was signed into law 380.0553), he will have a lot of explaining as to why. The stakes are unusually high, with *future consequences*. Once the floodgates open to developers they will have a carte-blanche to do as they please with our community, beyond the damage already done.

In conclusion, it's time to stop the hemorrhage now, and try to salvage what little is left to still protect from the venal interests of developers and politicians!!!

➤ Note: the property at issue is north of New England Eatery. On either side of LHC community there are two lots up for development. The one discussed above, and another bigger plot that has sat fallow, in part, after owner was denied ability to tap into well water from LHC. That plot is probably waiting abated breath to see outcome of this decision, which if zoning request is granted will provide them with a green light to proceed to develop that lot knowing they have the commissioners in the bag and rightly so. If they grant one exemption, what justifiable reason do they have to deny the next???

From: [TY BOTELLO](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Vote against population increase in the south Beaches
Date: Friday, January 31, 2025 1:05:58 PM

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

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

"Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

Ty Botello
220 Sea Dunes Drive
Melbourne Beach, FL 32951
3216528432

From: [Jodie Irish](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Vote No 5610 A1A from RES 1 to RES 2
Date: Friday, January 31, 2025 12:03:26 PM

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

Dear Commissioners,

Here we are again on a subject of increased density that has been outlawed under the Area of Critical Concern as noted below. I would ask that this matter finally be put to rest and prevent years of litigation and future increased density at our beautiful Brevard County coast.

It's illegal under the following policies that were passed by both State Houses and to be implemented by the county. Do your job and follow the law.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

“Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

Please stop illegal density increases in South Beach's Area of Critical State Concern.

Sincerely,
Jodie Hager
325 Hiawatha Way
Melbourne Beach, FL 32951

From: [Liz Kleissler](#)
To: [Commissioner, D4](#)
Subject: Zoning Increase Vote
Date: Friday, January 31, 2025 11:25:09 AM

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

Dear Commissioner Feltner,

I am writing you to ask you to please vote no to stop the increase in zoning at 5610 A1A from res 1 to res 2.

As you know, It is against the law, according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrie Island Area (BBIA) protection.

I have lived in this very special place for 35 years and care so much about keeping it special and not overpopulated.

Thank you for your time and care,

Liz Kleissler
(321)831-3080

From: rel2421@aol.com
To: [Commissioner, D4](#)
Subject: Feb 6 zoning meeting
Date: Friday, January 31, 2025 10:10:14 AM

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

Dear Commissioner Feltner,

FEB. 5-BCC MEETING: FACTS YOU SHOULD KNOW, VALIDITY OF
APPLICATION (24SS00013) IN QUESTION
DRAW YOUR OWN CONCLUSIONS

I propose to the board of county commissioners to consider the factual circumstances of how we have all come to this point.

The applicant is asking the board to provide relief for his MISTAKE of purchasing a substandard lot.

This property was 1.7 acres zoned RP with Future land use Res 1

The applicant was misled by a developer who subdivided the 1.7 acre parcel utilizing condo declarations and provided condo documents stating that .7 acres was a buildable lot. The applicant purchased .7 acre lot in good faith from the developer without confirming development requirements with the county.

These transactions occurred in 2005 and applicant apparently didn't discover this predicament for quite some time.

Beginning in 2019 the applicant applied for a small scale amendment for Res 2 designation via a Professional engineering and consulting firm. According to P&Z application (19PZ00006) they were not even aware of the subdivided parcel and advised the applicants .7 acres was inconsistent with FLU designation and additionally could not increase density due to Coastal element 7.1

The applicant withdrew for a refund.

*WHAT YOU DON'T KNOW IS INCLUDED IN THE APPLICATION NARRATIVE ON PAGE 1, ITEM 4 IS A STATEMENT BY THE APPLICANTS REPRESENTATIVE THAT MR. ESPANET SOLELY RELIED ON THE CONDO DOCUMENTS TO MAKE HIS PURCHASE. THERE IS NO MENTION OF ANY EFFORT TO CONTACT P&Z STAFF PRIOR TO HIS PURCHASE. HE ADMITS HE WAS MISLED BY THE DEVELOPER.

**I FIND IT VERY TROUBLING THAT IN REVIEW OF THE LAND PLANNING AGENCY MEETING 11-18-2025 THE APPLICANTS ATTORNEY IMPLIES 2 TIMES THAT HE REACHED OUT TO P&Z STAFF FOR GUIDANCE PRIOR TO THE PURCHASE.

Why is it we are here and the county is being held liable for a bad real estate deal?

Next in June of 2022 the applicant applied for a Zoning classification letter via local private firm. Once again he was informed his property was non-compliant. In December of 2022 the applicant filed again for a text amendment providing the county with an absurd argument that the Coastal element 7.0 was in conflict with 7.1. and somehow the comp plan should accommodate his request to increase density. That application morphed into Large scale future land use amendment which imploded due to the alleged "inconsistency" which would result in affecting well over 50 acres.

During the course of the 2022 to 2023 application to increase density The Brevard Barrier Island Area of Critical Concern was established.

The application was either withdrawn or rejected. It is not clear in the county records. This brings us to the current application July 2024 for a small scale plan amendment and BDP.

The addition of the BDP seemingly gives the casual observer the impression "here is the solution so we can provide relief to this property owner".

The LPA was fooled. They voted on this issue using the false narrative that we must help this applicant because he has paid taxes and voted with their emotions and not the facts.

The PZ staff has made it clear in their August 2024 and January 2025 letter to the applicant that they would NOT recommend approving this application.

I find it very concerning that PZ staff review for the first three applications was flat out rejection but this current application comes to them loaded with speculative arguments to approve and now they give the Board criteria to consider.

1. Is it consistent and compatible with the surrounding area NO, NOT WHEN IT VIOLATES CME 7.1 AND 12.1 OF THE BBIA
2. does it satisfy the locational criteria established in FLUE policy 1.8 NO, NOT WHEN IT VIOLATES CME 7.1 AND 12.1 BBIA
3. Increasing density designation is consistent with coastal management element policy 7.1 NO, IT CLEARLY VIOLATES IT
4. The request meets the BBIA guiding principles NO, IT CLEARLY VIOLATES IT

Please understand that this alleged hardship has not been caused by the County government. The comp plan and coastal element have been in effect for well over 20 years and prior to his purchase of this property.

A simple phone call by the applicant to PZ could have saved this applicant and the county time and money.

Any realtor experienced with south beaches properties would have known the lot was unbuildable.

A qualified lawyer such as the applicants counsel would have known.

This applicant was misled by a developer and is unjustified in asking the county for relief. Land condominium declarations are a common ploy by developers to bypass development regulations when subdividing property is not allowed.

The applicant is a State Certified General contractor with years of land development knowledge, multiple real estate transactions and also a licensed real estate agent.

There is no hardship or burden caused by the county. This is a bad real estate deal.

This has been a colossal waste of taxpayer money. It's been a huge waste of Planning and Zoning time and dollars.

We believe this is a civil matter between the developer and the applicant. He should be suing the developer.

The responsibility to help this applicant is not with the county. The liability belongs to the applicant.

Please vote no application (24SS00013). Don't be fooled into thinking you are obligated to help this applicant at the expense of the COASTAL MANAGEMENT ELEMENT 7.1 AND BREVARD BARRIER ISLAND AREA OF CRITICAL CONCERN.

* application #19PZ00006: In 2005, the parent parcel was subdivided through the condominium process into two (2) building sites, Unit 1 and Unit 2. Unit 1, a 0.7 acre parcel, was represented in the Condominium Documents to permit one (1) single-family residence, not to exceed a total floor area of 8,500 square feet (see paragraph 3.1 of the Condominium documents). With the said representation, Mr. Espanet purchased Unit 1, only later to find out that Unit 1 is non-compliant with regards to the Future Land Use designation of Res-1, as the parcel area is less than 1 acre. Changing the Future Land Use Designation from Res-1 to Res-2 would permit a maximum of one (1) single-family residence to be constructed on Unit 1. Unit 2 is 1 acre in size and is compliant with the Res-1 Future Land Use designation.

** Brevard land planning agency meeting 11-18-2025 minutes:

"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."

**Brevard land planning agency meeting 11-18-2025 minutes:

"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."

Respectfully,

Robert Logsdon

9020 Hwy. A1A Melbourne Beach Fl. 32951

561-308-7360

From: [faith m](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)
Subject: Re: Vote NO on Density increase in the south Beaches
Date: Friday, January 31, 2025 12:10:30 PM

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

tad.calkins@brevardfl.gov, frank.abbate@brevardfl.gov

On Fri, Jan 31, 2025 at 12:06 PM faith m <fmarsbarz@gmail.com> wrote:

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

3) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

4) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

"Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

THANK YOU,

Faith Mars

220 Sea Dunes Drive, Melbourne Beach

From: [faith m](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: [Commissioner, D5](#)
Subject: Re: Vote NO on Density increase in the south Beaches
Date: Friday, January 31, 2025 12:15:38 PM

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

Faith Mars
220 Sea Dunes Dr, Melbourne Beach, FL 32951
321-220-7046

On Fri, Jan 31, 2025, 12:06 PM faith m <fmarsbarz@gmail.com> wrote:

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

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"Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

THANK YOU,

Faith Mars

220 Sea Dunes Drive, Melbourne Beach

From: [linda.nicholson](#)
To: [Commissioner, D4](#)
Subject: Zoning South beaches
Date: Friday, January 31, 2025 12:24:01 PM

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

Hello Rob ,

I am requesting you to vote no for increase in zoning in the south beach area of Brevard county. I have lived here for 23 years. I am seen an increase in the traffic. An increase in the fatalities of people crossing A1A. Let's not give into the big developers and let's keep south beaches, quaint and small..

Respectfully,

Linda Nicholson
215 SEA DUNES Drive
Melbourne Beach, FL 32951
321-626-2544

[Sent from Yahoo Mail for iPhone](#)

From: [elaine ber](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [AdministrativeServices](#); robert.brackett@myfloridahouse.gov
Subject: ID# 24SS00013
Date: Friday, January 31, 2025 3:24:40 PM

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

Dear Commissioners:

As a resident of LHC, who will be directly impacted by your decision on February 6, 2025, I am writing to express my strong opposition to granting the rezoning request from RES1 to RES2 for the 0.7 acre lot located at 5601 HWY A1A, unit 1, Melbourne Beach, FL for the following three reasons.

First, it directly contravenes **state law**, and violates the **CME** of the Brevard Comprehensive plan. Second, it establishes a very **dangerous precedent**. Allowing this exemption opens up the floodgates and renders all future denials arbitrary and difficult, if not impossible to justify. And lastly, this is a huge slap in the face to voters who elect you into office to **act in our best interests** not those of venal developers, politicians, lawyers who personally enrich at the expense of the community, and by their short-sighted actions create irrevocable harm for current and future generations. Our quality of life will be adversely and materially impacted by your decision. We intend to hold elected officials to account for any resultant harm from bad policies that are ill advised and easily avoidable.

Specifically, granting this exemption will:

1. **Eviscerate newly enacted FL state law chapter 380 section 0553 (enacted in 2023)**, "Brevard Barrier Island Area Protection Act." Florida Statutes specifically recognizes portion of Brevard county as one of 6 critical infrastructure areas in the state designated for special protections as a barrier island with a fragile ecosystem and unique turtle nesting grounds.

- Zone change from RES1 to RES2 violates purpose and intent of law (380.0553): no high density buildings,
 - legislative intent, in part, stipulates under 2(f) low population density *decreases public tax burden* with regard to provision of services, maintaining critical infrastructure and rebuilding after disasters, and 2(g) recognizes that the entire barrier island is in a mandatory evacuation zone, hence density is a critical consideration with regard to safe and timely evacuations (see: <https://www.flsenate.gov/laws/statutes/2023/380.0553>)

➤ **Violates section 7.1 of the Coastal Management Element (CME) of the Brevard Comprehensive Plan** which states; "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". Since 5610 A1A is directly in the MIDDLE of this area, it is clearly against the law to change the density designation to Res2.

Granting this exemption would allow building up to 30ft in height:

- Tall buildings obstruct views; deprive privacy (LHC community directly below it); allow increased population density in an area that already suffered 2 fatalities on A1A within the past 2 years at the exact proposed building site; invites property use for AirB&Bs which south beach residents have vehemently opposed due to inadequate vetting of turn-style occupancy, invites people without stakes in the community, adds to crime concerns and traffic congestion, disruptive lighting to turtle nesting areas, and adds to overflow concerns from sewer and storm surges
- This specific proposal clearly 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." Clearly, the owner & attorney admit that is not their intent
- High population density impedes emergency evacuations from barrier island during hurricanes and other natural disasters
- **Intent of this bill is to safeguard against** adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets. Granting this exemption is in direct contravention of the law's intent.

➤ Commissioner **Thad Altman** was one of original co-sponsors (along with Rep. Brackett and Moody) of **HB 1489** (2023) "**Designation of Brevard Barrier Island Area as Area of Critical State Concern**" which created 380.0553, F.S.!!! Yet, during Dec 12, 2024 zoning hearing, the commissioner appeared deferential to reconsider granting this exemption. If that proves to be the case, it is extremely troubling. Either we have a law that protects our environment or not! What changed? How do you go from championing a concept to total surrender? Who is pulling the levers and for what favors in exchange? Equally troubling was listening to the owner's attorney during an earlier hearing (Nov 2024) saying that state law can summarily be dismissed and overridden (despite strong opposition to her from the committee staff). (see: <https://www.flsenate.gov/Session/Bill/2023/1489/ByCategory>).

Listen to then Representative Thad Altman passionately defend his critical infrastructure bill during a news interview where he is quoted as saying:

"I would say it's been overdeveloped," said Republican state Rep. Thad Altman

- "You look at a map and there's very little green space on the barrier island now, except for the south beaches. The south beaches is a place that has a remnant of what it used to be like," Altman said.
- The coast is the largest nesting area for loggerhead sea turtles in the world and was home to a flourishing sea trout population Altman says is

now down 90%.

- It's key for the endangered manatees in the area as a home for its main food source.
- "This area has some of the last remaining healthy seagrass beds in Brevard County," Altman said. <https://www.wesh.com/article/brevard-county-barrier-islands-protection/43414035>

2. **This exemption Sets a very dangerous precedent** for all future land use along south beach area

- Granting one exemption opens floodgates-establishes no legal standing for denying others their exemptions
- This particular plot is landlocked so it will require lifting other easements to enable septic, irrigation, well water, egress to A1A, and other construction barriers. So just changing zoning won't end lifting of other state and local laws & protections from flooding and other environmental mitigations to enable its construction

3. **Accords extreme deference to developers, realtors, politicians** at expense of inhabitants

- Reinforces status quo ante- no oversight or accountability-so developers and politicians are free to strike mutually beneficial deals for personal enrichment/benefit to the detriment of the citizens causing irrevocable harm.
- Putting our elected officials on notice that they are being watched and we expect they act in **our** best interests not their own to preserve our community for future generations is essential if we want to protect the quality of life of our community.
- Recent unrestrained development along our beaches has created a multitude of problems from allowing AirB&Bs with transitory populations that have no stake in our community, to increased traffic congestion, to increased crime, to cracking and packing lots to fit as multi-family, multi-level homes on tiny pieces of land marketed as "Beachfront" that require a periscope to see the ocean because of their awkward angled positioning

4. **Owner contends he bought this plot many years ago, has been paying taxes on it for years and is now prohibited from building his retirement dream house**

- Unfortunate if owner was either ill-advised, or did not do his due diligence at time of purchase when he bought a 0.7 acre lot knowing zoning for homes required 1.0 acres+
- Owner could have sold his plot of land years ago not necessitating paying taxes
- Owner made a **bad business decision**, as we all have at some point in life. Unfortunately, he is **asking all south beaches residents to assume his burden** at an unreasonably high price by trying to lift easements, state laws and local ordinances to accommodate his wishes, at the expense of all current and future residents who will be harmed irrevocably due to his bad business decision
- Most aggravating was listening during public hearing to commissioners who were readily willing to cave in to emotional appeals (ex: owner's diligent payment of taxes). Time to govern by reason not raw emotion. Fight for principles, defend them not just sign bills for photo ops. If Commissioner **Thad**

Altman caves-(as author **HB 1489**, 2023 the Brevard critical infrastructure environmental protection bill that was signed into law 380.0553), he will have a lot of explaining as to why. The stakes are unusually high, with *future consequences*. Once the floodgates open to developers they will have a carte-blanche to do as they please with our community, beyond the damage already done.

In conclusion, it's time to stop the hemorrhage now, and try to salvage what little is left to still protect from the venal interests of developers and politicians!!!

➤ Note: the property at issue is north of New England Eatery. On either side of LHC community there are two lots up for development. The one discussed above, and another bigger plot that has sat fallow, in part, after owner was denied ability to tap into well water from LHC. That plot is probably waiting abated breath to see outcome of this decision, which if zoning request is granted will provide them with a green light to proceed to develop that lot knowing they have the commissioners in the bag and rightly so. If they grant one exemption, what justifiable reason do they have to deny the next???

From: [delbert.sellers](#)
To: [Commissioner, D4](#)
Subject: Opposition to 5610 Hwy A1A rezoning, agenda item 4H
Date: Thursday, December 12, 2024 1:04:24 PM

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

Hello commissioner Feltner,

I live behind the subject property and I'm contacting you to express opposition to the proposed rezoning of 5610 Highway A1A from RES1 to RES2. Please vote NO to the request and adhere to your own zoning ordinance. Don't set a bad precedent. Your constituents are watching your actions and expect your NO vote to help preserve and heal the Indian River Lagoon.

Sincerely,
Del Sellers
167 CasseekeeTrail
Melbourne Beach 32951

From: [debbie wilson](#)
To: [Commissioner, D4](#)
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A
Date: Thursday, December 12, 2024 9:45:56 AM

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

Support South Beaches to protect the Area of Critical State Concern by voting NO !
Do not support the money, hungry developers, banging on your doors. You were elected to support the people that live here in Brevard County. Are there not plenty of areas that can support expansion and provide housing for the people that would like to move here to Brevard County without impacting preservation areas?

The applicant has requested a zoning change from RES 1 to RES 2 with a BDP limited to 1 unit per acre. This lot is only .7 acres.

This zoning request should not happen and should not be allowed. The Brevard County staff's position is that it recommended the Board to deny the application, yet here we are again with this request.

Please Help Keep Brevard Beautiful

Respectfully,
Debra Wilson

Sent from my iPhone

From: [Terry Mott](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Commissioners' Meeting December 12, 2024
Date: Thursday, December 12, 2024 12:15:09 PM

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

To: Brevard County Commissioners

Subject: Whether to authorize a request for an up-zoning change from RES 1 to RES 2 for 5610 A1A

I oppose this action.

Reason: I took a leadership course this week and learned that there are more people relocating to Florida than any other state in the US. That fact places an extraordinary responsibility on all public officials in Florida to ensure that growth is managed properly to protect our economy and the quality of life for all Floridians. Granting this specific request would violate Brevard's current policies and place a strain on the utilities and other management issues for this area.

Respectfully,

T. Alexandra Mott
4899 Wexford Dr.
Rockledge, FL 32955
321-223-6951

From: [Karen Hamilton](#)
To: [Commissioner, D4](#)
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A
Date: Thursday, December 12, 2024 1:17:53 PM

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

Hello,

I am a resident in Lighthouse Cove on Casseekee Trail and I am writing to ask that you please vote NO on the zoning change request for 5610 S Hwy A1A as it will set a dangerous precedent in our area of critical state concern.

In addition to displacing endangered Gopher tortoises, approving this zoning request will further burden our natural resources and add to our already known issue of safe evacuation planning. On the barrier island, we need enhanced infrastructure of county sewer plants and water to decrease risk of polluting our lagoon and river. Continuing to support overbuilding without appropriate infrastructure is an ecological disaster waiting to happen.

Thank you
Karen Hamilton
162 Casseekee Trail

From: [Rick Cash](#)
To: [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D2](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: 5610 S Hwy A1A Zoning Change Request
Date: Thursday, December 12, 2024 1:49:46 PM

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

Dear Commissioners

Rick Cash here, 124 Carmen St, Floridana Beach. I'm writing this note to encourage you to reject the request for re-zoning 5610 S Hwy A1A from RES1 to RES2 at the December 12th 2024 meeting.

Although I expect this type of infill development is better served by a request for variance as opposed to a re-zoning request, I am concerned this is an attempt by the petitioner to establish a precedent for re-zoning to increase density on parcels here in the 'South Beaches.'

Freshly designated as an Area of Special State Concern environmentally through unanimous passage through the state legislature into law last year, I am aware the relevant special area plan has only recently been transmitted to FDEP for review, comment and approval. Addressing this re-zoning request prior to state review completion seems premature.

The purpose of the Area of Concern designation is directly to stop this type of density increase from re-zoning for all the reasons noted in the law.

While this request before you, the commissioners, may seem a very minor step, it could as an unfortunate precedent have huge consequences downstream.

Thank you for your consideration,

Regards

Rick Cash
124 Carmen St
Melbourne Beach FL 32951

From: [tim kloc](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A
Date: Thursday, December 12, 2024 2:20:15 PM

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

Pls use your vote as no
Tim & Patti Kloc
185 Duval st
Melbourne Bch
843-247-1814
Sent from my iPhone

From: [Denise Green](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: 5610 Hwy A1A
Date: Thursday, December 12, 2024 2:14:21 PM

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

Dear Brevard County Commissioners,

I recently attended a hearing of the recommending committee for zoning and wanted to voice my disappointment in that committee's ruling to recommend the zoning change to R2. The committee members who voted in favor appeared to yield to an emotional plea by a paid attorney and seemingly failed to remember its duty to protect the best interests of our community. City officials felt strongly the best interests of our community were met by voting no to this change previously. Panel members were swayed by the un-usability of the land and taxes paid to date. As I understand it, the land was unusable due to its zoning before it was deeded to the owner almost 20 years ago. At any point in the past 20 years that owner could have cut his losses and sold the land as there have been willing buyers; at which time his tax liability would have ceased. He chose to buy unusable land and chose to hold it knowing it was unusable and as a result chose to pay taxes for almost 20 years. Our community should not be forced to burden the consequences of his choices because a paid attorney convinced decision makers to feel sorry for him. I was disappointed and it concerns me for our future in Brevard County.

Thank you,
Denise Mannino
146 Casseekee Trail; Melbourne Beach, FL

Sent from my iPhone

Jackson, Desiree

From: Beth Ferriell <bethferriell@yahoo.com>
Sent: Wednesday, December 11, 2024 4:43 PM
To: Commissioner, D1
Subject: Zoning Change Request for 5610 S Hwy A1A

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

PLEASE vote NO tomorrow on the zoning change request for 5610 S Hwy A1A.

The current infrastructure cannot handle more multi unit residences. We want to protect the South Beaches Area of Critical Concern.

Thank you for your time.

Beth Ferriell
6466 Floridana Ave

From: [ebquest](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: File # 7600: RE: RES2 zoning change request for 5610 Highway A1A unit 1 Melbourne Beach FL
Date: Wednesday, December 11, 2024 1:37:30 PM

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

Dear Commissioners:

A zoning change is being requested from RES1 to RES2 and is before you for a final vote tomorrow 12/12/24 @5 pm. I am kindly requesting that my objections are read into and filed as part of the record. And, that this body, responsive to the voters of Brevard, give thoughtful deliberation and consideration to the request before you and not simply rubber stamp it for approval.

This authorization contravenes: 1- FL State Law enacted 2023, designating Brevard county one of 6 in the state, with critical infrastructure protections; 2-rides roughshod over the express wishes of residents of these communities; 3- establishes a dangerous precedent, causing irrevocable future harm; and 4-benefits only venal developers, attorneys and politicians, to the absolute detriment of us all and our fragile ecosystem.

BACKGROUND

- Owner purchased a plot of land several decades ago on 0.7 acres located at 5610 HWY A1A, unit 1, Melbourne Beach FL
- Owner paid taxes on land, and now decided to build his (retirement) dream home on that land.

Several Problems with this plot of land:

- single family homes beachside are zoned for 1 acres
- Plot is landlocked; no egress to A1A, bounded by private home and 80 unit condominium community of LHC, upon which it directly encroaches (depriving privacy, blocking views, creating potential flooding and traffic issues, etc)

Housing unit will require owner to install *sewer, well, and irrigation* system- again will require suspension of [certain] laws to achieve these objective

◦

- **Two most egregious problems with this request for zoning change:**

1. **It violates critical infrastructure 7.1 state law** (2023) that prohibits high density buildings. 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.*”

_2- It sets a bad & dangerous precedent. Once this property is allowed an exemption what possible rationale is there for stopping future zoning requests for high density housing **DESPITE FL state law drafted in 2023 expressly prohibiting these types of development** because they knowingly harm and endanger our fragile ecosystem, putting all residents in danger with future natural disasters like hurricanes when development is hindering precisely these efforts at preservation. **The only beneficiaries for these changes are greedy developers, lawyers, realtors and dirty politicians** willing to have their palms greased to ignore our laws and continue to ravage our fragile shoreline with these types of exemptions.

ISSUE:

1. Owner claims unless he's granted a zoning change from RES1 (single family home) to RES2 (multi family home) he won't be able to build on plot. This imposes unfair burden on him, given he dutifully paid taxes on land he now can't use it.

FACTS:

- Owner bought this property with knowledge that original owner divided a lot unevenly/unfairly (land divided into an acre lot, and a 0.7 acre lot)
- Owner claims to have paid taxes on 0.7 property continuously for past several decades in excess of \$40k
- Owner claims he intends to build a single family house 4k sq ft on lot, though he is asking for change in zoning from RES1 to RES2 for multifamily dwelling. Moreover, under RES2 he can build up to 35' high unit that will definitely obstruct natural beauty, create potential flooding/overflow issues, invade privacy, add to traffic congestion, and be a potential hazard with undesirable lights shining on turtle nesting grounds. This statement of intent - not fact- solely based on owners' word, is granting a zoning change with no future assurances. What if owner changes his mind while building and decides he wants multiple units? Or after building his home sells it and next buyer converts it to a multi-family high density development?
- **OBJECTIONS:** Owner made bad business investment, did not do his due diligence on the property, had option to sell the land instead of paying taxes on it. Now neighbors directly impacted by this zoning change are asked to accept, at face value, a promise that this property will never become a HIGH DENSITY, MULTI FAMILY unit though it is zoned specifically for that purpose which this owner or a future owner can subsequently turn this property into an Air B&B, or subdivide into several units under his tenancy or through a subsequent sale. The lawyer summarily dismissed high density argument, despite state law to the contrary, as well as summarily dismissed issue of egress stating they can encroach on the adjacent property owners' 75' driveway to create an egress. She summarily dismissed “density” issues or ignored others that were never addressed like high traffic at extant location where there were **two FATALITIES** in the past two years, thus necessitating state intervention to create walkways and lights, etc., at the exact site bounding this plot of land, and

another infringements on residents' quality of life.

In light of the aforementioned, I respectfully request denial of this zoning change.

Sincerely,

E Ber

126 Casseekee Trail

Melbourne Beach, FL 32951

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

From: rel2421@aol.com
To: [Commissioner, D4](#)
Subject: Re: against item H\$ application 24ss)))13
Date: Wednesday, December 11, 2024 10:51:54 AM

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

RE: Against Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A

Dear Commissioner Feltner,

This letter is to state my objection to the above referenced application. The County Commission established the Future Land Use Plan and Coastal Element in 1992. They recognized that this fragile barrier island could not support an increase in density and provided hard and fast protections. Ten years later in 2005, the applicant purchased the .7 acres as Unit # 1 of a condo document that 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".

This is NOT a true Statement. The .7 acres was always unbuildable.

If the condo developer thought the lot was buildable, why didn't he divide the lot into 2 equal condo units of .85 acres each? Why did he make his Unit# 2 a full acre and Unit #1 only .7 acres?

What is factual and is in the county records per the 2019 application from the applicant:
He admits with said representation from the developers condo documents he made the purchase.
He was mislead by the developer but sought relief from the county (the current application doesn't include the condo document portion that misrepresents the .7 acres as buildable).

Since when is the County liable for a bad real estate purchase?

Continuing, at the LPA meeting 11-18-2024, the applicant's attorney implies the applicant reached out to county Planning (per record minutes) prior to purchase.

This is also NOT true:

From the P&Z staff comments to LPA BoardMeeting:

"Additionally, when Units 1 and 2 were created... 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..."

- 1) The county was never asked to review the land before the purchase.
- 2) Since when has a land purchase ever been reviewed by County staff without being asked?

JUNE 2022: the applicant filed a zoning classification letter where once again he was informed the property was non-compliant.

DECEMBER 2022: the applicant filed again with a similar argument but added language that somehow Coastal Element 7.0 was in conflict with 7.1 and that inconsistency should somehow allow his increase in density. That application morphed into a large scale text amendment which imploded due to the implications it could affect over 50 acres on the barrier island. The application was pulled from the agenda the night before at 10pm.

JULY 2024: This current application contains the same previous arguments that were rejected by P&Z but adds a Binding Development Plan, which county staff agrees does not apply. Additional expert testimony that clouds the factual issue that an increase in density is not allowed per CME Policy 7.1.

Planning and Zoning staff clearly states four times in their report to you that the application violates Policy 7.1. This same letter was provided to the the LPA, but the new uninformed majority of members were mostly concerned with the money the applicant spent. One member actually stated on the record that he was voting to provide, what would turn out to be an outrageous, and unfair, windfall million dollar profit to a land speculator, while at the same time admitting it was contrary to Policy 7.1.

All this to help a buyer that, admittedly on record, made a bad purchase decision in 2005.

Since when is it the responsibility of the county to provide relief to an applicant who bought a sub-standard lot just because he paid taxes on it?

This is not a County issue. It is a civil case between the applicant and the condo developer that sold him the unbuildable lot.

This is not a property rights issue. This a civil matter of a possible fraudulent real estate transaction

Please vote AGAINST the application.

Please do not provide a loophole for future land owners to convert their property to a condo and mislead other dupitious purchasers.

Our courts are full enough without adding to the fire.

Regards,

Robert Logsdon Jr.

9020 Highway A1A Melbourne Beach, FL. 32951

From: Stephen LaScola
To: d1commissioner@brevardfl.gov; [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: 5610 Highway A1A zoning change
Date: Tuesday, December 10, 2024 4:31:27 PM

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

To all of the commissioners involved in this, I AM **AGAINST** item H4 for the
up-zoning of: 5610 A1A

FOR THE FOLLOWING REASONS:

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 the State Commerce
Department on November 7th.

4) The island's water, sewer and evacuation resources cannot
handle any more density.

Steve LaScola
LaScola's Building & Remodeling LLC
lic. 17-RC-CT-00101
cell: 203 767 3577
office: 321 831 3361
lascolasremodeling.com

From: dccapemay@aol.com
To: [Commissioner, D4](#)
Subject: December 12, 2024 Commission Meeting Item H4
Date: Wednesday, December 11, 2024 1:54:22 PM

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

Dear Commissioner Rob Feltner,

I want to welcome and congratulate you in this new session as a new Brevard County Commissioner member.

You have a lot of information to assimilate with each meeting. So, I wanted to provide you with a summary of the history of the South Beaches barrier island and why keeping density and intensity low, is so important. This is not a new issue; it started 40 years ago.

If you do not know the History of the South-South Beaches area, you cannot make an informed decision about density challenges that keep popping up.

Please read this short history before the Commission Meeting on December 12, 2024, involving a request to increase density at 5610 S Hwy A1A in the South Beaches area. I am opposed to the zoning request from Res1 to Res2 at 5610 S Hwy A1A, Melbourne Beach, and I ask you to please vote no.

- In 1981, Brevard County adopted a Comprehensive Plan for growth management to manage future development. The South-South Beaches were mentioned specifically as being unique in the Land Use Element and needing special evaluation, **noting that 'land values were high while public services were few ' in the South Beaches area.**
- In 1984, the South Beaches Growth Management Resolution was adopted. It provided details for building two new Bridges from the mainland to A1A between the 28-mile stretch from the 192 Causeway and the Wabasso Causeway. The two new bridges, Malabar Bridge and Valkaria Bridge would cross the Indian River to A1A at the South Beaches area. The plan included expanding the two-lane Highway A1A up to 4 or 6 lanes with infrastructure such as public sanitary sewer, potable water, drainage, etc.

The 2 new bridges were not built. The two-lane A1A remains the only north-south corridor. No potable water or sewer. Infrastructure is pretty much the same as in 1984.

- In 1985, Growth Management Legislation was passed as part of Florida's commitment to provide facilities and services for economic growth and preserve natural resources. **The Act required that infrastructure be in place concurrent with the development.**
- In 1989 Congress approved the Archie Carr National Wildlife Refuge Proposal to preserve a 20-mile stretch of barrier island that included the 12 miles of South Beaches in Brevard County and 8 miles in Indian River County. **Its purpose was to "protect the habitat of the most significant area for loggerhead turtle nesting, in the world. And to protect the most significant nesting area for green sea turtles in North America."**

- In 1990, The Environmentally Endangered Lands (EEL) Program was established to protect the natural habitats of Brevard County by acquiring environmentally sensitive lands for conservation, with voter-approved funds. The EEL Program protects turtle nesting sites, natural habitats, and native plants and animals in the South Beaches area.
- In 1991, 61% of Brevard voters, voted to approve the new EEL program. Voters also approved the EEL Tax, which provided \$55 million for funding.
- In 1992, Brevard County BOCC adopted the South Beaches Small Area Plan Study (SAPS) to address the lack of public facilities and available services, environmental constraints, hurricane evacuation, and land use compatibility. The SAPS focused on the narrow 12-mile stretch of A1A from Melbourne Beach City limits to the Inlet.

The Brevard County Comprehensive Plan, Objective 10, Policy 10.3 of the FLU element established a 2-step process for determining the density/intensity in the South Beaches area. **The first step was the SAPS/Report. The second step was to follow the SAPS recommendations with a subsequent Administrative Rezoning. Most residential lots in South Beaches were down-zoned to RR-1 Single Family Residence. Down-zoning reduced density/intensity to RR-1, one (1) residential unit per acre. It allowed development consistent with good growth management in an area with few public services, inadequate infrastructure, endangered habitats, one north-south two-lane highway A1A with no controlled intersections, and no new bridges.**

- In 2004, 69% of Brevard voters, voted to approve \$60 million for EEL for 20 years.
- In 2022, 70.43% of Brevard voters, voted to approve \$50 million for EEL over 20 years.
- In January 2023, a large group of residents from the South Beaches area of District 3 with the help of some special Representatives, embarked on a journey to create a Bill to protect the South Beaches barrier island from overdevelopment. The short name was the Brevard Barrier Island Protection Act. It is specific to the 12 miles of Southern Brevard barrier island area from the Melbourne Beach city limits south to Sebastian Inlet.
- By June 2023, HB 1489 Bill passed with a Senate Vote of 38-0, a House Vote of 115-0, and was signed by Governor DeSantis. The South Beaches was designated an Area of Critical State Concern by the Florida Legislature, as **codified in section 380.0553, Florida Statutes**. The designation of an Area of Critical State Concern (ACSC), is a rare event in Florida, and Brevard County received one. There are only five other areas designated ACSC in *Florida*; The *Florida* Keys, Key West, Big Cypress, the Green Swamp, and the Apalachicola Bay area.
- From July 2023 – July 2024, the Draft of the BBIA, ACSC Comprehensive Plan was being developed by Brevard County.
- August 2024 – December 2024, work continues on the Final Draft of the Brevard Barrier Island Area Comprehensive Plan Element.
- October 14, 2024, P&Z Meeting Public Hearing resulted in many excellent suggestions and comments to be included in the Final Draft of the Comp Plan Element.

- November 7, 2024 Commission Meeting. BOCC Transmittal of a Large-Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review process. The BBIA residents were a little disappointed that many of their suggestions, as well as Robert Sullivan's/FEMA Exhibit 1, and some excellent comments from Staff, were not included in the Draft to be transmitted.
- Meeting 12-12-2024 Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A. Zoning request that will increase density if approved and possibly undo all the work of the past 40 years.
Please do not approve the zoning request from Res1 to Res2 for 5610 S. Hwy A1A, at the 12/12/24 Commission Meeting. Everything we have worked for including the State designation of BBIA, ACSC has been done to limit density increases.

Thank you,

Sincerely yours,

Dolores Conway, Cardinal Drive, Melbourne Beach, FL 32951

Jackson, Desiree

From: dccapemay@aol.com
Sent: Wednesday, December 11, 2024 1:51 PM
To: Commissioner, D3
Subject: December 12, 2024 Brevard County Commission Meeting Item H4

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

Dear Commissioner Kim Adkinson,

I want to welcome and congratulate you as our new District 3 Representative and Brevard County Commissioner member.

You have a lot of information to assimilate with each meeting. So, I wanted to provide you with a summary of the history of the South Beaches barrier island and why keeping density and intensity low, is so important. This is not a new issue; it started 40 years ago.

If you do not know the History of District 3 and the South-South Beaches, you cannot make an informed decision about density challenges that keep popping up.

Please read this short history before the Commission Meeting on December 12, 2024, involving a request to increase density at 5610 S Hwy A1A in the South Beaches area. I am opposed to the zoning request from Res1 to Res2 at 5610 S Hwy A1A, Melbourne Bch, and I ask you to please vote no.

- In 1981, Brevard County adopted a Comprehensive Plan for growth management to manage future development. The South-South Beaches were mentioned specifically as being unique in the Land Use Element and needing special evaluation, **noting that 'land values were high while public services were few ' in the South Beaches area.**
- In 1984, the South Beaches Growth Management Resolution was adopted. It provided details for building two new Bridges from the mainland to A1A between the 28-mile stretch from the 192 Causeway and the Wabasso Causeway. The two new bridges, Malabar Bridge and Valkaria Bridge would cross the Indian River to A1A at the South Beaches area. The plan included expanding the two-lane Highway A1A up to 4 or 6 lanes with infrastructure such as public sanitary sewer, potable water, drainage, etc.
The 2 new bridges were not built. The two-lane A1A remains the only north-south corridor. No potable water or sewer. Infrastructure is pretty much the same as in 1984.
- In 1985, Growth Management Legislation was passed as part of Florida's commitment to provide facilities and services for economic growth and preserve natural resources. **The Act required that infrastructure be in place concurrent with the development.**
- In 1989 Congress approved the Archie Carr National Wildlife Refuge Proposal to preserve a 20-mile stretch of barrier island that included the 12 miles of South Beaches in Brevard County and 8 miles in Indian River County. **Its purpose was to "protect the habitat of the most significant area for loggerhead turtle nesting, in the world. And to protect the most significant nesting area for green sea turtles in North America."**

- In 1990, The Environmentally Endangered Lands (EEL) Program was established to protect the natural habitats of Brevard County by acquiring environmentally sensitive lands for conservation, with voter-approved funds. The EEL Program protects turtle nesting sites, natural habitats, and native plants and animals in the South Beaches area.
- In 1991, 61% of Brevard voters, voted to approve the new EEL program. Voters also approved the EEL Tax, which provided \$55 million for funding.
- In 1992, Brevard County BOCC adopted the South Beaches Small Area Plan Study (SAPS) to address the lack of public facilities and available services, environmental constraints, hurricane evacuation, and land use compatibility. The SAPS focused on the narrow 12-mile stretch of A1A from Melbourne Beach City limits to the Inlet.
The Brevard County Comprehensive Plan, Objective 10, Policy 10.3 of the FLU element established a 2-step process for determining the density/intensity in the South Beaches area. **The first step was the SAPS/Report. The second step was to follow the SAPS recommendations with a subsequent Administrative Rezoning. Most residential lots in South Beaches were down-zoned to RR-1 Single Family Residence. Down-zoning reduced density/intensity to RR-1, one (1) residential unit per acre. It allowed development consistent with good growth management in an area with few public services, inadequate infrastructure, endangered habitats, one north-south two-lane highway A1A with no controlled intersections, and no new bridges.**
- In 2004, 69% of Brevard voters, voted to approve \$60 million for EEL for 20 years.
- In 2022, 70.43% of Brevard voters, voted to approve \$50 million for EEL over 20 years.
- In January 2023, a large group of residents from the South Beaches area of District 3 with the help of some special Representatives, embarked on a journey to create a Bill to protect the South Beaches barrier island from overdevelopment. The short name was the Brevard Barrier Island Protection Act. It is specific to the 12 miles of Southern Brevard barrier island area from the Melbourne Beach city limits south to Sebastian Inlet.
- By June 2023, HB 1489 Bill passed with a Senate Vote of 38-0, a House Vote of 115-0, and was signed by Governor DeSantis. The South Beaches was designated an Area of Critical State Concern by the Florida Legislature, as **codified in section 380.0553, Florida Statutes**. The designation of an Area of Critical State Concern (ACSC), is a rare event in Florida, and Brevard County received one. There are only five other areas designated ACSC in *Florida*; The *Florida* Keys, Key West, Big Cypress, the Green Swamp, and the Apalachicola Bay area.
- From July 2023 – July 2024, the Draft of the BBIA, ACSC Comprehensive Plan was being developed by Brevard County.
- August 2024 – December 2024, work continues on the Final Draft of the Brevard Barrier Island Area Comprehensive Plan Element.
- October 14, 2024, P&Z Meeting Public Hearing resulted in many excellent suggestions and comments to be included in the Final Draft of the Comp Plan Element.
- November 7, 2024 Commission Meeting. BOCC Transmittal of a Large-Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review process. The BBIA residents were a little

disappointed that many of their suggestions, as well as Robert Sullivan's/FEMA Exhibit 1, and some excellent comments from Staff, were not included in the Draft to be transmitted.

- Meeting 12-12-2024 Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A. Zoning request that will increase density if approved and possibly undo all the work of the past 40 years. Please do not approve the zoning request from Res1 to Res2 for 5610 S. Hwy A1A, at the 12/12/24 Commission Meeting. Everything we have worked for including the State designation of BBIA, ACSC has been done to limit density increases.

Thank you,

Sincerely yours,
Dolores Conway, Cardinal Drive, Melbourne Beach, FL 32951

Jackson, Desiree

From: ebquest <ebquest@protonmail.com>
Sent: Wednesday, December 11, 2024 1:37 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: File # 7600: RE: RES2 zoning change request for 5610 Highway A1A unit 1 Melbourne Beach FL

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

Dear Commissioners:

A zoning change is being requested from RES1 to RES2 and is before you for a final vote tomorrow 12/12/24 @5 pm. I am kindly requesting that my objections are read into and filed as part of the record. And, that this body, responsive to the voters of Brevard, give thoughtful deliberation and consideration to the request before you and not simply rubber stamp it for approval.

This authorization contravenes: 1- FL State Law enacted 2023, designating Brevard county one of 6 in the state, with critical infrastructure protections; 2-rides roughshod over the express wishes of residents of these communities; 3- establishes a dangerous precedent, causing irrevocable future harm; and 4-benefits only venal developers, attorneys and politicians, to the absolute detriment of us all and our fragile ecosystem.

BACKGROUND

- Owner purchased a plot of land several decades ago on 0.7acres located at 5610 HWY A1A, unit 1, Melbourne Beach FL

- Owner paid taxes on land, and now decided to build his (retirement) dream home on that land.

Several Problems with this plot of land:

- single family homes beachside are zoned for 1 acres
- Plot is landlocked; no egress to A1A, bounded by private home and 80 unit condominium community of LHC, upon which it directly encroaches (depriving privacy, blocking views, creating potential flooding and traffic issues, etc)

Housing unit will require owner to install *sewer ,well, and irrigation* system- again will require suspension of [certain] laws to achieve these objective

○

- **Two most egregious problems with this request for zoning change:**

1. It violates critical infrastructure 7.1 state law (2023) that prohibits high density buildings. 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.*"

_2- It sets a **bad & dangerous precedent**. Once this property is allowed an exemption what possible rationale is there for stopping future zoning requests for high density housing **DESPITE FL state law drafted in 2023 expressly prohibiting these types of development** because they knowingly harm and endanger our fragile ecosystem, putting all residents in danger with future natural disasters like hurricanes when development is hindering precisely these efforts at preservation. **The only beneficiaries for these changes are greedy developers, lawyers, realtors and dirty politicians** willing to have their palms greased to ignore our laws and continue to ravage our fragile shoreline with these types of exemptions.

ISSUE:

1. Owner claims unless he's granted a zoning change from RES1 (single family home) to RES2 (multi family home) he won't be able to build on plot. This imposes unfair burden on him, given he dutifully paid taxes on land he now can't use it.

FACTS:

- Owner bought this property with knowledge that original owner divided a lot unevenly/unfairly (land divided into an acre lot, and a 0.7 acre lot)
- Owner claims to have paid taxes on 0.7 property continuously for past several decades in excess of \$40k
- Owner claims he intends to build a single family house 4k sq ft on lot, though he is asking for change in zoning from RES1 to RES2 for multifamily dwelling. Moreover, under RES2 he can build up to 35' high unit that will definitely obstruct natural beauty, create potential flooding/overflow issues, invade privacy, add to traffic congestion, and be a potential hazard with undesirable lights shining on turtle nesting grounds. This statement of intent -not fact- solely based on owners' word, is granting a zoning change with no future assurances. What if owner changes his mind while building and decides he wants multiple units? Or after building his home sells it and next buyer converts it to a multi-family high density development?
- **OBJECTIONS:** Owner made bad business investment, did not do his due diligence on the property, had option to sell the land instead of paying taxes on it. Now neighbors directly impacted by this zoning change are asked to accept, at face value, a promise that this property will never become a HIGH DENSITY, MULTI FAMILY unit though it is zoned specifically for that purpose which this owner or a future owner can subsequently turn this property into an Air B&B, or subdivide into several units under his tenancy or through a subsequent sale. The lawyer summarily dismissed high density argument, despite state law to the contrary, as well as summarily dismissed issue of egress stating they can encroach on the adjacent property owners' 75' driveway to create an egress. She summarily dismissed "density" issues or ignored others that were never addressed like high traffic at extant location where there were **two FATALITIES** in the past two years, thus necessitating state intervention to create walkways and lights, etc., at the exact site bounding this plot of land, and another infringements on residents' quality of life.

In light of the aforementioned, I respectfully request denial of this zoning change.

Sincerely,

E Ber

126 Casseekee Trail

Melbourne Beach, FL 32951

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

Jackson, Desiree

From: rel2421@aol.com
Sent: Wednesday, December 11, 2024 10:40 AM
To: Commissioner, D3
Subject: Re Against item h4 application 24SS00013

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

RE: Against Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A

Dear Commissioner Adkinson,

This letter is to state my objection to the above referenced application.

The County Commission established the Future Land Use Plan and Coastal Element in 1992.

They recognized that this fragile barrier island could not support an increase in density and provided hard and fast protections.

Ten years later in 2005, the applicant purchased the .7 acres as Unit # 1 of a condo document that 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".

This is NOT a true Statement. The .7 acres was always unbuildable.

If the condo developer thought the lot was buildable, why didn't he divide the lot into 2 equal condo units of .85 acres each? Why did he make his Unit# 2 a full acre and Unit #1 only .7 acres?

What is factual and is in the county records per the 2019 application from the applicant:

He admits with said representation from the developers condo documents he made the purchase.

He was mislead by the developer but sought relief from the county (the current application doesn't include the condo document portion that misrepresents the .7 acres as buildable).

Since when is the County liable for a bad real estate purchase?

Continuing, at the LPA meeting 11-18-2024, the applicant's attorney implies the applicant reached out to county Planning (per record minutes) prior to purchase.

This is also NOT true:

From the P&Z staff comments to LPA BoardMeeting:

"Additionally, when Units 1 and 2 were created... 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...".

1) The county was never asked to review the land before the purchase.

2) Since when has a land purchase ever been reviewed by County staff without being asked?

JUNE 2022: the applicant filed a zoning classification letter where once again he was informed the property was non-compliant.

DECEMBER 2022: the applicant filed again with a similar argument but added language that somehow Coastal Element 7.0 was in conflict with 7.1 and that inconsistency should somehow allow his increase in density.

That application morphed into a large scale text amendment which imploded due to the implications it could affect over 50 acres on the barrier island. The application was pulled from the agenda the night before at 10pm.

JULY 2024: This current application contains the same previous arguments that were rejected by P&Z but adds a Binding Development Plan, which county staff agrees does not apply. Additional expert testimony that clouds the factual issue that an increase in density is not allowed per CME Policy 7.1.

Planning and Zoning staff clearly states four times in their report to you that the application violates Policy 7.1. This same letter was provided to the the LPA, but the new uninformed majority of members were mostly concerned with the money the applicant spent. One member actually stated on the record that he was voting to provide, what would turn out to be an outrageous, and unfair, windfall million dollar profit to a land speculator, while at the same time admitting it was contrary to Policy 7.1.

All this to help a buyer that, admittedly on record, made a bad purchase decision in 2005.

Since when is it the responsibility of the county to provide relief to an applicant who bought a sub-standard lot just because he paid taxes on it?

This is not a County issue. It is a civil case between the applicant and the condo developer that sold him the unbuildable lot.

This is not a property rights issue. This a civil matter of a possible fraudulent real estate transaction

Please vote AGAINST the application.

Please do not provide a loophole for future land owners to convert their property to a condo and mislead other dupititious purchasers.

Our courts are full enough without adding to the fire.

Regards and Congratulations,

Robert Logsdon Jr.

9020 Highway A1A Melbourne Beach, FL. 32951

Jackson, Desiree

From: Stephen LaScola <lascolasremodeling@gmail.com>
Sent: Tuesday, December 10, 2024 4:31 PM
To: d1commissioner@brevardfl.gov; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: 5610 Highway A1A zoning change

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

To all of the commissioners involved in this, I AM **AGAINST** item H4 for the up-zoning of: **5610 A1A**

FOR THE FOLLOWING REASONS:

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 the State Commerce Department on November 7th.

4) The island's water, sewer and evacuation resources cannot handle any more density.

Steve LaScola
LaScola's Building & Remodeling LLC
lic. 17-RC-CT-00101
cell: 203 767 3577
office: 321 831 3361
lascolasremodeling.com

Jackson, Desiree

From: PATRICIA BIAGI <biagi@bellsouth.net>
Sent: Tuesday, December 10, 2024 11:51 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Fwd: Area of Critical concern Melbourne Beach

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

Begin forwarded message:

From: PATRICIA BIAGI <biagi@bellsouth.net>
Subject: Area of Critical concern Melbourne Beach
Date: December 10, 2024 at 11:47:56 AM EST
To: d1.commissioner@brevardfl.gov

Area of Critical State Concern request for density increase

I am Voting NO on Zoning Change request for 5610 S Hwy A1A

Please be aware the residents here at this very far end of the island are sick of developers and greedy builders coming in and trying to destroy this very amazing area without any regard to the endangered wildlife. If you drive down A1A on any given morning the carnage of dead animals on the road is heartbreaking. I'm guessing if you keep allowing this reckless building there will be nothing left.

When the lot in question was cleared (at least three years ago.) Beautiful trees and I am sure habitats for many animals. POINTLESS! And now they want to change the zoning. NO NO NO.

I am sure the majority of folks around here are not even aware this pathetic request is being brought up to the commissioners.

Please listen to the people that are reaching out to you.

Sincerely,

**Larry and Patricia Biagi
155 Sea Dunes Dr
Melbourne Beach 32951**

Jackson, Desiree

From: Tim Reed <tim.reed@hotmail.com>
Sent: Tuesday, December 10, 2024 9:41 AM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

Commissioner Atkinson -

As a resident & property owner in Melbourne Beach, I urge to act in the best interests of the south beaches and oppose Item H4 for the up-zoning of 5610 A1A in Brevard County.

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 November 7th.
4. The island's water, sewer and evacuation resources cannot handle any more density.

Thank you,
Tim Reed

Jackson, Desiree

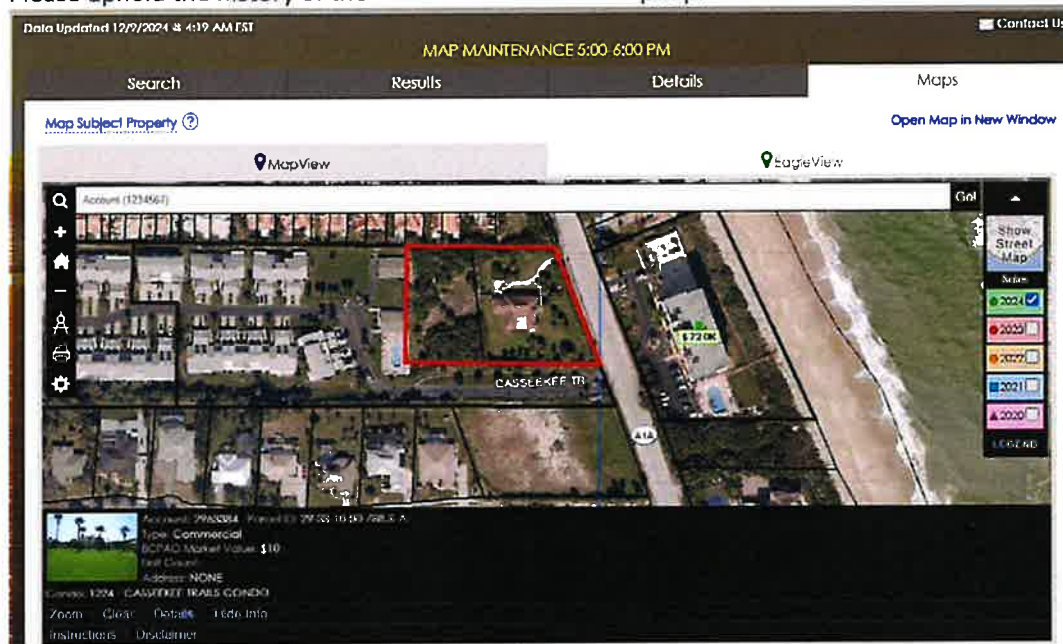
From: Sandra Sullivan <s2sully@gmail.com>
Sent: Monday, December 9, 2024 10:09 PM
To: Commissioner, D3; kim.atkinson@brevardfl.gov
Subject: D4 Thursday zoning

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

Just to be clear - they bought property in South Beaches which was zoned Res 1. They built their house. There is NO Bert Harris because they bought with that zoning. Now they want to build a second residence Res2 but that is not the zoning.

Buyer beware - they bought where you cannot upzone.

Please uphold the history of the area and the will of the people in South Beaches



The staff comments are clear:

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.**

Jackson, Desiree

From: Fred Seleman <fseleman@gmail.com>
Sent: Monday, December 9, 2024 9:29 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

[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

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:18 PM
To: Commissioner, D3
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A

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

With address added below, thank you.
(125 Rue de Nancy)
Sent from my iPhone

On Dec 8, 2024, at 8:09 PM, Catherine Stamatacos <cstamatacos@yahoo.com> wrote:

Dear Commissioner,

Please vote AGAINST item H4.

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.

Thank you for your consideration,
Catherine Stamatacos

125 Rue de Nancy

Melbourne Beach
321-726-9853

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:10 PM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

Dear Commissioner,

Please vote AGAINST item H4.

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.

Thank you for your consideration,
Catherine Stamatacos
Melbourne Beach
321-726-9853

Jackson, Desiree

From: Kathleen Conway <kcmslp@aol.com>
Sent: Sunday, December 8, 2024 11:34 AM
To: Commissioner, D3
Subject: H4 for the up-zoning of 5610 A1A Highway

[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

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:10 PM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

Dear Commissioner,

Please vote AGAINST item H4.

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.

Thank you for your consideration,
Catherine Stamatacos
Melbourne Beach
321-726-9853

Jackson, Desiree

From: Kristie Ferriell <kaferriell@gmail.com>
Sent: Saturday, December 7, 2024 5:30 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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 precedent 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.

Jackson, Desiree

From: terry gill <gillbilly1951@yahoo.com>
Sent: Saturday, December 7, 2024 3:52 PM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: glovprop@bellsouth.net
Sent: Saturday, December 7, 2024 9:09 AM
To: Commissioner, D2; Commissioner, D4; Commissioner, D5; Commissioner, D1; Commissioner, D3
Subject: Dec 12 Meeting Agenda item H4

[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

Jackson, Desiree

From: Richard Magin <richardmagin@gmail.com>
Sent: Friday, December 6, 2024 8:55 PM
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

[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, 7<7:0ziljKwfs0fr njts% f~%[njwE KQ87>953
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.)

®

Jackson, Desiree

From: Jodie Irish <irish_jodie@yahoo.com>
Sent: Friday, December 6, 2024 6:27 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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 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.

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

Jackson, Desiree

From: tim kloc <tmkloc@yahoo.com>
Sent: Friday, December 6, 2024 4:09 PM
To: Commissioner, D3
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

[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

Jackson, Desiree

From: S Dunaif <sdunaif@gmail.com>
Sent: Friday, December 6, 2024 3:45 PM
To: Commissioner, D3
Subject: 4H

[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!

Shari Smith Dunaif

Floridana

Jackson, Desiree

From: jimfratt233 fratt <jimfratt@gmail.com>
Sent: Friday, December 6, 2024 2:39 PM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: Denis Freiden <denisfreiden@gmail.com>
Sent: Friday, December 6, 2024 11:40 AM
To: Commissioner, D3
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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.

Jackson, Desiree

From: Mohamad Hussein <mashussein@gmail.com>
Sent: Friday, December 6, 2024 10:39 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: Mohamad Hussein <mashussein@gmail.com>
Sent: Friday, December 6, 2024 10:21 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

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

Jackson, Desiree

From: Gary <garnat@aol.com>
Sent: Friday, December 6, 2024 6:40 AM
To: Commissioner, D3
Subject: AGAINST ITEM H4

[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.

Jackson, Desiree

From: Edward Moseley <jedmose@bellsouth.net>
Sent: Thursday, December 5, 2024 8:33 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: 5610 A1A Up-Zoning

[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

Jackson, Desiree

From: helen stamatacos <hnstamatacos@yahoo.com>
Sent: Thursday, December 5, 2024 5:33 PM
To: Commissioner, D3
Subject: Fw: NO to H4 For up-zoning of: A1A

[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

11 December 2024

Annemarie De Cort
Robert De Cort
5610 South Highway A1A
Melbourne Beach, Florida 32951

Commissioner Kim Adkinson
1311 E. New Haven Avenue
Melbourne, FL 32901

Dear Commissioner, Adkinson,

Annemarie DeCort and Robert DeCort are residents of Melbourne Beach in Brevard's 3rd District which you ably represent. We are writing to urge you, and your fellow Commissioners to deny the Application brought by Delray Beach resident Christopher Espanet (Kimberly Rezanka) to unnecessarily increase the density of our beachside community by proposing an Amendment to the Comprehensive Plan that requires a change to the longstanding (19 + years) Future Land Use designation of property (24SS00013) (Tax Account 2963382) that directly abuts our residence. This most recent Application which requests a change from RES1 to RES 2, was thoroughly reviewed by the Brevard County Planning and Development Department who advised the Applicant that the request "...is not permitted..." and based on consideration of the facts, regulations and Policy further advised the Applicant that the Department therefore "...must recommend the Board to deny the application." In addition to these professional experts who are charged with effective and thoughtful management of Brevard Counties land resources, the Application is also being strenuously opposed by numerous other of our resident neighbors who like us have voiced their concern with the wide-ranging negative impact and dangerous precedent that would arise from the Applications Approval.

It is also important to note that this is not the first such request by the Applicant since purchase of the known at the time, substandard parcel in 2005. All previous Applications have been denied following thoughtful well-reasoned decisions by the Brevard County Planning & Development Department and the Brevard Board of Commissioners based on their similar defects in law, facts, process or non-compliance with existing State of Florida and Brevard County Regulation, Policy, and Codes. We also note that since 2005 when the Applicant knowingly purchased the substandard for land use purposes property, there have been no salient changes

in the afore mentioned circumstances and regulations that were considered by the Board of Commissioners at the time of the several previous denied Applications.

Please see a summary of the many issues identified by impacted residents as well as the Brevard County Planning & Development Department with this Application:

- a) The Property of the Applicant was known to be substandard for land use at the time of purchase.
- b) The change from RES 1 to RES 2 represents a density increase.
- c) Based on the plain language of the Comprehensive Plan, specifically the Coastal Management Element, any requested change to land use that increases density is not permitted and is improper.
- d) The approval of an application that conflicts with the Comprehensive Plan will require additional cost to be borne by the taxpayers of Brevard County and may potentially require protracted litigation further burdening the taxpayers.
- e) The proffered attempted procedural device invoked by the Applicant to circumvent his conceded detrimental stand-alone impact of the change to RES 2 on the surrounding community and residents; applying for a Future Land Use (FLU) inextricably linked and dependent on a Building Development Plan (BDP), cannot be used per Brevard County Code.
- f) The Property is located within the Area of Critical State Concern – Brevard Barrier Island Area, and therefor requires the State of Florida to be involved in the review process of the Application, specifically per Policy “Brevard County shall not increase the residential density designations for properties located on the barrier island between the south boundary of Melbourne Beach and the Sebastian Inlet.”
- g) Approval of the application will create an inconsistency between the RP zoning classification and future land use designation.
- h) There is no sewer development accessible to the property, therefore approval of the Application may have nutrient content impacts to the Indian River Lagoon.
- i) The approval of the Application allows for the construction of professional offices up to 3 stories (35 feet) which may impact the visual corridor currently enjoyed by existing and future residents the bordering area.
- j) Base on FLUE Policy 1.8:
 - a. There is no other RES 2 in the surrounding area,
 - b. There are no adequate density transition areas between existing land use designations to the east or west,

- c. Brevard Policy 7.1 does not allow for any increase in residential density for the Applicants Property.
- k) Approval of the Application to increase residential density is inconsistent with precedence in the interpretation of the Coastal Conservation Element Policy 7.1. as it relates to residential density.
- l) Approval of the Application would materially adversely impact the established residential neighborhood as it allows the substandard property to be developed as 3 story professional offices requiring parking, vehicular and pedestrian access within the clearly long-established residential boundaries of single-family subdivisions, condominiums, and multifamily developments. Currently there are no commercial, industrial, or other non-residential land uses in the area nor have any been granted in the past 5 years.

We purchased our residence just over 1 year ago upon returning to Melbourne Beach following 39 years of living and working throughout the United States and overseas. The decision to purchase our current residence on the terms agreed were motivated by the natural beauty of the South Beaches and the protection from misguided overdevelopment the area enjoys, the surrounding long established residential neighborhood around the residence, the State and County Plans and regulations that explicitly prohibit any increase in residential density, and the Property Appraisals we and others commissioned to inform our final decision. All of these factors were inextricably linked to known Zoning, Land Use Plans and County Regulations and Policy known at the time, all of which unequivocally provide that the Applicants parcel, at the time of its subdivision (2 May 2005) at the time of its purchase by the Applicant (15 July 2005), at the time of our decision to purchase the adjacent residence (6 November 2023), and today, to be substandard for the change in Land Use requested.

We appreciate your time and consideration, an urge you and your fellow Commissioners to deny the Application.

Sincerely,

Annemarie DeCort

Robert DeCort

e-mail: home@decort.us

Jackson, Desiree

From: dccapemay@aol.com
Sent: Wednesday, December 11, 2024 1:43 PM
To: Commissioner, D2
Subject: December 12, 2024 Commission Meeting Item H4

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Commissioner Tom Goodson,

I want to welcome and congratulate you in this new session as a Brevard County Commissioner member.

You have a lot of information to assimilate with each meeting. So, I wanted to provide you with a summary of the history of the South Beaches barrier island and why keeping density and intensity low, is so important. This is not a new issue; it started 40 years ago.

If you do not know the History of the Brevard County South-South Beaches, you cannot make an informed decision about density challenges that keep popping up.

Please read this short history before the Commission Meeting on December 12, 2024, involving a request to increase density at 5610 S Hwy A1A in the South Beaches area. I am opposed to the zoning request from Res1 to Res2 at 5610 S Hwy A1A, Melbourne Beach, and I ask you to please vote no.

- In 1981, Brevard County adopted a Comprehensive Plan for growth management to manage future development. The South-South Beaches were mentioned specifically as being unique in the Land Use Element and needing special evaluation, **noting that 'land values were high while public services were few ' in the South Beaches area.**
- In 1984, the South Beaches Growth Management Resolution was adopted. It provided details for building two new Bridges from the mainland to A1A between the 28-mile stretch from the 192 Causeway and the Wabasso Causeway. The two new bridges, Malabar Bridge and Valkaria Bridge would cross the Indian River to A1A at the South Beaches area. The plan included expanding the two-lane Highway A1A up to 4 or 6 lanes with infrastructure such as public sanitary sewer, potable water, drainage, etc.
The 2 new bridges were not built. The two-lane A1A remains the only north-south corridor. No potable water or sewer. Infrastructure is pretty much the same as in 1984.
- In 1985, Growth Management Legislation was passed as part of Florida's commitment to provide facilities and services for economic growth and preserve natural resources. **The Act required that infrastructure be in place concurrent with the development.**
- In 1989 Congress approved the Archie Carr National Wildlife Refuge Proposal to preserve a 20-mile stretch of barrier island that included the 12 miles of South Beaches in Brevard County and 8 miles in Indian River County. **Its purpose was to "protect the habitat of the most significant area for loggerhead turtle**

nesting, in the world. And to protect the most significant nesting area for green sea turtles in North America.”

- In 1990, The Environmentally Endangered Lands (EEL) Program was established to protect the natural habitats of Brevard County by acquiring environmentally sensitive lands for conservation, with voter-approved funds. The EEL Program protects turtle nesting sites, natural habitats, and native plants and animals in the South Beaches area.
- In 1991, 61% of Brevard voters, voted to approve the new EEL program. Voters also approved the EEL Tax, which provided \$55 million for funding.
- In 1992, Brevard County BOCC adopted the South Beaches Small Area Plan Study (SAPS) to address the lack of public facilities and available services, environmental constraints, hurricane evacuation, and land use compatibility. The SAPS focused on the narrow 12-mile stretch of A1A from Melbourne Beach City limits to the Inlet.
The Brevard County Comprehensive Plan, Objective 10, Policy 10.3 of the FLU element established a 2-step process for determining the density/intensity in the South Beaches area. **The first step was the SAPS/Report. The second step was to follow the SAPS recommendations with a subsequent Administrative Rezoning. Most residential lots in South Beaches were down-zoned to RR-1 Single Family Residence. Down-zoning reduced density/intensity to RR-1, one (1) residential unit per acre. It allowed development consistent with good growth management in an area with few public services, inadequate infrastructure, endangered habitats, one north-south two-lane highway A1A with no controlled intersections, and no new bridges.**
- In 2004, 69% of Brevard voters, voted to approve \$60 million for EEL for 20 years.
- In 2022, 70.43% of Brevard voters, voted to approve \$50 million for EEL over 20 years.
- In January 2023, a large group of residents from the South Beaches area of District 3 with the help of some special Representatives, embarked on a journey to create a Bill to protect the South Beaches barrier island from overdevelopment. The short name was the Brevard Barrier Island Protection Act. It is specific to the 12 miles of Southern Brevard barrier island area from the Melbourne Beach city limits south to Sebastian Inlet.
- By June 2023, HB 1489 Bill passed with a Senate Vote of 38-0, a House Vote of 115-0, and was signed by Governor DeSantis. The South Beaches was designated an Area of Critical State Concern by the Florida Legislature, as **codified in section 380.0553, Florida Statutes**. The designation of an Area of Critical State Concern (ACSC), is a rare event in Florida, and Brevard County received one. There are only five other areas designated ACSC in *Florida*; The *Florida* Keys, Key West, Big Cypress, the Green Swamp, and the Apalachicola Bay area.
- From July 2023 – July 2024, the Draft of the BBIA, ACSC Comprehensive Plan was being developed by Brevard County.
- August 2024 – December 2024, work continues on the Final Draft of the Brevard Barrier Island Area Comprehensive Plan Element.
- October 14, 2024, P&Z Meeting Public Hearing resulted in many excellent suggestions and comments to be included in the Final Draft of the Comp Plan Element.

- November 7, 2024 Commission Meeting. BOCC Transmittal of a Large-Scale Comprehensive Plan Amendment (24LS00001) regarding the Brevard Barrier Island Area (BBIA) as a new element to the Comprehensive Plan under the State Coordinated Review process. The BBIA residents were a little disappointed that many of their suggestions, as well as Robert Sullivan's/FEMA Exhibit 1, and some excellent comments from Staff, were not included in the Draft to be transmitted.
- Meeting 12-12-2024 Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A. Zoning request that will increase density if approved and possibly undo all the work of the past 40 years.

Please do not approve the zoning request from Res1 to Res2 for 5610 S. Hwy A1A, at the 12/12/24 Commission Meeting. Everything we have worked for including the State designation of BBIA, ACSC has been done to limit density increases.

Thank you - Dolores Conway, Cardinal Drive, Melbourne Beach, FL 32951

Jackson, Desiree

From: rel2421@aol.com
Sent: Wednesday, December 11, 2024 10:55 AM
To: Commissioner, D2
Subject: Re: against item H4 application 24SS00013

Follow Up Flag: Follow up
Flag Status: Flagged

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

RE: Against Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A

Dear Commissioner Goodson,

This letter is to state my objection to the above referenced application.

The County Commission established the Future Land Use Plan and Coastal Element in 1992.

They recognized that this fragile barrier island could not support an increase in density and provided hard and fast protections.

Ten years later in 2005, the applicant purchased the .7 acres as Unit # 1 of a condo document that 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".

This is NOT a true Statement. The .7 acres was always unbuildable.

If the condo developer thought the lot was buildable, why didn't he divide the lot into 2 equal condo units of .85 acres each? Why did he make his Unit# 2 a full acre and Unit #1 only .7 acres?

What is factual and is in the county records per the 2019 application from the applicant:

He admits with said representation from the developers condo documents he made the purchase.

He was mislead by the developer but sought relief from the county (the current application doesn't include the condo document portion that misrepresents the .7 acres as buildable).

Since when is the County liable for a bad real estate purchase?

Continuing, at the LPA meeting 11-18-2024, the applicant's attorney implies the applicant reached out to county Planning (per record minutes) prior to purchase.

This is also NOT true:

From the P&Z staff comments to LPA BoardMeeting:

"Additionally, when Units 1 and 2 were created... 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...".

1) The county was never asked to review the land before the purchase.

2) Since when has a land purchase ever been reviewed by County staff without being asked?

JUNE 2022: the applicant filed a zoning classification letter where once again he was informed the property was non-compliant.

DECEMBER 2022: the applicant filed again with a similar argument but added language that somehow Coastal Element 7.0 was in conflict with 7.1 and that inconsistency should somehow allow his increase in density.

That application morphed into a large scale text amendment which imploded due to the implications it could affect over 50 acres on the barrier island. The application was pulled from the agenda the night before at 10pm.

JULY 2024: This current application contains the same previous arguments that were rejected by P&Z but adds a Binding Development Plan, which county staff agrees does not apply. Additional expert testimony that clouds the factual issue that an increase in density is not allowed per CME Policy 7.1.

Planning and Zoning staff clearly states four times in their report to you that the application violates Policy 7.1. This same letter was provided to the the LPA, but the new uninformed majority of members were mostly concerned with the money the applicant spent. One member actually stated on the record that he was voting to provide, what would turn out to be an outrageous, and unfair, windfall million dollar profit to a land speculator, while at the same time admitting it was contrary to Policy 7.1.

All this to help a buyer that, admittedly on record, made a bad purchase decision in 2005.

Since when is it the responsibility of the county to provide relief to an applicant who bought a sub-standard lot just because he paid taxes on it?

This is not a County issue. It is a civil case between the applicant and the condo developer that sold him the unbuildable lot.

This is not a property rights issue. This a civil matter of a possible fraudulent real estate transaction

Please vote AGAINST the application.

Please do not provide a loophole for future land owners to convert their property to a condo and mislead other dupitious purchasers.

Our courts are full enough without adding to the fire.

Regards,

Robert Logsdon Jr.

9020 Highway A1A Melbourne Beach, FL. 32951

Jackson, Desiree

From: rel2421@aol.com
Sent: Wednesday, December 11, 2024 10:55 AM
To: Commissioner, D2
Subject: Re: against item H4 application 24SS00013

Follow Up Flag: Follow up
Flag Status: Flagged

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RE: Against Item H4 application 24SS00013, Tax account 2963382 5610 Highway A1A

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Please vote AGAINST the application.

Please do not provide a loophole for future land owners to convert their property to a condo and mislead other dupitious purchasers.

Our courts are full enough without adding to the fire.

Regards,

Robert Logsdon Jr.

9020 Highway A1A Melbourne Beach, FL. 32951

From: [Beth Ferriell](#)
To: [Commissioner, D1](#)
Subject: Zoning Change Request for 5610 S Hwy A1A
Date: Wednesday, December 11, 2024 4:43:12 PM

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

PLEASE vote NO tomorrow on the zoning change request for 5610 S Hwy A1A.

The current infrastructure cannot handle more multi unit residences. We want to protect the South Beaches Area of Critical Concern.

Thank you for your time.

Beth Ferriell
6466 Floridana Ave

Jackson, Desiree

From: Commissioner, D2
Sent: Thursday, December 12, 2024 9:59 AM
To: Jackson, Desiree
Cc: Commissioner, D2
Subject: Fw: Vote NO on Zoning Change request for 5610 S Hwy A1A

Good morning Desiree,
Please see attached additional disclosure for item H4.

Thank you,

Susan Smith

From: debbie wilson <cusmile1000@gmail.com>
Sent: Thursday, December 12, 2024 9:43 AM
To: Commissioner, D2 <D2.Commissioner@brevardfl.gov>
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

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

Support South Beaches to protect the Area of Critical State Concern by voting NO !
Do not support the money, hungry developers, banging on your doors. You were elected to support the people that live here in Brevard County. Are there not plenty of areas that can support expansion and provide housing for the people that would like to move here to Brevard County without impacting preservation areas?

The applicant has requested a zoning change from RES 1 to RES 2 with a BDP limited to 1 unit per acre. This lot is only .7 acres.

This zoning request should not happen and should not be allowed. The Brevard County staff's position is that it recommended the Board to deny the application, yet here we are again with this request.

Please Help Keep Brevard Beautiful

Respectfully,
Debra Wilson

Sent from my iPhone

Jackson, Desiree

From: Fred Seleman <fseleman@gmail.com>
Sent: Monday, December 9, 2024 9:29 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

[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

Jackson, Desiree

From: PATRICIA BIAGI <biagi@bellsouth.net>
Sent: Tuesday, December 10, 2024 11:51 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Fwd: Area of Critical concern Melbourne Beach

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

Begin forwarded message:

From: PATRICIA BIAGI <biagi@bellsouth.net>
Subject: Area of Critical concern Melbourne Beach
Date: December 10, 2024 at 11:47:56 AM EST
To: d1.commissioner@brevardfl.gov

Area of Critical State Concern request for density increase

I am Voting NO on Zoning Change request for 5610 S Hwy A1A

Please be aware the residents here at this very far end of the island are sick of developers and greedy builders coming in and trying to destroy this very amazing area without any regard to the endangered wildlife. If you drive down A1A on any given morning the carnage of dead animals on the road is heartbreaking. I'm guessing if you keep allowing this reckless building there will be nothing left.

When the lot in question was cleared (at least three years ago.) Beautiful trees and I am sure habitats for many animals. POINTLESS! And now they want to change the zoning. NO NO NO.

I am sure the majority of folks around here are not even aware this pathetic request is being brought up to the commissioners.

Please listen to the people that are reaching out to you.

Sincerely,

Larry and Patricia Biagi

**155 Sea Dunes Dr
Melbourne Beach 32951**

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Monday, December 9, 2024 12:05 PM
To: Commissioner, D2
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

With address added below. Thank you.
(125 Rue de Nancy)

On Dec 8, 2024, at 8:09 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

Sent from my iPhone

Jackson, Desiree

From: charlesrhardin@aol.com
Sent: Monday, December 9, 2024 7:03 AM
To: Commissioner, D1; Commissioner, D2; d3.commissioner@bervardfl.gov; Commissioner, D4; Commissioner, D5
Subject: Zoning request for 5610 S Highway A1A

[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

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:16 PM
To: Commissioner, D2
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A

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

With address added below. Thank you.
(125 Rue de Nancy)

On Dec 8, 2024, at 8:09 PM, Catherine Stamatacos <cstamatacos@yahoo.com> wrote:

Dear Commissioner,

Please vote AGAINST item H4.

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.

Thank you for your consideration,
Catherine Stamatacos

125 Rue de Nancy

Melbourne Beach
321-726-9853

Sent from my iPhone

Jackson, Desiree

From: Catherine Stamatacos <cstamatacos@yahoo.com>
Sent: Sunday, December 8, 2024 8:09 PM
To: Commissioner, D2
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

Dear Commissioner,

Please vote AGAINST item H4.

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.

Thank you for your consideration,
Catherine Stamatacos
Melbourne Beach
321-726-9853

Sent from my iPhone

Jackson, Desiree

From: Kathleen Conway <kcmslp@aol.com>
Sent: Sunday, December 8, 2024 11:33 AM
To: Commissioner, D2
Subject: H4 for the up-zoning of 5610 A1A Highway

[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

Jackson, Desiree

From: Kristie Ferriell <kaferriell@gmail.com>
Sent: Saturday, December 7, 2024 5:30 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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 precedent 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.

Jackson, Desiree

From: terry gill <gillbilly1951@yahoo.com>
Sent: Saturday, December 7, 2024 3:51 PM
To: Commissioner, D2
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: glovprop@bellsouth.net
Sent: Saturday, December 7, 2024 9:09 AM
To: Commissioner, D2; Commissioner, D4; Commissioner, D5; Commissioner, D1; Commissioner, D3
Subject: Dec 12 Meeting Agenda item H4

[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

Jackson, Desiree

From: Richard Magin <richardmagin@gmail.com>
Sent: Friday, December 6, 2024 8:55 PM
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

[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, 7<7:0zilj%Kwfs0fr njxts% f~%[njwf BKQ87>953
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.)

%

Jackson, Desiree

From: Jodie Irish <irish_jodie@yahoo.com>
Sent: Friday, December 6, 2024 6:27 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: tim kloc <tmkloc@icloud.com>
Sent: Friday, December 6, 2024 4:09 PM
To: Commissioner, D2
Subject: Vote NO on Zoning Change request for 5610 S Hwy A1A

[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

Jackson, Desiree

From: S Dunaif <sdunaif@gmail.com>
Sent: Friday, December 6, 2024 3:44 PM
To: Commissioner, D2
Subject: 4H

[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!

Shari Smith Dunaif

Floridana

Jackson, Desiree

From: jimfratt233 fratt <jimfratt@gmail.com>
Sent: Friday, December 6, 2024 2:39 PM
To: Commissioner, D2
Subject: against item h4 5610 a1a

[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 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.
James frattarola 233 and 239 camino pl resident 36
years

Jackson, Desiree

From: Denis Freiden <denisfreiden@gmail.com>
Sent: Friday, December 6, 2024 11:39 AM
To: Commissioner, D2
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

[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.

Jackson, Desiree

From: Mohamad Hussein <mashussein@gmail.com>
Sent: Friday, December 6, 2024 10:39 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: Re: AGAINST item H4 for the up-zoning of: 5610 A1A

[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

Jackson, Desiree

From: Mohamad Hussein <mashussein@gmail.com>
Sent: Friday, December 6, 2024 10:21 AM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: AGAINST item H4 for the up-zoning of: 5610 A1A

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

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

Jackson, Desiree

From: Edward Moseley <jedmose@bellsouth.net>
Sent: Thursday, December 5, 2024 8:33 PM
To: Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: 5610 A1A Up-Zoning

[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

Jackson, Desiree

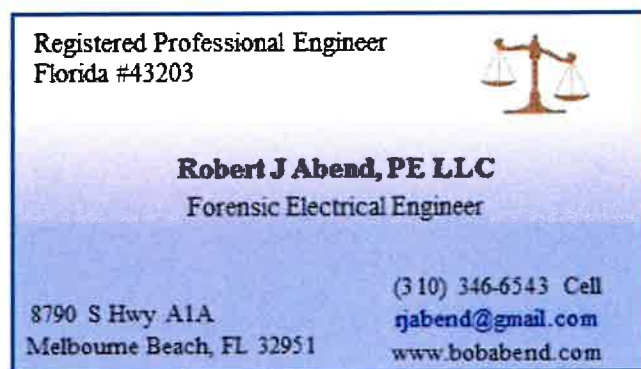
From: rjabend@gmail.com
Sent: Thursday, December 5, 2024 7:10 PM
To: rjabend@gmail.com
Subject: South Beaches Zoning

[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

Jackson, Desiree

From: helen stamatacos <hnstamatacos@yahoo.com>
Sent: Thursday, December 5, 2024 5:32 PM
To: Commissioner, D2
Subject: Fw: Please Vote Against item H4

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

----- Forwarded Message -----

From: helen stamatacos <hnstamatacos@yahoo.com>
To: D1 Commissioner <d1.commissioner@brevardfl.gov>
Sent: Thursday, December 5, 2024 at 05:30:52 PM EST
Subject: Please Vote Against item H4

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

Jackson, Desiree

From: Stephen LaScola <lascolasremodeling@gmail.com>
Sent: Tuesday, December 10, 2024 4:31 PM
To: d1commissioner@brevardfl.gov; Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5
Subject: 5610 Highway A1A zoning change

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

To all of the commissioners involved in this, I AM **AGAINST** item H4 for the up-zoning of: **5610 A1A**

FOR THE FOLLOWING REASONS:

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 the State Commerce Department on November 7th.

4) The island's water, sewer and evacuation resources cannot handle any more density.

Steve LaScola
LaScola's Building & Remodeling LLC
lic. 17-RC-CT-00101
cell: 203 767 3577
office: 321 831 3361
[lascolasremodeling.com](mailto:lascolasremodeling@gmail.com)

Jackson, Desiree

From: Smith, Susan
Sent: Wednesday, December 11, 2024 8:50 AM
To: Jackson, Desiree
Cc: Commissioner, D2
Subject: D2 Disclosures H.4 24SS00013
Attachments: Fwd: Area of Critical concern Melbourne Beach; AGAINST item H4 for the up-zoning of: 5610 A1A; Vote NO on Zoning Change request for 5610 S Hwy A1A; Zoning request for 5610 S Highway A1A; Re: AGAINST item H4 for the up-zoning of: 5610 A1A; AGAINST item H4 for the up-zoning of: 5610 A1A; H4 for the up-zoning of 5610 A1A Highway; AGAINST item H4 for the up-zoning of: 5610 A1A; AGAINST item H4 for the up-zoning of: 5610 A1A; Dec 12 Meeting Agenda item H4 ; Please vote No on Item H4 for the up-zoning of: 5610 A1A; AGAINST item H4 for the up-zoning of: 5610 A1A; Vote NO on Zoning Change request for 5610 S Hwy A1A; 4H; against item h4 5610 a1a; AGAINST item H4 for the up-zoning of: 5610 A1A; Re: AGAINST item H4 for the up-zoning of: 5610 A1A; AGAINST item H4 for the up-zoning of: 5610 A1A; 5610 A1A Up-Zoning; South Beaches Zoning; Fw: Please Vote Against item H4; 5610 Highway A1A zoning change

Hello Desiree,
Please see the attached and below disclosures for item H.4. 7600 – 24SS00013.

Phone calls:

- On 12/4/2024, our office received a phone call from Mark Shantzis opposing this project and stated it violates the Brevard County Comprehensive Plan/Coastal Management Element Policy 7.1
- On 12/10/2024, our office received phone calls from the following constituents opposing this item:
 - Mark Shantzis
 - Kathy Odom
 - Patricia Biaggi

Thank you,



Susan Smith
Legislative Aide
Brevard County Commissioner Tom Goodson District 2
2575 North Courtney Parkway Suite 200
Maitland, FL 32751
Ph: (321) 434-8801
E-mail: Susan.Smith@brevard.fl.gov

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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- > 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.
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- > Community Character: our area is predominantly low-density,
- > single-family communities. This amendment would disrupt the
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- > precedent for future high-density developments.
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- > I respectfully urge you to deny this proposed re-zoning to protect the
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- > of our community.
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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,

- > 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 Swearsy, 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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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.

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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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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

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> 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,
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

[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,
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

[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,

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,

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,

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.

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.

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

[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.

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

[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,

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.

>

> 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

--

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.

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,
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

[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,

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

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Jackson, Desiree

From: Doug Page <dougp99@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.

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.

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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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,

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.

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,

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.

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 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
> 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,

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.

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,
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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> 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."

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 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

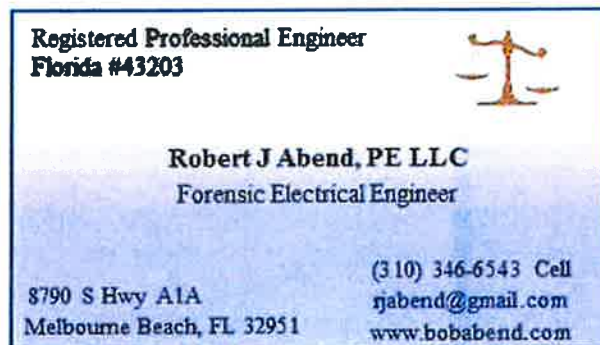
From: rjabend@gmail.com
To: rjabend@gmail.com
Subject: South Beaches Zoning
Date: Thursday, December 5, 2024 7:09:46 PM
Attachments: [image001.png](#)

[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 precedent 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, D4](#)
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: glovprop@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: charlesrhardin@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 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.

Thank you for your consideration,
Catherine Stamatacos

125 Rue de Nancy

Melbourne Beach
321-726-9853



From: [Elisabetta Martino-Swearsky](#)
To: [Commissioner, D4](#)
Subject: Opposition to Zoning Request Change Melbourne Beach
Date: Tuesday, January 28, 2025 12:20:41 PM

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

Dear Rob,

I am registering my opposition to the zoning request change for the land on the west side of Highway A1A 150 ft. North of Casseekee Trail in Melbourne Beach.

The area has been designated by the state as a State Area of Critical Concern. We are concerned about further expanded development as this will affect animals in the area as well as increased beach activity which will affect the Loggerhead, Green and Leatherback turtle migrations.

In addition, it is in a busy and somewhat dangerous area with cars traveling at over 45 MPH with no crosswalk at A1A to the beach. This could put residents living in the future unit/s at risk.

I greatly appreciate your support...Liz

Elisabetta Martino-Swearsky
180 Casseekee Trail, MB 32951
860-863-6616

From: cabsher3@cfl.rr.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Please help!!
Date: Wednesday, January 29, 2025 7:09:25 AM

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

Help keep our area as it was meant to stay!

- 1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- 2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA..."

Thank you, Candy Absher (Melbourne Beach)

From: [Margaret Ahrweiler](#)
To: [Commissioner, D4](#)
Subject: Please vote against Future Land Use Amendment Request ID# 24SS00013
Date: Tuesday, January 28, 2025 2:19:18 PM

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

Dear Chairman Feltner,

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. I ask that you vote against this amendment at your Feb. 6 meeting to best represent the interests of Brevard County constituents.

I live in the District 3 south beaches neighborhood of Lighthouse Cove, one of the neighborhoods adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013. As a Florida resident and voter, I have watched with alarm over the decades as so much property in Melbourne Beach and the South Beaches has become overdeveloped without concern for proportion, protection or preservation.

There are several important arguments against granting this variance:

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. The 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.

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern. Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem that we have watched deteriorate since our family moved here in 1993. The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.

At .7 acres, the property does not meet the county's own septic system. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to deny this proposed rezoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, 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
145 Casseekee Trail
Melbourne, FL 32951
ahrweiler.clifford@gmail.com
630.209.0979

From: [Betsy Burden](#)
To: [Commissioner, D4](#)
Subject: Opposition to Future LU Amendment Request ID #24SS00013
Date: Tuesday, January 28, 2025 5:31:08 PM

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

Dear Brevard County Commissioner:

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. I ask that you vote against this amendment to represent the interests of your constituents. I live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

As a Florida resident and voter, I have watched with alarm over the last decade as so much property in Melbourne Beach and the South Beaches has become overdeveloped without concern for proportion, protection or preservation.

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. The 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.

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern. Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem that we have watched deteriorate since our family moved here in 1993. The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.

At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only

exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to deny this proposed re-zoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, 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,

Betsy Burden
105 Casseekee Tr.
Melbourne Beach, Florida
561-313-0589

Sent from my iPhone

From: [Alison Deacon](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Please vote on February 6, AGAINST request increasing zone density in South Beach - Melbourne Beach
Date: Tuesday, January 28, 2025 8:20:39 PM

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

Dear Commissioners,

As a resident of Melbourne Beach, I am asking you to vote to STOP an increase in Zoning at 5610 A1A from RES 1 to RES 2.

- 1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.
- 2) It sets an irreversible precedent opening the door for larger increases in the future.

I'm asking you to please **Follow the LAW**

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you
Alison Deacon
305 Island Drive, Melbourne Beach, FL 32951
alisondeacon08@yahoo.com

From: [jimfratt233 fratt](#)
To: [Commissioner, D4](#)
Date: Tuesday, January 28, 2025 3:04:36 PM

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

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.
This is final so we need to make a stance now.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

From: [Alex Giraldo](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Re: February 6, AGAINST request increasing density
Date: Tuesday, January 28, 2025 7:42:57 PM

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

Commissioners:

As a resident and voter I'm South Beaches I am against any increase in density.
This is ridiculous that you continue to accept hearing requests on this issue.

Follow the LAW

1) Brevard Comprehensive Plan, Coastal Management Element (CME)
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".

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Concerned Voter -
Alex Giraldo
321-604-0596

334 Island Dr.
Melbourne Beach, Fl. 32951

From: [Alex Giraldo](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: February 6, AGAINST request increasing density
Date: Tuesday, January 28, 2025 7:38:10 PM

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

Commissioners:

As a resident and voter I'm South Beaches I am against any increase in density. This is ridiculous that you continue to accept hearing requests on this issue.

Follow the LAW

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Concerned Voter -
Alex Giraldo
321-604-0596

From: [Calkins, Tad](#)
To: [Jackson, Desiree](#); [Randall, Alice](#)
Subject: FW: February 6, AGAINST request increasing density
Date: Wednesday, January 29, 2025 2:09:29 PM

FYI

From: Alex Giraldo <giraldo27@hotmail.com>
Sent: Tuesday, January 28, 2025 7:43 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Re: February 6, AGAINST request increasing density

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Commissioners:

As a resident and voter I'm South Beaches I am against any increase in density. This is ridiculous that you continue to accept hearing requests on this issue.

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Concerned Voter -
Alex Giraldo
321-604-0596

334 Island Dr.
Melbourne Beach, FL 32951

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: February 6, AGAINST request increasing density
Date: Wednesday, January 29, 2025 2:09:51 PM

FYI

From: Alex Giraldo <giraldo27@hotmail.com>
Sent: Tuesday, January 28, 2025 7:38 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: February 6, AGAINST request increasing density

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

Commissioners:

As a resident and voter I'm South Beaches I am against any increase in density. This is ridiculous that you continue to accept hearing requests on this issue.

Follow the LAW

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Concerned Voter -
Alex Giraldo
321-604-0596

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Please vote on February 6, AGAINST request increasing zone density in South Beach - Melbourne Beach
Date: Wednesday, January 29, 2025 2:08:57 PM

FYI

From: Alison Deacon <alisondeacon08@yahoo.com>
Sent: Tuesday, January 28, 2025 8:21 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Please vote on February 6, AGAINST request increasing zone density in South Beach - Melbourne Beach

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

Dear Commissioners,

As a resident of Melbourne Beach, I am asking you to vote to STOP an increase in Zoning at 5610 A1A from RES 1 to RES 2.

- 1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.
- 2) It sets an irreversible precedent opening the door for larger increases in the future.

I'm asking you to please **Follow the LAW**

- 1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
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Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you
Alison Deacon
305 Island Drive, Melbourne Beach, FL 32951
alisondeacon08@yahoo.com

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: STOP Zoning increases on South Beach
Date: Wednesday, January 29, 2025 1:47:50 PM

FYI

From: Karen Hamilton <karensextonhamilton@gmail.com>
Sent: Wednesday, January 29, 2025 10:31 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: STOP Zoning increases on South Beach

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

Mr. Calkins,
Please vote NO on the upcoming zoning meeting regarding Zoning at 5610 A1A from RES 1 to RES 2.
Please consider the following:

- It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection
- It sets an irreversible precedent opening the door for larger increases in the future.
- Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1
- "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

Please vote NO and as our barrier island is a Critical Area of State Concern that needs to be kept safe from undue development.

Thank you
Karen Hamilton
162 Casseekee Trail
Melbourne Beach, FL
32951

From: [Calkins, Tad](#)
To: [Jackson, Desiree](#); [Randall, Alice](#)
Subject: FW:
Date: Wednesday, January 29, 2025 2:40:44 PM

FYI

From: jimfratt233 fratt <jimfratt@gmail.com>
Sent: Tuesday, January 28, 2025 3:05 PM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject:

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

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future. This is final so we need to make a stance now.

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Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Please help!!
Date: Wednesday, January 29, 2025 1:51:01 PM

FYI

From: cabsher3@cfl.rr.com <cabsher3@cfl.rr.com>
Sent: Wednesday, January 29, 2025 7:09 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Please help!!

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

Help keep our area as it was meant to stay!

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 “Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

Thank you, Candy Absher (Melbourne Beach)

From: [Calkins, Tad](#)
To: [Jackson, Desiree](#); [Randall, Alice](#)
Subject: FW: Please stop the zoning increase on South Beach
Date: Thursday, January 30, 2025 11:01:02 AM

FYI

From: Teresa Main <main.td@gmail.com>
Sent: Wednesday, January 29, 2025 5:17 PM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Please stop the zoning increase on South Beach

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

Good afternoon,

Please follow the law and stop the zoning increase on South Beach.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

I live off A1A past the new large and obnoxious subdivision with multi-family rentals. We need room for animal habitats, no more houses or rentals.

Thank you for your time.
Teresa Main
320 Richards Road
Melbourne Beach, FL

From: [Calkins, Tad](#)
To: [Jackson, Desiree](#); [Randall, Alice](#)
Subject: Fwd: PLEASE STOP INCREASE IN ZONING at 5616 A1A from RES 1 to RES 2
Date: Thursday, January 30, 2025 9:44:56 AM

FYI

Sent from my iPhone

Begin forwarded message:

From: helen stamatacos <hnstamatacos@yahoo.com>
Date: January 29, 2025 at 4:01:25 PM EST
To: "Abbate, Frank B" <Frank.Abbate@brevardfl.gov>
Cc: "Calkins, Tad" <tad.calkins@brevardfl.gov>
Subject: PLEASE STOP INCREASE IN ZONING at 5616 A1A from RES 1 to RES 2

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

Hello-

I am writing to express our deepest concerns over the potential change in Zoning at 5610 A1A from RES 1 to RES 2.

Please STOP this zoning change.

We respectfully demand that you uphold the law.

Our voices, as you are aware, are fortunately supported by the vast majority of the South Beaches and we have gathered collectively to preserve what needs to be preserved. To insist that this and similar future zoning change requests are NOT allowed.

PLEASE follow the law according to Policy 7.1. and Policy BBIA 12.1.

It's that simple.

Thank you,

Helen Stamatacos
Charles Magal, MD
9010 S. A1A
Melbourne Beach, FL 32951
321-728-8876

From: [Karen Hamilton](#)
To: [Commissioner, D4](#)
Subject: STOP Zoning increases on South Beach
Date: Wednesday, January 29, 2025 10:29:33 AM

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

Commissioner,

Please vote NO on the upcoming zoning meeting regarding Zoning at 5610 A1A from RES 1 to RES 2.

Please consider the following:

- It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection
- It sets an irreversible precedent opening the door for larger increases in the future.
- Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1
- "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

Please vote NO and as our barrier island is a Critical Area of State Concern that needs to be kept safe from undue development.

Thank you

Karen Hamilton

162 Casseekee Trail

Melbourne Beach, FL

32951

From: [Linda Johnson](#)
To: [Commissioner, D4](#)
Subject: Feb. 6th meeting
Date: Wednesday, January 29, 2025 6:48:02 PM

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

Please vote no and stop the zoning increase proposal in South Beach. Thank you, Linda Johnson

From: [Teresa Main](#)
To: [Commissioner, D4](#)
Subject: Please stop the zoning increase on South Beach
Date: Wednesday, January 29, 2025 5:15:52 PM

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

Good afternoon,

Please follow the law and stop the zoning increase on South Beach.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 “Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

I live off A1A past the new large and obnoxious subdivision with multi-family rentals. We need room for animal habitats, no more houses or rentals.

Thank you for your time.
Teresa Main
320 Richards Road
Melbourne Beach, FL

From: [Linda Minnick](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Vote "NO" on Zoning increase for South Beaches
Date: Wednesday, January 29, 2025 6:24:06 PM

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

Thank You.

From: [helen.stamatacos](#)
To: [Commissioner, D1](#)
Cc: [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: PLEASE STOP ZONING INCREASE ON SOUTH BEACH
Date: Wednesday, January 29, 2025 3:57:55 PM

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

Dear Commissioners,

I am writing again to express our deepest concerns over the potential change in Zoning at 5610 A1A from RES 1 to RES 2.

Please STOP this zoning change.

We respectfully demand that you uphold the law.

Our voices, as you are aware, are fortunately supported by the vast majority of the South Beaches and we have gathered collectively to preserve what needs to be preserved. To insist that this and similar future zoning change requests are NOT allowed.

PLEASE follow the law according to Policy 7.1. and Policy BBIA 12.1.

It's that simple.

Thank you,

Helen Stamatacos
Charles Magal, MD
9010 S. A1A
Melbourne Beach, FL 32951
321-728-8876

From: [Richard Virock](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Future Land Use Amendment Request ID# 24SS00013 Scheduled for Hearing February 6, 2025
Date: Wednesday, January 29, 2025 12:37:33 PM

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

Dear Brevard County Commissioners:

We are writing to express our 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. We ask that you vote against this amendment. We live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

As property owners, we have watched with alarm over the last six years as so much property in Melbourne Beach and the South Beaches has become overdeveloped without concern for proportion, protection or preservation.

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. **The 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.**

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as **the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern.** Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem. **The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.**

At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to **deny this proposed rezoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan**, 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,

Richard and Dennette Virock
135 Casseekee Trail
Melbourne Beach FL 32951

From: [Dorine Zimmerman](#)
To: [Commissioner, D4](#)
Subject: re zoning request Melbourne Beach
Date: Thursday, January 30, 2025 4:46:54 PM

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

Dear Brevard County Commissioners:

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. I ask that you vote against this amendment to represent the interests of your constituents. I live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

I have lived in Brevard County for 52 years and consistently voted in primaries and general elections. The proposed amendment above for land usage in Melbourne Beach is not in the best interest of the surrounding residents. There is no city water access down this far south. At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its

septic field. Both Lighthouse Cove and South Shores will be at risk of contamination. I respectfully urge you to deny this proposed re-zoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, preserve the character of our community. Thank you for your serious consideration related to this situation and request.

Respectfully,
Dorine Zimmerman
186 Casseekee Trail
Melbourne Beach, FL 32951

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Vote No 5610 A1A from RES 1 to RES 2
Date: Friday, January 31, 2025 1:46:53 PM

FYI

From: Jodie Irish <irish_jodie@yahoo.com>
Sent: Friday, January 31, 2025 12:09 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Vote No 5610 A1A from RES 1 to RES 2

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

Dear Commissioners,

Here we are again on a subject of increased density that has been outlawed under the Area of Critical Concern as noted below. I would ask that this matter finally be put to rest and prevent years of litigation and future increased density at our beautiful Brevard County coast.

It's illegal under the following policies that were passed by both State Houses and to be implemented by the county. Do your job and follow the law.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

“Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

Please stop illegal density increases in South Beach's Area of Critical State Concern.

Sincerely,
Jodie Hager
325 Hiawatha Way
Melbourne Beach, FL 32951
407-230-1058

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Zoning south beaches
Date: Friday, January 31, 2025 1:46:25 PM

FYI

From: linda nicholson <nicholsong6@yahoo.com>
Sent: Friday, January 31, 2025 12:28 PM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Zoning south beaches

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

Dear Tad ,

I am requesting you to vote no for increase in zoning in the south beach area of Brevard county. I have lived here for 23 years. I am seen an increase in the traffic. An increase in the fatalities of people crossing A1A. Let's not give into the big developers and let's keep south beaches, quaint and small..

Respectfully,

Linda Nicholson
215 SEA DUNES Drive
Melbourne Beach, FL 32951
321-626-2544

[Sent from Yahoo Mail for iPhone](#)

From: [elaine ber](#)
To: [Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; AdministrativeServices; robert.brackett@myfloridahouse.gov](#)
Subject: ID# 24SS00013
Date: Friday, January 31, 2025 3:24:40 PM

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

Dear Commissioners:

As a resident of LHC, who will be directly impacted by your decision on February 6, 2025, I am writing to express my strong opposition to granting the rezoning request from RES1 to RES2 for the 0.7 acre lot located at 5601 HWY A1A, unit 1, Melbourne Beach, FL for the following three reasons.

First, it directly contravenes **state law**, and violates the **CME** of the Brevard Comprehensive plan. Second, it establishes a very **dangerous precedent**. Allowing this exemption opens up the floodgates and renders all future denials arbitrary and difficult, if not impossible to justify. And lastly, this is a huge slap in the face to voters who elect you into office to **act in our best interests** not those of venal developers, politicians, lawyers who personally enrich at the expense of the community, and by their short-sighted actions create irrevocable harm for current and future generations. Our quality of life will be adversely and materially impacted by your decision. We intend to hold elected officials to account for any resultant harm from bad policies that are ill advised and easily avoidable.

Specifically, granting this exemption will:

1. **Eviscerate newly enacted FL state law chapter 380 section 0553 (enacted in 2023)**, "Brevard Barrier Island Area Protection Act." Florida Statutes specifically recognizes portion of Brevard county as one of 6 critical infrastructure areas in the state designated for special protections as a barrier island with a fragile ecosystem and unique turtle nesting grounds.

➤ Zone change from RES1 to RES2 violates purpose and intent of law

(380.0553): no high density buildings,

▪ legislative intent, in part, stipulates under 2(f) low population density *decreases public tax burden* with regard to provision of services, maintaining critical infrastructure and rebuilding after disasters, and 2(g) recognizes that the entire barrier island is in a mandatory evacuation zone, hence density is a critical consideration with regard to safe and timely evacuations (see:

<https://www.flsenate.gov/laws/statutes/2023/380.0553>)

➤ **Violates section 7.1 of the Coastal Management Element (CME) of the Brevard Comprehensive Plan** which states; "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". Since 5610 A1A is directly in the MIDDLE of this area, it is clearly against the law to change the density designation to Res2.

Granting this exemption would allow building up to 30ft in height:

- Tall buildings obstruct views; deprive privacy (LHC community directly below it); allow increased population density in an area that already suffered 2 fatalities on A1A within the past 2 years at the exact proposed building site; invites property use for AirB&Bs which south beach residents have vehemently opposed due to inadequate vetting of turn-style occupancy, invites people without stakes in the community, adds to crime concerns and traffic congestion, disruptive lighting to turtle nesting areas, and adds to overflow concerns from sewer and storm surges
- This specific proposal clearly 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." Clearly, the owner & attorney admit that is not their intent
- High population density impedes emergency evacuations from barrier island during hurricanes and other natural disasters
- **Intent of this bill is to safeguard against** adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets. Granting this exemption is in direct contravention of the law's intent.

➤ Commissioner **Thad Altman** was one of original co-sponsors (along with Rep. Brackett and Moody) of **HB 1489** (2023) "**Designation of Brevard Barrier Island Area as Area of Critical State Concern**" which created 380.0553, F.S.!!! Yet, during Dec 12, 2024 zoning hearing, the commissioner appeared deferential to reconsider granting this exemption. If that proves to be the case, it is extremely troubling. Either we have a law that protects our environment or not! What changed? How do you go from championing a concept to total surrender? Who is pulling the levers and for what favors in exchange? Equally troubling was listening to the owner's attorney during an earlier hearing (Nov 2024) saying that state law can summarily be dismissed and overridden (despite strong opposition to her from the committee staff).
(see: <https://www.flsenate.gov/Session/Bill/2023/1489/ByCategory>).

Listen to then Representative Thad Altman passionately defend his critical infrastructure bill during a news interview where he is quoted as saying:

- "I would say it's been overdeveloped," said Republican state Rep. Thad Altman
- "You look at a map and there's very little green space on the barrier island now, except for the south beaches. The south beaches is a place that has a remnant of what it used to be like," Altman said.
 - The coast is the largest nesting area for loggerhead sea turtles in the world and was home to a flourishing sea trout population Altman says is

now down 90%.

- It's key for the endangered manatees in the area as a home for its main food source.
- "This area has some of the last remaining healthy seagrass beds in Brevard County," Altman said. <https://www.wesh.com/article/brevard-county-barrier-islands-protection/43414035>

2. **This exemption Sets a very dangerous precedent** for all future land use along south beach area

- Granting one exemption opens floodgates-establishes no legal standing for denying others their exemptions
- This particular plot is landlocked so it will require lifting other easements to enable septic, irrigation, well water, egress to A1A, and other construction barriers. So just changing zoning won't end lifting of other state and local laws & protections from flooding and other environmental mitigations to enable its construction

3. **Accords extreme deference to developers, realtors, politicians** at expense of inhabitants

- Reinforces status quo ante- no oversight or accountability-so developers and politicians are free to strike mutually beneficial deals for personal enrichment/benefit to the detriment of the citizens causing irrevocable harm.
- Putting our elected officials on notice that they are being watched and we expect they act in **our** best interests not their own to preserve our community for future generations is essential if we want to protect the quality of life of our community.
- Recent unrestrained development along our beaches has created a multitude of problems from allowing AirB&Bs with transitory populations that have no stake in our community, to increased traffic congestion, to increased crime, to cracking and packing lots to fit as multi-family, multi-level homes on tiny pieces of land marketed as "Beachfront" that require a periscope to see the ocean because of their awkward angled positioning

4. **Owner contends he bought this plot many years ago, has been paying taxes on it for years and is now prohibited from building his retirement dream house**

- Unfortunate if owner was either ill-advised, or did not do his due diligence at time of purchase when he bought a 0.7 acre lot knowing zoning for homes required 1.0 acres+
- Owner could have sold his plot of land years ago not necessitating paying taxes
- Owner made a **bad business decision**, as we all have at some point in life. Unfortunately, he is **asking all south beaches residents to assume his burden** at an unreasonably high price by trying to lift easements, state laws and local ordinances to accommodate his wishes, at the expense of all current and future residents who will be harmed irrevocably due to his bad business decision
- Most aggravating was listening during public hearing to commissioners who were readily willing to cave in to emotional appeals (ex: owner's diligent payment of taxes). Time to govern by reason not raw emotion. Fight for principles, defend them not just sign bills for photo ops. If Commissioner **Thad**

Altman caves-(as author **HB 1489**, 2023 the Brevard critical infrastructure environmental protection bill that was signed into law 380.0553), he will have a lot of explaining as to why. The stakes are unusually high, with *future consequences*. Once the floodgates open to developers they will have a carte-blanche to do as they please with our community, beyond the damage already done.

In conclusion, it's time to stop the hemorrhage now, and try to salvage what little is left to still protect from the venal interests of developers and politicians!!!

➤ Note: the property at issue is north of New England Eatery. On either side of LHC community there are two lots up for development. The one discussed above, and another bigger plot that has sat fallow, in part, after owner was denied ability to tap into well water from LHC. That plot is probably waiting abated breath to see outcome of this decision, which if zoning request is granted will provide them with a green light to proceed to develop that lot knowing they have the commissioners in the bag and rightly so. If they grant one exemption, what justifiable reason do they have to deny the next???

From: [TY BOTELLO](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Vote against population increase in the south Beaches
Date: Friday, January 31, 2025 1:05:58 PM

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

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

“Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**”.

Ty Botello
220 Sea Dunes Drive
Melbourne Beach, FL 32951
3216528432

From: [Jodie Irish](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Vote No 5610 A1A from RES 1 to RES 2
Date: Friday, January 31, 2025 12:03:26 PM

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

Dear Commissioners,

Here we are again on a subject of increased density that has been outlawed under the Area of Critical Concern as noted below. I would ask that this matter finally be put to rest and prevent years of litigation and future increased density at our beautiful Brevard County coast.

It's illegal under the following policies that were passed by both State Houses and to be implemented by the county. Do your job and follow the law.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

“Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

Please stop illegal density increases in South Beach’s Area of Critical State Concern.

Sincerely,
Jodie Hager
325 Hiawatha Way
Melbourne Beach, FL 32951

From: [Liz Kleissler](#)
To: [Commissioner, D4](#)
Subject: Zoning Increase Vote
Date: Friday, January 31, 2025 11:25:09 AM

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

Dear Commissioner Feltner,

I am writing you to ask you to please vote no to stop the increase in zoning at 5610 A1A from res 1 to res 2.

As you know, It is against the law, according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrie Island Area (BBIA) protection.

I have lived in this very special place for 35 years and care so much about keeping it special and not overpopulated.

Thank you for your time and care,

Liz Kleissler
(321)831-3080

From: rel2421@aol.com
To: [Commissioner, D4](#)
Subject: Feb 6 zoning meeting
Date: Friday, January 31, 2025 10:10:14 AM

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

Dear Commissioner Feltner,

FEB. 5-BCC MEETING: FACTS YOU SHOULD KNOW, VALIDITY OF
APPLICATION (24SS00013) IN QUESTION
DRAW YOUR OWN CONCLUSIONS

I propose to the board of county commissioners to consider the factual circumstances of how we have all come to this point.

The applicant is asking the board to provide relief for his MISTAKE of purchasing a substandard lot.

This property was 1.7 acres zoned RP with Future land use Res 1

The applicant was misled by a developer who subdivided the 1.7 acre parcel utilizing condo declarations and provided condo documents stating that .7 acres was a buildable lot. The applicant purchased .7 acre lot in good faith from the developer without confirming development requirements with the county.

These transactions occurred in 2005 and applicant apparently didn't discover this predicament for quite some time.

Beginning in 2019 the applicant applied for a small scale amendment for Res 2 designation via a Professional engineering and consulting firm. According to P&Z application (19PZ00006) they were not even aware of the subdivided parcel and advised the applicants .7 acres was inconsistent with FLU designation and additionally could not increase density due to Coastal element 7.1

The applicant withdrew for a refund.

*WHAT YOU DON'T KNOW IS INCLUDED IN THE APPLICATION NARRATIVE ON PAGE 1, ITEM 4 IS A STATEMENT BY THE APPLICANTS REPRESENTATIVE THAT MR. ESPANET SOLELY RELIED ON THE CONDO DOCUMENTS TO MAKE HIS PURCHASE. THERE IS NO MENTION OF ANY EFFORT TO CONTACT P&Z STAFF PRIOR TO HIS PURCHASE. HE ADMITS HE WAS MISLED BY THE DEVELOPER.

**I FIND IT VERY TROUBLING THAT IN REVIEW OF THE LAND PLANNING AGENCY MEETING 11-18-2025 THE APPLICANTS ATTORNEY IMPLIES 2 TIMES THAT HE REACHED OUT TO P&Z STAFF FOR GUIDANCE PRIOR TO THE PURCHASE.

Why is it we are here and the county is being held liable for a bad real estate deal?

Next in June of 2022 the applicant applied for a Zoning classification letter via local private firm. Once again he was informed his property was non-compliant. In December of 2022 the applicant filed again for a text amendment providing the county with an absurd argument that the Coastal element 7.0 was in conflict with 7.1. and somehow the comp plan should accommodate his request to increase density. That application morphed into Large scale future land use amendment which imploded due to the alleged "inconsistency" which would result in affecting well over 50 acres.

During the course of the 2022 to 2023 application to increase density The Brevard Barrier Island Area of Critical Concern was established.

The application was either withdrawn or rejected. It is not clear in the county records. This brings us to the current application July 2024 for a small scale plan amendment and BDP.

The addition of the BDP seemingly gives the casual observer the impression "here is the solution so we can provide relief to this property owner".

The LPA was fooled. They voted on this issue using the false narrative that we must help this applicant because he has paid taxes and voted with their emotions and not the facts.

The PZ staff has made it clear in their August 2024 and January 2025 letter to the applicant that they would NOT recommend approving this application.

I find it very concerning that PZ staff review for the first three applications was flat out rejection but this current application comes to them loaded with speculative arguments to approve and now they give the Board criteria to consider.

1. Is it consistent and compatible with the surrounding area NO, NOT WHEN IT VIOLATES CME 7.1 AND 12.1 OF THE BBIA
2. does it satisfy the locational criteria established in FLUE policy 1.8 NO, NOT WHEN IT VIOLATES CME 7.1 AND 12.1 BBIA
3. Increasing density designation is consistent with coastal management element policy 7.1 NO, IT CLEARLY VIOLATES IT
4. The request meets the BBIA guiding principles NO, IT CLEARLY VIOLATES IT

Please understand that this alleged hardship has not been caused by the County government. The comp plan and coastal element have been in effect for well over 20 years and prior to his purchase of this property.

A simple phone call by the applicant to PZ could have saved this applicant and the county time and money.

Any realtor experienced with south beaches properties would have known the lot was unbuildable.

A qualified lawyer such as the applicants counsel would have known.

This applicant was misled by a developer and is unjustified in asking the county for relief. Land condominium declarations are a common ploy by developers to bypass development regulations when subdividing property is not allowed.

The applicant is a State Certified General contractor with years of land development knowledge, multiple real estate transactions and also a licensed real estate agent.

There is no hardship or burden caused by the county. This is a bad real estate deal.

This has been a colossal waste of taxpayer money. It's been a huge waste of Planning and Zoning time and dollars.

We believe this is a civil matter between the developer and the applicant. He should be suing the developer.

The responsibility to help this applicant is not with the county. The liability belongs to the applicant.

Please vote no application (24SS00013). Don't be fooled into thinking you are obligated to help this applicant at the expense of the COASTAL MANAGEMENT ELEMENT 7.1 AND BREVARD BARRIER ISLAND AREA OF CRITICAL CONCERN.

* application #19PZ00006: In 2005, the parent parcel was subdivided through the condominium process into two (2) building sites, Unit 1 and Unit 2. Unit 1, a 0.7 acre parcel, was represented in the Condominium Documents to permit one (1) single-family residence, not to exceed a total floor area of 8,500 square feet (see paragraph 3.1 of the Condominium documents). With the said representation, Mr. Espanet purchased Unit 1, only later to find out that Unit 1 is non-compliant with regards to the Future Land Use designation of Res-1, as the parcel area is less than 1 acre. Changing the Future Land Use Designation from Res-1 to Res-2 would permit a maximum of one (1) single-family residence to be constructed on Unit 1. Unit 2 is 1 acre in size and is compliant with the Res-1 Future Land Use designation.

** Brevard land planning agency meeting 11-18-2025 minutes:

"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."

**Brevard land planning agency meeting 11-18-2025 minutes:

"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."

Respectfully,
Robert Logsdon
9020 Hwy. A1A Melbourne Beach Fl. 32951
561-308-7360

From: [faith m](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)
Subject: Re: Vote NO on Density increase in the south Beaches
Date: Friday, January 31, 2025 12:10:30 PM

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

tad.calkins@brevardfl.gov, frank.abbate@brevardfl.gov

On Fri, Jan 31, 2025 at 12:06 PM faith m <fmarsbarz@gmail.com> wrote:

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

3) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

4) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

“Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**”.

THANK YOU,

Faith Mars

220 Sea Dunes Drive, Melbourne Beach

From: [faith m](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: [Commissioner, D5](#)
Subject: Re: Vote NO on Density increase in the south Beaches
Date: Friday, January 31, 2025 12:15:38 PM

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

Faith Mars
220 Sea Dunes Dr, Melbourne Beach, FL 32951
321-220-7046

On Fri, Jan 31, 2025, 12:06 PM faith m <fmarsbarz@gmail.com> wrote:

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2) It sets an irreversible precedent opening the door for larger increases in the future.

3) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

4) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

“Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**”.

THANK YOU,

Faith Mars

220 Sea Dunes Drive, Melbourne Beach

From: [linda.nicholson](#)
To: [Commissioner, D4](#)
Subject: Zoning South beaches
Date: Friday, January 31, 2025 12:24:01 PM

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

Hello Rob ,

I am requesting you to vote no for increase in zoning in the south beach area of Brevard county. I have lived here for 23 years. I am seen an increase in the traffic. An increase in the fatalities of people crossing A1A. Let's not give into the big developers and let's keep south beaches, quaint and small..

Respectfully,

Linda Nicholson
215 SEA DUNES Drive
Melbourne Beach, FL 32951
321-626-2544

[Sent from Yahoo Mail for iPhone](#)

From: [elaine.ber](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#);
[AdministrativeServices](#); robert.brackett@myfloridahouse.gov
Subject: ID# 24SS00013
Date: Friday, January 31, 2025 3:24:40 PM

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

Dear Commissioners:

As a resident of LHC, who will be directly impacted by your decision on February 6, 2025, I am writing to express my strong opposition to granting the rezoning request from RES1 to RES2 for the 0.7 acre lot located at 5601 HWY A1A, unit 1, Melbourne Beach, FL for the following three reasons.

First, it directly contravenes **state law**, and violates the **CME** of the Brevard Comprehensive plan. Second, it establishes a very **dangerous precedent**. Allowing this exemption opens up the floodgates and renders all future denials arbitrary and difficult, if not impossible to justify. And lastly, this is a huge slap in the face to voters who elect you into office to **act in our best interests** not those of venal developers, politicians, lawyers who personally enrich at the expense of the community, and by their short-sighted actions create irrevocable harm for current and future generations. Our quality of life will be adversely and materially impacted by your decision. We intend to hold elected officials to account for any resultant harm from bad policies that are ill advised and easily avoidable.

Specifically, granting this exemption will:

1. **Eviscerate newly enacted FL state law chapter 380 section 0553 (enacted in 2023)**, "Brevard Barrier Island Area Protection Act." Florida Statutes specifically recognizes portion of Brevard county as one of 6 critical infrastructure areas in the state designated for special protections as a barrier island with a fragile ecosystem and unique turtle nesting grounds.

➤ Zone change from RES1 to RES2 violates purpose and intent of law (380.0553): no high density buildings,

▪ legislative intent, in part, stipulates under 2(f) low population density *decreases public tax burden* with regard to provision of services, maintaining critical infrastructure and rebuilding after disasters, and 2(g) recognizes that the entire barrier island is in a mandatory evacuation zone, hence density is a critical consideration with regard to safe and timely evacuations (see:

<https://www.flsenate.gov/laws/statutes/2023/380.0553>)

➤ **Violates section 7.1 of the Coastal Management Element (CME) of the Brevard Comprehensive Plan** which states; "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". Since 5610 A1A is directly in the MIDDLE of this area, it is clearly against the law to change the density designation to Res2.

Granting this exemption would allow building up to 30ft in height:

- Tall buildings obstruct views; deprive privacy (LHC community directly below it); allow increased population density in an area that already suffered 2 fatalities on A1A within the past 2 years at the exact proposed building site; invites property use for AirB&Bs which south beach residents have vehemently opposed due to inadequate vetting of turn-style occupancy, invites people without stakes in the community, adds to crime concerns and traffic congestion, disruptive lighting to turtle nesting areas, and adds to overflow concerns from sewer and storm surges
- This specific proposal clearly 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." Clearly, the owner & attorney admit that is not their intent
- High population density impedes emergency evacuations from barrier island during hurricanes and other natural disasters
- **Intent of this bill is to safeguard against** adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets. Granting this exemption is in direct contravention of the law's intent.

➤ Commissioner **Thad Altman** was one of original co-sponsors (along with Rep. Brackett and Moody) of **HB 1489** (2023) "**Designation of Brevard Barrier Island Area as Area of Critical State Concern**" which created 380.0553, F.S.!!! Yet, during Dec 12, 2024 zoning hearing, the commissioner appeared deferential to reconsider granting this exemption. If that proves to be the case, it is extremely troubling. Either we have a law that protects our environment or not! What changed? How do you go from championing a concept to total surrender? Who is pulling the levers and for what favors in exchange? Equally troubling was listening to the owner's attorney during an earlier hearing (Nov 2024) saying that state law can summarily be dismissed and overridden (despite strong opposition to her from the committee staff).
(see: <https://www.flsenate.gov/Session/Bill/2023/1489/ByCategory>).

Listen to then Representative Thad Altman passionately defend his critical infrastructure bill during a news interview where he is quoted as saying:

"I would say it's been overdeveloped," said Republican state Rep. Thad Altman

- "You look at a map and there's very little green space on the barrier island now, except for the south beaches. The south beaches is a place that has a remnant of what it used to be like," Altman said.
- The coast is the largest nesting area for loggerhead sea turtles in the world and was home to a flourishing sea trout population Altman says is

now down 90%.

- It's key for the endangered manatees in the area as a home for its main food source.
- "This area has some of the last remaining healthy seagrass beds in Brevard County," Altman said. <https://www.wesh.com/article/brevard-county-barrier-islands-protection/43414035>

2. **This exemption Sets a very dangerous precedent** for all future land use along south beach area

- Granting one exemption opens floodgates-establishes no legal standing for denying others their exemptions
- This particular plot is landlocked so it will require lifting other easements to enable septic, irrigation, well water, egress to A1A, and other construction barriers. So just changing zoning won't end lifting of other state and local laws & protections from flooding and other environmental mitigations to enable its construction

3. **Accords extreme deference to developers, realtors, politicians** at expense of inhabitants

- Reinforces status quo ante- no oversight or accountability-so developers and politicians are free to strike mutually beneficial deals for personal enrichment/benefit to the detriment of the citizens causing irrevocable harm.
- Putting our elected officials on notice that they are being watched and we expect they act in **our** best interests not their own to preserve our community for future generations is essential if we want to protect the quality of life of our community.
- Recent unrestrained development along our beaches has created a multitude of problems from allowing AirB&Bs with transitory populations that have no stake in our community, to increased traffic congestion, to increased crime, to cracking and packing lots to fit as multi-family, multi-level homes on tiny pieces of land marketed as "Beachfront" that require a periscope to see the ocean because of their awkward angled positioning

4. **Owner contends he bought this plot many years ago, has been paying taxes on it for years and is now prohibited from building his retirement dream house**

- Unfortunate if owner was either ill-advised, or did not do his due diligence at time of purchase when he bought a 0.7 acre lot knowing zoning for homes required 1.0 acres+
- Owner could have sold his plot of land years ago not necessitating paying taxes
- Owner made a **bad business decision**, as we all have at some point in life. Unfortunately, he is **asking all south beaches residents to assume his burden** at an unreasonably high price by trying to lift easements, state laws and local ordinances to accommodate his wishes, at the expense of all current and future residents who will be harmed irrevocably due to his bad business decision
- Most aggravating was listening during public hearing to commissioners who were readily willing to cave in to emotional appeals (ex: owner's diligent payment of taxes). Time to govern by reason not raw emotion. Fight for principles, defend them not just sign bills for photo ops. If Commissioner **Thad**

Altman caves-(as author **HB 1489**, 2023 the Brevard critical infrastructure environmental protection bill that was signed into law 380.0553), he will have a lot of explaining as to why. The stakes are unusually high, with *future consequences*. Once the floodgates open to developers they will have a carte-blanche to do as they please with our community, beyond the damage already done.

In conclusion, it's time to stop the hemorrhage now, and try to salvage what little is left to still protect from the venal interests of developers and politicians!!!

➤ Note: the property at issue is north of New England Eatery. On either side of LHC community there are two lots up for development. The one discussed above, and another bigger plot that has sat fallow, in part, after owner was denied ability to tap into well water from LHC. That plot is probably waiting abated breath to see outcome of this decision, which if zoning request is granted will provide them with a green light to proceed to develop that lot knowing they have the commissioners in the bag and rightly so. If they grant one exemption, what justifiable reason do they have to deny the next????

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: STOP ZONING INCREASE ON SOUTH BEACH!
Date: Monday, February 3, 2025 3:21:10 PM

FYI

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

From: Peter Kramer <kramer.peter@verizon.net>
Sent: Saturday, February 1, 2025 10:51 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: STOP ZONING INCREASE ON SOUTH BEACH!

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

Please vote to STOP Increase in Zoning at 5610 A1A from RES 1 to RES 2.

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

Please vote to follow the existing laws:

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you for your time,
Peter Kramer
125 Harmony Place
Melbourne Beach, FL 3295

From: [Calkins, Tad](#)
To: [Jackson, Desiree](#); [Randall, Alice](#)
Subject: FW: STOP ZONING INCREASE ON SOUTH BEACH
Date: Monday, February 3, 2025 3:21:40 PM

FYI

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

From: Karen Kramer <kkramer61@mac.com>
Sent: Saturday, February 1, 2025 10:51 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: STOP ZONING INCREASE ON SOUTH BEACH

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

Please vote to STOP Increase in Zoning at 5610 A1A from RES 1 to RES 2.

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

Please vote to follow the existing laws:

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you for your time,

Karen Kramer
125 Harmony Place
Melbourne Beach, FL 32951

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: STOPPING the Increase in Zoning at 5610 A1A from RES 1 to RES 2
Date: Monday, February 3, 2025 3:20:40 PM

FYI

From: Trish Mc <tmcaleer50@gmail.com>
Sent: Saturday, February 1, 2025 2:12 PM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Re: STOPPING the Increase in Zoning at 5610 A1A from RES 1 to RES 2

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

Patricia McAleer
140 Cardinal Drive
Melbourne Beach, FL 32951
Mobile: 949-887-4202

On Sat, Feb 1, 2025 at 11:00 AM Trish Mc <tmcaleer50@gmail.com> wrote:

February 1, 2025

Dear Director of Planning and Development John Tad Calkins,

I am writing to request that you as County Manager of Brevard County aid in STOPPING the Increase in Zoning at 5610 A1A from RES 1 to RES 2. I understand that there is a hearing on Feb 6 and this will be voted upon soon.

Please follow the laws that have been established for this fragile area:

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Please preserve the South Beach's Area of Critical State Concern by following the established laws.

Thank you,

Patricia McAleer

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Zoning increase on South Beach
Date: Monday, February 3, 2025 3:20:06 PM

FYI

From: m B <mberdinsky@gmail.com>
Sent: Sunday, February 2, 2025 7:36 AM
To: Abbate, Frank B <Frank.Abbate@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>; commissioner@brevardfl.gov
Subject: Zoning increase on South Beach

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

As a former residential property appraiser and current resident of south Brevard County it is of great concern to multiple requests to increase zoning from R1 to R2. There is no need (other than profit) for this change, past personal study as provided through historical data of vacant property sales, there is no increase in value in property values based on this change, moreover, increases in density will further strain both septic runoff into our waterways and evacuation routes during storms. This proposed change will set an irreversible precedent opening the door for larger increases in the future. Please follow the law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

Respectfully,

Marvin B

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Jackson, Desiree](#)
Subject: FW: Zoning increase
Date: Monday, February 3, 2025 1:37:21 PM

FYI

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

From: PATRICIA BIAGI <biagi@bellsouth.net>
Sent: Monday, February 3, 2025 12:40 PM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>
Subject: Zoning increase

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

My name is
Patricia Biagi

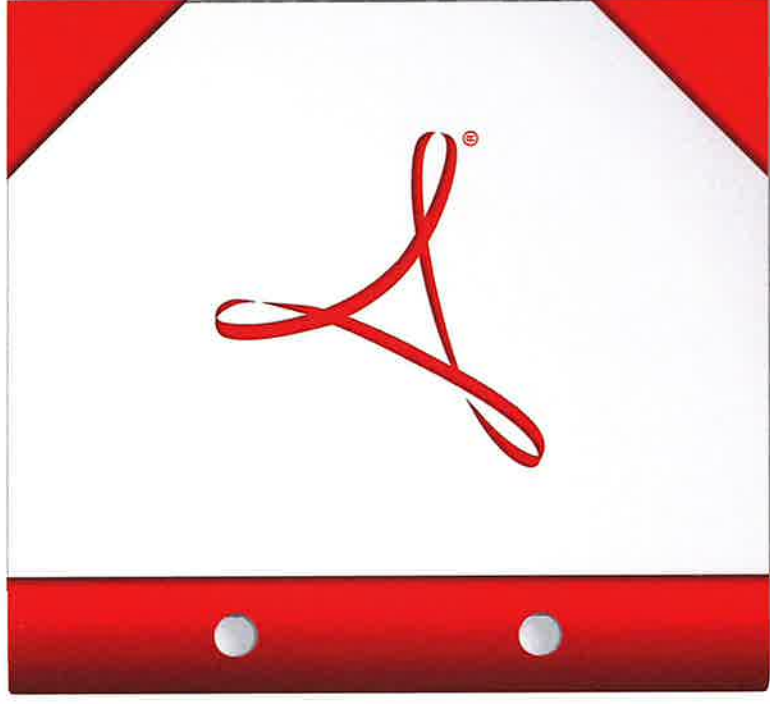
I am writing again as a very concerned citizen of Melbourne Beach.
I strongly feel that by allowing continued development in this area you are demonstrating you have no concern for the people who live here and the precious environment that we try to maintain.

Please listen to the citizens who pay your salaries.
We do not want the the zoning to change from 1 to 2 residents at
5610 A!A.

If this happens it will open a floodgate for developers. The carnage of animals on A!A every day is horrific because of the traffic and people speeding. Please take into account what we the tax payers are saying NO to the rezoning.

Patricia and Larry Biagi
155 Sea Dunes Dr
Melbourne Beach, Fl
32951

Cell 3052131359
Larrys Cell 3059754002



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From: [James Brown](#)
To: [Commissioner, D4](#); [Commissioner, D2](#); [Commissioner, D1](#); [Commissioner, D3](#); [Commissioner, D5](#)
Cc: [Abbate, Frank B](#); [Calkins, Tad](#); [Sheri Brown \(Sheri.Kampman.Brown@gmail.com\)](#)
Subject: Stop Zoning Increase @ 5610 A1A in South Beach's Area of Critical Concern
Date: Monday, February 3, 2025 1:03:07 PM

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

Dear Chair, Vice Chair and Brevard County Commissioners -

After several years of searching, my spouse and I found and purchased an oceanfront lot in the RES 1 zoned South Beach area of Critical State Concern (6825 South A1A, Melbourne Beach, FL 32951-3810).

More than a year of design work, including Civil Engineering by Clayton Bennett, has been completed. We have secured quotes from three local builders and are about to name a general contractor. So, we are tracking to secure all needed permits and approvals to start construction of our single-family residence in Melbourne Beach before mid-year 2025.

We just learned that the Board of Commissioners for Brevard County will be considering and voting on a request for RES 2 zoning @ 5610 South A1A that should receive only "No" votes.

For the sake of residents, turtles and other wildlife, as well as generations of visitors enjoying the South Beach area of Critical State Concern where wildlife and natural habitat are prized, **please do not:**

1. **Ignore Policy 7.1** of the Brevard Comprehensive Plan, or 12.1 of the New State Brevard Barrier Island Area (BB(A) protection.
2. **Fail to honor** the Coastal Management Element (CME) **Policy 7.1 confirming "Brevard County shall not increase residential density designations for properties located on the barrier island between the southern boundary of Melbourne Beach and Sebastian Inlet."**
3. **Set an irreversible precedent** opening the door for more and larger zoning increases in or immediately adjacent to the BBIA protection area.
4. **Make car travel on and pedestrian crossings of A1A even less safe.** The 5610 South A1A property requesting a zoning change is immediately across the street from a massive high-rise condominium, where car volume is always too high. There is zero justification to increase daily car volume further in this pinch point area.

Thank you for your "No" votes on the zoning change request on which you likely will have final

vote on Thursday, 06-Feb-2025.

With warm regards ...

Sincerely,

Sheryl and James Brown

6209 Beaconwood Road, Lake Worth, FL 33467

Owners of and soon to residents at 6825 South A1A, Melbourne Beach, FL 32951

561-490-5688 (Jim cell)

520-780-0398 (Sheri cell)

From: [faith.m](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: [Commissioner, D5](#)
Subject: Vote NO on Density increase in the south Beaches
Date: Friday, January 31, 2025 12:06:41 PM

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

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

3) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

4) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

"Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

THANK YOU,

Faith Mars

220 Sea Dunes Drive, Melbourne Beach

From: [Craig Nichols](#)
To: [Commissioner, D4](#)
Subject: Vote No on Zoning Request - 5610 HWY A1A
Date: Monday, February 3, 2025 9:27:14 AM

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

Dear Commissioner,

I am writing to ask you to vote this Thursday AGAINST the requested increase in Zoning at 5610 HWY A1A from RES 1 to RES 2.

Allowing such an exemption would violate the laws as stated in the Brevard Comprehensive Plan and the designation of the barrier island as being an "Area of Critical State Concern". Additionally, such an exception would go against the clearly stated wishes of the citizens of Brevard County. Especially those who live on the barrier island.

Thank You,
Craig Nichols
Melbourne Beach, Florida

Sent from my iPad

From: [rene.paradis](#)
To: [Commissioner.D1](#)
Cc: [Commissioner.D2](#); [d3.](#); [Commissioner.D4](#); [Commissioner.D5](#)
Subject: zoning increase in South Beaches BBIA
Date: Monday, February 3, 2025 8:44:45 AM

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

I can not attend the meeting on the 6th . Please do not approve the zoning increase request in the South Beaches area. Please follow the recommendations of the staff and the law as written.

Rene Paradis
191 Seaglass Dr
Melbourne Beach, FL:

From: [CASSEEKEE](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Cc: [Ingrid Phenix](#)
Subject: Zoning Amendment for 5610 Highway A1A Unit 1 owned by Christopher L. Espanet
Date: Sunday, February 2, 2025 11:29:36 AM

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

Dear Brevard County Commissioners:

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. I ask that you vote against this amendment to represent the interests of your constituents. I live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

As a Florida property owner in Lighthouse Cove since 1995, I have watched with alarm over the decades as so much property in Melbourne Beach and the South Beaches has become overdeveloped without concern for proportion, protection or preservation.

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. The 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.

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern. Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem that we have watched deteriorate since our family moved here in 1995. The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.

At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to deny this proposed re-zoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, 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,

Ingrid O. Phenix

161 Casseekee Trail

Melbourne Beach FL 32951

From: [Calkins, Tad](#)
To: [Randall, Alice](#); [Deseree Miller](#); [Jackson, Desiree](#)
Subject: FW: I, Franklin Diaz want to see a change to Brevard County's short term rental laws!
Date: Tuesday, February 4, 2025 8:37:48 AM

FYI

From: Franklin Diaz <help@brevardflstr.com>
Sent: Tuesday, February 4, 2025 8:37 AM
To: Commissioner, D1 <D1.Commissioner@brevardfl.gov>; Commissioner, D2 <D2.Commissioner@brevardfl.gov>; Commissioner, D3 <d3.commissioner@brevardfl.gov>; Commissioner, D4 <D4.Commissioner@brevardfl.gov>; Commissioner, D5 <D5.Commissioner@brevardfl.gov>; Calkins, Tad <tad.calkins@brevardfl.gov>; McGee, Darcie A <Darcie.Mcgee@brevardfl.gov>; Hart, Jane <Jane.Hart@brevardfl.gov>; Richardson, Morris <Morris.Richardson@brevardfl.gov>; Abbate, Frank B <Frank.Abbate@brevardfl.gov>
Subject: I, Franklin Diaz want to see a change to Brevard County's short term rental laws!

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

To the representatives of Brevard County,

My name is Franklin Diaz and I am located in Satellite Beach - District 4. I am in support of a change to the current short term rental laws.

I believe an increase in short term rental activity in Brevard County will be a positive to the local economy, boosting local business and restaurant revenues due to tourist activity, as well as increase county revenues through the tourist development tax. A change to the short term rental laws will also allow private property owners to have an option and opportunity to create additional sources of income which should absolutely be their right.

As a member of the community / tax payer of Brevard County, I am in support of a change to loosen short term or "vacation rental" limitations.

Signed,
Franklin Diaz
Satellite Beach - District 4

|

From: dccapemay@aol.com
To: [Commissioner, D4](#)
Subject: February 6, 2025 BOCC Meeting - Item H-8 - Letter Attached
Date: Tuesday, February 4, 2025 2:15:58 PM
Attachments: [Letter to BOCC for February 6 2025 Commission Meeting\(3\).docx](#)

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

February 4, 2025

Dolores Conway

Cardinal Drive

Melbourne Beach, FL

Re: February 6, 2025, BOCC Meeting /Application 24SS00013, Tax account 2963382.

Item H-8 Espanet Property Located at 5610 Highway A1A, Unit1, Melbourne Beach.

Request To Change the FLU Map designation from RES-1 to RES-2.

Dear Commissioner Rob Feltner,

As a longtime resident of the South Beaches area and as a nod to the effort involved in the State designation as an Area of Critical State Concern, I ask that you please do not grant the above request.

As referenced in a letter from Mr. Jeffrey Ball, Planning & Zoning Manager, dated 8/15/24, the 5610 A1A/Unit 1 property” has significant development challenges”. “The lot currently has a RES-1 land use designation that establishes a maximum of one unit per acre. The Property is only .7 acres and was created by virtue of a property split in 2005. Due to that split, the subject Property became substandard for land use purposes.”

The 2005 Property split of the original 1.7-acre lot was not done by the County but by the Developer, Mr. Lally. The Developer converted the 1.7-acre lot to a CPR—Condo Property Regime form of ownership. The Developer divided the lot into a 1-acre lot (Unit 2) and a .7-acre lot (Unit 1) via Condo Declarations, naming the 2 lots Cassekee Trails Condominium.

According to Pro Draft Inc. "While a **CPR** will allow you to sell off sections of your parcel or lot, it does not change the zoning or permitted uses of that lot. The density of the entire property stays the same.

Condominium laws require compliance with density zoning of the entire property regardless of division. The law does not allow a substandard lot to enjoy the same land use density established for the entire property.

Imagine a 1.7-acre lot at the end of the street near your home that required a maximum of 1 unit per acre to build. Imagine further that a Developer bought the lot and via CPR - Condominium conversion divided the 1.7 acres into lots and sold them all off. Later 4 lot owners come before you and want to change the land use so they can build 4 homes near your home.

Imagine again that your neighbor was successful and the County Commission granted the request to change the FLU Map. But now your neighbor next door wants to tear down his older house and create 4 lots, to do the same thing. How do you say no to him when you have already set a precedent?

It does not matter if the request to change the FLU Map is from RES-1 to RES-2 or RES-4 because, by law, this is against the law.

The Future Land Use Plan and Coastal Element 7.1 are clear, that there shall be no density increases. This had been in effect for 10 years before Mr. Espanet bought the lot in 2005.

Let's say you agree that this density increase should not be granted but you feel sorry for Mr. Espanet.

Mr. Espanet has been a General Contractor in Florida since 1990. He was absolutely familiar with permits, surveys, contracts, and zoning. He was knowledgeable and experienced in 2005.

I would like to ask you to review Mr. Espanet aka/the owner of 5610 A1A and his level of experience:

- 7/28/1990 Mr. Espanet, the owner obtained his General Contractor License # CGC050828
- 12/22/1995 Mr. Espanet established Quality Building & Repairs, Inc. and filed Articles of Incorporation.
- 10/2/1997 Quality Builders & Repairs Inc. bought a vacant lot at 644 RIVIERA Dr, Boynton Beach, FL zoned *R1-AA for \$40,000.
- 4/20/2000, the vacant lot at 644 Riviera Dr was transferred from the entity, Quality Building & Repairs, Inc. to Mr. Espanet.
- In 2001 - The parcel at 644 Riviera Dr was developed as a 4410 sq ft residential

home.

- 5/6/2002 the owner purchased an irregular-shaped non-conforming vacant lot, zoned RP that is .8-acres at 115 Bayshore Drive/A1A, Sunnyland Groves, Melbourne Beach for \$150,000.
- 11/16/2004 the owner sold the 644 Riviera Dr. Boynton Bch lot/home for \$707,500.
- 7/15/2005 the owner purchased another vacant lot, zoned RP, .71-acres that is a substandard lot at 5610 Hwy A1A, Unit 1, Melbourne Bch. The newly created Condo lot, Casseekee Trails Condominium was created on 4/15/2005. The owner paid \$250,000 for the lot.
- 2/20/2013 the 5610 Hwy A1A, Unit 1 lot was listed for sale at \$179,900.
- 11/15/2013 the price of the 5610 A1A lot was lowered to \$169,900.
- 12/23/2013 the price of the 5610 A1A lot was lowered t to \$159,000.
- 5/2/2014 Mr. Espanet sold the vacant lot at 115 Bayshore Drive/A1A in the Sunnyland Groves area of Melbourne Beach for \$ 130,000.
- 1/4/2014 the price of the 5610 A1A lot was lowered to \$149,000.
- 1/22/2014 the price of the 5610 A1A lot was lowered to \$139,000.
- 1/29/2014 the price of the 5610 A1A lot was lowered to \$129,000.
- 2/6/2014 the price of the 5610 A1A lot was lowered to \$119,000.
- 2/14/2014 the price of the 5610 A1A lot was lowered to \$109,000.
- 2/16/2014 the listing for the 5610 A1A lot was removed.
- 2/20/2014 the 5610 A1A, Unit 1 lot was Relisted for \$109,000.
- 4/29/2014 the price of the 5610 A1A lot was lowered to \$99,000.
- 5/12/2014 the price of the 5610 A1A lot was increased to \$130.,000.
- 5/19/2014 the price of the 5610 A1A lot was increased to \$183,500.
- 7/27/2014 the Listing for the 5610 A1A, Unit 1 lot was removed.
- 3/22/2015 the 5610 A1A, Unit1 lot was Relisted for \$175,000.
- 5/26/2015 the Listing for the 5610 A1A lot was removed.

- 9/29/2015 the 5610 A1A, Unit 1 lot was Relisted for \$170,000.
- 10/3/2015 the 5610 A1A, Unit 1 lot was removed.
- 11/24/2016 the 5610 A1A lot was Relisted for \$175,000.
- 2/1/2017 - 4/30/17 the price of the 5610 A1A lot was lowered 5 times down to \$125,000
- 5/19/2017 – there was a Pending Sale of the 5610 A1A, unit 1 lot but it did not close.
- 7/12/2017 the 5610 A1A lot Listing was removed.
- 11/21/2017 the 5610 A1A lot was Relisted for \$135,000.
- 2/28/2018 the Listing for the 5610 A1A, Unit 1 lot was removed.
- 7/15/2018 the 5610 A1A lot was Relisted for \$135,000.
- 10/3/2018 the Listing for the 5610 A1A lot was removed.
- 12/25/2018 the 5610 A1A lot, Unit 1 was Relisted for \$135,000
- 1/22/2019 there was a Pending Sale for the 5610 A1A lot but it did not close.
- 2/21/2019 the 5610 A1A lot was Relisted for \$135,000.
- 3/31/2019 the Listing for the 5610 A1A Unit 1 lot was removed.
- 11/10/2023 the 5610 A1A Unit 1 lot was Relisted for \$599,000.
- 1/3/2024 the 5610 A1A lot price was reduced to \$549,000.
- 03/15/2024 the 5610 A1A lot price was reduced to \$499,000
- 5/10/2024 the Listing for the 5610 A1A Unit 1 lot was removed.

In 2005, Mr. Espanet was not new to the area. He was not new to the process of buying vacant land in Brevard County or everything involved in the due diligence to protect yourself from a bad real estate deal.

Mr. Espanet purchased the 5610 A1A lot on 7/15/2005, which had just been created on paper by the Developer, Douglas Lally about 75 days before. At any time prior to closing, Mr. Espanet could have visited Brevard County P&Z and requested written information about the status of the lot.

Mr. Espanet made a mistake when he bought the lot. His PE said in 2019 that Mr. Espanet made a mistake when he bought the lot. This is a civil matter between

Mr. Espanet and the person who sold him the lot.

The County staff or Clerk of Courts had no role in determining if this lot was conforming or legal.

In 1992 the South Beaches Small Area Plan was adopted. The 1992 Law was put into place and it restricted density in the South Beaches. The Future Land Use Plan and Coastal Element 7.1 clearly state, that there shall be no density increases. This had been in effect for 10 years before Mr. Espanet bought the property and there is no excuse for Mr. Espanet not doing the proper due diligence.

This zoning request violates Coastal Management Element Policy 7.1 of the County Comprehensive Plan. It also violates Policy 12.1 of the Brevard Barrier Island Area (BBIA) Amendment that was just approved by the Commission and sent to the State Commerce Department on November 7, 2025.

We cannot allow a change from RES-1 to RES-2 in the South Beaches. Please deny this zoning request.

There are options Mr. Espanet can explore to get out of the lot which includes donation or offering it one of the 3 abutting properties.

Thank you.

Sincerely,

DA Conway

Melbourne Beach, FL

dccapemay@aol.com

From: rel2421@aol.com
To: [Commissioner, D4](#)
Subject: Feb 6 Meeting (24SS00013) FACTS
Date: Tuesday, February 4, 2025 7:47:30 AM

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

Dear Commissioner Feltner,

FEB. 6-BCC MEETING: FACTS YOU SHOULD KNOW, VALIDITY OF
APPLICATION (24SS00013) IN QUESTION
DRAW YOUR OWN CONCLUSIONS

I propose to the board of county commissioners to consider the factual circumstances of how we have all come to this point.

The applicant is asking the board to provide relief for his MISTAKE of purchasing a substandard lot.

This property was 1.7 acres zoned RP with Future land use Res 1

The applicant was misled by a developer who subdivided the 1.7 acre parcel utilizing condo declarations and provided condo documents stating that .7 acres was a buildable lot. The applicant purchased .7 acre lot in good faith from the developer without confirming development requirements with the county.

These transactions occurred in 2005 and applicant apparently didn't discover this predicament for quite some time.

Beginning in 2019 the applicant applied for a small scale amendment for Res 2 designation via a Professional engineering and consulting firm. According to P&Z application (19PZ00006) they were not even aware of the subdivided parcel and advised the applicants .7 acres was inconsistent with FLU designation and additionally could not increase density due to Coastal element 7.1

The applicant withdrew for a refund.

*WHAT YOU DON'T KNOW IS INCLUDED IN THE APPLICATION NARRATIVE ON PAGE 1, ITEM 4 IS A STATEMENT BY THE APPLICANTS REPRESENTATIVE THAT MR. ESPANET SOLELY RELIED ON THE CONDO DOCUMENTS TO MAKE HIS PURCHASE. THERE IS NO MENTION OF ANY EFFORT TO CONTACT P&Z STAFF PRIOR TO HIS PURCHASE. HE ADMITS HE WAS MISLED BY THE DEVELOPER.

**I FIND IT VERY TROUBLING THAT IN REVIEW OF THE LAND PLANNING AGENCY MEETING 11-18-2025 THE APPLICANTS ATTORNEY IMPLIES 2 TIMES THAT HE REACHED OUT TO P&Z STAFF FOR GUIDANCE PRIOR TO THE PURCHASE.

Why is it we are here and the county is being held liable for a bad real estate deal?

Next in June of 2022 the applicant applied for a Zoning classification letter via local private firm. Once again he was informed his property was non-compliant. In December of 2022 the applicant filed again for a text amendment providing the county with an absurd argument that the Coastal element 7.0 was in conflict with 7.1. and somehow the comp plan should accommodate his request to increase density. That application morphed into Large scale future land use amendment which imploded due to the alleged "inconsistency" which would result in affecting well over 50 acres.

During the course of the 2022 to 2023 application to increase density The Brevard Barrier Island Area of Critical Concern was established.

The application was either withdrawn or rejected. It is not clear in the county records. This brings us to the current application July 2024 for a small scale plan amendment and BDP.

The addition of the BDP seemingly gives the casual observer the impression "here is the solution so we can provide relief to this property owner".

The LPA was fooled. They voted on this issue using the false narrative that we must help this applicant because he has paid taxes and voted with their emotions and not the facts.

The PZ staff has made it clear in their August 2024 and January 2025 letter to the applicant that they would NOT recommend approving this application.

I find it very concerning that PZ staff review for the first three applications was flat out rejection but this current application comes to them loaded with speculative arguments to approve and now they give the Board criteria to consider.

1. Is it consistent and compatible with the surrounding area NO, NOT WHEN IT VIOLATES CME 7.1 AND 12.1 OF THE BBIA
2. does it satisfy the locational criteria established in FLUE policy 1.8 NO, NOT WHEN IT VIOLATES CME 7.1 AND 12.1 BBIA
3. Increasing density designation is consistent with coastal management element policy 7.1 NO, IT CLEARLY VIOLATES IT
4. The request meets the BBIA guiding principles NO, IT CLEARLY VIOLATES IT

Please understand that this alleged hardship has not been caused by the County government. The comp plan and coastal element have been in effect for well over 20 years and prior to his purchase of this property.

A simple phone call by the applicant to PZ could have saved this applicant and the county time and money.

Any realtor experienced with south beaches properties would have known the lot was unbuildable.

A qualified lawyer such as the applicants counsel would have known.

This applicant was misled by a developer and is unjustified in asking the county for relief. Land condominium declarations are a common ploy by developers to bypass development regulations when subdividing property is not allowed.

The applicant is a State Certified General contractor with years of land development knowledge, multiple real estate transactions and also a licensed real estate agent.

There is no hardship or burden caused by the county. This is a bad real estate deal.

This has been a colossal waste of taxpayer money. It's been a huge waste of Planning and Zoning time and dollars.

We believe this is a civil matter between the developer and the applicant. He should be suing the developer.

The responsibility to help this applicant is not with the county. The liability belongs to the applicant.

Please vote no application (24SS00013). Don't be fooled into thinking you are obligated to help this applicant at the expense of the COASTAL MANAGEMENT ELEMENT 7.1 AND BREVARD BARRIER ISLAND AREA OF CRITICAL CONCERN.

* application #19PZ00006: In 2005, the parent parcel was subdivided through the condominium process into two (2) building sites, Unit 1 and Unit 2. Unit 1, a 0.7 acre parcel, was represented in the Condominium Documents to permit one (1) single-family residence, not to exceed a total floor area of 8,500 square feet (see paragraph 3.1 of the Condominium documents). With the said representation, Mr. Espanet purchased Unit 1, only later to find out that Unit 1 is non-compliant with regards to the Future Land Use designation of Res-1, as the parcel area is less than 1 acre. Changing the Future Land Use Designation from Res-1 to Res-2 would permit a maximum of one (1) single-family residence to be constructed on Unit 1. Unit 2 is 1 acre in size and is compliant with the Res-1 Future Land Use designation.

** Brevard land planning agency meeting 11-18-2025 minutes:

"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."

**Brevard land planning agency meeting 11-18-2025 minutes:

"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."

Respectfully,
Robert Logsdon
9020 Hwy. A1A Melbourne Beach Fl. 32951
561-308-7360

From: [Mike Nickler](#)
To: [Commissioner, D4](#)
Subject: Zoning Increase to the South Beaches
Date: Monday, February 3, 2025 3:08:20 PM

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

To Whom it May Concern:

We have owned property in Melbourne Beach for approximately 30 years. Our current home is 9205 S. Highway A1A and we are deeply concerned about the potential rezoning of properties in our environmentally critical area of South Beach. The reason many of us live in this beautiful part of the state is to appreciate the natural beauty from the ocean to the intracoastal. Large scale properties built in this area threaten our wildlife and waterways. As full-time residents of Melbourne Beach, we kindly ask that you prevent high density building projects. Please follow the rule of law and protect our little piece of heaven.

- 1.) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.
- 2.) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 “Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

Sincerely,

Mike and Erin Nickler
9205 S. Highway A1A
Melbourne Beach, FL 32951
(561) 271-3180

Sent from my iPad

From: [Sean Oakhem](#)
To: [Commissioner, D1](#)
Cc: [Commissioner, D2](#); [Commissioner, D3](#)
Subject: Future Land Use Amendment Request ID# 24SS00013 for the property at 5610 Highway A1A Unit 1, Melbourne, owned by Christopher L. Espanet
Date: Tuesday, February 4, 2025 10:52:28 AM

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

>
> Dear Brevard County Commissioners:
>
> 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. I ask that you vote against this amendment to represent
> the interests of your constituents. I live in the South Beaches
> neighborhood of Lighthouse Cove, one of the communities adjacent to
> the land in question for Future Land Use Amendment Request ID#
> 24SS00013.
>
> As a Florida resident and voter, I have watched with alarm over the
> last decade as so much property in Melbourne Beach and the South
> Beaches has become overdeveloped without concern for proportion,
> protection or preservation.
>
> Community Character: The South Beaches area around the property in
> question consists of predominantly low-density, single-family
> communities. The 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.
>
> Environmental Issues This request to increase residential density from
> Residential 1 to Residential 2 raises serious concerns, as the
> property is located on the Brevard Barrier Island Area of Critical
> State Concern. Increasing the zoning for this property runs contrary
> to both the principles and the standards of the Area of Critical
> Concern. Continued high-density development on a lot that is too small
> to support it will threaten the fragile Indian River Lagoon ecosystem
> that we have watched deteriorate since our family moved here in 1993.
> The proposal fails to address storm surge risks, septic issues,
> groundwater intrusion, and the cumulative impact on marine and coastal
> environments. The property is also home to several burrows of
> threatened gopher tortoises.
>
> At 0.70 acres, the property does not meet the county's own septic
> system requirements. Increasing its zoning density will only
> exacerbate the issues created by a property that is too small for its
> septic field. Both Lighthouse Cove and South Shores will be at risk of
> contamination.
>
> 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.
>
> I respectfully urge you to deny this proposed re-zoning to protect the
> environment, maintain septic system safety standards, uphold the
> Comprehensive Plan, 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,
>
> Sean Oakhem
> Lighthouse Cove
> 101 Casseekee Trail Melbourne Beach FL 32951

Cell phone 603-339-7135
Sent from my iPhone

From: [Paula Plunge](#)
To: [Commissioner, D4](#)
Subject: Hwy. A1A
Date: Tuesday, February 4, 2025 1:29:38 PM

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

Please vote NO on the increase in zoning at 5610 A1A from residential 1 to residential 2.
More houses means more people and traffic. The barrier island is already overflowing.

Thank you,
Paula Plunge
Sent from my iPad

From: [Faith Riccilli](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: South Beach Zoning
Date: Tuesday, February 4, 2025 11:49:06 AM

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

Please vote to STOP Increase in Zoning at 5610 A1A from RES 1 to RES 2.

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

Please vote to follow the existing laws:

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you,
Faith Riccilli
112 Windrush Pl.
Melbourne Beach, Florida
321-474-2079
Sent from my iPhone

From: [Pamela Stimpson](#)
To: [Commissioner, D4](#)
Subject: Stop zoning changes in our South Beaches
Date: Tuesday, February 4, 2025 11:38:44 AM

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

Good morning,
I oppose any zone change to our south beaches. Our Governor has declared our area as an area of critical concern.

Have a great day!

Pamela Stimpson
cell: 321-482-0549
Melbourne Beach, Fl

From: [Craig Young](#)
To: [Commissioner, D4](#)
Subject: Opposed To Zone Change
Date: Monday, February 3, 2025 7:43:55 PM

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

Dear Brevard County Commissioners:

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. I ask that you vote against this amendment to represent the interests of your constituents. I live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

As a Florida resident and voter, I have watched with alarm over so much property in Melbourne Beach and the South

Beaches has become overdeveloped without concern for proportion, protection or preservation.

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. The 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.

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as the

property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern. Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem.

The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.

At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to deny this proposed re-zoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, 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,

Craig Young

188 Casseekee Trail

Melbourne Beach, FL 32951

From: [delbert sellers](#)
To: [Commissioner, D1](#)
Cc: [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: OPPOSITION to rezoning , request ID 24SS00013
Date: Tuesday, February 4, 2025 10:30:27 AM

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

Hello commissioner,

I live behind the subject property and I'm contacting you to express strong opposition to the proposed rezoning of 5610 Highway A1A unit 1 from RES1 to RES2, request ID 24SS00013. Please vote NO to the request and adhere to your own zoning ordinance. You wouldn't like it if this was happening in your backyard. Help maintain harmony between neighbors by simply voting to uphold your own ordinance. There are numerous environmental reasons to deny this request. Denying this rezoning request will harm no one. I see no legitimate legal or logical reason the commission would allow this change. It's about pure greed, period. Do not create animosity among neighbors. The owner can build a nice single residence home, as he knew was all that was when purchasing the property. Don't set a bad precedent. Your voting constituents are watching your actions and expect your NO vote to help preserve community harmony and prevent further damage to our fragile Indian River Lagoon. Do the right thing and deny the change.

Sincerely,

Del Sellers

167 CasseekeeTrail

Melbourne Beach 32951

From: rel2421@aol.com
To: [Commissioner, D3](#)
Subject: Feb 6 Meeting (24SS00013) FACTS
Date: Tuesday, February 4, 2025 7:50:39 AM

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

Dear Commissioner Adkinson,

FEB. 6-BCC MEETING: FACTS YOU SHOULD KNOW, VALIDITY OF
APPLICATION (24SS00013) IN QUESTION
DRAW YOUR OWN CONCLUSIONS

I propose to the board of county commissioners to consider the factual circumstances of how we have all come to this point.

The applicant is asking the board to provide relief for his MISTAKE of purchasing a substandard lot.

This property was 1.7 acres zoned RP with Future land use Res 1

The applicant was misled by a developer who subdivided the 1.7 acre parcel utilizing condo declarations and provided condo documents stating that .7 acres was a buildable lot. The applicant purchased .7 acre lot in good faith from the developer without confirming development requirements with the county.

These transactions occurred in 2005 and applicant apparently didn't discover this predicament for quite some time.

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The addition of the BDP seemingly gives the casual observer the impression "here is the solution so we can provide relief to this property owner".

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Please understand that this alleged hardship has not been caused by the County government. The comp plan and coastal element have been in effect for well over 20 years and prior to his purchase of this property.

- A simple phone call by the applicant to PZ could have saved this applicant and the county time and money.
- Any realtor experienced with south beaches properties would have known the lot was unbuildable.
- A qualified lawyer such as the applicants counsel would have known.
- This applicant was misled by a developer and is unjustified in asking the county for relief. Land condominium declarations are a common ploy by developers to bypass development regulations when subdividing property is not allowed.

The applicant is a State Certified General contractor with years of land development knowledge, multiple real estate transactions and also a licensed real estate agent.

There is no hardship or burden caused by the county. This is a bad real estate deal.

This has been a colossal waste of taxpayer money. It's been a huge waste of Planning and Zoning time and dollars.

We believe this is a civil matter between the developer and the applicant. He should be suing the developer.

The responsibility to help this applicant is not with the county. The liability belongs to the applicant.

Please vote no application (24SS00013). Don't be fooled into thinking you are obligated to help this applicant at the expense of the COASTAL MANAGEMENT ELEMENT 7.1 AND BREVARD BARRIER ISLAND AREA OF CRITICAL CONCERN.

* application #19PZ00006: In 2005, the parent parcel was subdivided through the condominium process into two (2) building sites, Unit 1 and Unit 2. Unit 1, a 0.7 acre parcel, was represented in the Condominium Documents to permit one (1) single-family residence, not to exceed a total floor area of 8,500 square feet (see paragraph 3.1 of the Condominium documents). With the said representation, Mr. Espanet purchased Unit 1, only later to find out that Unit 1 is non-compliant with regards to the Future Land Use designation of Res-1, as the parcel area is less than 1 acre. Changing the Future Land Use Designation from Res-1 to Res-2 would permit a maximum of one (1) single-family residence to be constructed on Unit 1. Unit 2 is 1 acre in size and is compliant with the Res-1 Future Land Use designation.

** Brevard land planning agency meeting 11-18-2025 minutes:

"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."

**Brevard land planning agency meeting 11-18-2025 minutes:

"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."

Respectfully,
Robert Logsdon
9020 Hwy. A1A Melbourne Beach Fl. 32951
561-308-7360

From: [Jeffrey Bush](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Please help us on the Barrier Island
Date: Sunday, February 2, 2025 3:42:21 PM

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

Dear Commisioners and Public Servants,
Please vote NO on Feb 6th and **Stop this increase** in Zoning at 5610 A1A from RES 1 to RES 2.

We live in a very special and delicate environment on the barrier island and need to do everything we can so the kids and grand kids can still see the same things we enjoy on a daily basis when they grow up. Your decision on Feb. 6th to vote no will make this a reality. It is baffling to me how much outsiders want to destroy this area just to make some short term money. By voting yes, you are setting a precedent all future requests will use. There are alsop laws to consider as have been outlined below.

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

3) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1
"Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

I encourage all of you to please come and spend time in our area so you will truly understand how special this place is; and stewards like yourselves will then not make a decision to take another step in destroying the beauty of this area.

Thank you for your consideration from my generation, and future generations.

Sincerely,
Jeff Bush
126 Delmar St. Melbourne Beach. (Floridana Beach)

From: [Craig Nichols](#)
To: [Commissioner, D3](#)
Subject: Vote No on Zoning Request - 5610 HWY A1A
Date: Monday, February 3, 2025 9:26:28 AM

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

Dear Commissioner,

I am writing to ask you to vote this Thursday AGAINST the requested increase in Zoning at 5610 HWY A1A from RES 1 to RES 2.

Allowing such an exemption would violate the laws as stated in the Brevard Comprehensive Plan and the designation of the barrier island as being an "Area of Critical State Concern". Additionally, such an exception would go against the clearly stated wishes of the citizens of Brevard County. Especially those who live on the barrier island.

Thank You,
Craig Nichols
Melbourne Beach, Florida

Sent from my iPad

From: [Jean Bayer](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); D4Commissioner@brevardfl.gov
Cc: [Commissioner, D5](#)
Subject: Zoning Change
Date: Sunday, February 2, 2025 10:43:43 AM

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

I am writing to express my opposition to the proposed zoning amendment of Future Land Use Amendment Request ID#24SS00013 for the property at 5610 Highway A1A Melbourne Beach owned by Christopher L. Espanet. I ask that you vote against this amendment to represent the interests of your constituents in Lighthouse Cove adjacent to the land in question and other communities close by.

I have seen how overdeveloped Melbourne Beach and the South Beaches have become. Changing from a Residential 1 to a Residential 2 should be a critical concern as it is located on the Barrier Island and will threaten the very fragile Indian River Lagoon not to mention the gopher turtles. At 0.70 acres this property doesn't even meet the county's own septic system requirements causing Lighthouse Cove and South Shores to be at risk of contamination.

Please uphold the Comprehensive Plan: Brevard County's Coastal Management Policy to protect the environment, septic system safety standards and our community.

Sincerely,

Jean M Bayer
120 Casseekee Trail
Melbourne Beach, FL 32951

Sent from my iPad

From: [PATRICIA BIAGI](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Calkins, Tad](#); [Abbate, Frank B](#)
Subject: Zoning increase
Date: Monday, February 3, 2025 12:40:43 PM

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

My name is
Patricia Biagi

I am writing again as a very concerned citizen of Melbourne Beach.
I strongly feel that by allowing continued development in this area you are demonstrating you have no concern for the people who live here and the precious environment that we try to maintain.

Please listen to the citizens who pay your salaries.
We do not want the the zoning to change from 1 to 2 residents at
5610 A!A.

If this happens it will open a floodgate for developers. The carnage of animals on A!A every day is horrific because of the traffic and people speeding. Please take into account what we the tax payers are saying
NO to the rezoning.

Patricia and Larry Biagi
155 Sea Dunes Dr
Melbourne Beach, Fl
32951

Cell 3052131359
Larrys Cell 3059754002

From: [Mike Nickler](#)
To: [Commissioner, D3](#)
Subject: Zoning Increases to the South Beaches
Date: Monday, February 3, 2025 3:08:03 PM

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To Whom it May Concern:

We have owned property in Melbourne Beach for approximately 30 years. Our current home is 9205 S. Highway A1A and we are deeply concerned about the potential rezoning of properties in our environmentally critical area of South Beach. The reason many of us live in this beautiful part of the state is to appreciate the natural beauty from the ocean to the intracoastal. Large scale properties built in this area threaten our wildlife and waterways. As full-time residents of Melbourne Beach, we kindly ask that you prevent high density building projects. Please follow the rule of law and protect our little piece of heaven.

- 1.) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.
- 2.) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 “Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

Sincerely,

Mike and Erin Nickler
9205 S. Highway A1A
Melbourne Beach, FL 32951
(561) 271-3180

Sent from my iPad

From: [Ted Cooper](#)
To: [Commissioner, D3](#)
Subject: Concerning property at 5610 Highway A1A
Date: Friday, January 31, 2025 3:46:34 PM

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

Dear Brevard County Commissioner Kim Atkinson, District 3

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. I ask that you vote against this amendment to represent the interests of your constituents. I live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

Theodore Cooper
137 Casseekee Trl
Melbourne Beach, FL 32951

From: [Nick Walther](#)
To: [Commissioner, D3](#)
Subject: Density increases
Date: Wednesday, January 29, 2025 10:20:07 AM

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

STOP Increase in Zoning at 5610 A1A from RES 1 to RES 2.

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

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

From: [Linda Johnson](#)
To: [Commissioner, D3](#)
Subject: Feb. 6th meeting
Date: Wednesday, January 29, 2025 6:34:53 PM

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

Please vote no to stop the zoning increase on South Beach! Thank you, Linda Johnson

From: [Alex Giraldo](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: February 6, AGAINST request increasing density
Date: Tuesday, January 28, 2025 7:38:10 PM

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

Commissioners:

As a resident and voter I'm South Beaches I am against any increase in density. This is ridiculous that you continue to accept hearing requests on this issue.

Follow the LAW

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Concerned Voter -
Alex Giraldo
321-604-0596

From: [Richard Virock](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Future Land Use Amendment Request ID# 24SS00013 Scheduled for Hearing February 6, 2025
Date: Wednesday, January 29, 2025 12:37:33 PM

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

Dear Brevard County Commissioners:

We are writing to express our 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. We ask that you vote against this amendment. We live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

As property owners, we have watched with alarm over the last six years as so much property in Melbourne Beach and the South Beaches has become overdeveloped without concern for proportion, protection or preservation.

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. **The 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.**

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as **the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern.** Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem. **The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.**

At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to **deny this proposed rezoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan**, 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,

Richard and Dennette Virock
135 Casseekee Trail
Melbourne Beach FL 32951

From: [Dorine Zimmerman](#)
To: [Commissioner, D3](#)
Subject: Fwd: zoning change request in Melbourne Beach
Date: Thursday, January 30, 2025 6:45:07 PM

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

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

From: Dorine Zimmerman <dorinez10@gmail.com>
Date: Thu, Jan 30, 2025 at 4:45 PM
Subject: zoning change request in Melbourne Beach
To: <d3.commissioner@brevardfl.go>

Dear Brevard County Commissioners:

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. I ask that you vote against this amendment to represent the interests of your constituents. I live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

I have lived in Brevard County for 52 years and consistently voted in primaries and general elections. The proposed amendment above for land usage in Melbourne Beach is not in the best interest of the surrounding residents. There is no city water access down this far south. At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its

septic field. Both Lighthouse Cove and South Shores will be at risk of contamination. I respectfully urge you to deny this proposed re-zoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, preserve the character of our community.

Thank you for your serious consideration related to this situation and request.

Respectfully,
Dorine Zimmerman
186 Casseekee Trail
Melbourne Beach, FL 32951

From: [elaine ber](#)
To: [Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5; AdministrativeServices; robert.brackett@myfloridahouse.gov](#)
Subject: ID# 24SS00013
Date: Friday, January 31, 2025 3:24:40 PM

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

Dear Commissioners:

As a resident of LHC, who will be directly impacted by your decision on February 6, 2025, I am writing to express my strong opposition to granting the rezoning request from RES1 to RES2 for the 0.7 acre lot located at 5601 HWY A1A, unit 1, Melbourne Beach, FL for the following three reasons.

First, it directly contravenes **state law**, and violates the **CME** of the Brevard Comprehensive plan. Second, it establishes a very **dangerous precedent**. Allowing this exemption opens up the floodgates and renders all future denials arbitrary and difficult, if not impossible to justify. And lastly, this is a huge slap in the face to voters who elect you into office to **act in our best interests** not those of venal developers, politicians, lawyers who personally enrich at the expense of the community, and by their short-sighted actions create irrevocable harm for current and future generations. Our quality of life will be adversely and materially impacted by your decision. We intend to hold elected officials to account for any resultant harm from bad policies that are ill advised and easily avoidable.

Specifically, granting this exemption will:

1. **Eviscerate newly enacted FL state law chapter 380 section 0553 (enacted in 2023)**, "Brevard Barrier Island Area Protection Act." Florida Statutes specifically recognizes portion of Brevard county as one of 6 critical infrastructure areas in the state designated for special protections as a barrier island with a fragile ecosystem and unique turtle nesting grounds.

➤ Zone change from RES1 to RES2 violates purpose and intent of law (380.0553): no high density buildings,

▪ legislative intent, in part, stipulates under 2(f) low population density *decreases public tax burden* with regard to provision of services, maintaining critical infrastructure and rebuilding after disasters, and 2(g) recognizes that the entire barrier island is in a mandatory evacuation zone, hence density is a critical consideration with regard to safe and timely evacuations (see:

<https://www.flsenate.gov/laws/statutes/2023/380.0553>)

➤ **Violates section 7.1 of the Coastal Management Element (CME) of the Brevard Comprehensive Plan** which states; "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". Since 5610 A1A is directly in the MIDDLE of this area, it is clearly against the law to change the density designation to Res2.

Granting this exemption would allow building up to 30ft in height:

- Tall buildings obstruct views; deprive privacy (LHC community directly below it); allow increased population density in an area that already suffered 2 fatalities on A1A within the past 2 years at the exact proposed building site; invites property use for AirB&Bs which south beach residents have vehemently opposed due to inadequate vetting of turn-style occupancy, invites people without stakes in the community, adds to crime concerns and traffic congestion, disruptive lighting to turtle nesting areas, and adds to overflow concerns from sewer and storm surges
- This specific proposal clearly 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." Clearly, the owner & attorney admit that is not their intent
- High population density impedes emergency evacuations from barrier island during hurricanes and other natural disasters
- **Intent of this bill is to safeguard against** adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets. Granting this exemption is in direct contravention of the law's intent.

➤ Commissioner **Thad Altman** was one of original co-sponsors (along with Rep. Brackett and Moody) of **HB 1489** (2023) "**Designation of Brevard Barrier Island Area as Area of Critical State Concern**" which created 380.0553, F.S.!!! Yet, during Dec 12, 2024 zoning hearing, the commissioner appeared deferential to reconsider granting this exemption. If that proves to be the case, it is extremely troubling. Either we have a law that protects our environment or not! What changed? How do you go from championing a concept to total surrender? Who is pulling the levers and for what favors in exchange? Equally troubling was listening to the owner's attorney during an earlier hearing (Nov 2024) saying that state law can summarily be dismissed and overridden (despite strong opposition to her from the committee staff). (see: <https://www.flsenate.gov/Session/Bill/2023/1489/ByCategory>).

Listen to then Representative Thad Altman passionately defend his critical infrastructure bill during a news interview where he is quoted as saying:

- "I would say it's been overdeveloped," said Republican state Rep. Thad Altman
- "You look at a map and there's very little green space on the barrier island now, except for the south beaches. The south beaches is a place that has a remnant of what it used to be like," Altman said.
 - The coast is the largest nesting area for loggerhead sea turtles in the world and was home to a flourishing sea trout population Altman says is

now down 90%.

- It's key for the endangered manatees in the area as a home for its main food source.
- "This area has some of the last remaining healthy seagrass beds in Brevard County," Altman said. <https://www.wesh.com/article/brevard-county-barrier-islands-protection/43414035>

2. This exemption Sets a very dangerous precedent for all future land use along south beach area

- Granting one exemption opens floodgates-establishes no legal standing for denying others their exemptions
- This particular plot is landlocked so it will require lifting other easements to enable septic, irrigation, well water, egress to A1A, and other construction barriers. So just changing zoning won't end lifting of other state and local laws & protections from flooding and other environmental mitigations to enable its construction

3. Accords extreme deference to developers, realtors, politicians at expense of inhabitants

- Reinforces status quo ante- no oversight or accountability-so developers and politicians are free to strike mutually beneficial deals for personal enrichment/benefit to the detriment of the citizens causing irrevocable harm.
- Putting our elected officials on notice that they are being watched and we expect they act in **our** best interests not their own to preserve our community for future generations is essential if we want to protect the quality of life of our community.
- Recent unrestrained development along our beaches has created a multitude of problems from allowing AirB&Bs with transitory populations that have no stake in our community, to increased traffic congestion, to increased crime, to cracking and packing lots to fit as multi-family, multi-level homes on tiny pieces of land marketed as "Beachfront" that require a periscope to see the ocean because of their awkward angled positioning

4. Owner contends he bought this plot many years ago, has been paying taxes on it for years and is now prohibited from building his retirement dream house

- Unfortunate if owner was either ill-advised, or did not do his due diligence at time of purchase when he bought a 0.7 acre lot knowing zoning for homes required 1.0 acres+
- Owner could have sold his plot of land years ago not necessitating paying taxes
- Owner made a **bad business decision**, as we all have at some point in life. Unfortunately, he is **asking all south beaches residents to assume his burden** at an unreasonably high price by trying to lift easements, state laws and local ordinances to accommodate his wishes, at the expense of all current and future residents who will be harmed irrevocably due to his bad business decision
- Most aggravating was listening during public hearing to commissioners who were readily willing to cave in to emotional appeals (ex: owner's diligent payment of taxes). Time to govern by reason not raw emotion. Fight for principles, defend them not just sign bills for photo ops. If Commissioner **Thad**

Altman caves-(as author **HB 1489**, 2023 the Brevard critical infrastructure environmental protection bill that was signed into law 380.0553), he will have a lot of explaining as to why. The stakes are unusually high, with *future consequences*. Once the floodgates open to developers they will have a carte-blanche to do as they please with our community, beyond the damage already done.

In conclusion, it's time to stop the hemorrhage now, and try to salvage what little is left to still protect from the venal interests of developers and politicians!!!

➤ Note: the property at issue is north of New England Eatery. On either side of LHC community there are two lots up for development. The one discussed above, and another bigger plot that has sat fallow, in part, after owner was denied ability to tap into well water from LHC. That plot is probably waiting abated breath to see outcome of this decision, which if zoning request is granted will provide them with a green light to proceed to develop that lot knowing they have the commissioners in the bag and rightly so. If they grant one exemption, what justifiable reason do they have to deny the next????

From: [linda.nicholson](#)
To: [Commissioner, D3](#)
Subject: Increase zoning
Date: Friday, January 31, 2025 12:22:16 PM

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

Good day commissioner,

I am requesting you to vote no for increase in zoning in the south beach area of Brevard county. I have lived here for 23 years. I am seen an increase in the traffic. An increase in the fatalities of people crossing A1A. Let's not give into the big developers and let's keep south beaches, quaint and small..

Respectfully,

Linda Nicholson
215 SEA DUNES Drive
Melbourne Beach, FL 32951
321-626-2544

[Sent from Yahoo Mail for iPhone](#)

From: [Betsy Burden](#)
To: [Commissioner, D3](#)
Subject: Opposition to Future LU Amendment Request ID #24SS00013
Date: Tuesday, January 28, 2025 5:28:50 PM

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

Dear Brevard County Commissioner:

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. I ask that you vote against this amendment to represent the interests of your constituents. I live in the South Beaches neighborhood of Lighthouse Cove, one of the communities adjacent to the land in question for Future Land Use Amendment Request ID# 24SS00013.

As a Florida resident and voter, I have watched with alarm over the last decade as so much property in Melbourne Beach and the South Beaches has become overdeveloped without concern for proportion, protection or preservation.

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. The 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.

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern. Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem that we have watched deteriorate since our family moved here in 1993. The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.

At 0.70 acres, the property does not meet the county's own septic system requirements. Increasing its zoning density will only

exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to deny this proposed re-zoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, 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,

Betsy Burden
105 Casseekee Tr.
Melbourne Beach, Florida
561-313-0589

Sent from my iPhone

From: [Elisabetta Martino-Swearsky](#)
To: [Commissioner, D3](#)
Subject: Opposition to Zoning Request Change Melbourne Beach
Date: Tuesday, January 28, 2025 12:18:37 PM

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

Dear Kim,

I am registering my opposition to the zoning request change for the land on the west side of Highway A1A 150 ft. North of Casseekee Trail in Melbourne Beach.

As a representative of Melbourne Beach, I would ask you to deeply consider opposing this change that has already been voted down twice. The area has been designated by the state as a State Area of Critical Concern. We are concerned about further expanded development as this will affect animals in the area as well as increased beach activity which will affect the Loggerhead, Green and Leatherback turtle migrations.

In addition, it is in a busy and somewhat dangerous area with cars traveling at over 45 MPH with no crosswalk at A1A to the beach. This could put residents living in the future unit/s at risk.

I greatly appreciate your support...Liz

Elisabetta Martino-Swearsky
180 Casseekee Trail, MB 32951
860-863-6616

From: [m B](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)
Subject: Planned zoning increase on South Beach
Date: Sunday, February 2, 2025 7:40:57 AM

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

As a former residential property appraiser and current resident of south Brevard County it is of great concern to multiple requests to increase zoning from R1 to R2. There is no need (other than profit) for this change, past personal study as provided through historical data of vacant property sales, there is no increase in value in property values based on this change, moreover, increases in density will further strain both septic runoff into our waterways and evacuation routes during storms. This proposed change will set an irreversible precedent opening the door for larger increases in the future. Please follow the law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

Respectfully,

Marvin B

From: [Newton Smith](#)
To: [Commissioner, D3](#)
Subject: Please Commissioner D3 no rezoning in South Brevard beaches
Date: Thursday, January 30, 2025 9:31:35 AM

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

FROM
Newton Smith 4890 Hawksbill Ct Melbourne Beach ,FL. 32951
Reply requested .

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 “Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

From: [T&C](#)
To: [Commissioner, D3](#)
Subject: Please do not approve increasing density changes to existing residential zoning properties
Date: Wednesday, January 29, 2025 7:31:59 AM

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

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Thank you for protecting our community.

Cynthia Glinski

From: cabsher3@cfl.rr.com
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Please help!!
Date: Wednesday, January 29, 2025 7:09:25 AM

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

Help keep our area as it was meant to stay!

- 1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.
- 2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 “Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

Thank you, Candy Absher (Melbourne Beach)

From: [Teresa Main](#)
To: [Commissioner, D3](#)
Subject: Please stop the zoning increase on South Beach
Date: Wednesday, January 29, 2025 5:15:29 PM

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

Good afternoon,

Please follow the law and stop the zoning increase on South Beach.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 “Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

I live off A1A past the new large and obnoxious subdivision with multi-family rentals. We need room for animal habitats, no more houses or rentals.

Thank you for your time.
Teresa Main
320 Richards Road
Melbourne Beach, FL

From: [helen.stamatacos](#)
To: [Commissioner, D1](#)
Cc: [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: PLEASE STOP ZONING INCREASE ON SOUTH BEACH
Date: Wednesday, January 29, 2025 3:57:54 PM

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

Dear Commissioners,

I am writing again to express our deepest concerns over the potential change in Zoning at 5610 A1A from RES 1 to RES 2.

Please STOP this zoning change.

We respectfully demand that you uphold the law.

Our voices, as you are aware, are fortunately supported by the vast majority of the South Beaches and we have gathered collectively to preserve what needs to be preserved. To insist that this and similar future zoning change requests are NOT allowed.

PLEASE follow the law according to Policy 7.1. and Policy BBIA 12.1.

It's that simple.

Thank you,

Helen Stamatacos
Charles Magal, MD
9010 S. A1A
Melbourne Beach, FL 32951
321-728-8876

From: [Margaret Ahrweiler](#)
To: [Commissioner, D3](#)
Subject: Please vote against Future Land Use Amendment Request ID# 24SS00013
Date: Tuesday, January 28, 2025 10:52:52 AM

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

Dear Ms Adkinson:

I live in the District 3 south beaches neighborhood of Lighthouse Cove, 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. I ask that you vote against this amendment to represent the interests of your constituents in District 3.

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.

Community Character: The South Beaches area around the property in question consists of predominantly low-density, single-family communities. The 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.

Environmental Issues This request to increase residential density from Residential 1 to Residential 2 raises serious concerns, as the property is located on the Brevard Barrier Island Area of Critical State Concern. Increasing the zoning for this property runs contrary to both the principles and the standards of the Area of Critical Concern. Continued high-density development on a lot that is too small to support it will threaten the fragile Indian River Lagoon ecosystem that we have watched deteriorate since our family moved here in 1993. The proposal fails to address storm surge risks, septic issues, groundwater intrusion, and the cumulative impact on marine and coastal environments. The property is also home to several burrows of threatened gopher tortoises.

At 7 acres, the property does not meet the county's own septic system. Increasing its zoning density will only exacerbate the issues created by a property that is too small for its septic field. Both Lighthouse Cove and South Shores will be at risk of contamination.

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.

I respectfully urge you to deny this proposed re-zoning to protect the environment, maintain septic system safety standards, uphold the Comprehensive Plan, 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
145 Casseekee Trail
Melbourne Beach FL 32951

From: [Alison Deacon](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Please vote on February 6, AGAINST request increasing zone density in South Beach - Melbourne Beach
Date: Tuesday, January 28, 2025 8:20:40 PM

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

Dear Commissioners,

As a resident of Melbourne Beach, I am asking you to vote to STOP an increase in Zoning at 5610 A1A from RES 1 to RES 2.

- 1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.
- 2) It sets an irreversible precedent opening the door for larger increases in the future.

I'm asking you to please **Follow the LAW**

- 1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- 2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA..."

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you
Alison Deacon
305 Island Drive, Melbourne Beach, FL 32951
alisondeacon08@yahoo.com

From: [Trish Mc](#)
To: [Commissioner, D3](#)
Subject: Re: STOP the Increase in Zoning at 5610 A1A from RES 1 to RES 2
Date: Saturday, February 1, 2025 2:13:42 PM

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

Patricia McAleer
140 Cardinal Drive
Melbourne Beach, FL 32951
Mobile: 949-887-4202

On Sat, Feb 1, 2025 at 10:48 AM Trish Mc <tmcaleer50@gmail.com> wrote:
February 1, 2025

Dear Commissioner Kim Adkinson,

I am writing to request that you as a commissioner of Brevard County District 1, to STOP the Increase in Zoning at 5610 A1A from RES 1 to RES 2. I understand that there is a hearing on Feb 6 and you will be voting upon this soon.

Please follow the laws that have been established for this fragile area:

- 1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- 2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA..."

Please preserve the South Beach's Area of Critical State Concern by following the established laws.

Thank you,

Patricia McAleer

From: [faith m](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#)
Cc: [Commissioner, D5](#)
Subject: Re: Vote NO on Density increase in the south Beaches
Date: Friday, January 31, 2025 12:15:38 PM

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

Faith Mars
220 Sea Dunes Dr, Melbourne Beach, FL 32951
321-220-7046

On Fri, Jan 31, 2025, 12:06 PM faith m <fmarsbarz@gmail.com> wrote:

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

3) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

4) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

"Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

THANK YOU,

Faith Mars

220 Sea Dunes Drive, Melbourne Beach

From: mrcollin@aol.com
To: [Commissioner, D3](#)
Subject: South Brevard Area of Critical Concern
Date: Wednesday, January 29, 2025 4:18:30 PM

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

Commissioner Kim Adkinson,

Your support is urgently needed to stop zoning increases in the South Brevard area. Since I cannot attend the Brevard Commission meeting on February 6th, I am submitting my written request. Please vote in opposition of increasing the zoning at 5610 A1A. If this increase is approved it will set a precedent for future increases. As a resident of the South Beach area for over twenty-five years, I am sincerely requesting your vote in support Coastal Management Element Policy 7.1, which limits the increase of residential density in this area. Thank you for your consideration.

Sincere Regards,

Maurice Collin

From: [ronald.coleman](#)
To: [Commissioner, D3](#)
Subject: STOP Increase in Zoning at 5610 A1A from RES 1 to RES 2.
Date: Wednesday, January 29, 2025 12:27:04 PM

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

PLEASE STOP Increase in Zoning at 5610 A1A from RES 1 to RES 2.
Ronald Coleman 8020 s highway A1A Mel Bch 50 year resident South
Beaches.

From: [Peter Kramer](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: STOP ZONING INCREASE ON SOUTH BEACH!
Date: Saturday, February 1, 2025 10:51:46 AM

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

Please vote to STOP Increase in Zoning at 5610 A1A from RES 1 to RES 2.

1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.

2) It sets an irreversible precedent opening the door for larger increases in the future.

Please vote to follow the existing laws:

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...".

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you for your time,
Peter Kramer
125 Harmony Place
Melbourne Beach, FL 3295

From: [Karen Kramer](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: STOP ZONING INCREASE ON SOUTH BEACH
Date: Saturday, February 1, 2025 10:51:17 AM

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

Please vote to STOP Increase in Zoning at 5610 A1A from RES 1 to RES 2.

- 1) It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection.
- 2) It sets an irreversible precedent opening the door for larger increases in the future.

Please vote to follow the existing laws:

- 1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- 2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1 "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA..."

Please help (again) to stop illegal density increases in South Beach's Area of Critical State Concern.

Thank you for your time,

Karen Kramer
125 Harmony Place
Melbourne Beach, FL 32951

From: [Karen Hamilton](#)
To: [Commissioner, D3](#)
Subject: STOP Zoning increases on South Beach
Date: Wednesday, January 29, 2025 10:28:51 AM

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

Commissioner,

Please vote NO on the upcoming zoning meeting regarding Zoning at 5610 A1A from RES 1 to RES 2.

Please consider the following:

- It's against the Law according to Policy 7.1 of the Comprehensive Plan and 12.1 of the New State Brevard Barrier Island Area (BBIA) protection
- It sets an irreversible precedent opening the door for larger increases in the future.
- Brevard Comprehensive Plan, Coastal Management Element (CME) 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".
- Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1
- "Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**".

Please vote NO and as our barrier island is a Critical Area of State Concern that needs to be kept safe from undue development.

Thank you

Karen Hamilton

162 Casseekee Trail

Melbourne Beach, FL

32951

From: [Linda Minnick](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Vote "NO" on Zoning increase for South Beaches
Date: Wednesday, January 29, 2025 6:24:06 PM

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

Thank You.

From: [TY BOTELLO](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#)
Subject: Vote against population increase in the south Beaches
Date: Friday, January 31, 2025 1:05:58 PM

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

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

“Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County **shall not increase residential densities within the BBIA...**”.

Ty Botello
220 Sea Dunes Drive
Melbourne Beach, FL 32951
3216528432

From: [Jodie Irish](#)
To: [Commissioner, D1](#); [Commissioner, D2](#); [Commissioner, D3](#); [Commissioner, D4](#); [Commissioner, D5](#); [Abbate, Frank B](#); [Calkins, Tad](#)
Subject: Vote No 5610 A1A from RES 1 to RES 2
Date: Friday, January 31, 2025 12:03:27 PM

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

Dear Commissioners,

Here we are again on a subject of increased density that has been outlawed under the Area of Critical Concern as noted below. I would ask that this matter finally be put to rest and prevent years of litigation and future increased density at our beautiful Brevard County coast.

It's illegal under the following policies that were passed by both State Houses and to be implemented by the county. Do your job and follow the law.

1) Brevard Comprehensive Plan, Coastal Management Element (CME) 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”.

2) Brevard Barrier Island Area Element (BBIA), to protect the Area of Critical State Concern. Policy BBIA 12.1

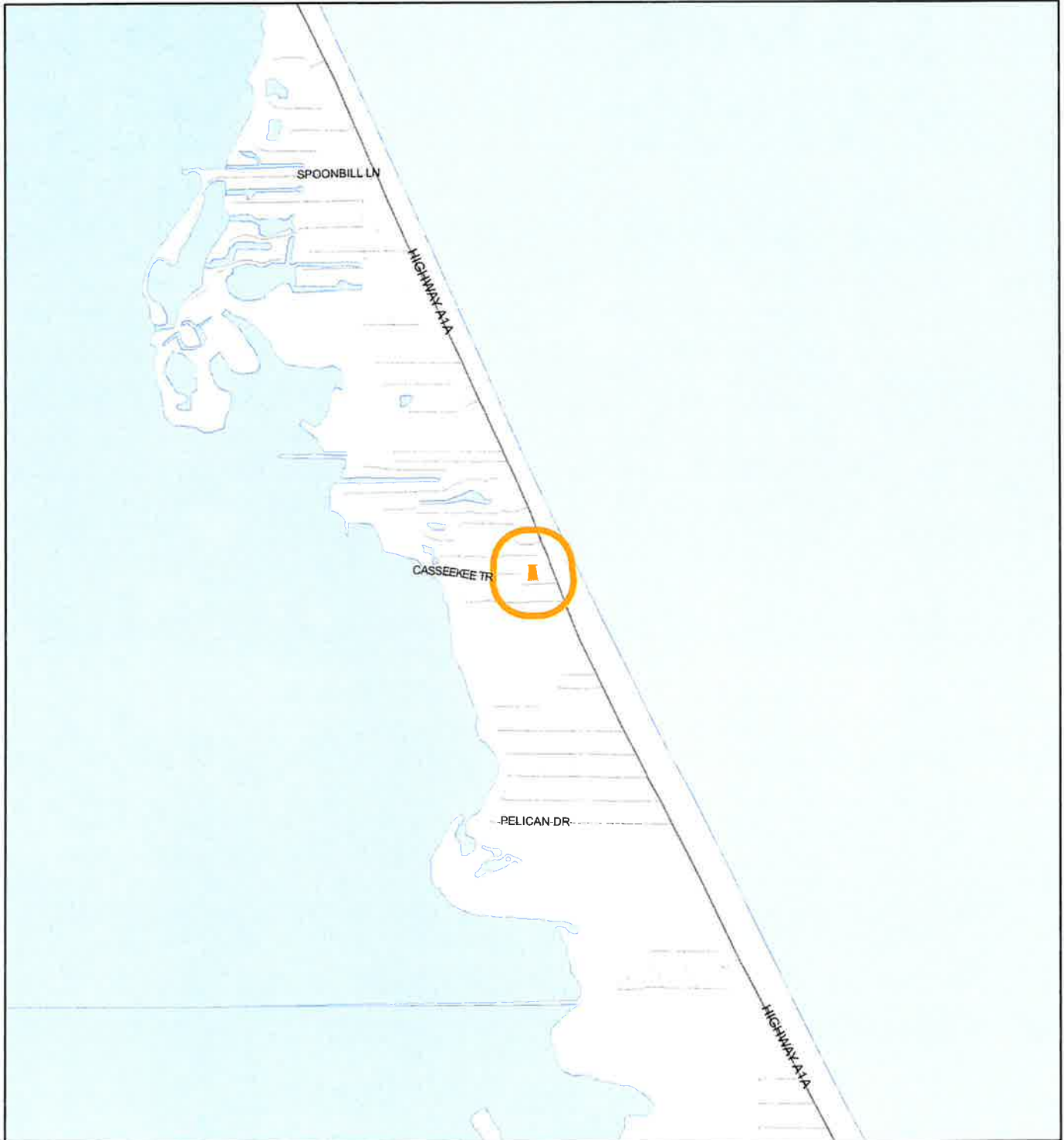
“Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA...”.

Please stop illegal density increases in South Beach's Area of Critical State Concern.

Sincerely,
Jodie Hager
325 Hiawatha Way
Melbourne Beach, FL 32951

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.

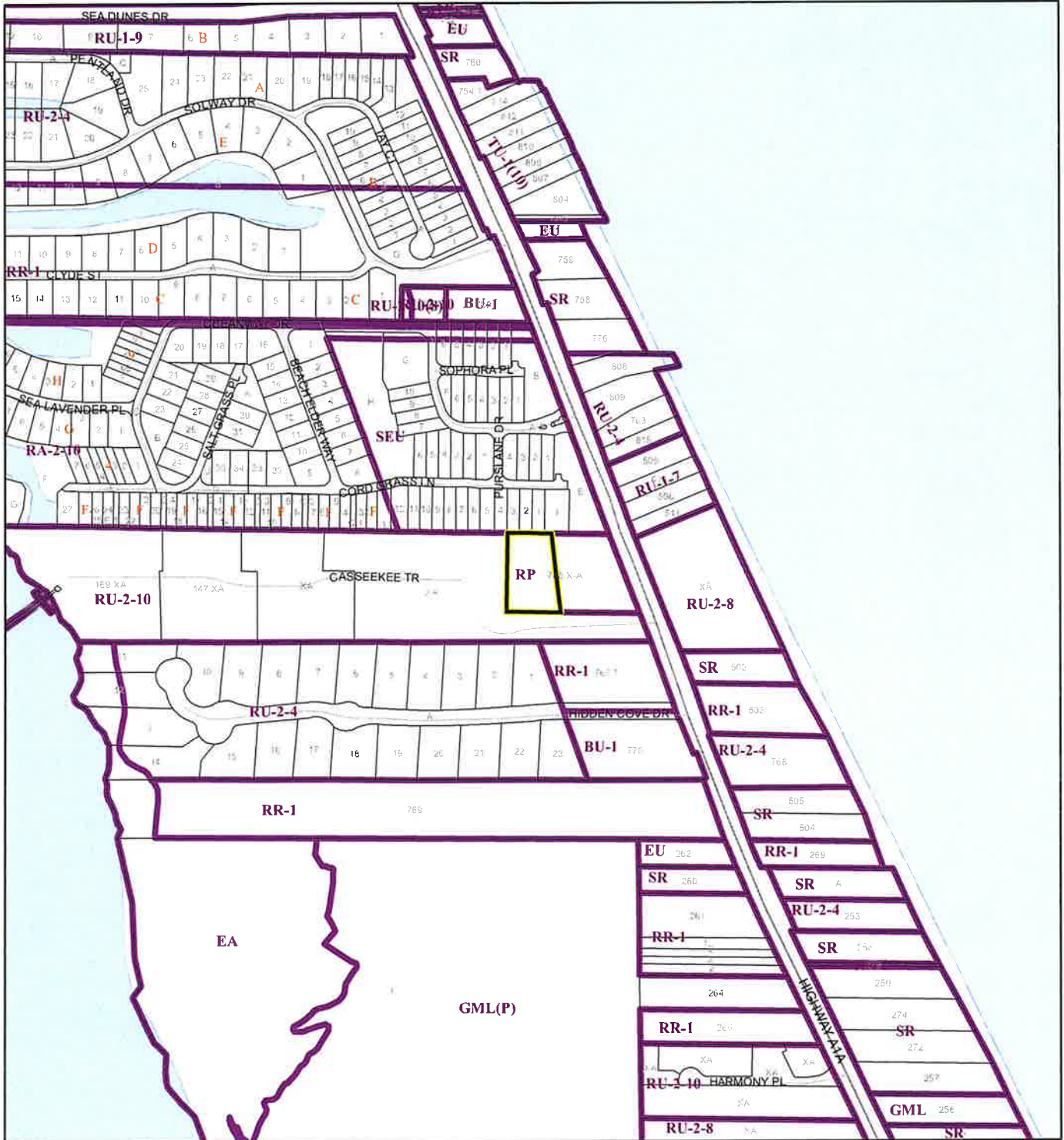
Produced by BoCC - GIS Date: 11/21/2024

— Buffer
■ Subject Property

ZONING MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

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

Subject Property

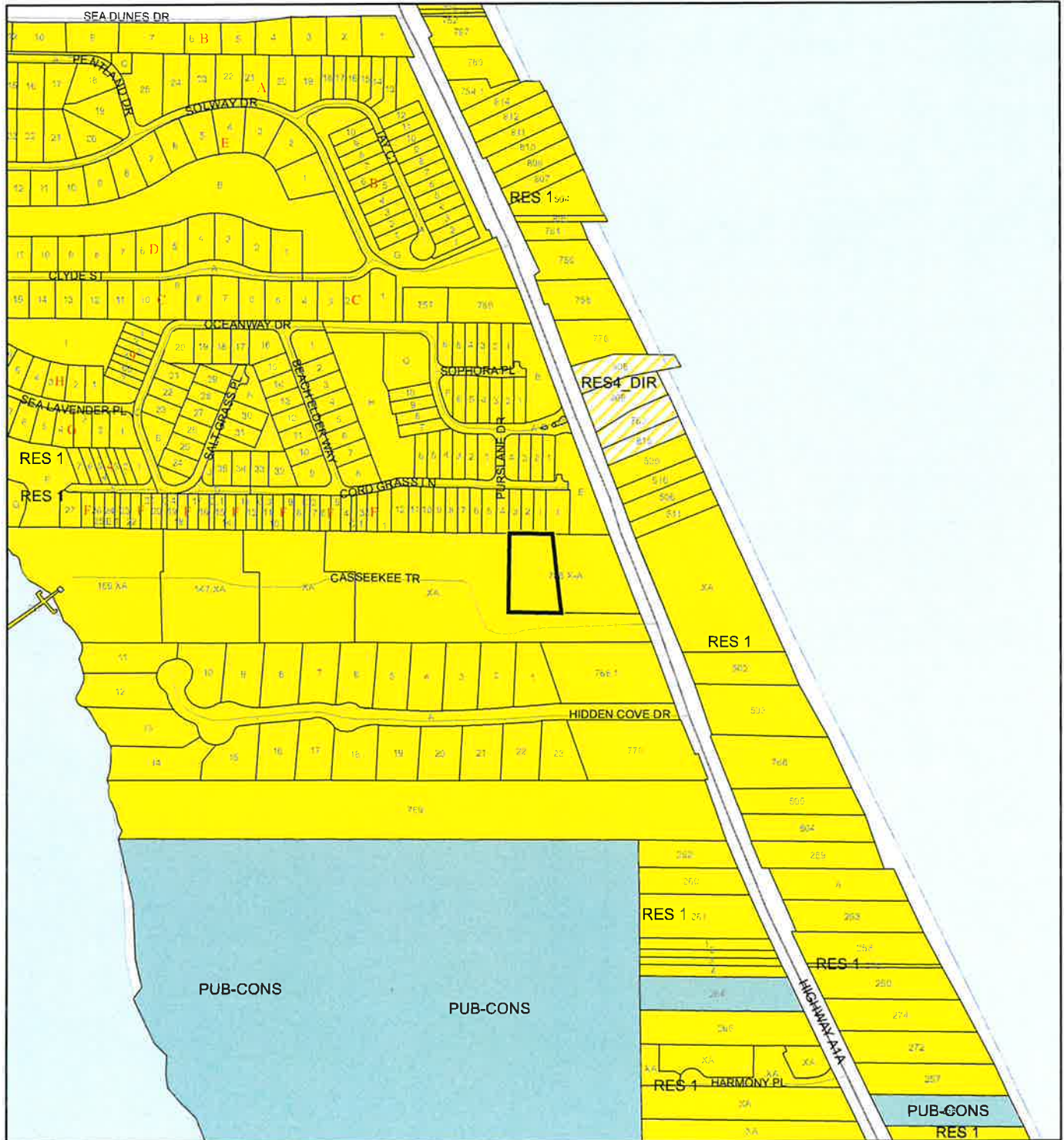
Parcels

Zoning

FUTURE LAND USE MAP

ESPANET, CHRISTOPHER L

24SS00013



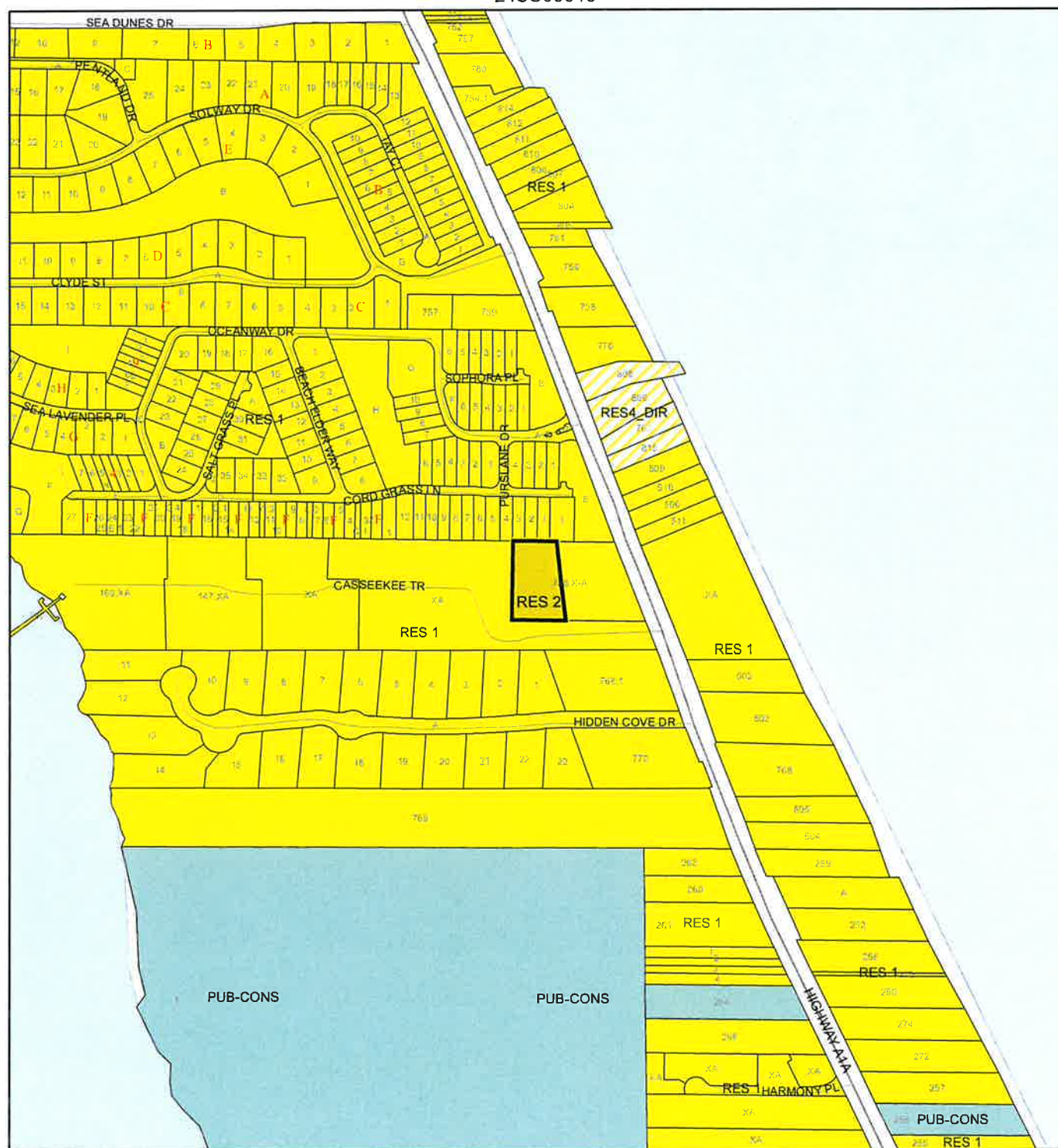
1:4,800 or 1 inch = 400 feet

— 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

24SS00013



1:4,800 or 1 inch = 400 feet

— Subject Property

Parcels

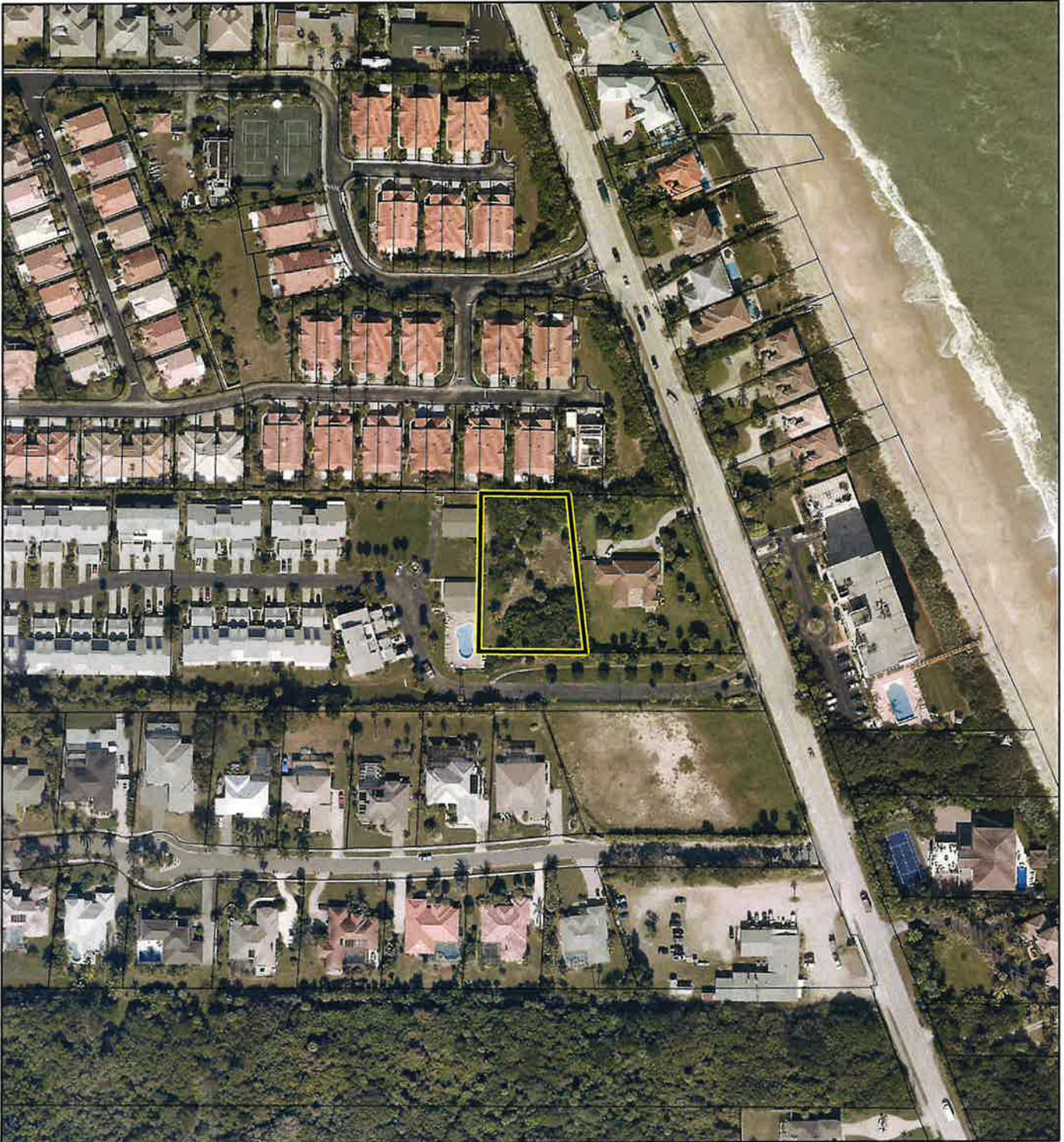
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

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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Produced by BoCC - GIS Date: 11/21/2024

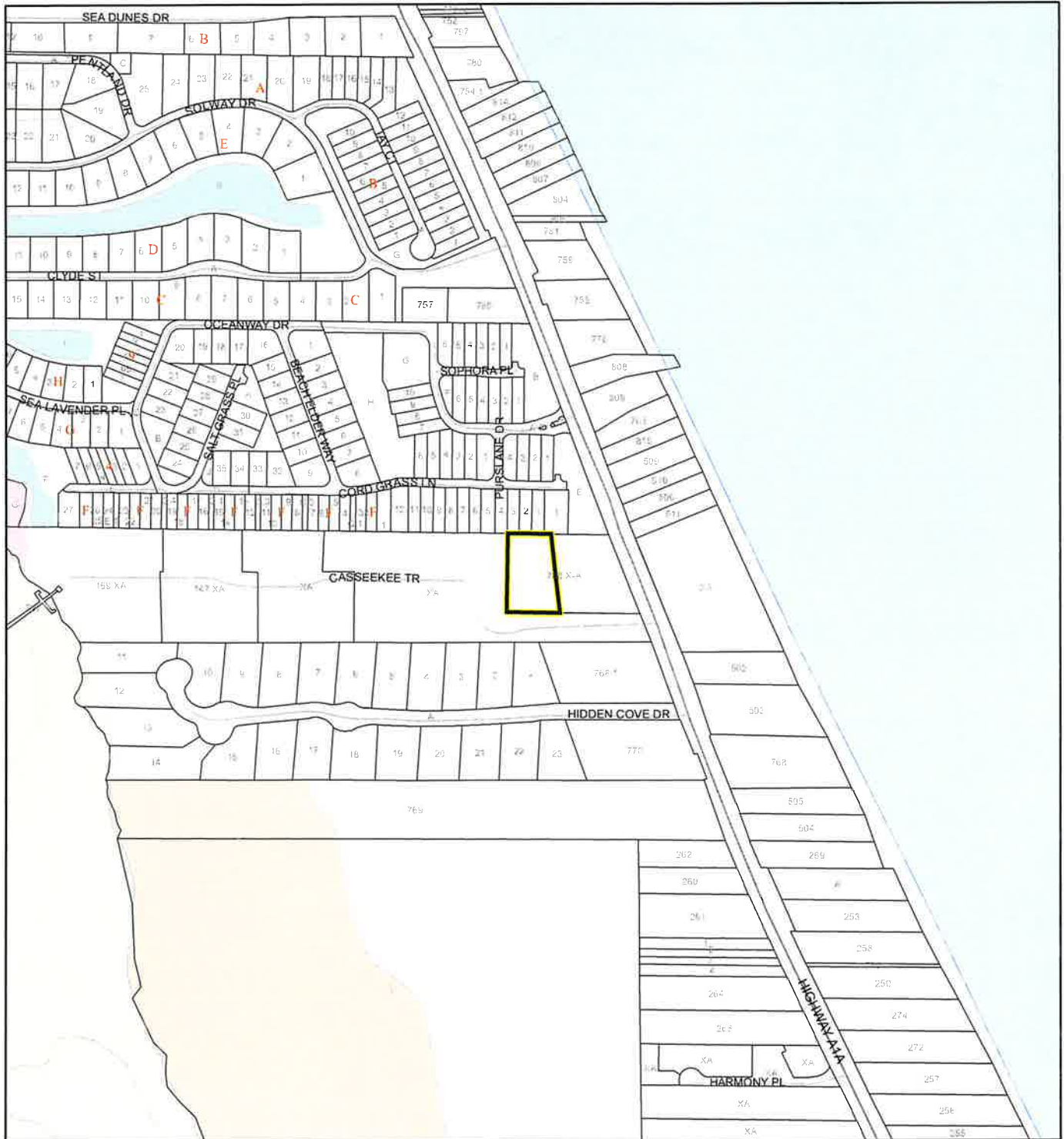
 Subject Property

 Parcels

NWI WETLANDS 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

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

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

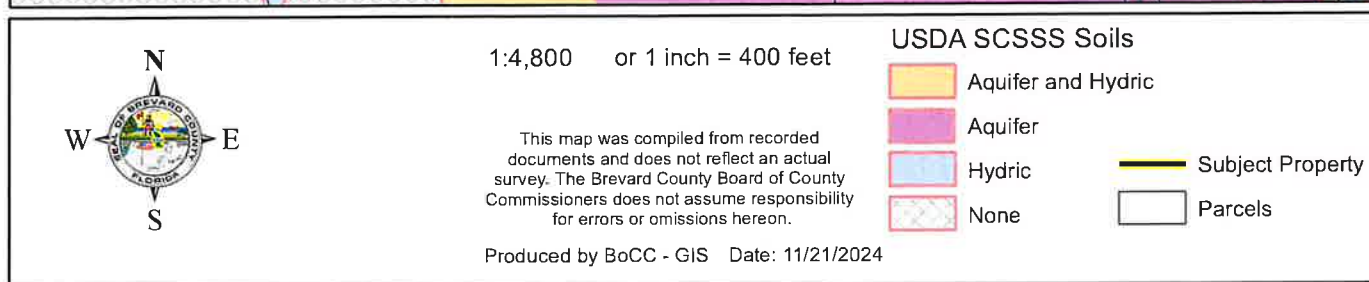
SJRWMD FLUCCS WETLANDS

- 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

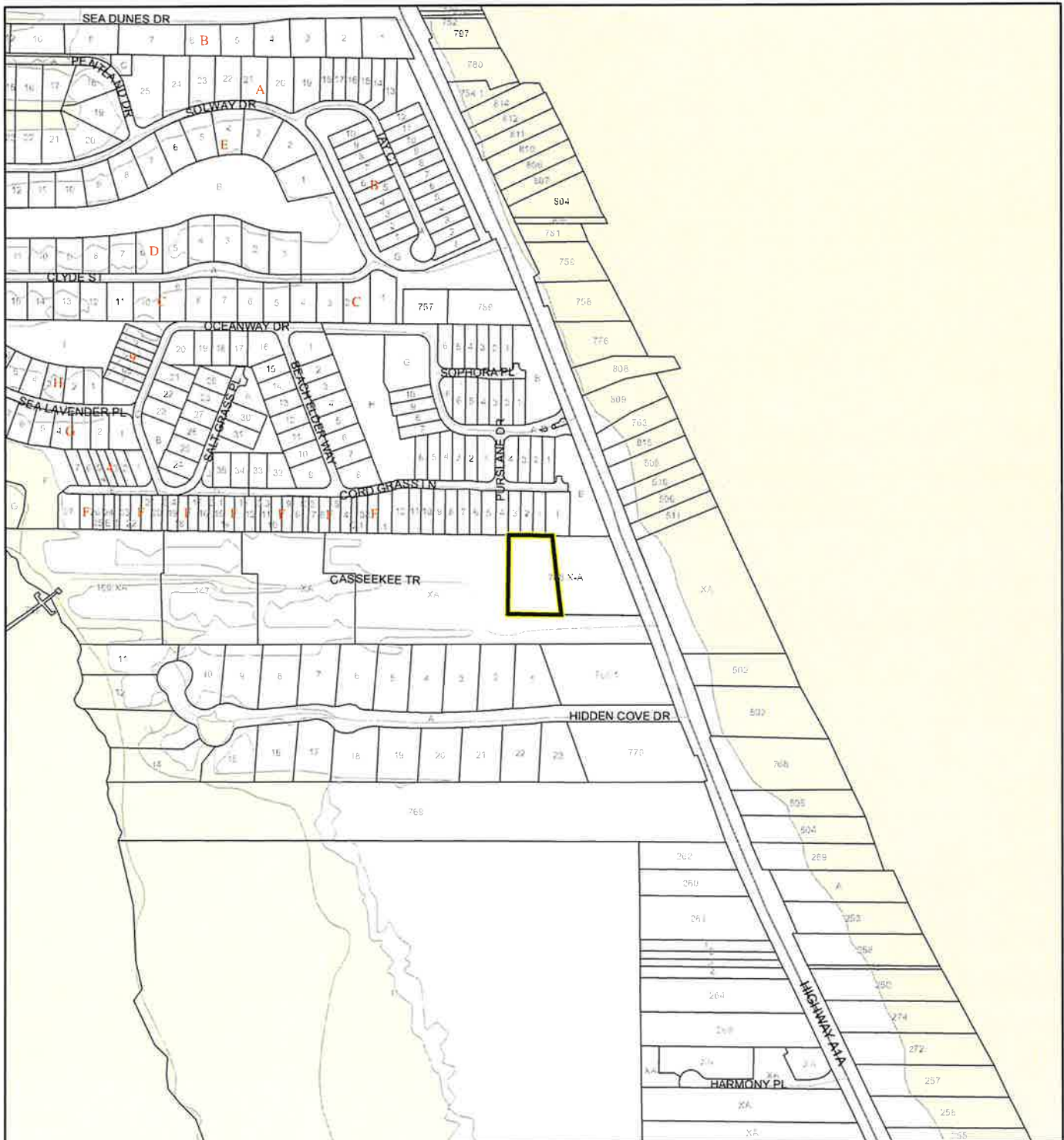
Parcels

ESPANET, CHRISTOPHER L
24SS00013



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

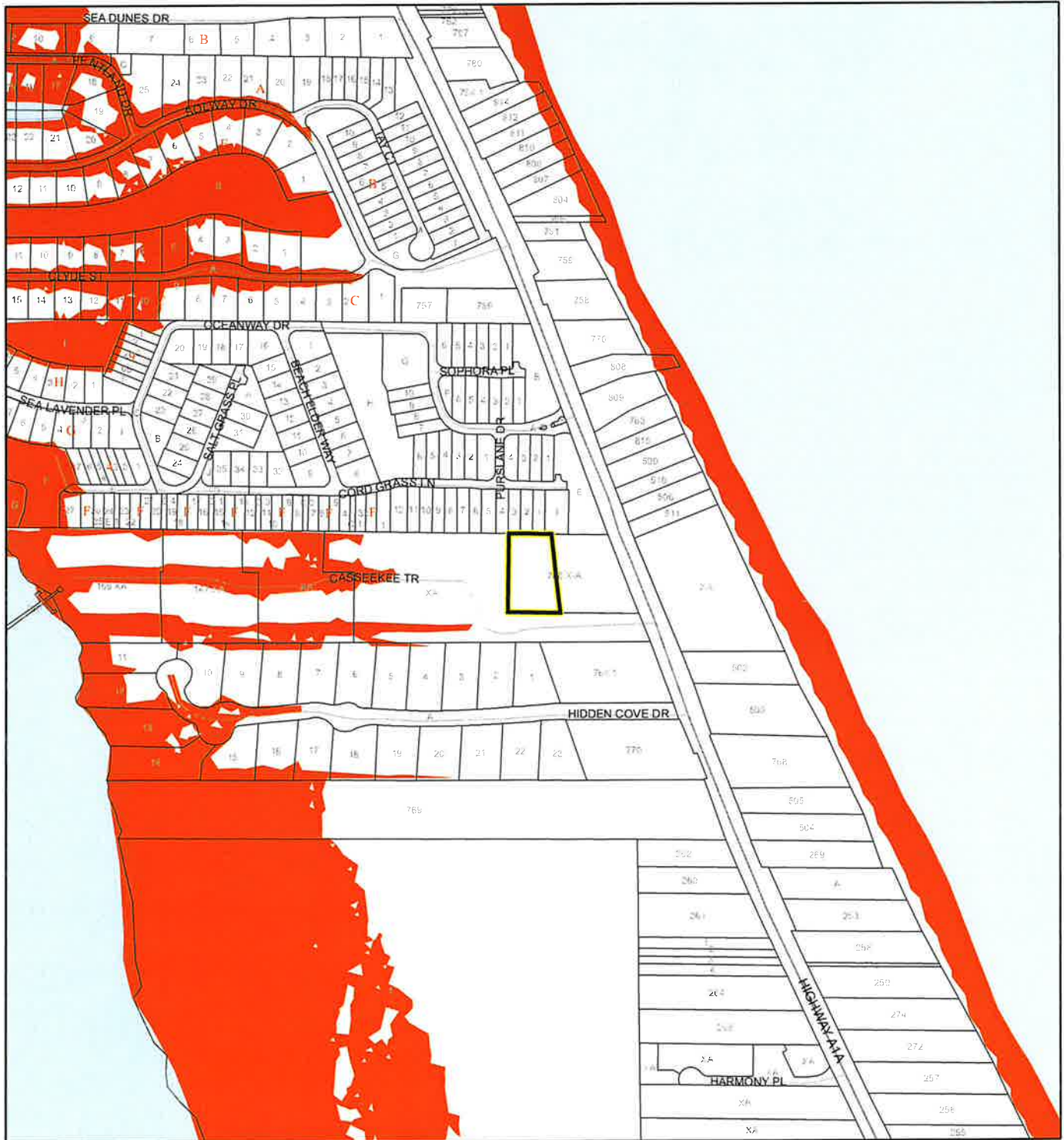
FEMA Flood Zones

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

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

— Subject Property

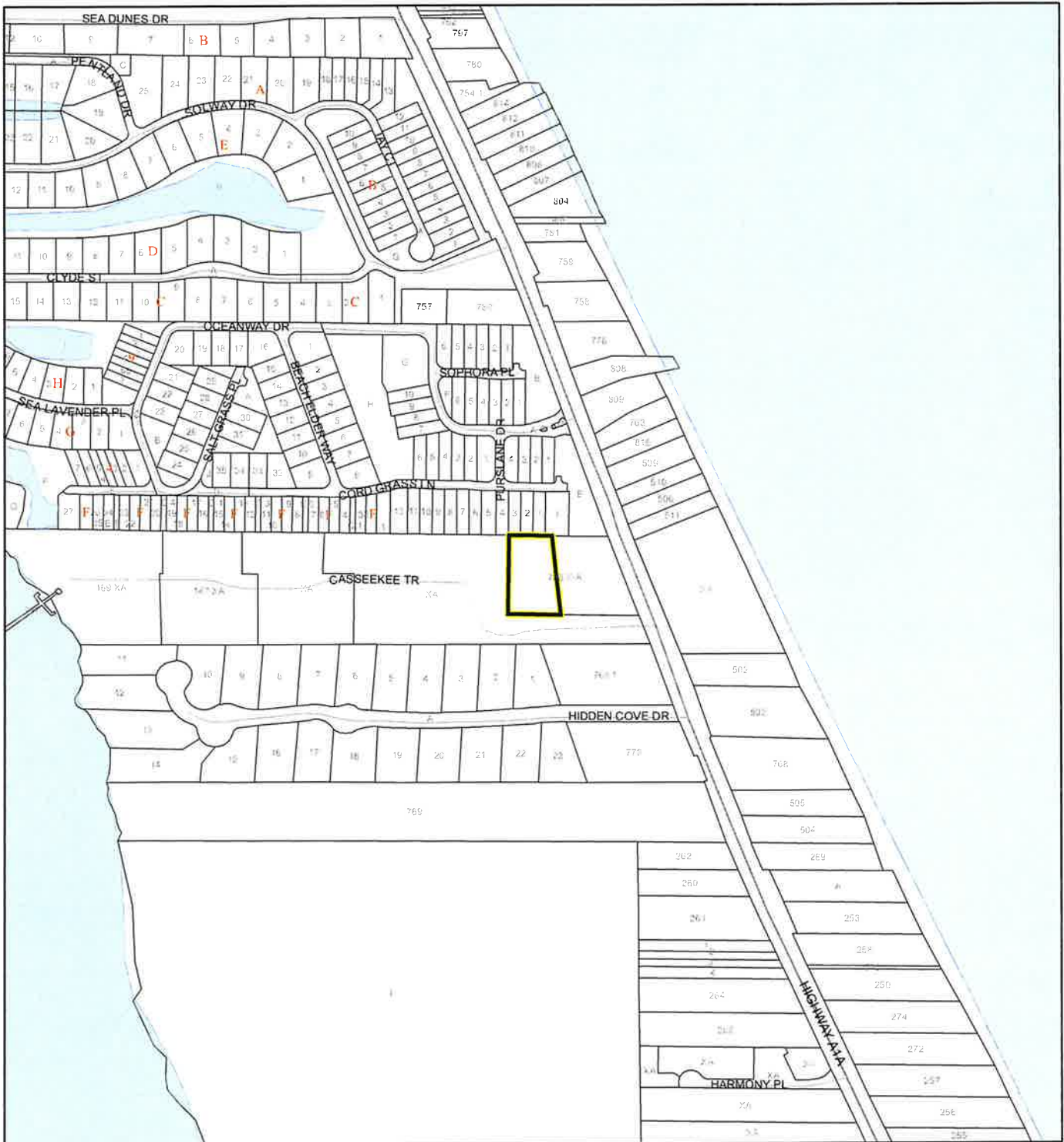
□ Parcels

Coastal High Hazard Area

■ SurgeZoneCat1

EAGLE NESTS 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

 Subject Property

 Parcels

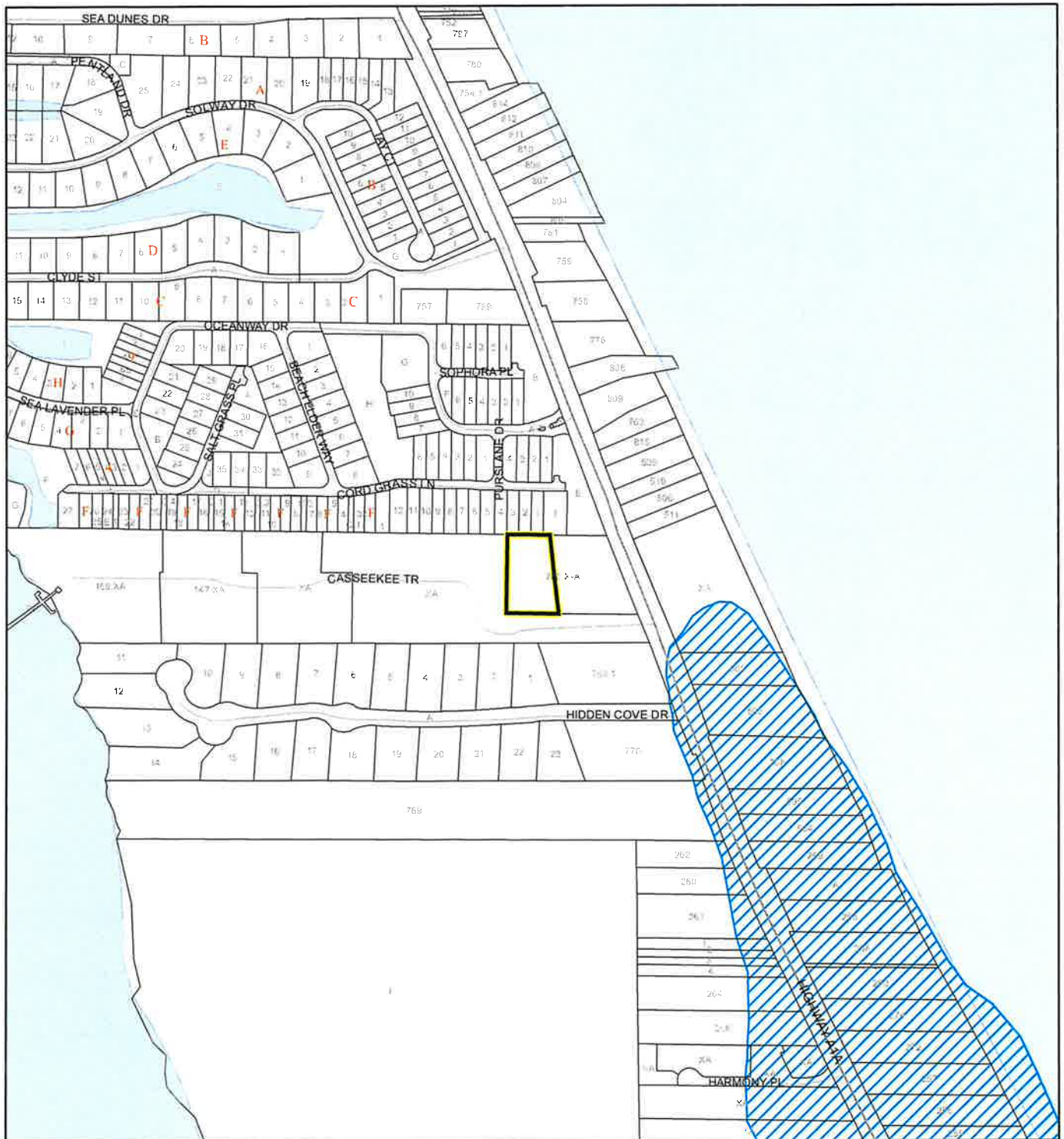


Eagle Nests
FWS

SCRUB JAY OCCUPANCY 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

 Subject Property

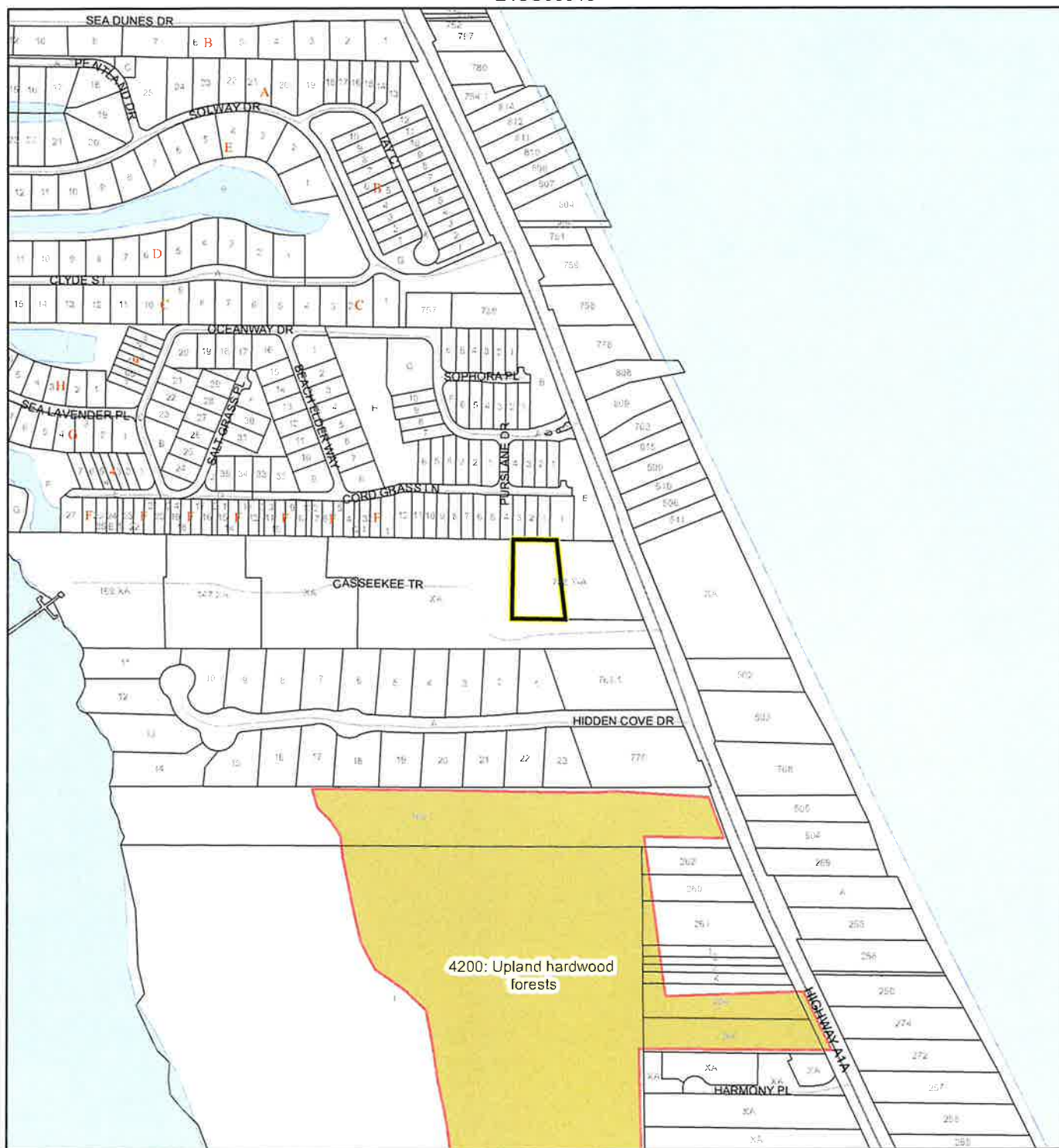
 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

ESPANET, CHRISTOPHER L

24SS00013



1:4,800 or 1 inch = 400 feet

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 herein.

Produced by BoCC - GIS Date: 11/21/2024

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



**Commissioner Rob Feltner, Chairman
District 4**

2725 Judge Fran Jamieson Way
Suite: C-214
Viera, FL 32940
Phone: (321) 633-2044
D4.Commissioner@Brevardfl.gov

February 6, 2025

To: Desiree Jackson, Associate Planner
Alice Webber, Operations Support Specialist
From: Rob Feltner, Brevard County Commissioner, District 4
Re: Disclosure – 24SS00013 Tax Account: 2963382

Concerning **24SS00013** on the February 6, 2025, Brevard County Zoning meeting agenda; on the evening of February 5, 2025, Commissioner Feltner spoke with Ms. Kimberly Rezanka by telephone. Ms. Rezanka spoke about tabling the item to the April 3, 2025 Zoning Meeting. The conversation lasted approximately two minutes.

Thank you.

Rob Feltner, Chairman
Brevard County Commissioner
District 4

Brevard County

Supplement to Comprehensive Plan Amendment Application

Planning and Zoning Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940
(321) 633-2069



*submitted 12-22-2025 2-6-25 H.V.
TO Clerk as part of record*

1. Type of Application:

 X Small-scale Comprehensive Plan Future Land Use Map Amendment

 Large-scale Future Land Use Map Amendment

 Comprehensive Plan Text Amendment
Plan Element(s) of Text Amendment request: _____

2. Applicant: Clayton A. Bennett, PE **Staff Planner :** _____

3. Comprehensive Plan Amendment Information:

Adopted Future Land Use Designation: Res-1
Requested Future Land Use Designation: Res-2
Existing Zoning: RP

Proposed Text Amendment (if applicable): Attach the proposed text amendment in a strike-thru/underlined format along with one copy on a CD in Microsoft Word, rtf or text format.

4. Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

Text amendment supplemental information shall include any goal, objective, policy, implementation strategy, directive and any supporting data and analysis, including maps, figures and tables, and; (1) Identification of the particular element of the plan on which the request is based; and, (2) Citation of the existing language which is proposed to be changed; and, (3) Proposed rewording of the existing language or the wording of proposed new test.

In 2005, the parent parcel was subdivided through the condominium process into two (2) building sites, Unit 1 and Unit 2. Unit 1, a 0.7 acre parcel, was represented in the Condominium Documents to permit one (1) single-family residence, not to exceed a total floor area of 8,500 square feet (see paragraph 3.1 of the Condominium documents). With the said representation, Mr. Espanet purchased Unit 1, only later to find out that Unit 1 is non-compliant with regards to the Future Land Use designation of Res-1, as the parcel area is less than 1 acre. Changing the Future Land Use Designation from Res-1 to Res-2 would permit a maximum of one (1) single-family residence to be constructed on Unit 1. Unit 2 is 1 acre in size and is compliant with the Res-1 Future Land Use designation.

(use additional sheets if necessary)

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

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

BREVARD COUNTY COMPREHENSIVE PLAN

COASTAL MANAGEMENT ELEMENT

X - 26

Coastal Residential Densities

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.

BREVARD BARRIER ISLAND AREA

Policy BBIA 12.1

Consistent with Policy CM 7.1 of the Coastal Management Element, Brevard County shall not increase residential densities within the BBIA by amending the Future Land Use Map designation for such properties.

Brevard County Comprehensive Plan Glossary (Chapter 16)

1. Goal - a general statement of a desired long term end toward which programs or activities are ultimately directed; may be unmeasurable or unattainable.

Chapter X – Coastal Management Element

GOAL: ESTABLISH GROWTH MANAGEMENT STRATEGIES THAT WILL ALLOW GROWTH TO CONTINUE WITHIN THE COASTAL ZONE WHICH 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

2. Objective - a statement that is more specific than a goal and identifies the steps necessary for the satisfactory pursuit of a goal; normally measurable and attainable.

Coastal Residential Densities

Objective 7 Limit densities within the coastal high hazard area and direct development outside of this area.

3. Policy - a statement that is more detailed than an objective and provides guidelines for specific actions which will satisfy particular objectives.

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

Jones, Jennifer

1

2019

From: Sterk, Erin
Sent: Thursday, February 14, 2019 12:18 PM
To: Calkins, Tad; Ragain, Rebecca; Jones, Jennifer
Cc: Ritchie, George C
Subject: FW: 5610 S Highway A1A, 1

H. 8

Refund # 4. I believe Tad offered to refund the full amount, similar to what we did for the Nestle application.

From: cbennett@cfl.rr.com [mailto:cbennett@cfl.rr.com]
Sent: Thursday, February 14, 2019 12:15 PM
To: Sterk, Erin
Cc: Ritchie, George C
Subject: RE: 5610 S Highway A1A, 1

Erin,

① Our client has decided to withdraw the Small Scale Comp Plan Amendment application and receive a refund. In addition, we will not be submitting the Rezone Application nor the access easement review. Please make the small scale comp plan refund check payable to **Bennett Engineering & Consulting, LLC** and return the unprocessed check for the access easement review fee. The remaining portion of the access easement application package that was dropped off to your office can be discarded.

Thank you for your assistance on this site and let me know if you need additional information from me.

Thanks,
Clayton Bennett, PE
Bennett Engineering & Consulting, LLC
4940 Ranchland Road
Melbourne, FL 32934
321-622-4462

From: Sterk, Erin <Erin.Sterk@brevardfl.gov>
Sent: Thursday, February 14, 2019 9:40 AM
To: cbennett@cfl.rr.com
Cc: Ritchie, George C <George.Ritchie@brevardfl.gov>
Subject: RE: 5610 S Highway A1A, 1

Good morning Clayton,

Recently, a similar application proposing a FLU designation increase in the south beaches was going through the public hearing process and was scheduled for last week's BCC Zoning meeting. Because density increases have not been recently requested in the south beaches, staff only uncovered the density increase restriction policy below in the final hour. Because of what staff perceived as an insurmountable feat (a Policy which prohibited approval of the request), and this is never a position we like to put applicants in, we offered a refund and the application was withdrawn.

The Comprehensive Plan policy that we understand prohibits the Board from approving the residential density increase in the south beaches area is included below. This is found in the Coastal Management Element at the

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(HTTPS://THELAWDICTIONARY.ORG)

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Precedent

Definition and Citations:

An adjudged case or decision of a court of justice, considered as furnishing an example or authority for an identical or similar case afterwards arising or a similar question of law (<https://thelawdictionary.org/question-of-law/>). A draught of a conveyance (<https://thelawdictionary.org/conveyance/>), settlement (<https://thelawdictionary.org/settlement/>), will, pleading, bill, or other legal instrument (<https://thelawdictionary.org/instrument/>), which is considered worthy to serve as a pattern for future instruments of the same nature.

Previous Definition:

< **Precautionary Principle**

(<https://thelawdictionary.org/precautionary-principle/>) (<https://thelawdictionary.org/precedents-sub-silentio/>)

Next Definition:

Precedents Sub Silentio



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ZenBusiness vs. LegalZoom: Comparison (<https://thelawdictionary.org/article/zenbusiness-vs-legalzoom/>)

How Much Does It Cost To Form an LLC? (<https://thelawdictionary.org/article/cost-start-llc/>)

How to Create an LLC Operating Agreement (<https://thelawdictionary.org/article/llc-operating-agreement/>)

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precedent

Precedent refers to a court decision that is considered an authority for deciding subsequent cases involving identical or similar facts , or similar legal issues . Precedent is incorporated into the doctrine of stare decisis and requires courts to apply the law in the same manner to cases with the same facts. Some judges have stated that precedent ensures that individuals in similar situations are treated alike instead of based on a particular judge's personal views .

If the facts or issues of a case differ from those in a previous case, the previous case cannot be precedent. The Supreme Court in *Cooper Industries, Inc. v. Aviall Services, Inc.* reiterated that “[q]uestions which merely lurk on the record, neither brought to the attention of the court nor ruled upon, are not to be considered as . . . precedent[.]” (See *Webster v. Fall*). Therefore, a prior decision serves as precedent only for issues, given the particular facts, that the court explicitly considered in reaching its decision.

Precedent is generally established by a series of decisions. Sometimes, a single decision can create precedent. For example, a single statutory interpretation by the highest court of a state is generally considered originally part of the statute .

[Last updated in March of 2024 by the Wex Definitions Team]

Item 4 of the 2019 application

4. Description of Request/Justification: Must include a written statement explaining the rational and the appropriate data and analysis necessary to support the proposed change.

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In 2005, the parent parcel was subdivided through the condominium process into two (2) building sites, Unit 1 and Unit 2. Unit 1, a 0.7 acre parcel, was represented in the Condominium Documents to permit one (1) single-family residence, not to exceed a total floor area of 8,500 square feet (see paragraph 3.1 of the Condominium documents). With the said representation,

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regards to Future Land Use designation of Res-1,

as the parcel area is less than 1 acre. Changing the Future Land Use Designation from Res-1 to Res-2 would permit a maximum of one (1) single-family residence to be constructed on Unit 1. Unit 2 is 1 acre in size and is compliant with the Res-1 Future Land Use designation.

(use additional sheets if necessary)

EXHIBIT A to Addendum #1

607 pgs

FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**Request No. 92B4.2**

South Beaches Small Area Plan Study Recommendation #4

Applicant: Brevard County**Quad Map:** Grant Land Use**Location:** Section 10, Township 29, Range 38**Acreage:** 16.9 +/- acres**Existing Land Use Designation:** Mixed Use District**Existing Density Area Designation:** Urban Fringe (4 units/acre)**Proposed Land Use Designation:** Residential**Description:**

The existing mixed use district is located west of SR A1A, south of Sea Dunes Drive to the south section line. Existing zoning within the mixed use district includes neighborhood commercial (BU-1-A), general retail commercial (BU-1) and general tourist commercial (TU-1) on vacant land, with the exception of the partial construction of South Shore resort, and the Rusty Anchor Restaurant on parcel 770. The Rusty Anchor Restaurant will be eligible for designation as a Pre-Existing Use, and thus could be rebuilt if destroyed, but not expanded.

Removal of the mixed use district designation is based upon compatibility with surrounding uses, character of the area, and impacts to local traffic conditions on SR A1A as described within the South Beaches Small Area Plan Study. The established character of the area is residential, with the exception of the Rusty Anchor Restaurant. The mixed use district ranges in depth from approximately 250 feet to 500 feet. This narrow width would not permit large setbacks or transitional uses within the boundaries of the mixed use district to protect surrounding residential areas.

Neighborhood commercial (BU-1-A zoning) and professional office uses (RP zoning) may be considered within the residential land use category, if the property meets the locational criteria. Thus, amending the Future Land Use Map to residential in this area, will allow consideration of neighborhood commercial, professional office and residential land uses while maintaining the existing residential character of the area.

The proposed amendment is consistent with Future Land Use Policy 4.4, Criterion A, and Future Land Use Policy 4.6, Criteria C and D.

Availability of Public Facilities and Services:

The preliminary concurrency evaluation determined the impact of the proposed amendment on the roadway system would be a reduction of approximately 2000 trips per day at buildout. The current land use configuration is estimated to result in a volume to maximum acceptable volume (Vol/MAV) ratio of 113.9%; the proposed land uses result in an estimated Vol/MAV of 84.1%. This analysis was conducted based upon the existing density, although a density

reduction is proposed by amendment B4.12. Thus, the reduction in traffic volume would be even greater based upon that amendment, which is analyzed separately.

The impacts to parks and recreation facilities is anticipated to be greater based upon the change from commercial to residential. This finding is an artifact of the concurrency management policy which does not require commercial or industrial land uses to meet the parks and recreation level of service.

The subject property is within the service area for the City of Melbourne water system and can be served by that facility. The preliminary concurrency evaluation shows that an increase in potable water needed is expected with a change from commercial to residential. However, the reduction in average daily trips on the transportation network by the change to a less intense land use is overwhelming support for the proposed amendment. Based upon the reduction of density proposed in amendment B4.11, there is proposed to be a reduction in the impact to the water system based upon the existing future land uses.

The subject property is within the 6 to 20 year future service area for sanitary sewer. The residential development proposed by the amendment would be served by on-site sewage disposal systems. The subject property can also be served by the Brevard County land fill, which has sufficient capacity for the proposed land uses.

Environmental Resources:

According to the environmental analysis within the South Beaches Small Area Plan study, the majority of the site is classified as a Type III recharge area because of the presence of Palm Beach soils, and Brevard County Ordinance #89-12 establishes standards for protection of the recharge function of these areas. Within this recharge area, the maximum impervious surface coverage permitted is 45% unless certain conditions are satisfied. New facilities that handle, store, or use hazardous materials in excess of the threshold planning quantity area not permitted.

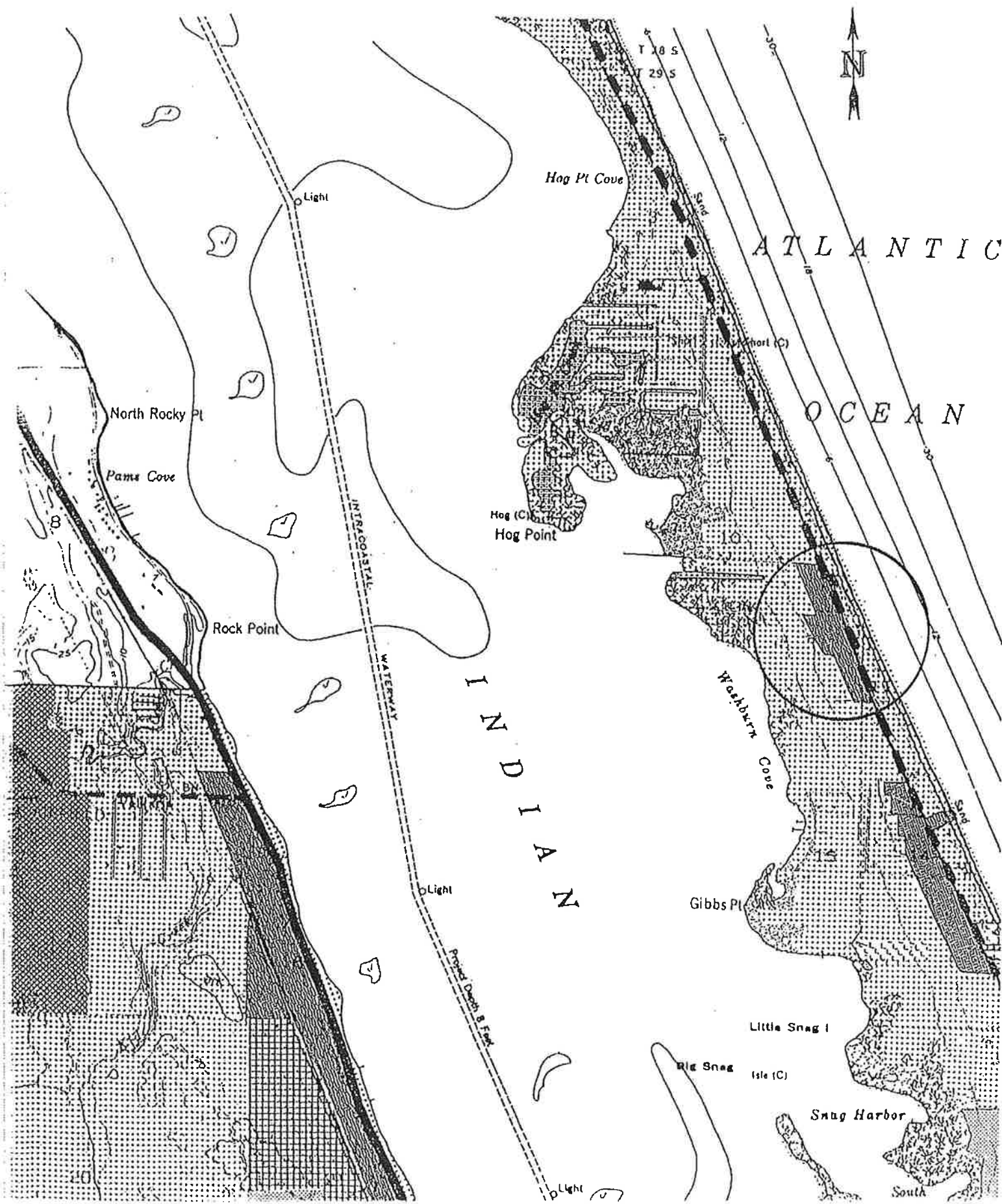
The subject property has been disturbed by construction activities along a majority of its length. Disturbances include clearing of vegetation, some excavation and pilings from the abandoned South Shores development. The remaining vegetation is sparse and does not appear to function well as a community in its present state.

There are no wetlands on the site, and it is located outside of the Indian River Lagoon or Atlantic Ocean floodplains.

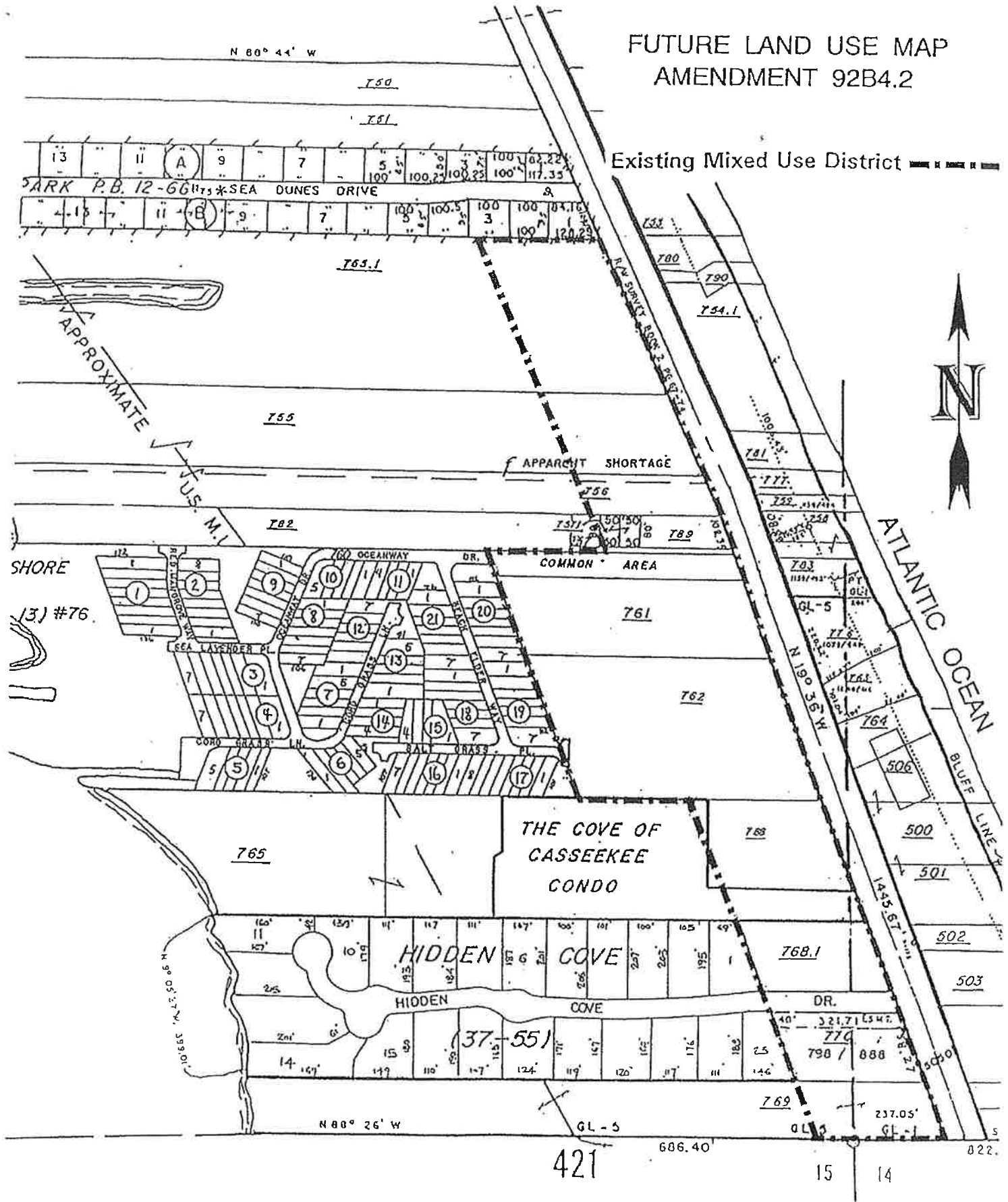
Historic Resources:

There are no known significant historic resources listed on the Florida Master Site File or the National Register of Historic Places which would be impacted by this amendment. Future development activities in the area will be subject to review and discovery procedures of Policies 2.3 and 2.4 of the Historic Preservation Element of the Comprehensive Plan to ensure that any potential resources on this site area not further disturbed by construction or similar activities and to allow for documentation of the site resources.

FUTURE LAND USE MAP
AMENDMENT 92B4.2



FUTURE LAND USE MAP
AMENDMENT 92B4.2



Meeting

Item: H.8 To Deny

Motion By: Adkinson

2nd By: DeLaney

Commissioner	District	Yes	No
Delaney	1	✓	
Vice Chair Goodson	2	✓	
Adkinson	3	✓	
Altman	5	✓	
Chair Feltner	4	✓	

Comm

Comm

Comm