

Meeting Date
September 7, 2017



AGENDA	
Section	Unfinished Business
Item No.	12A

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Eric and Amanda Obloy, Resolution Denying Rezoning Request from SR to AU
DEPT/OFFICE:	County Attorney/Eden Bentley, Deputy County Attorney

Requested Action:  
 Approve findings of fact upholding denial of the request for rezoning 1.06 acres property from SR to AU at 165 Gator Drive, Merritt Island, FL.

Summary Explanation & Background:  
 On August 3, 2017 , the Board of County Commissioners heard the request to rezone the property from Suburban Residential to Agricultural. The Board of County Commissioners denied the request and directed the staff to return to the Board with findings of fact. The requested resolution is attached.

Contact:  
 Phone/e-mail: 321-633-2090 / eden.bentley@brevardfl.gov

Clerk to the Board Instructions:

Exhibits Attached: Resolution with records

Contract /Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager	Department Director / Extension		Scott Knox/52090			
Frank Abbate	Assistant County Manager						



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

October 6, 2017

**M E M O R A N D U M**

TO: Scott Knox, County Attorney Attn: Eden Bentley

RE: Item V.A., Resolution Approving the Findings of Fact Upholding Denial of the Request for Rezoning Request from SR to AU

The Board of County Commissioners, in regular session on October 5, 2017, adopted Resolution No. 17-192, approving findings of fact upholding the denial of the request of Eric and Amanda Obloy for rezoning of 1.06 acres of property from SR to AU located at 165 Gator Drive, Merritt Island. Enclosed is a certified copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Planning and Development Director

**RESOLUTION NO. 17- 192**

**A RESOLUTION SETTING FORTH THE FINDINGS OF FACT  
AND CONCLUSIONS OF THE BREVARD COUNTY BOARD OF  
COUNTY COMMISSIONERS PERTAINING TO THE DENIAL OF  
REQUEST FOR AGRICULTURAL ZONING ON PROPERTY  
OWNED BY ERIC AND AMANDA OBLOY.**

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida as follows:

**STATEMENT OF THE CASE AND FACTS**

This item came before the North Merritt Island Dependent Special District on May 11, 2017. The North Merritt Island Dependent Special District recommended denial. The item came before the Brevard County Board of County Commissioners on May 25, 2017, and was automatically tabled to August 3, 2017, pursuant to the request of the applicant's attorney. On August 3, 2017, the item came before the Board of County Commissioners and was denied after a public hearing. The documentary evidence and record page number for the document is listed below. These documents and transcripts or minutes create the record and will be referred to as R-001 to R-109.

Description	Page Numbers
Application for rezoning	R-001 – R-013
Notice to applicant	R-007
Location Map, Zoning Map, Future Land Use Map and Aerial Photo	R-023 – R-026
Staff Comments	R-027 – R-029
Emails and objections and documents submitted	R-030 – R-090
62-1337, Code of Ordinances of Brevard County, Florida, Suburban Residential Use Zoning Classification SR	R-091 – R-092
62-1334, Code of Ordinances of Brevard County, Florida Agricultural Use Zoning Classification (AU)	R-093 – R-095
Administrative Policies 2-8 of the Future Land Use Element of the Brevard County Comprehensive Plan.	R-096 – R-099
Minutes of the North Merritt Island Dependent Special District Meeting May 11, 2017.	R-100 – R-102
Draft Minutes of the Brevard County Board of County Commissioners meeting May 25, 2017 and August 3, 2017.	R-103 – R-109

The applicants, Eric and Amanda Obloy requested a rezoning of their property from Suburban Residential Use (SR) to Agricultural Use (AU). R-001 – R-013.

The 1.06 acre of property is located at 165 Gator Drive in Merritt Island which is north of the Barge Canal and east of State Road 3. R-023. The one acre parcel alone does not meet the size

requirements for AU zoning which requires 2.5 acres. However, the applicants own an abutting AU parcel of over 30 acres and the intent was to combine the new acreage with the existing AU property. The parcel to be rezoned is part of a platted subdivision named The Groves, Phase II and is part of Lot 15 of that subdivision plat. The subject parcel is in the subdivision and bounded on the north and west by property zoned Suburban Residential Use (SR) which allows residential development on lots of ½ acre or more. R-024, R-028. The area is characterized by single family residential development to the north and west. R-024, R-028. To the east and south is the AU property owned by the applicants. R-028. The requested rezoning can be considered under the Future Land Use Map Designation of Residential. R-025, R-027. The administrative policies of the Brevard County Comprehensive Plan require consideration of compatibility of a proposed rezoning with existing uses and proposed land uses. R-096 – R-099. Criteria to review include hours of operation, lighting, odor, noise, traffic or site activity as a result of the proposed rezoning. The character of an area must not be materially or adversely affected by the proposed rezoning. R-096 – R-099

The staff comments stated the property owners' intent was to unify the subject parcel with the adjacent AU zoned property owned by the applicants. R-028. The intended use of the property according to the staff comments was to provide access and signage for the business on the adjacent AU zoned property. The staff comments stated the subject parcel serves as the access to "Adventures in Paradise", an active farm, petting zoo, and other agritourism activities. R-028. At the North Merritt Island Dependent Special District meeting, numerous people spoke in opposition to this item. R-100 – R-102. Their comments are summarized below.

Eric Obloy, 165 Gator Drive, Merritt Island, stated he is asking to rezone the SR (Suburban Residential) zoned portion of his property; it is too small to build a house on; and it has been the access for his farm for over 15 years. R-100

Kim Smith, PO BOX 542372, Cocoa, stated she represents the North Merritt Island Homeowners Association and they do not support the request because of conflicts with Administrative Policies 3(a), 3(c)(1), 3(c)(2), 3(c)(3), 4(a), 4(b)(2), 5(b), 8(1), 8(3), 8(4), and 8(5). She stated under Factors to Consider for a Rezoning Request, the HOA took the following into its consideration: 1.) The character of the land use surrounding the subject property; 3.) The impact of the proposed zoning classification on available projected traffic patterns and established character of surrounding property; 5.) Appropriateness and consideration of public safety and welfare. R-100

Patricia Laissle, 3999 Dundee Drive, Merritt Island; and Nancy Winn, 4001 Dundee Drive, read aloud a prepared statement. R-100

Alex Terrero, 4003 Dundee Drive, asked the board to visit the small road, which is over 20 years old, with houses built closely to it, and stated entering and exiting any property on the road is a hazard. He said he built his house in 1996, and his quality of life has been downgraded by the activities at Adventures in Paradise, which is an eyesore in the middle of a residential neighborhood. People are constantly stopping to ask residents for directions. He said the biggest issue is that the activities will not be used for agricultural purposes. R-100

John Siddall, 3991 Dundee Drive, stated he is opposed to the rezoning because it will generate more traffic to the neighborhood, and an increase in traffic means an increase in crime. He said many of the Obloys' customers speed down the streets endangering children and pedestrians, and the zoning change to agricultural will have a negative effect on surrounding homeowners. R-100

Keith Braun, 4002 Dundee Drive, stated there was no intent by the original owner of the farm to turn it into a business. He is concerned because he can't let his child in the street, his quality of life has diminished considerably, and this rezoning will impact the value of his property. Residents have dealt with Mr. Obloy's zoning non-compliant signs since June 2015, and the current sign advertises swimming with dolphins and manatees, which is not authorized on the property. He asked how the County can entertain a request when the Obloy's have over \$100,000 in fines on the property. R-100

Scott Jackson, 4000 Dundee Drive, stated he works at Merritt Island High School and Mr. Obloy contacted the school to drum up business for his property. He noted at one point Mr. Obloy tried to advertise for a hayride and said that he was going to give a kickback to the high school. He stated Mr. Obloy has been very confrontational; he asked Mr. Obloy once when he was going to take his sign down and Mr. Obloy charged at him to start a fight; and the police came out but nothing was done about it. He asked the board to deny the request. R-101

Dennis Wilson, 139 Gator Drive, stated he is adjacent to Mr. Obloy's easement, and he is opposed to the requested rezoning. He said he is new to the controversy, as he purchased in home in December 2016; he's met with some of the neighbors and have heard a lot of stories and second-hand information, so he did his own research, and stated his primary reason for the objection is that he doesn't know the true reason for the rezoning. He said the worksheet from the rezoning application asks the reason for the rezoning, and the answer was to unify the zoning classification. Another question was if there are any existing structures on the property, and the answer was that the property is vacant and is ingress/egress, but that's not entirely true because as of today there is a pillar-and-rope style fence along the drive way, outdoor lighting, and two large signs advertising a commercial business. Another question on the worksheet is if the applicant is asking for a CUP for alcohol, and the answer is 'non applicable'. He stated he is not sure if the CUP is a direct factor today, but from what he has read online, the Obloy's plan a winery and a convention hall for commercial events, which will be serving alcohol, and the customers will drive through the residential neighborhood. He stated the Property Appraiser's Office assessment for the market value of the subject property is \$100, so there is no perceived savings for the rezoning. He concluded by saying that from what he knows today he is against the request to rezone. R-101

Tammy Acup, 3992 Dundee Drive, stated she has lived in her home for 10 months; she's seen activities occur in the neighborhood that make her realize it was a bad idea, and she would never encourage her children to go to the Obloy property. She said there are activities on the property at all hours of the day and night, and tractor trailers that go up and down the road; there also have been trucks dumping dirt for three weeks, along with construction material, and the street is too narrow for those trucks, so it impacts everybody's lives. She concluded by saying she is opposed to the request. R-101

Betsie Siddall, 3991 Dundee Drive, stated she and her husband purchased their home in 2009 and had every reason to expect that the only use of the community would be residential. When the subdivision was originally designed it was all part of the same parcel and there was no reason not to think that the rest of the acreage would also developed as residential. She said the fact that the Obloy's property was a farm in the past was not an issue, as no one has an objection to a quiet farmer farming for his own sake, but she does object to inviting the public through a residential community in what is a blatant abuse of the agri-tourism law, which was intended to provide bona fide farmers with supplemental income. She stated the Obloy's should have known when they purchased their property how it was zoned and what the restrictions were, and she asked the board to recommend to the County Commission that the request be denied. R-101

Mr. Obloy stated he has an agricultural business and he sells livestock and has a lot of horses. He said the reason for the rezoning request is to be able to put a sign at the entrance with the name of the farm. R-101

Mary Hillberg stated she has heard there already signs on the property, and asked what signs he has up now. Mr. Obloy replied he has signs that show the farm and the business part, but he wants to take those signs down and replace them with one sign, which will be an arched sign at the entrance. R-101

Mr. Obloy stated he wants a nicer sign with just the name of the farm. R-101

Gina Lindhorst stated she is not familiar with the commercial use of the property, and asked if he is currently selling livestock from the property. Mr. Obloy replied yes. She asked if the one-acre parcel he wants to change is the access to the larger property. Mr. Obloy replied yes. R-102.

Cindy Thurman, the County's Zoning Manager, asked Mr. Obloy if he is willing to limit his use of the property to just a sign.

Mr. Obloy stated it will be a sign with just the farm name and address, nothing else. R-102.

Chris Cook asked Mr. Obloy if he would be willing to enter into a binding development plan (BDP) limited to the one sign. Mr. Obloy replied yes. R-102.

Chris Cook stated the staff comments mention the property is encumbered with drainage and access easements. Ms. Thurman stated Mr. Obloy owns the parcel, which has a drainage easement for the subdivision and access to the property, so it is encumbered and that is why it was not developed. Mr. Cook said the comments also list the current trips as 19, and the trips with the proposed zoning as 10, and asked how the trips would go down. Ms. Thurman advised it is a down-zoning that is being requested, going from single-family to agriculture. Ms. Berrios, Assistant County Attorney, stated that while the engineering standards say the zoning is downgraded, it doesn't mean the board is not able to take in the testimony of the people who have presented saying that the traffic has increased. R-102.

Jack Ratterman asked what was previously farmed on the property. Mr. Obloy stated it was oranges. Mr. Ratterman asked if Mr. Obloy has a permit to raise and sell alligator meat from the property. Mr. Obloy replied yes, from FWC. Ms. Berrios noted Mr. Obloy has submitted his permit to the County, and he also has a permit for captive wildlife. Mr. Ratterman asked Mr. Obloy when he purchased the property. Mr. Obloy replied 2.5 years ago. Mr. Ratterman stated when Mr. Obloy bought his property the neighbors were already there. He asked if he had licenses for the activities. Mr. Obloy replied yes, he does. Mr. Ratterman asked if there is a lien on the property. Ms. Berrios said fines are accruing against the property for offsite commercial business, and Mr. Obloy has told her he is going to be selling the offsite commercial business endeavors, including the dolphin tours and the manatee kayaking business. R-102.

Mr. Cook stated he tries to stay neutral and look at how the request relates to the Code and the compatibilities; it is clear to him that accessing a business through a residential area is not a good idea and is incompatible with the area. He suggested Mr. Obloy prepare a BDP for the Commission meeting. R-102.

Mary Hillberg stated she agrees with what has been said so far, that the request is not compatible in many ways. She agrees that a BDP sounds good, but the board has been advised by staff to go with zoning and not BDPs because they are not binding, as three of the five commissioners can remove them. R-102.

Motion by Gina Lindhorst, seconded by Jack Ratterman, to deny the request based on the incompatibility with the Administrative Policies of Brevard County. The motion passed unanimously. R-102

Letters and emails were also received by the zoning department prior to the North Merritt Island Independent Special District meeting and were placed in the records. R-030 – R-090. On May 25, 2017, the item was tabled by the Board of County Commissioners to August 3, 2017 at the request of applicant's attorney. R-087 – R-089, R-103 – R-109.

On August 3, 2017, the applicants did not appear at the County Commission meeting. R-109. Again objections were presented by residents. Their comments are summarized below.

Jack Ratterman stated, "My name is Jack Ratterman. I live at 568 East Hall Road, Merritt Island. This issue is a particular interest to me because I have friends who live on Gator Drive that will be used by this commercial interest. The applicant is trying to place an amusement park in a rural community. This will cause a huge increase in traffic especially when there is only one road in and out. Will the applicant follow County rules and regulations after they get their zoning? Their past history indicates they won't. My understanding is they have a huge fine they have not paid. They have been given subpoenas and they have not come to court. It is not compliant with the local community or residents. If it is then you tell me how an amusement park, petting zoo, airboat rides, swamp buggy rides, gator farm, vineyard, wedding chapel, zip line, hayrides, kayak and swimming hole will fit in this community? You know, the only thing that is probably not there is, he was going to say a gay nudist colony." R-103. He went on to say the request was not a fit for the neighborhood.

Mary Hillberg, 3780 Sierra Drive “This request is not compatible with the area. The applicant, when he bought the land, it was zoned SR, it is part of the community, established community. They are, he is, has his piece of property that piece of SR, he's using as his driveway, which is fine, but putting other things on it, putting huge billboards signs on it, putting other animals on it, cages, putting anything else on it is not consistent with the law. So, and in the opinion of the North Merritt Island Special Advisory Board, and I am chairman of that, and I'm also a member of North Merritt Island as well, we're elected by the people there to represent them, so that's why we're there. And I would respectfully request that you deny this request because of the impact on the community, the negative impact on the community, and the unnecessary aspect of it. There's no need to change it. Thank you.” R-103.

Chris Minerva representing the North Merritt Island Homeowner's Association, P. O. Box 542372, Cocoa, Florida 32920 stated: “Our association cannot support the request because it conflicts with the future land use elements of Administrative Policies of, it's the long list, incompatibility, Policies (inaudible), with the existing land uses of 3A, criteria A is hours of operation, noise levels, traffic, site activity, diminishing enjoyment, and safety of quality of life in existing neighborhood. I mean, if you lived on this cul-de-sac, it is a barrage of, a party, and it's commercial, commercial. I mean, it's Disneyland, shrunken, but anyways. Policy 3(B) causing, causing material reduction in value of the existing abutting development. Policy 3(C), historical land use patterns, 3(C) 2, actual development over the past or preceding the past three years. 3 (C) 3 is development approved within the past three years, but not constructive. Administrative Policy for criteria an adverse impact and an established neighborhood with traffic intensity and commercial activity. Policy 4, criteria B (2), the commercial use of nonconforming to the residential surrounding area. Administrative Policy 5, criteria B, the physical quality of the road system being deteriorated. Policy 8.1 consideration of the character of the surrounding land. Policy 8.3, negative impact of this request on traffic and established character of the surrounding. Policy 8.4, incompatibility with existing land use. 8.5, inappropriate considering, consideration of public welfare. Okay read this, under general standards of review 2G, proposed signs interfering with use and enjoyment of adjacent and nearby properties. Under the factors to consider for rezoning this request, the homeowners association has taken the following into its consideration: number one, the character of the land use surrounding the subject property, the impact of the proposed zoning classification on available projected traffic patterns and established character of surrounding property, and before incompatibility with existing land use plans, and number five, inappropriateness and consideration of public safety and welfare. You know, if you lived on this cul-de-sac and you bought on a dead end street, it's you know, quite, quite, quite abusive. I mean, I don't live there but I can certainly understand that. And they came in way after everyone else was there. I, I appreciate your consideration and all the work you do. Thank you.” R-103, 104.

Betsi Siddall 3991 Dundee Drive stated she was opposed to this rezoning request. She said, “When we purchased our home in 2001, we had every reason to expect that the only use in the community would be residential. As for the 24 acres, which remain undeveloped behind our home, given that when the subdivision was originally designed it was all part of the same parcel, leaving us no reason to think the remaining property would not eventually be developed into

residential parcels. The fact that it was a farm in the past was not an issue, as we have no objection to a quiet farmer, farming for their own sake. What we do object to is inviting the public through our residential community in what is a blatant abuse of the agritourism Law, a law whose intent was to provide bona fide farmers with supplemental income. It was never intended to be a determining factor of whether they exceed as a farm or not, more as a primary source of income. The applicants have gone far beyond farm activity turning their property, as you have heard, into an amusement attraction, increasing activity ten-fold as depicted in the drawing; you should have received in my original packet in May. I was going to address Administrative Policy 3, but that has been taken care of, so I'll leave that. I have stated in the past and will state again today, the applicants lack of due diligence should not constitute a consequence for their neighbors. We've dealt with this man for two and a half years. I promise you, there would be livestock next to our home. Since the arrival of the applicants in our neighborhood we have lived with constant disruptions which interfere in ways large and small with our right to quality enjoyment of our property and my discussions with various staff members in Planning and Zoning, there was a suggestion of a Binding Development Plan. I am opposed to this for several reasons. Firstly, it's my understanding that a BDP is not truly binding, and secondly and most importantly, the applicants have a clear history of noncompliance which again, long before they purchased this property, and continues even now despite substantial fines which have been accruing since December of 2015. With these reasons stated by others, respectfully request that you please protect the character of our community by denying this application. One additional thing, Mr. Keith Braun is a neighbor. He intended to be here today to speak and work has prevented that. He, late in the afternoon, sent you all an email stating his objection. I don't know if you saw it, so he asked me to please make you aware. Thank you." R-104.

Patti Laissle, 3999 Dundee Drive said, "Previously you all received a packet. On the first page of this packet you will see exhibit A. The green portion indicates the location of the proposed rezoning. The areas highlighted in yellow indicate all the residents who either sent a letter objecting to the rezoning, or they signed a petition. The breakdown is as follows: there are 24 signatures on the petition and six letters, there may be more I'm not aware of. The areas marked by an X are vacant or unoccupied homes. You will notice that directly to the north, west and northwest of the green section are residential homes, all within direct sight of the proposed rezone area. All the yellow highlighted areas on Dundee Drive and the most easterly section of Gator Drive have line of sight to the rezone area. You can clearly see the people most affected by that parcel are Gator and Dundee drive. On Exhibit B, is a printout of the Facebook post generated by Adventures in Paradise in May. You will notice no less than 12 amusements/attractions, planned for that location. Presumably the reason for the rezoning request, the applicants wish to erect signage advertising them. Two of those activities would likely involve alcohol. Based on the number of activities they plan to engage in, one can logically assume that the property they wish to rezone will be used to advertise their business. As proof of this, Exhibit C, a rejected sign application dated 11-22-16 in which the rejection was based on the fact that the proposed sign was on property rezoned, zoned residential. And to go forward with any sign construction, they would have to apply to rezone it. That parcel is in our residential neighborhood and we don't wish to live in the middle of the applicant's theme park aspirations. Specific objections based on some of the suggested guidelines are impact on

suggested services such as roads and schools. Old roads leading to Adventures in Paradise are residential; they were not designed for the type of commercial traffic likely needed to sustain the planned activities in exhibit B. The applicants wedding barn website indicates maximum capacity of 200 people, so potentially on a continual basis 200 cars would be entering and exiting our residential neighborhood, only now those exiting guests have potentially consumed alcohol and that is only referencing the one wedding traffic, just one of the 12 activities listed in Exhibit B. The amount of commercial deliveries vehicles that would be likely needed to sustain and deliver goods and services to sustain these 12 activities will be detrimental to our streets. They were not designed for such. They were not designed for the cumulated impact of sustained commercial traffic. Compatibility with surrounding land use, as indicated in exhibit C, the purpose of the rezoning request is so the applicants can construct a sign that would not by any stretch of the imagination be compatible with the existing surrounding land use of that area. Consistency with the character of the area, other than the current illegal signage the applicants have installed there are no commercial signs on Gator or Dundee Drive because they are residential streets. So, to maintain the consistency of the area, it would not be appropriate to allow a commercial sign accompanied, accomplished only by this zoning request to be constructed on that property. In conclusion, we hope that the petition signatures and written letters are adequate proof of the objection to this rezoning request. If by some chance the collective thinking leans towards the notion that the property in question is of so little consequence that approval will be forthcoming, please consider the converse notion. If the property is of so little consequence, consider ruling in favor of the 30-plus people who oppose this rezoning application. R-106.

Dennis Wilson, 139 Gator Drive, stated, "I'm here to speak in opposition of the opposed applicants rezoning paperwork. Short story, we live in a neighborhood. There is no commercial activity. I'm not sure if you guys have been down the street to see what's going on, but my house is immediately adjacent to the piece of property in question. Up until last weekend, there were two signs that were about equivalent of your diocese; maybe twice as high, two of them, and my house would be equivalent to the back of the room. So, when I drive in my driveway every day, I have two monster signs that are on this gentleman's property in a neighborhood. And it's my understanding that the original judge's injunction from over two years ago still has not been filled. As was stated before, these fines are accumulating daily, they haven't been paid, I'm not sure who is monitoring that to try to enforce that, but last weekend he did take down these two signs and in its place he put up a singular sign that's maybe three quarters wide as your diocese but still just as tall. So, instead of two monster signs, now there is one semi-monster sign next door to me in my neighborhood. It would be nice if you guys could ride down North Merritt Island and see what we're talking about. So, I'm opposed to this for two reasons. Number one is, as we said and heard from previous cases tonight, this is a slippery slope. If this rezoning is approved, the people that have spoken, we know what the next step is. It's going to be used as a commercial driveway to the current commercial property that is being operated in our neighborhood. Quick reference, last weekend the owner of the property sponsored a festival. You may have heard about it, it was promoted on a couple of billboards, a couple of electronic signs on businesses, and he even parked his swamp buggy, which is about as big as the diocese and about as tall, on Courtenay Parkway at the entrance to our neighborhood, promoting the festival. Saturday Morning I mow the yard, I counted no less than 80 cars that passed my house and

turned in at the direction of the two monster signs next door, into the festival. It really would have gotten out of hand, if the rain didn't wash it out. So, one day, 80 cars. Recently I've spoken to Mr. Obloy, who is the owner and the applicant, and I voiced my concern directly to him, that the second objection is alcohol. What's happening back there is not an AG farm, what's happening back there is a commercial, as been described, amusement park. How is he getting these permits? Yesterday, as almost every day, two huge Florida Power and Light bucket trucks pulled out of his facility and shook my house as they went by the front yard. So, there is some overhead transmission work being done down there to support this commercial activity. All of us have presented reams of evidence, including his own Facebook page, and if you go to their.. I did a Google search, the dumb way to do it. If you go to his Adventures in Paradise or Golf in Paradise Tours, two properties, they tell you what is happening back there. So I don't understand how a commercial property, excuse me, a commercial event, a money making commercial event, can take place in the middle of my neighborhood. So I'm running out of time, I can see the clock, but I'm going to fill it up. Again, it is the slippery slope. Chris said it best when he said the reason we have planning boards is not for today, but to avoid disasters in the future. I've witnessed a monster disaster with that Crisafulli case. They should be ashamed for putting a 48-unit development right there across the street, a mile up, across the street from us. I'm not sure what to tell you guys as far as your vote, but anyway, turn this guy down, this application. Thanks for your time." R- 106

Commissioner Barfield asked the County Attorney to explain the agritourism and what our limitations are.

Eden Bentley, Deputy County Attorney, responded, "Code Enforcement has been out there any number of times, you all know. I'm not going to go through the entire litany of events, but basically there is an agritourism statute that provides an exemption for many of these activities. It is probably not the original intention of the Legislature when this went through, but it is a rather large loophole. And so, although we have obtained an injunction, the injunction is limited in its scope and we're hoping perhaps someone will change the statute."

Commissioner Barfield stated, "It's totally irresponsible. My next comment is this. You can look at the, the picture in here, and obviously this is so incompatible with the neighborhood. It's right up next to it. And let me tell you a little background. The uh, so, the applicant can put a sign up there knowing it was, you know, illegal. It's an enforcement action so he knows it wasn't permitted, couldn't get permitted, so now he wants to change this so he can put the sign there, in the people's backyard, side yard. It's completely incompatible. The uh, I just, I just, there's so much I could say. It's just entirely wrong. But this is what I am going to say, from a legal standpoint for this, I make a motion that we deny this. It's not compatible with the surrounding residential area. It's not at all compatible. The traffic impacts to the community, it's just, as the gentleman said, and that may be an understatement, and sometimes the other things he's had there, there could be a lot more. And the impacts to this poor neighborhood, is just not acceptable. All these, both of these reasons are reasons to deny and I make that motion."

Commissioner Isnardi stated, "My concern is our hands being tied on this because unfortunately we can't do a lot as far as the County goes, other than cite and see. What's being done obviously

Commissioner Smith asked if there were any recourse, due to the illegal signs. R-107.

Tad Calkins responded, "He does have to have a permit for the sign. The Code Enforcement Act, there is a Code Enforcement case open for the sign, but it was put on hold to allow him to come into compliance if he could get the zoning change where we could do a permit. So, with your denial, then we will reactivate the Code Enforcement case and that will be going forward." R-107.

Commissioner Smith noted for the record, that Mr. Obloy is not here to, he made this application and he didn't even show up.

Tad Calkins stated, "Mr. Chairman, if I may speak on that. We did get an email from his attorney requesting to be tabled to this date, so I believe there is a notice that this action was going to be heard by you all tonight." R-109.

Commissioner Smith stated, "We have a motion and a second, all those in favor to deny this say Aye."

Pritchett, Barfield, Tobia, Smith, Isnardi-Aye.

Commissioner Smith asked "Opposed? Passes 5:0." R-109.

The Board requested preparation of finding of act for Board review on September 7, 2017.

### **FINDINGS OF FACT**

The Board of County Commissioners finds:

1. The subject property is 1.06 acres zoned SR. R-023 – R-029.
2. The subject property is within a subdivision plat. R-008, R-011. The other platted lots in the subdivision are zoned SR. There is no other Agricultural zoning in the platted subdivision. R-024 – R-026.
3. There is a large AU zoned parcel owned by the applicants to the east and south of the subject parcel. R-023 – R-026.
4. The AU activities and claimed agritourism activities are a source of complaints from the residents of the subdivision and other North Merritt Island residents. The complaints relate to traffic, noise, signage and other impacts due to commercial activities. R-030 – R090, R-100 – R-102, R-103 – R-109.

5. If granted, the proposed rezoning will result in a portion of one lot in a platted subdivision being zoned AU while all the other lots in the subdivision are zoned SR.
6. The subdivision was planned and developed for single family residential use.
7. If granted, the AU zoning would intrude into the platted subdivision.
8. The proposed use of agricultural at this location is not compatible with the surrounding single family residential development on lots zoned for Suburban Residential Use and platted as a residential subdivision.

**CONCLUSION**

Based on the foregoing, the Board of County Commissioners hereby finds the proposed use is incompatible with the future land use plan policies requiring compatibility with surrounding land uses. Accordingly, the request for rezoning from SR to AU is hereby denied.


**DONE AND RESOLVED** this 5 day of October 2017.

**ATTEST:**

By:

  
\_\_\_\_\_  
Scott Ellis, Clerk

By:

  
\_\_\_\_\_  
RITA PRITCHETT, VICE CHAIRWOMAN

Reviewed for legal form and content:

  
\_\_\_\_\_  
Eden Bentley, Deputy County Attorney

Date

8/10/17

As approved by the Board on:

10/5/17



NMI

BREVARD COUNTY PLANNING AND DEVELOPMENT
APPLICATION FOR ZONING ACTION, COMPREHENSIVE PLAN AMENDMENT OR VARIANCE

All applications with fees must be submitted in person. Call 321-633-2070 for an appointment at least 24 hours in advance. DO NOT MAIL THE APPLICATION. An approval does not entitle the owner to a development permit.

Existing FLU Res 2 Existing Zoning SR
Proposed FLU Res 2 Proposed Zoning AU

APPLICATION NAME

- COMBINATION - COMPREHENSIVE PLAN AND REZONING (COCPR)
COMPREHENSIVE PLAN (CP)
Large Scale Amendment Small Scale Amendment
Text Amendment - Element
Other
REZONING (Without CUP) (RWOC)
COMBINATION - ZONING AND CUP (CORC)
CUP (Without zoning) (CUP)
VARIANCE(S) (V)
AA (AA)
AA Type:
OTHER (O):

Tax Parcel: T 24 R 36 S 02 S/D 20 A Bk/Par Lot
Acreage of Request: 1.06
Reason for Request:

COUNTY PLANNER USE ONLY

ACCELA# 17P200045 Fee \$ 1,149 -
Date filed 2/15/2017 Planner Ch
District# 2 Tax Account ID# 2458094

Notification radius (feet) 500 Sign Issued M.T.

Meeting(s) Date Time
NMI May 11, 2017 6 p.m.

PSJ Board
P&Z / LPA
BCC May 25, 2017 5 p.m.
BOA

JPA/MIRA/500' of Palm Bay Extension: Yes or No
If Yes, list which NMI

Location: East of N. Courtenay parkway
at the terminus of Gator and Dunder

Detailed Description: Rezone from SR to
AU like the rest of his property -
unifying zoning

PROPERTY OWNER:
Name: Eric Oblay + Amanda Oblay
Address: 165 Gator Dr
City: Merritt Island
Phone: (321) 591-4336
Company: Ft. Dolphin Paradise Towers
E-Mail: Dolphin.paradise.towers@gmail.com
State: FL Zip: 32953
Cell: (321) 591-4336

APPLICANT IF OTHER THAN OWNER (check): Attorney Agent Contract Purchaser
Name:
Address:
City:
Phone: Fax: Cell:

The undersigned understands that this application must be complete and accurate prior to advertising a public hearing:
State of Florida county of Brevard Eric Oblay being first duly sworn, depose
and say that I hereby certify that the information in this application and all sketches and data attached to and made a part hereof
are true and accurate to the best of my knowledge, and:

X I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
I am the legal representative of the owner of the subject property of this application. (Notarized statement attached)

Signature of Property Owner/Authorized Representative Date 2/15/17

The foregoing instrument was acknowledged before me this 15th day of Feb 2017 by Eric Oblay who is
Personally Known by me OR Produced Identification Type of Identification Produced

Notary Public Signature



(NOTARY SEAL)

R-001

ACCELA # \_\_\_\_\_

**DOCUMENT SUBMITTAL REQUIREMENTS**

Application type	Application	Authorization to Act Form <sup>1</sup>	Recorded Property Deeds	Legal Description of Request <sup>2</sup>	Certified Survey <sup>8</sup>	Property Appraisers Map	Concurrency	School Concurrency <sup>3</sup>	Wetland Survey <sup>4</sup>	CUP Worksheet & Sketch <sup>5</sup>	Comp Plan Information <sup>6</sup>	Notice to Applicants	Neighbors Affidavit <sup>7</sup>	Letter to Zoning Official	Variance Hardship Worksheet <sup>9</sup>	*Additional Documentation	Fees
NUMBER OF COPIES REQUIRED																	
Staff to check indicating receipt																	
Comprehensive Plan Amendment <sup>6</sup>	1	1	1	2	2	1	1	1		1						*	Y
Zoning request	1	1	1	1	1	1	1	1	1			1				*	Y
Conditional Use Permit (CUP)	1	1	1	1	1 <sup>8</sup>	1				1		1					Y
AA - Waiver	1	1			1	1							1	1			Y
AA - Easement or Flag lot	1	1	1	1	1	1											Y
Variance	1	1	1	1	1	1									1	*	Y

<sup>1</sup>Authorization to Act form is required, if other than the owner of record is making the application. If the property is not owned in entirety, by the applicant, either a Form "A", or a notarized letter must accompany the application giving written consent by all property owners of the subject property.

<sup>2</sup>Legal Description must be typed on a separate sheet, if not easily described on the deed.

<sup>3</sup>School Board Concurrency application is required if the request represents an increase of more than one residential unit.

<sup>4</sup>Wetland Survey required on Commercial or Industrial property.

<sup>5</sup>CUP applications require a completed worksheet and a sketch plan with the application signed by a planner.

<sup>6</sup>Must include Comprehensive Plan Amendment supplemental form reviewed by a planner prior to submitting formal application. The supplement must include a written statement explaining the rationale and the appropriate data and analysis necessary to support the proposed change.

<sup>7</sup>Administrative waivers requiring a signed affidavit from all abutting property owners indicating no objection to the requested waiver of lot size, width or depth requirement. The affidavit must state the specific request.

<sup>8</sup>Survey must be submitted if requested by staff.

<sup>9</sup>Variance Hardship Worksheet must be filled out completely, addressing the six criteria for a hardship.

\*Additional information may be requested by staff dependent upon the requested action. These include but are not limited to impact analysis studies:

Traffic Impact Analysis (TIA): TIA must be submitted if required by the County Traffic Engineer. Analysis methodology must be coordinated with the Traffic Engineering Office.

Environmental Impact Analysis: The analysis must be conducted by a qualified environmental professional and dated less than one year old. The analysis must document the types of habitat found on site; identify vegetation types, soils types, wetlands, floodplain; and any other environmental concerns.

Water and Sewer Demand: Identify the potable water and sanitary sewer demand for the amendment based on the current and proposed future land use designations using the per capita water and wastewater standards of the applicable service provider.

Fee Schedule: ZONING

Version: VERSION 1

Fee Calc. Factor: Job Value(Contractor)50.00

Payment Period	Priority	Subgroup	Fee Code	Fee Item	Quantity
FINAL			PZ300	Zoning/Variance	849.00
FINAL			PZ310	Comprehensive Plan	
FINAL			PZ320	Waiver/Easement	
FINAL			PZ330	Address Assignment	
FINAL			PZ340	NRMO	300.00
FINAL			PZ350	Miscellaneous	
FINAL			PZ360	Tower Application Consultant Fee	
FINAL			PZ370	Land Development PLD Review	

1149.00

CALCULATION OF PUBLIC HEARING APPLICATION FEES -ZONING OFFICE

PUBLIC HEARING APPLICATION FEES	BASE FEE	ACREAGE FEE	UNIT FEE	SUB-TOTAL
<b>REZONING</b>				
Environmental Area	511.00			
Residential Professional	960.00			
General Use and Agricultural Use	849.00*	-5) x 24**		<u>849 -</u>
Single-Family Residential	849.00*	-5) x 24**		
Single-Family Mobile Home	849.00*	-5) x 24**		
Commercial/Planned Commercial	1,184.00 (	-5) x 24		
Tourist Commercial	1,855.00 (	-5) x 45		
Industrial/Planned Industrial	1,855.00 (	-5) x 45		
Planned Unit Development	5,661.00 (	-5) x 45		
Single-Family Attached Residential	960.00		( ) x 24	
Multiple-Family Residential	960.00		( ) x 24	
Recreational Vehicle Park	1,408.00		( ) x 24	
Mobile Home Park/Mobile Home Co-op	1,408.00		( ) x 24	
<b>CUP'S OR ROU APPLICATIONS</b>				
Fee per request (with rezoning)	447.00			
Fee per request (without rezoning)	849.00			
<b>OTHER APPLICATION FEES</b>				
Consultant fee Retainer per Tower Application	6,934.00			
Transfer of Development Rights	1,520.00			
Comprehensive Plan Appeals (Vested Rights)				
One (5.0 acres or less) Single-family residential	433.00			
All other Appeals	1,733.00			
Variance/Appeals of Administrative Interpretation				
Base Fee	598.00			
Fee for each additional request	182.00			
Special Hearing Fee for P & Z / LPA	3,692.00			
Special Hearing Fee for BOA	1,872.00			
All Other Unlisted Zoning Applications	849.00			
Miscellaneous	NA			
<b>COMPREHENSIVE PLAN AMENDMENTS</b>				
Small Scale Amendment	919.00	NA		
Large Scale Amendment	1,785.00	\$43 per acre		
			SUB-TOTAL *****	<u>849 -</u>
<b>FEES COLLECTED FOR ADMINISTRATIVE ACTIONS</b>				
Office of Natural Resources zoning review (if applicable)	300.00			<u>300</u>
flag lot &/or easement review	360.00			
Land Development PUD review	100.00			
flag lot &/or easement review	150.00			
Address Assignment review of flag lot &/or easement	100.00			
Zoning fee	277.00			
<b>BASE FEE ADJUSTMENTS</b>				
* If area for these requests have the potential for only one more lot, the fee is	288.00			
** Maximum acreage fees for these requests shall be	2,240.00			
*** Maximum Planned Unit Development Fee shall be	13,432.00			
**** Maximum fee for all other zoning requests shall be	8,955.00			
			TOTAL	<u>1,149</u>



**Planning & Development**  
**Central Cashier**  
 2725 Judge Fran Jamieson Way  
 Building A, Room 114  
 Melbourne, FL 32940

**RECEIPT OF PAYMENT**

**Payment Date: 3/14/2017**  
**Receipt #: 440582**  
**Transaction Id# 1551**

<u>Payment Method</u>	<u>Payment Reference #</u>	<u>Amount Paid</u>	<u>Comments</u>
Check	1551	\$1,149.00	
		\$1,149.00	Total
<b>FL</b>			
PZ Miscellaneous Fees		\$1,149.00	
<b>17PZ00045</b>			
<b>Fee</b>	<b>Invoice #</b>	<b>Amount</b>	
NRMO	473548	\$300.00	
Zoning/Variance	473548	\$849.00	
			<b>Grand Total</b>
			<b>\$1,149.00</b>

**Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.**  
**To verify fees please visit the Brevard County Planning & Development Search.**

[www.brevardcounty.us/PlanningDev](http://www.brevardcounty.us/PlanningDev)  
 P (321) 633-2068 F (321) 633-2052



Zoning Information Worksheet

Owner(s): Eric & Amanda Obloy  
(Does this match the warranty deed?)

Applicant(s): Eric & Amanda Obloy  
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: Portion of 24-36-02-26-A (165 Gator Drive) (Not parcel 275)  
(If more than one parcel, they must share a property line to be on the same application.)

PRESENT ZONING: SR  
• Is there a BDP or a CUP on the property? Yes/No: No  
• Is this a non-conforming lot of record? Yes/No/Why? No  
• Is this a substandard lot? Yes/No/Why? No

REQUESTED ZONING/CUP: AU

What is the FLU Designation of the property?: Residential 2  
• Is the requested zoning consistent with the FLU? Yes/No (see compatibility table) Yes  
• If no, what is the requested small scale plan amendment? (MUST BE 10.00 ACRES OR LESS.)

BDP Requested? Yes/No: No

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No

PREVIOUSLY APPROVED ZONING ACTIONS: Z-8203 with BSP?

Most recent zoning change in same section? Z#

If this is a CUP request, list all CUP's on adjacent properties: NA

Abutting property zoning classifications: N SR S AU E AU W ROW / SR

JPA/Special Board/Special Section? Yes/No (Circle one and make a note on the application) PSJ NMI MIRA  
ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

REASON FOR REZONING REQUEST: To unify the zoning classification  
• If proposing single-family or multi-family how many units? NA  
• If proposing a CUP for alcohol, how many seats? NA Bar or Restaurant?  
o Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No  
o Do you have a site plan showing the layout and parking configuration? Yes/No  
o Do you have a CUP worksheet filled out by the applicant? Yes/No  
• If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? Vacant Ingress/Egress

Describe the character of the area: Duplexes, SFRs and Agricultural land

Did you print out the Property Appraiser's Map for this property?  
Did you mark the map?  
Did you stamp the deed(s)?

Planner: \_\_\_\_\_  
Checked by: (Signature)



PREPARED BY & RETURN TO  
Name Katherine L Tom, Kathy@theclosingplace.com



Address 2194 Hwy A1A, Suite 103  
Indian Harbour Beach, FL 32917  
321-770-0903  
File No TCP-1502006KLT

Parcel No 24-36-03-00-00275 0-0000 00 & 24-36-02-26-0000A 0-0000 00

→ ONLY

STATE OF FLORIDA DEPARTMENT OF REVENUE

This WARRANTY DEED, made the 26th day of March, 2015, by ECOFARMING OF FLORIDA, LLC a Florida limited liability company, hereinafter called the Grantor, to ERIC ORLOY and AMANDA OBIAY husband and wife, whose post office address is 2700 Harbortown Drive, Merritt Island, FL 32952, hereinafter called the Grantees

WITNESSETH That the Grantor, for and in consideration of the sum of \$10 00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, demise, release, convey and confirm unto the Grantees all that certain land situate in County of Brevard, State of Florida, viz

That part of plat of THE GROVES Phase II, according to the plat thereof as recorded in Plat Book 39, Page 73, Public Records of Brevard County, Florida, lying South of Lot 15 and East of Gator Drive, also labeled on plat as "existing 66 foot easement" (Official Records Book 3088, Page 563), "Additional Maintenance Easement", "15 foot Maintenance Easement" and "50 foot Drainage Easement" (Official Records Book 3222, Page 267) being more particularly described as follows Beginning at the Southeast corner of The Groves Phase II, according to the plat thereof as recorded in Plat Book 39, Page 73, Public Records of Brevard County, Florida, thence run North 00°26'36" West along the East line of said plat of The Groves Phase II, a distance of 136 87 feet to a point lying on the North line of aforementioned "existing 66 foot easement" (Official Records Book 3088, Page 563) said point also being the Southeast corner of Lot 15 of said plat of The Groves Phase II thence run South 89°15'55" West along the South line of said Lot 15, a distance of 336 12 feet to a point lying on the East right of way line of Dundee Drive (a 66 foot right of way), thence run South 00°50'01" West along said East right of way line of Dundee Drive, a distance of 132 10 feet to a point lying on the South line of aforesaid plat of The Groves Phase II, thence run South 89°55'10" East, along said South line of The Groves Phase II, a distance of 339 01 feet to the Point of Beginning

Together With

The Southeast 1/4 of the Northwest 1/4 (less and except those lands described in Official Records Book 2247, Page 418, and also less those lands lying in the plat of THE GROVES Phase II, according to the plat thereof as recorded in Plat Book 39, Page 73, of the Public Records of Brevard County, Florida) of Section 2, Township 24 South, Range 36 East, Brevard County, Florida

TOGETHER WITH all the tenements, hereditaments and appurtenances therein belonging or in anywise appertaining

THE ABOVE-DESCRIBED PROPERTY IS NOT THE CONSTITUTIONAL HOMESTEAD OF THE GRANTOR, NOR IS IT CONTIGUOUS TO SUCH

SUBJECT TO TAXES FOR THE YEAR 2014 AND SUBSEQUENT YEARS, TO SURETIES RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY

TO HAVE AND TO HOLD the same in fee simple forever

And the Grantor hereby covenants with the Grantees that the Grantor is lawfully seized of said land in fee simple that the Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever. Grantor further warrants that said land is free of all encumbrances, except as noted herein and except taxes accruing subsequent to December 31, 2014

SIGNATURE

THIS DOCUMENT IS THE OFFICIAL RECORD OF THE COUNTY CLERK'S OFFICE. IT IS SUBJECT TO BE ADVERTISED.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized, the day and year first above written  
Signed, sealed and delivered in the presence of

Rhonda Arsenault  
Witness Signature  
Printed Name RHONDA ARSENAULT

Jack L. Tom  
Witness Signature  
Printed Name Jack L. Tom

ECOFARMING OF FLORIDA, L.L.C.  
a Florida limited liability company

By Richard E. Nichols L.S.  
Name RICHARD E. NICHOLS  
Title MANAGING MEMBER

666 or (Postage Place of Business)  
6737 Sheridan Road, Melbourne, FL 32904

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me this 26th day of March, 2015, by RICHARD E. NICHOLS, MANAGING MEMBER of ECOFARMING OF FLORIDA, L.L.C., a Florida limited liability company, on behalf of the corporation. He (she) is personally known to me or has produced \_\_\_\_\_ as identification.

Jack L. Tom  
Signature of Notary  
Printed Name  
My commission expires \_\_\_\_\_



FORM "A"  
AUTHORIZATION TO ACT AS APPLICANT

I, Amanda Obloy authorize Eric Obloy  
to act as applicant, representing me in Public Hearings before Brevard County pertaining to Land Use.

Amanda Obloy  
Signature

State of Florida, County of Brevard  
Sworn and subscribed to before me

This 16<sup>th</sup> day of February

Brenda Wolf  
Notary Public

Form of Identification

Personally Known

My Commission Expires:

Rev. 5/27/99



BRENDA WOLF  
MY COMMISSION # EE 883034  
EXPIRES: April 18, 2017  
Bonded Thru Budget Notary Services





# Brevard County Property Appraiser

Titusville • Merritt Island • Viera • Melbourne • Palm Bay

Phone: (321) 264-6700

<https://www.bcpao.us>

## PROPERTY DETAILS

Account 2458094  
 Owners Obloy, Eric; Obloy, Amanda  
 Mailing Address 165 Gator Dr Merritt Island FL 32953  
 Site Address Brevard County Fl  
 Parcel ID 24-36-02-26-A  
 Property Use 0010 - Vacant Residential Land (Single Family, Platted)  
 Exemptions None  
 Taxing District 2200 - Unincorp District 2  
 Total Acres 1.06  
 Subdivision Groves Phase II, The  
 Site Code 0001 - No Other Code Appl.  
 Plat Book/Page 0039/0073  
 Land Description Groves Phase II, The Part Of Plat Lying South Of Lot 15  
 & East Of Gator Drive Also Labeled On Plat As  
 & Existing 66 Ft Esmt (Orb 3088 Pg 563)&quot;,  
 Addit Maint Esmt&quot;, &quot;15 Ft Maint Esmt&quot;  
 & &quot;50 Ft Dr Esmt (Orb 3222 Pg 267)&quot;

## VALUE SUMMARY

Category	2016	2015	2014
Total Market Value	\$100	\$100	\$100
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$100	\$100	\$100
Assessed Value School	\$100	\$100	\$100
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$100	\$100	\$100
Taxable Value School	\$100	\$100	\$100

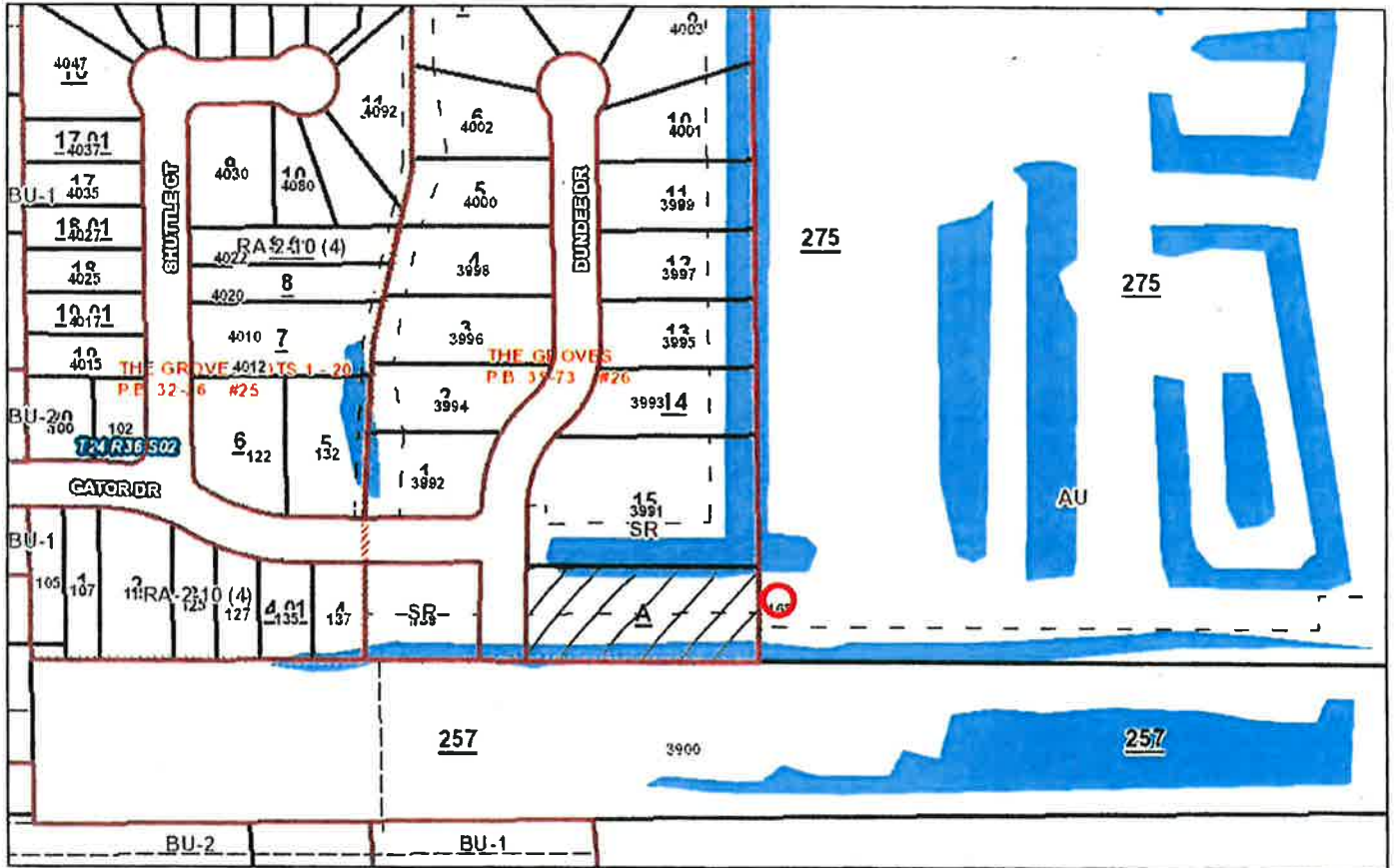
## SALES/TRANSFERS

Date	Price	Type	Parcel	Deed
03/26/2015	\$300,000	WD	Vacant	7331/2918
10/15/2008	\$350,000	WD	Improved	5893/8759
09/28/2006	--	QC	Vacant	5776/6581
07/28/2005	--	WD	Vacant	5509/5102

## BUILDINGS

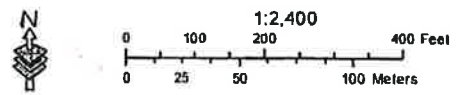
No Data Found

12



R-013

- Zoning
  - Section
  - CAPE CANAVERAL
  - COCOA
- February 20, 2017





BOARD OF COUNTY COMMISSIONERS

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

April 21, 2017

Dear Applicant: ERIC & AMANDA OBLOY

Your request for a zoning action will be considered by the North Merritt Island Dependent Special District Board at the public hearing scheduled for **THURSDAY, MAY 11, 2017**, as Item **4**. This hearing will be held at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., 2<sup>nd</sup> Floor, Merritt Island, Florida, beginning at **6:00 p.m.**, or as soon thereafter as possible.

The final public hearing will be held by the Board of County Commissioners on **THURSDAY, MAY 25, 2017**, at **5:00 p.m.** This hearing will also be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida. You, as applicant, or your representative, must be present at **all** of these public hearings. If your request is postponed until the following month as a result of **your** request, error, or failure to appear, or to be represented, you will be required to pay a reprocessing fee of 80 percent of the original fee before your request can be heard at a subsequent meeting.

The needs of hearing or visually impaired persons shall be met, if the Planning and Development Department is contacted at least five (5) days prior to the public hearing by any person wishing assistance.

Sincerely,

Jennifer Jones  
Special Projects Coordinator II  
Planning & Development Department



BOARD OF COUNTY COMMISSIONERS

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

April 21, 2017

Dear Applicant: ERIC & AMANDA OBLOY

Your request for a zoning action will be considered by the North Merritt Island Dependent Special District Board at the public hearing scheduled for **THURSDAY, MAY 11, 2017**, as Item **4**. This hearing will be held at **Kiwanis Island Park, DC (Doyle Carlton) Meeting Room, 951 Kiwanis Island Park Rd., Merritt Island, Florida**, beginning at **6:00 p.m.**, or as soon thereafter as possible.

The final public hearing will be held by the Board of County Commissioners on **THURSDAY, MAY 25, 2017**, at **5:00 p.m.** This hearing will also be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida. You, as applicant, or your representative, must be present at **all** of these public hearings. If your request is postponed until the following month as a result of **your** request, error, or failure to appear, or to be represented, you will be required to pay a reprocessing fee of 80 percent of the original fee before your request can be heard at a subsequent meeting.

The needs of hearing or visually impaired persons shall be met, if the Planning and Development Department is contacted at least five (5) days prior to the public hearing by any person wishing assistance.

Sincerely,

Jennifer Jones  
Special Projects Coordinator II  
Planning & Development Department

Dear Property Owner:

ID# 17PZ00045

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by ERIC & AMANDA OBLOY who are requesting a change of classification on 1.06 acres. The property is located east of N. Courtenay Pkwy., at the terminus of Gator Dr. and Dundee Dr. (165 Gator Dr., Merritt Island)

Current Zoning: SR (Suburban Residential)  
Request: AU (Agricultural Residential)

A public hearing will be held by the North Merritt Island Dependent Special District Board at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., 2<sup>nd</sup> Floor, Merritt Island, Florida, 32953, on Thursday, May 11, 2017, beginning at 6:00 p.m. The final public hearing will be held by the Board of County Commissioners on Thursday, May 25, 2017, beginning at 5:00 p.m., also at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940. You are invited to attend these public hearings to voice any comments you may have, or you may also write to the address shown on the front of this card. For the complete agenda, you may visit our internet site at [www.brevardcounty.us/PlanningDev/Boards/NMISpecialDistrict](http://www.brevardcounty.us/PlanningDev/Boards/NMISpecialDistrict), or call the Planning & Development Department at (321) 633-2069. Your correspondence or inquiry should refer to the ID# located in the upper right-hand corner of the card. The needs of hearing or visually impaired persons shall be met if the Planning & Development Department is contacted at least five (5) days prior to the public hearing.

Dear Property Owner:

ID# 17PZ00045

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by ERIC & AMANDA OBLOY who are requesting a change of classification on 1.06 acres. The property is located east of N. Courtenay Pkwy., at the terminus of Gator Dr. and Dundee Dr. (165 Gator Dr., Merritt Island)

Current Zoning: SR (Suburban Residential)  
Request: AU (Agricultural Residential)

A public hearing will be held by the North Merritt Island Dependent Special District Board at the Merritt Island Service Complex, 2575 N. Courtenay Pkwy., 2<sup>nd</sup> Floor, Merritt Island, Florida, 32953, on Thursday, May 11, 2017, beginning at 6:00 p.m. The final public hearing will be held by the Board of County Commissioners on Thursday, May 25, 2017, beginning at 5:00 p.m., also at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida, 32940. You are invited to attend these public hearings to voice any comments you may have, or you may also write to the address shown on the front of this card. For the complete agenda, you may visit our internet site at [www.brevardcounty.us/PlanningDev/Boards/NMISpecialDistrict](http://www.brevardcounty.us/PlanningDev/Boards/NMISpecialDistrict), or call the Planning & Development Department at (321) 633-2069. Your correspondence or inquiry should refer to the ID# located in the upper right-hand corner of the card. The needs of hearing or visually impaired persons shall be met if the Planning & Development Department is contacted at least five (5) days prior to the public hearing.

Dear Property Owner:

ID# 17PZ00045

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by ERIC & AMANDA OBLOY who are requesting a change of classification on 1.06 acres. The property is located east of N. Courtenay Pkwy., at the terminus of Gator Dr. and Dundee Dr. (165 Gator Dr., Merritt Island)

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Request: AU (Agricultural Residential)

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R-016

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Request: AU (Agricultural Residential)

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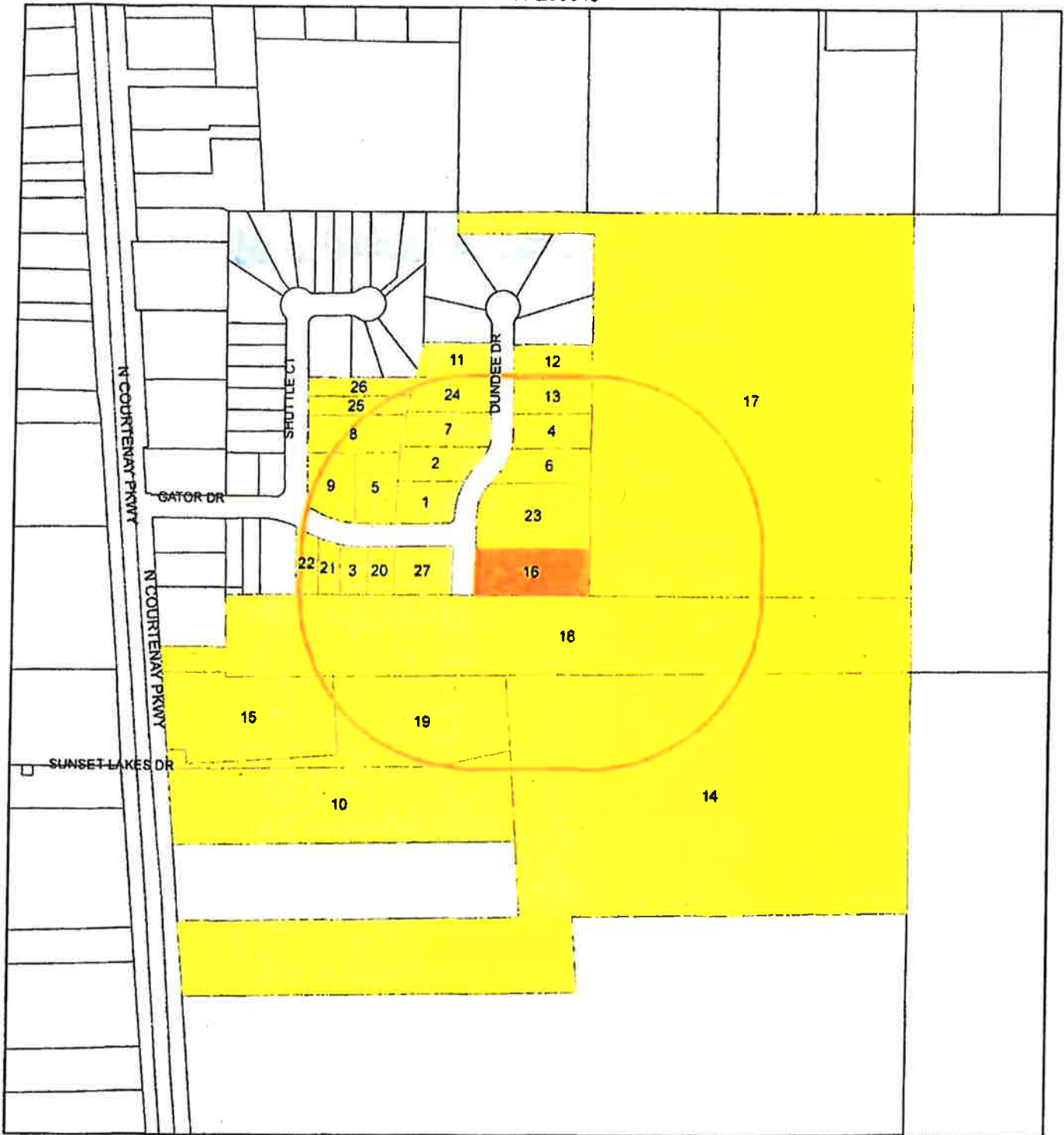
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R-017

**RADIUS MAP**  
**OBLOY, ERIC AND AMANDA**  
**17PZ00045**



1:4,800 or 1 inch = 400 feet  
 Buffer Distance: 500 feet

-  Buffer
-  Subject Property
-  Notify 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.

OBLOY, Eric and Amanda  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953

ACUP, STEVEN R  
ACUP, TAMMY L  
3992 DUNDEE DR  
MERRITT ISLAND FL 32953-8125

BLACK, PETER T  
HARRISON, JAMES CLYDE III  
1200 BANANA RIVER DR S  
MERRITT ISLAND FL 32952-

BOURNE, ERIC HERBERT  
BOURNE, TAMMY LYNN  
135 GATOR DR  
MERRITT ISLAND FL 32953-8139

CASLETON, MARTIN C  
CASLETON, CHRISTA  
3995 DUNDEE DRIVE  
MERRITT ISLAND FL 32953-

COATES, ROBERT B  
COATES, LINDA C  
21300 LEAMAN LANE  
GERMANTOWN MD 20876-

CONFIDENTIAL PURSUANT TO  
FLORIDA STATUTES  
3993 DUNDEE DR  
MERRITT ISLAND FL 32953-

DEMBOSKY, WALTER J  
DEMBOSKY, KATHLEEN F  
3996 DUNDEE DR  
MERRITT ISLAND FL 32953-

FEARON, KAREN H TRUSTEE  
2203 ROCKLEDGE DR  
ROCKLEDGE FL 32955-

HAFIZI, HAMID  
137 S COURTENAY PKWY PMB 753  
MERRITT ISLAND FL 32952-

JACKSON, RICHARD SCOTT  
JACKSON, JODI J  
4000 DUNDEE DR  
MERRITT ISLAND FL 32953-

LAISSLE, BRUCE  
LAISSLE, PATRICIA TRUSTEES  
3999 DUNDEE DR  
MERRITT ISLAND FL 32953-

MERRITT ISLAND NURSERY INC  
137 S COURTENAY PKWY PMB 753  
MERRITT ISLAND FL 32952-

MOLLICAM INC  
3880 COURTENAY PWKY N  
MERRITT ISLAND FL 32953-

OBLOY, ERIC  
OBLOY, AMANDA  
165 GATOR DR  
MERRITT ISLAND FL 32953-8139

SANTA CRUZ SONS LLC  
C/O DACKS RODRIGUEZ  
4205 N COURTENAY PKWY  
MERRITT ISLAND FL 32953-

SCHARFF, NORBERT D  
SCHARFF, LINDA S  
765 CARAMBOLA DR  
MERRITT ISLAND FL 32952-

SCOTT, STEPHEN  
SCOTT, JOAN M  
125 GATOR DR  
MERRITT ISLAND FL 32953-8139

SCOTT, STEPHEN  
SCOTT, JOAN M  
125 GATOR DR  
MERRITT ISLAND FL 32953-

SIDDALL, JOHN  
SIDDALL, BETSIE E  
3991 DUNDEE DR  
MERRITT ISLAND FL 32953-

STEVENS, CAROL L  
STEVENS, MICHAEL L  
3998 DUNDEE DRIVE  
MERRITT ISLAND FL 32953-8125

WALSH, JAMES P  
WALSH, SUSAN L  
4020 SHUTTLE CT  
MERRITT ISLAND FL 32953-

WALSH, JAMES P  
WALSH, SUSAN L  
4022 SHUTTLE CT  
MERRITT ISLAND FL 32953-

WILSON, DENNIS ARNOLD  
139 GATOR DR  
MERRITT ISLAND FL 32953-8139

OWNER1|OWNER2|MAIL1|MAIL2|CITY\_STATE\_ZIP5\_ZIP4

17PZ00045|Page1|

OBLOY, ERIC and AMANDA|Oo|phn Paradise Tours|165 Gator Drive|Merritt Island, FL 32953|  
 ACUP, STEVEN R|ACUP, TAMMY L|3992 DUNDEE DR||MERRITT ISLAND FL 32953-8125  
 BLACK, PETER T|HARRISON, JAMES CLYDE III|1200 BANANA RIVER DR S||MERRITT ISLAND FL 32952-  
 BOURNE, ERIC HERBERT|BOURNE, TAMMY LYNN|135 GATOR DR||MERRITT ISLAND FL 32953-8139  
 CASLETON, MARTIN C|CASLETON, CHRISTA|3995 DUNDEE DRIVE||MERRITT ISLAND FL 32953-  
 COATES, ROBERT B|COATES, LINDA C|21300 LEAMAN LANE||GERMANTOWN MD 20876-  
 CONFIDENTIAL PURSUANT TO|FLORIDA STATUTES|3993 DUNDEE DR||MERRITT ISLAND FL 32953-  
 DENBOSKY, WALTER J|DENBOSKY, KATHLEEN F|3996 DUNDEE DR||MERRITT ISLAND FL 32953-  
 FEARON, KAREN H TRUSTEE||2203 ROCKLEDGE DR||ROCKLEDGE FL 32955-  
 FEARON, KAREN H TRUSTEE||2203 ROCKLEDGE DR||ROCKLEDGE FL 32955-  
 HAFIZI, HAMID||137 S COURTENAY PKWY PMB 753||MERRITT ISLAND FL 32952-  
 JACKSON, RICHARD SCOTT|JACKSON, JODI J|4000 DUNDEE DR||MERRITT ISLAND FL 32953-  
 LAISSLE, BRUCE|LAISSLE, PATRICIA TRUSTEES|3999 DUNDEE DR||MERRITT ISLAND FL 32953-  
 LAISSLE, BRUCE|LAISSLE, PATRICIA TRUSTEES|3999 DUNDEE DR||MERRITT ISLAND FL 32953-  
 MERRITT ISLAND NURSERY INC||137 S COURTENAY PKWY PMB 753||MERRITT ISLAND FL 32952-  
 MOLLIAM INC||3880 COURTENAY PKWY N||MERRITT ISLAND FL 32953-  
 OBLOY, ERIC|OBLOY, AMANDA|165 GATOR DR||MERRITT ISLAND FL 32953-8139  
 OBLOY, ERIC|OBLOY, AMANDA|165 GATOR DR||MERRITT ISLAND FL 32953-8139  
 SANTA CRUZ SONS LLC||C/O DACKS RODRIGUEZ|4205 N COURTENAY PKWY|MERRITT ISLAND FL 32953-  
 SANTA CRUZ SONS LLC||C/O DACKS RODRIGUEZ|4205 N COURTENAY PKWY|MERRITT ISLAND FL 32953-  
 SCHARFF, NORBERT D|SCHARFF, LINDA S|1765 CARAMBOLA DR||MERRITT ISLAND FL 32952-  
 SCOTT, STEPHEN|SCOTT, JOAN M|125 GATOR DR||MERRITT ISLAND FL 32953-8139  
 SCOTT, STEPHEN|SCOTT, JOAN M|125 GATOR DR||MERRITT ISLAND FL 32953-  
 SIDDALL, JOHN|SIDDALL, BETSIE E|3991 DUNDEE DR||MERRITT ISLAND FL 32953-  
 STEVENS, CAROL L|STEVENS, MICHAEL L|3998 DUNDEE DRIVE||MERRITT ISLAND FL 32953-8125  
 WALSH, JAMES P|WALSH, SUSAN L|4020 SHUTTLE CT||MERRITT ISLAND FL 32953-  
 WALSH, JAMES P|WALSH, SUSAN L|4022 SHUTTLE CT||MERRITT ISLAND FL 32953-  
 WILSON, DENNIS ARNOLD||139 GATOR DR||MERRITT ISLAND FL 32953-8139

17Pz00045-0.txt

BUFF_ID	TAXID	PARCELID	OWNER1	OWNER2	MAIL1	MAIL2	CITY	STATE	ZIP5	ZIP4
1	2442550	24	3602-26-*	-1	ACUP, STEVEN R	ACUP, TAMMY L	3992 OUNDEE DR	MERRITT ISLAND	FL	32953-8125
2	2442662	24	3602-26-*	-2	BLACK, PETER T	HARRISON, JAMES CLYDE III	1200 BANANA RIVER DR S	MERRITT ISLAND	FL	32952-
3	2444862	24	3602-25-*	-4.01	BOURNE, ERIC HERBERT	BOURNE, TAMMY LYNN	135 GATOR DR	MERRITT ISLAND	FL	32953-8139
4	2442673	24	3602-26-*	-13	CASLETON, MARTIN C	CASLETON, CHRISTA	3995 DUNDEE DRIVE	MERRITT ISLAND	FL	32953-
5	2410587	24	3602-25-*	-5	COATES, ROBERT B	COATES, LINDA C	21300 LEAMAN LANE	GERMANTOWN MD		20876-
6	2442674	24	3602-26-*	-14	CONFIDENTIAL PURSUANT TO	FLORIDA STATUTES	3993 DUNDEE DR	MERRITT ISLAND	FL	32953-
7	2442683	24	3602-26-*	-3	DEMBOISKY, WALTER J	DEMBOISKY, KATHLEEN F	3996 DUNDEE DR	MERRITT ISLAND	FL	32953-
8	2410589	24	3602-25-*	-7	FEARON, KAREN H	TRUSTEE	2203 ROCKLEDGE DR	ROCKLEDGE	FL	32955-
9	2410588	24	3602-25-*	-6	FEARON, KAREN H	TRUSTEE	2203 ROCKLEDGE DR	ROCKLEDGE	FL	32955-
10	2410556	24	3602-00-	-502	HAFIZI, HAMID		137 S COURTENAY PKWY PMB 753	MERRITT ISLAND	FL	32952-
11	2442665	24	3602-26-*	-5	JACKSON, RICHARD SCOTT	JACKSON, JODI J	4000 DUNDEE DR	MERRITT ISLAND	FL	32953-
12	2442671	24	3602-26-*	-11	LAISSLE, BRUCE	LAISSLE, PATRICIA	TRUSTEES 3999 DUNDEE DR	MERRITT ISLAND	FL	32953-
13	2442672	24	3602-26-*	-12	LAISSLE, BRUCE	LAISSLE, PATRICIA	TRUSTEES 3999 DUNDEE DR	MERRITT ISLAND	FL	32953-
14	2410560	24	3602-00-	-506	MERRITT ISLAND NURSERY INC		137 S COURTENAY PKWY PMB 753	MERRITT ISLAND	FL	32952-
15	2410534	24	3602-00-	-299	MOLLICAM INC		3880 COURTENAY PKWY N	MERRITT ISLAND	FL	32953-
16	2458094	24	3602-26-A		OBLOY, ERIC	OBLOY, AMANDA	165 GATOR DR	MERRITT ISLAND	FL	32953-8139
17	2410511	24	3602-00-	-275	OBLOY, ERIC	OBLOY, AMANDA	165 GATOR DR	MERRITT ISLAND	FL	32953-8139
18	2410493	24	3602-00-	-257	SANTA CRUZ SONS LLC		C/O DACKS RODRIGUEZ 4205 N COURTENAY PKWY	MERRITT ISLAND	FL	32953-
19	2410557	24	3602-00-	-503	SANTA CRUZ SONS LLC		C/O DACKS RODRIGUEZ 4205 N COURTENAY PKWY	MERRITT ISLAND	FL	32953-
20	2410586	24	3602-25-*	-4	SCHARFF, NORBERT D	SCHARFF, LINDA S	1765 CARAMBOLA DR	MERRITT ISLAND	FL	32952-
21	2410585	24	3602-25-*	-3.01	SCOTT, STEPHEN	SCOTT, JOAN M	125 GATOR DR	MERRITT ISLAND	FL	32953-8139
22	2410584	24	3602-25-*	-3	SCOTT, STEPHEN	SCOTT, JOAN M	125 GATOR DR	MERRITT ISLAND	FL	32953-
23	2442675	24	3602-26-*	-15	SIDDALL, JOHN	SIDDALL, BETSIE E	3991 DUNDEE DR	MERRITT ISLAND	FL	32953-
24	2442664	24	3602-26-*	-4	STEVENS, CAROL L	STEVENS, MICHAEL L	3998 DUNDEE DRIVE	MERRITT ISLAND	FL	32953-8125
25	2410590	24	3602-25-*	-8	WALSH, JAMES P	WALSH, SUSAN L	4020 SHUTTLE CT	MERRITT ISLAND	FL	32953-
26	2410591	24	3602-25-*	-8.01	WALSH, JAMES P	WALSH, SUSAN L	4022 SHUTTLE CT	MERRITT ISLAND	FL	32953-
27	2442676	24	3602-26-*	-16	WILSON, DENNIS	ARNOLD	139 GATOR DR	MERRITT ISLAND	FL	32953-8139

R-021

Existing Zoning of Subject Property(ies) at Time of Application:

17PZ00045

Identity

Identify from: Zoning Actions

Zoning Actions  
    SR

Location: 751,332.904 1,488,494.396 Feet

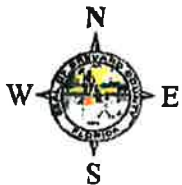
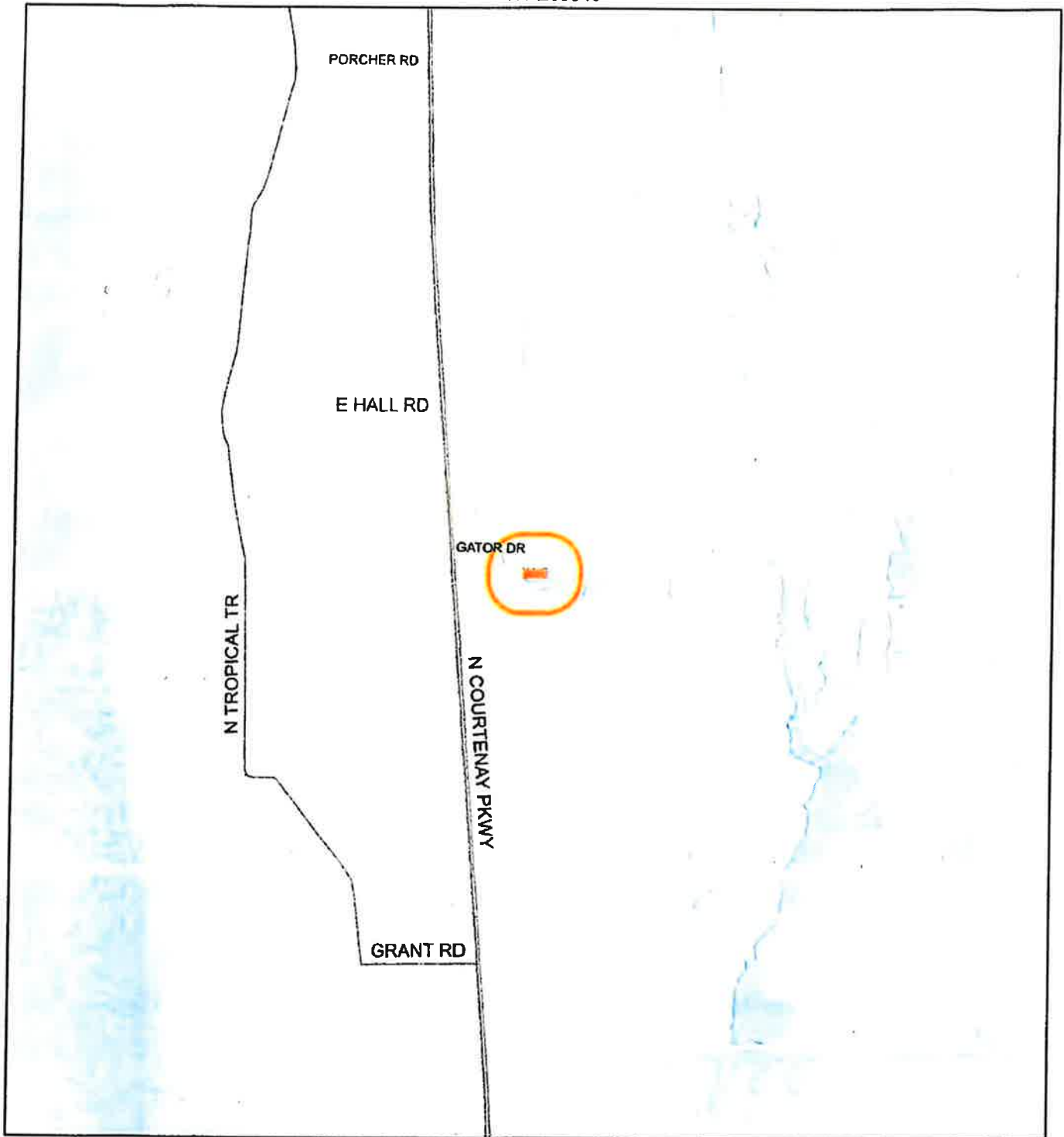
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DENSCAP	
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ZONINGDATE	<null>
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ORDNUM	
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COMMENTS	<null>
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ZFILE_NAME	Z8203.PDF
ZFILE_LINK	\\GCADC01\PLZONS\Scanned Files\Zoning\Z8000-Z8999\Z8203.PDF
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AFILE_NAME	<null>
AFILE_LINK	<null>

Identified 1 feature

# LOCATION MAP

OBLOY, ERIC AND AMANDA

17PZ00045



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

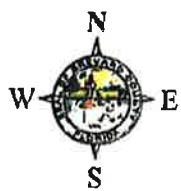
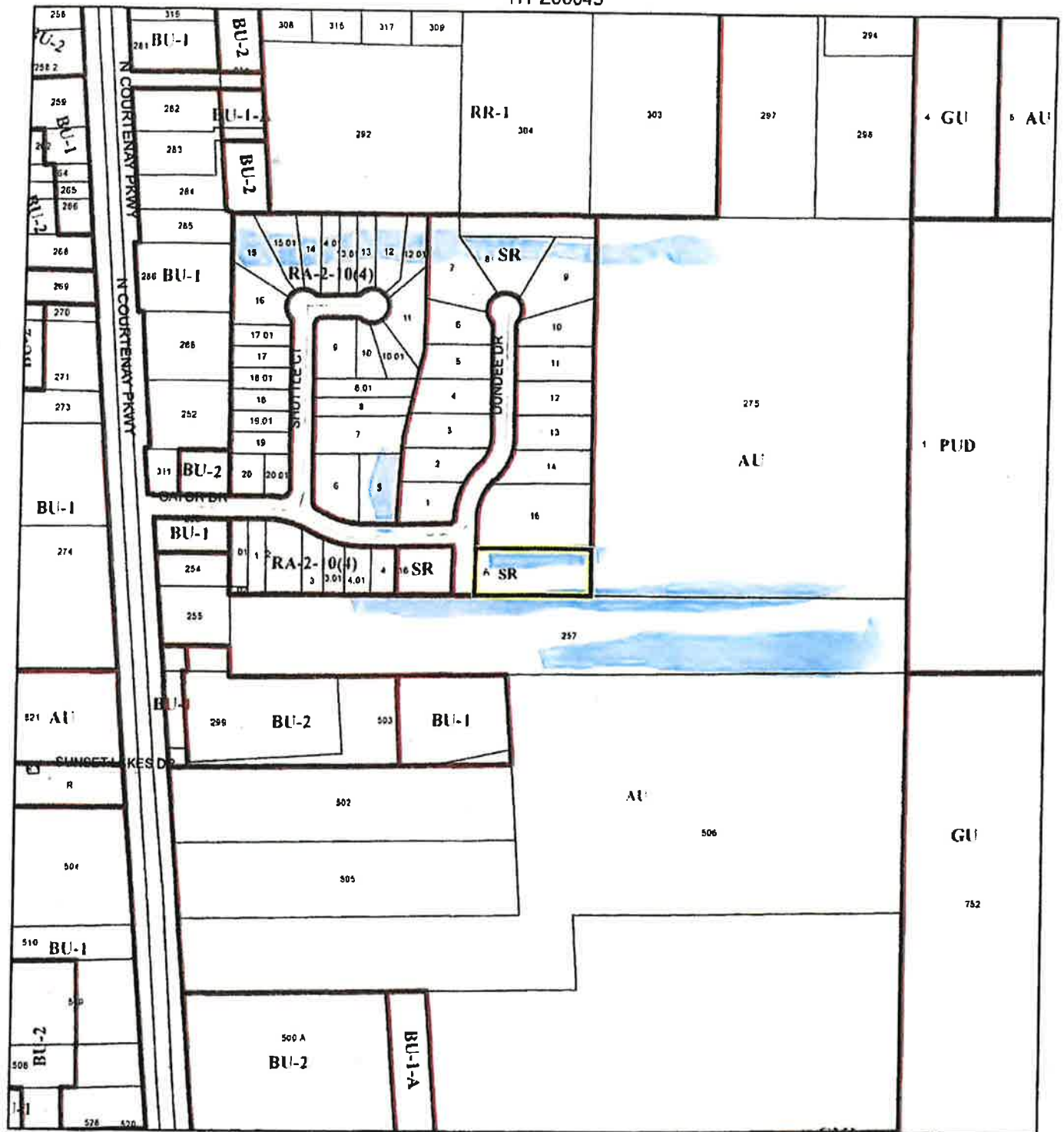
 Buffer

 Subject Property

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.

# ZONING MAP

OBLOY, ERIC AND AMANDA  
17PZ00045



1:4,800 or 1 inch = 400 feet

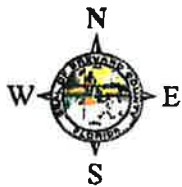
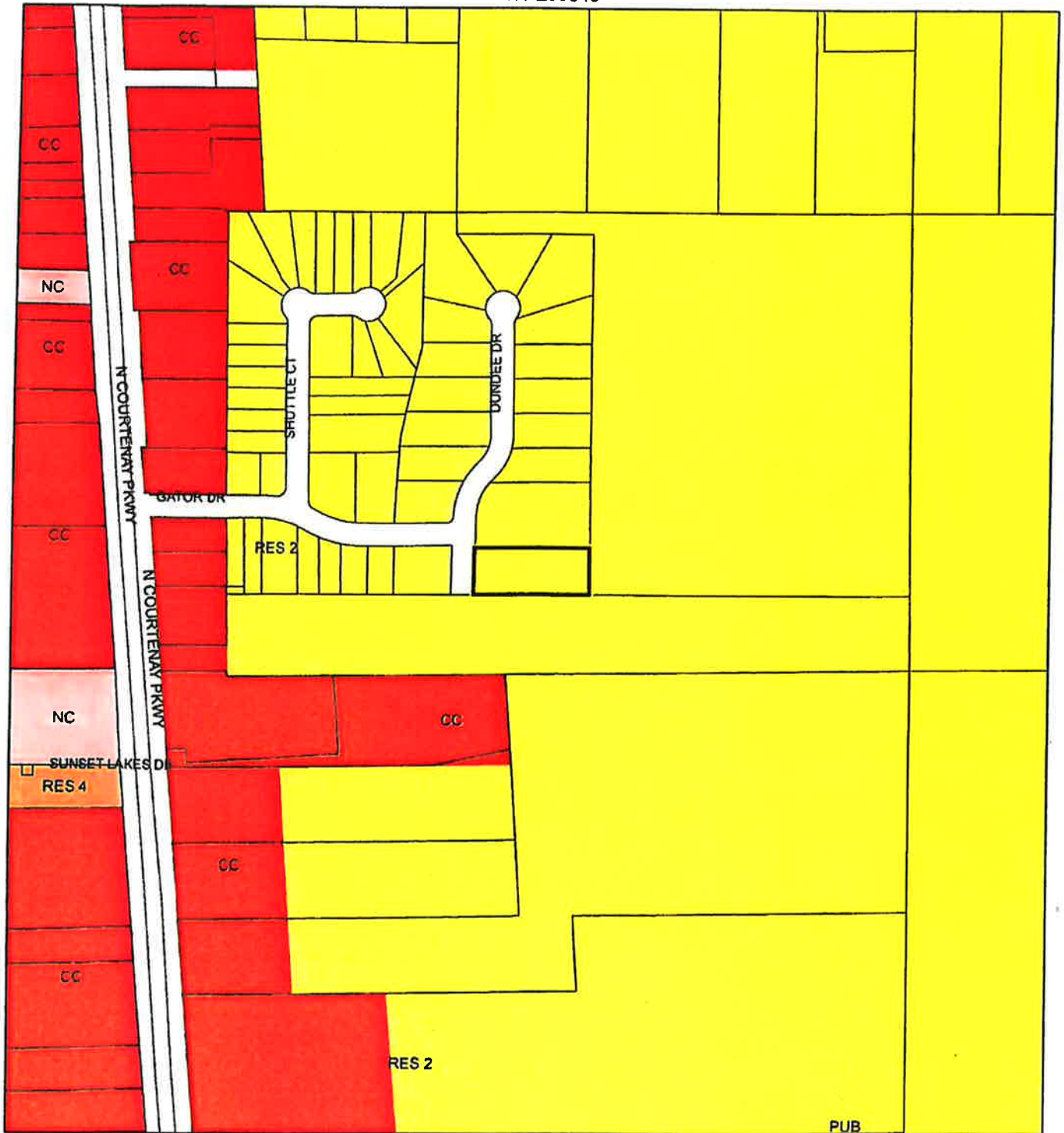
- Subject Property
- Parcels
- Zoning

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.

# FUTURE LAND USE MAP

OBLOY, ERIC AND AMANDA

17PZ00045



1:4,800 or 1 inch = 400 feet

— Subject Property

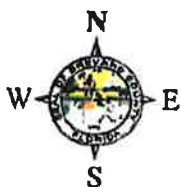
□ Parcels

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 the Brevard County Planning and Zoning Office - GIS Section Date: 3/15/2017

R-025

AERIAL MAP  
OBLOY, ERIC AND AMANDA  
17PZ00045



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2016

— Subject Property

□ Parcels

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**IV.B.4.**

**Commission District # 2 (17PZ00045)**  
**Initial Hearing Dates: NMI 05/11/17 BCC 05/25/17**

**REZONING REVIEW WORKSHEET**

**Applicant Name: ERIC & AMANDA OBLOY**

**Request: SR to AU**

**Subject Property:**

**Parcel ID#: 24-36-02-26-A-00**  
**Tax Acct#: 2458094**  
**Location: East of N. Courtenay Pkwy., at the terminus of Gator Dr. & Dundee Dr.**  
**Address: 165 Gator Dr., Merritt Island**  
**Acreage: 1.06 acres**

**Consistency with Land Use Regulations**

- YES Current zoning can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Proposal can be considered under the Future Land Use Designation. Sec. 62-1255
- YES Would proposal maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	SR	AU
<b>Potential*</b>	2 SFR units	0
<b>Can be Considered under FLU MAP</b>	YES	YES

\*Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

	<b>ADT</b>	<b>PM PEAK</b>		
<b>Trips from Existing Zoning</b>	10	2	<b>Segment Number</b>	060
<b>Trips from Proposed Zoning</b>	10	1	<b>Segment Name</b>	SR 3
<b>Maximum Acceptable Volume (MAV)</b>	41,780	3,761	<b>Acceptable LOS</b>	D
<b>Current Volume</b>	14,650	1,319	<b>Directional Split</b>	0.52
<b>Volume With Proposed Development</b>	14,680	1,319	<b>ITE CODE</b>	
<b>Current Volume / MAV</b>	35.08%	35.08%	210	
<b>Volume / MAV with Proposal</b>	35.08%	35.08%		
<b>Current LOS</b>	C	C		
<b>LOS With Proposal</b>	C	C		
<b>Findings</b>	<input checked="" type="checkbox"/> Non-Deficiency		<input type="checkbox"/> Deficiency	

**Land Use Compatibility**

FLUE Policy 1.1 addresses residential land use designations and maximum density thresholds.

This request is for an AU zoning classification. The AU zoning classification permits single-family residences and agricultural pursuits on 2 ½ acre lots, with a minimum lot width and depth of 150 feet. The minimum house size in AU is 750 square feet. The AU classification also permits the raising/grazing of animals, fowl and beekeeping. The surrounding parcels are zoned AU to the north, south and east, and SR to the east. The SR classification permits single family residences on minimum half acre lots, with a minimum width of 100 feet and a depth of 150 feet. The minimum house size in SR is 1,300 square feet. This area of Merritt Island is characterized by single-family and multi-family development on lots of .20 acre or more in area. The Board should evaluate the compatibility of this application within the context of Administrative Policies 2 - 8 of the Future Land Use Element, as outlined on pages 2 through 5 of these staff comments.

**Environmental Constraints**

\* Does the project appear to meet county use or density restrictions based upon:  
 \* Refer to NRM's comments following these staff comments.

The following environmental factors may affect development potential (Policies 1.1.A, II.2.E, and 3.1.F, of the Future Land Use Element):

Environmental Factor	Preliminary Assessment of Factor	Environmental Factor	Preliminary Assessment of Factor
Hydric Soils	Mapped	Coastal Protection	NA
Aquifer Recharge Soils	Not Mapped	Surface Water Protection	NA
Floodplains	Mapped	Habitat for Protected Species	Potential

Note: This is a preliminary review based upon environmental maps available to the Natural Resources Management (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether a proposed use or development of the property can be permitted under current federal, state or local regulations. Hydric Soils may be associated with wetlands. If applicable, the full text of NRM's comments follow these staff comments.

**Background and Purpose of Request**

The applicant is seeking the AU zoning classification for the purposes of unifying the zoning classification of the subject parcel with the applicant's entire property holdings abutting to the east. The property owner has over 30 acres including the subject parcel (1.06 acres) that serves as the entrance to "Adventures in Paradise", an active farm, petting zoo and other agritourism business. It appears that the subject property was platted as a portion of lot 15, of "The Groves" subdivision, however it was left undeveloped and encumbered with drainage and access easements. The access to the applicant's property is through this parcel and was left with the SR zoning classification of the abutting subdivision. In order for the property owner to have signage and access to his property, it is necessary for the property to be rezoned from SR to AU.

Additionally, pursuant to Section 62-2897, which governs modification of a final plat, "After a final subdivision plat approval is granted by the board and recorded in the public records, the platted property shall only be developed in the manner and for the purpose shown on the plat unless a modification is approved by the board with notice to any affected property owners." The property has primarily been used for access and signage of the onsite agritourism business.

**Options for Board Consideration**

Given the nature of the request and the potential incompatibilities between existing single-family and an active farm/agritourism business, the Board may wish to limit the use of the subject parcel to ingress and egress for the onsite residence and business and for signage only through a Binding Development Plan.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Rezoning Review**  
**SUMMARY**

<b>Item #: 17PZ00045</b>	<b>Applicant: Eric &amp; Amanda Obloy</b>
<b>Zoning Request: SR to AU</b>	
<b>NMI Hearing Date: 05/11/17</b>	<b>BCC Hearing Date: 05/25/17</b>

This is a preliminary review based on environmental maps available to the Natural Resources Management Department (NRM) at the time of this review and does not include a site inspection to verify the accuracy of this information. This review does not ensure whether or not a proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations. In that this process is not the appropriate venue for site plan review, specific site designs that may be submitted with the rezoning will be deemed conceptual and any comments or omissions relative to specific site design do not provide vested rights or waivers from these regulations, unless specifically requested by the owner and approved by the Board of County Commissioners. If the owner has any questions regarding this information, he/she is encouraged to contact NRM prior to submittal of any development or construction plans.

Natural Resource	Preliminary Assessment	Natural Resource	Preliminary Assessment
Wetlands Potential/Hydric Soils	Mapped	Coastal Protection	N/A
Aquifer Recharge Soils	Not mapped	Surface Waters	N/A
Floodplains	Mapped	Wildlife	Potential

**Comments:**

**This review relates to the following property: Twp. 24, Rng. 36, Sec. 2;  
Tax ID Nos. 2458094**

The subject parcel contains mapped NWI and SJRWMD wetlands and mapped hydric soils (Anclote sand depressional, St. John sand, Myakka sand, Copeland-Bradenton-Wabasso complex limestone, Chobee mucky loamy fine sand depressional, Quartzipsamments smoothed), indicators that wetlands may be present on the property. Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. For subdivisions greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 62-3694(c)(6). The applicant is encouraged to contact NRM prior to any plan or permit submittal. Any permitted wetland impacts must meet the requirements of Section 62-3694(e) and 62-3696.

The eastern portion of the property is mapped as being within the floodplain as identified by the Federal Emergency Management Agency; and is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance.

Information available to NRM indicates that federally and/or state protected species may be present on the property. 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 and/or U.S. Fish and Wildlife Service, as applicable.

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.

OBJECTION  
IV.B.4.

Joan Scott  
125 Gator Drive  
Merritt Island, FL 32953

April 21, 2017

RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

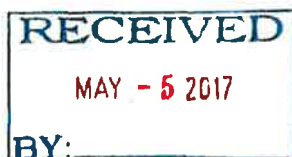
Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

Regarding the above referenced re-zoning application for Dolphin Paradise Tours, I strongly object to the request for that parcel to be re-zoned. The location of said parcel is only accessed by egress/ingress through a residential neighborhood. Should that particular parcel be re-zoned the potential for that property to visually display non-residential structures, signage and the like, becomes significant and objectionable to those in the neighborhood.

Thank you for your time and consideration.

Sincerely,  
*Joan Scott*  
Joan Scott



R-030

OBJECTION  
IV. B.4.

Steve Scott  
125 Gator Drive  
Merritt Island, FL 32953

April 21, 2017

RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

Regarding the above referenced re-zoning application for Dolphin Paradise Tours, I strongly object to the request for that parcel to be re-zoned. The location of said parcel is only accessed by egress/ingress through a residential neighborhood. Should that particular parcel be re-zoned the potential for that property to visually display non-residential structures, signage and the like, becomes significant and objectionable to those in the neighborhood.

Thank you for your time and consideration.

Sincerely,

  
Steve Scott



R-031

OBJECTION  
IV. B.4.

Alex Terrero  
4003 Dundee Drive  
Merritt Island, FL 32953

April 21, 2017

RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

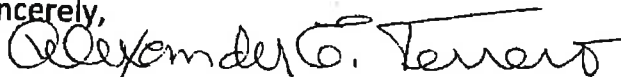
Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

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Thank you for your time and consideration.

Sincerely,



Alex Terrero



R-032

OBJECTION!  
IV.B.4.

Alex Terrero, Jr.  
4003 Dundee Drive  
Merritt Island, FL 32953

April 21, 2017

RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamlson Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

Regarding the above referenced re-zoning application for Dolphin Paradise Tours, I strongly object to the request for that parcel to be re-zoned. The location of said parcel is only accessed by egress/ingress through a residential neighborhood. Should that particular parcel be re-zoned the potential for that property to visually display non-residential structures, signage and the like, becomes significant and objectionable to those in the neighborhood.

Thank you for your time and consideration.

Sincerely,



Alex Terrero, Jr.



R-033

OBJECTION  
IV.B.4.

To: Jennifer Jones  
Brevard County Government Center  
c/o Planning and Development  
2725 Judge Jamison Way  
Bldg. A, Suite 114  
Viera, FL 32940

RE: Rezoning Application: Eric Obloy and Dolphin Paradise Tours  
ACCELA # 17P200045  
Objection to rezoning request by Dennis A. Wilson

Greetings; this letter is to strongly object to the rezoning request by Mr. Eric Obloy and Dolphin Paradise Tours to rezone to AU status. I own the home and property that is immediately adjacent to Mr. Obloy's property and have taken the liberty to provide a short bullet-ized summary of my objections, based on first-person knowledge:

**Pig Pen:** if the application is approved to rezone from SR to AU: will Mr. Obloy be permitted to place a simple pig pen on this piece of property at his driveway entrance, which is next door to my home? It has been discussed that, if successful, Mr. Obloy would construct a new pig pen on this small parcel to spitefully punish his neighbors for stating their objections to his commercial business. If the new zoning to AU status *does allow* this, this singular issue should scare the daylights out of any residential homeowner and should on its own merits disapprove this application request.



**New Construction:** since March 01, 2017 (approximately 15 days after the processing of this rezoning application) the amount of construction traffic has increased dramatically. No less than 10 dump trucks of fill dirt, 2 cement mixers, 8 loads of lumber, other trucks of assorted construction equipment, electricians, plumbers, and utility trucks have poured through our neighborhood and into Mr. Obloy's property through his driveway access road. According to their website; new construction is underway to build a convention hall to house a winery and to host wedding receptions. I interpret this increased traffic to coincide with this new construction project. It is further suggested that Mr. Obloy is using the temporary protection of this rezoning application to immediately obtain the bulk of these construction supplies and build while he can.

**Traffic:** the volume of automobile traffic into our residential neighborhood is greatly increased during the weekends, as numerous cars enter Mr. Obloy's driveway and immediately leave within 3 to 5 minutes. This activity is consistent with some sort of commercial activity, such as ticket pick up only. If true; this is also a commercial activity and strictly prohibited under the current SR and AU zoning restrictions. To compound the issue; when the new convention hall is opened the volume of commercial traffic will again increase significantly.

**Current Residential Zoning:** the entirety of this neighborhood is zoned as SR residential. The entrance parcel including Mr. Obloy's driveway is also SR residential. Why are there commercial signage still on the street when three separate injunctions have been made to mandate the removal of the signs? This suggests that the County is unable to act on the removal of the commercial signs while Mr. Obloy is under the temporary protection of the new rezoning application. Meanwhile, the signage is promoting the commercial activities of Florida Adventures in Paradise and Dolphin Paradise Tours on a SR and AG zoned property.

**Shooting Range:** does the current agricultural AU zoning allow for a shooting range on the back portion of this property? Is a special permit required for *any* property that is to be used as a shooting range? The question is posed as constant gunfire on Saturdays takes place on this property. It cannot be just the owner taking part with this activity.

**Web site information:** a simple Google search for Dolphin Paradise Tours and Florida Adventures in Paradise returns a commercial business web site that states a physical property address of 165 Gator Drive in Merritt Island, FL 32953. This is also the street address listed to pick up tour/activity tickets and additional information. Again, this type of commercial business activity is prohibited from taking place on an AU agriculture zoned property.

In summary; I propose that Mr. Obloy's reason for the rezoning request is not to "unify the zoning classification" as he has stated on the application form. The evidence strongly suggests that this application is merely a distraction designed to disguise the true intention, which is the continuance to conduct a fully

commercial business in a residential neighborhood under the veil of operating an agricultural farm. This is what the County should be investigating as the true objective for his application.

For these specific reasons stated that I have first-person knowledge of, I strongly object to this rezoning request. Thank you.

A handwritten signature in cursive script that reads "Dennis A. Wilson".

Dennis A. Wilson  
139 Gator Drive  
Merritt Island, FL 32953

CC: file

OBJECTION  
17P200045

Bruce Laissle  
3999 Dundee Drive  
3997 Dundee Drive  
Merritt Island, FL 32953

April 10, 2017

RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

Regarding the above referenced re-zoning application for Dolphin Paradise Tours, I strongly object to the request for that parcel to be re-zoned. The location of said parcel is only accessed by egress/ingress through a residential neighborhood. Should that particular parcel be re-zoned the potential for that property to visually display non-residential structures, signage and the like, becomes significant and objectionable to those in the neighborhood.

Thank you for your time and consideration.

Sincerely,

  
Bruce Laissle



17PZ010045  
OBJECTION

Patricia Laissle  
3999 Dundee Drive  
3997 Dundee Drive  
Merritt Island, FL 32953

April 10, 2017

RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

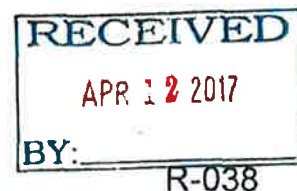
Dear Ms. Jones,

Regarding the above referenced re-zoning application for Dolphin Paradise Tours, I strongly object to the request for that parcel to be re-zoned. The location of said parcel is only accessed by egress/ingress through a residential neighborhood. Should that particular parcel be re-zoned the potential for that property to visually display non-residential structures, signage and the like, becomes significant and objectionable to those in the neighborhood.

Thank you for your time and consideration.

Sincerely,

*Patricia Laissle*  
Patricia Laissle



17P200045  
OBJECTION

Jones, Jennifer

**From:** KEITH <duckbug@msn.com>  
**Sent:** Thursday, April 20, 2017 4:40 PM  
**To:** Jones, Jennifer  
**Subject:** RE: Re-zoning Application

Dear Jennifer Jones  
This is my formal objection to:  
RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P 200045  
Tax ID #: 2458094

I reside at 4002 dundee dr.  
I purchased under the understand and fact that I was on a cul de sac with 100% residential frontage for the reason that I would not signage and heavy traffic etc in my neighborhood. The tourism use the Obloys have implemented on the au property attached to the residential parcel reference has already significantly impacted my quality of living and rezoning the frontage parcel will only further impact my quality of living and likely my property value. There has already been large business sing on the property in question and they advertise business not authorized on said property and are a violation of code for SR yet they in some form have been there in excess of 1 year. In addition we have on more than one occasion had free livestock wandering our street. This change would move where live stock can be even closer to our street and put our children at an even greater risk. I have already had to limit where in our neighborhood I allow my daughter go. I will likely have to put even further restrictions in place.  
This zoning change would have a negative impact on my quality of life and property value and make it something measurably different than I purchased. The Obloy's purchased this property far more recently than I purchased mine and had to be aware that the access lot was SR. This request will have negative impact on many for the good of 1.  
Thanks  
Keith Braun

OBJECTION  
17P200045

**Jones, Jennifer**

---

**From:** Betsi Siddall <betsisiddall@gmail.com>  
**Sent:** Wednesday, April 26, 2017 10:02 AM  
**To:** Jones, Jennifer  
**Subject:** Obloy Rezoning Application

BETSI SIDDALL

3991 Dundee Dr., Merritt Island, FL 32953

April 26, 2017

RE: Re-zoning Application

Eric Obloy

Dolphin Paradise Tours

165 Gator Drive

Merritt Island, FL 32953

ACCELA # 17P200045

Tax ID #: 2458094

Brevard County Government Center

c/o Planning and Development

Jennifer Jones

2725 Judge Jamison Way

Bldg. A Suite 114

Viera, FL 32940

Dear Ms. Jones,

Regarding the above referenced re-zoning application for Dolphin Paradise Tours, I strongly object to the request for that parcel to be re-zoned. There exists no need, nor justifiable reason to re-zone the parcel to AU other than that the Obloys seek to further deface our residential community with

hideous signage. There exists substantial evidence that the Obloys have no respect nor regard for the laws, codes and ordinances of Brevard County, nor for their neighbors. Given their past and current conduct, one can reasonably expect that granting this AU request will only serve to exacerbate that. It will also adversely impact our property values. Further, the true character of the immediate area is single family residences, in the interest of the majority, this should be maintained.

Thank you for your time and consideration.

Sincerely,

Betsi Siddall

OBJECTION  
17P200045

**Jones, Jennifer**

---

**From:** john siddall <johnsiddall@yahoo.com>  
**Sent:** Wednesday, April 26, 2017 10:08 AM  
**To:** Jones, Jennifer  
**Subject:** Obloy Re-Zoning Request

JOHN SIDDALL

3991 Dundee Dr., Merritt Island, FL 32953

April 26, 2017  
RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

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Thank you for your time and consideration.

Sincerely,

John Siddall

OBJECTION

~~III. B. 4.~~  
IV. P.

To: Jennifer Jones  
Brevard County Government Center  
c/o Planning and Development  
2725 Judge Jamison Way  
Bldg. A, Suite 114  
Viera, FL 32940

RE: Rezoning Application: Eric Obloy and Dolphin Paradise Tours  
ACCELA # 17P200045  
Objection to rezoning request by Dennis A. Wilson

Greetings; this letter is to strongly object to the rezoning request by Mr. Eric Obloy and Dolphin Paradise Tours to rezone to AU status. I own the home and property that is immediately adjacent to Mr. Obloy's property and have taken the liberty to provide a short bullet-ized summary of my objections, based on first-person knowledge:

**Pig Pen:** if the application is approved to rezone from SR to AU: will Mr. Obloy be permitted to place a simple pig pen on this piece of property at his driveway entrance, which is next door to my home? It has been discussed that, if successful, Mr. Obloy would construct a new pig pen on this small parcel to spitefully punish his neighbors for stating their objections to his commercial business. If the new zoning to AU status *does allow* this, this singular issue should scare the daylights out of any residential homeowner and should on its own merits disapprove this application request.



**New Construction:** since March 01, 2017 (approximately 15 days after the processing of this rezoning application) the amount of construction traffic has increased dramatically. No less than 10 dump trucks of fill dirt, 2 cement mixers, 8 loads of lumber, other trucks of assorted construction equipment, electricians, plumbers, and utility trucks have poured through our neighborhood and into Mr. Obloy's property through his driveway access road. According to their website; new construction is underway to build a convention hall to house a winery and to host wedding receptions. I interpret this increased traffic to coincide with this new construction project. It is further suggested that Mr. Obloy is using the temporary protection of this rezoning application to immediately obtain the bulk of these construction supplies and build while he can.

**Traffic:** the volume of automobile traffic into our residential neighborhood is greatly increased during the weekends, as numerous cars enter Mr. Obloy's driveway and immediately leave within 3 to 5 minutes. This activity is consistent with some sort of commercial activity, such as ticket pick up only. If true; this is also a commercial activity and strictly prohibited under the current SR and AU zoning restrictions. To compound the issue; when the new convention hall is opened the volume of commercial traffic will again increase significantly.

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**Web site information:** a simple Google search for Dolphin Paradise Tours and Florida Adventures in Paradise returns a commercial business web site that states a physical property address of 165 Gator Drive in Merritt Island, FL 32953. This is also the street address listed to pick up tour/activity tickets and additional information. Again, this type of commercial business activity is prohibited from taking place on an AU agriculture zoned property.

In summary; I propose that Mr. Obloy's reason for the rezoning request is not to "unify the zoning classification" as he has stated on the application form. The evidence strongly suggests that this application is merely a distraction designed to disguise the true intention, which is the continuance to conduct a fully

commercial business in a residential neighborhood under the veil of operating an agricultural farm. This is what the County should be investigating as the true objective for his application.

For these specific reasons stated that I have first-person knowledge of, I strongly object to this rezoning request. Thank you.



Dennis A. Wilson  
139 Gator Drive  
Merritt Island, FL 32953

CC: file

OBJECTION  
~~RE: #.~~  
IV.P.

Joan Scott  
125 Gator Drive  
Merritt Island, FL 32953

April 21, 2017

RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

Regarding the above referenced re-zoning application for Dolphin Paradise Tours, I strongly object to the request for that parcel to be re-zoned. The location of said parcel is only accessed by egress/ingress through a residential neighborhood. Should that particular parcel be re-zoned the potential for that property to visually display non-residential structures, signage and the like, becomes significant and objectionable to those in the neighborhood.

Thank you for your time and consideration.

Sincerely,  
*Joan Scott*  
Joan Scott



R-046

OBJECTION  
~~IV.B.4.~~  
IV.P.

Steve Scott  
125 Gator Drive  
Merritt Island, FL 32953

April 21, 2017

RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

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Thank you for your time and consideration.

Sincerely,

  
Steve Scott



R-047

OBJECTION  
~~IV.5.A.~~  
IV.P.

Alex Terrero  
4003 Dundee Drive  
Merritt Island, FL 32953

April 21, 2017


RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

Regarding the above referenced re-zoning application for Dolphin Paradise Tours, I strongly object to the request for that parcel to be re-zoned. The location of said parcel is only accessed by egress/ingress through a residential neighborhood. Should that particular parcel be re-zoned the potential for that property to visually display non-residential structures, signage and the like, becomes significant and objectionable to those in the neighborhood.

Thank you for your time and consideration.

Sincerely,  
  
Alex Terrero

RECEIVED  
MAY - 5 2017  
BY: \_\_\_\_\_

OBJECTION!  
~~III.B.H.~~  
IV.P.

Alex Terrero, Jr.  
4003 Dundee Drive  
Merritt Island, FL 32953

April 21, 2017

RE: Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094

Brevard County Government Center  
c/o Planning and Development  
Jennifer Jones  
2725 Judge Jamison Way  
Bldg. A Suite 114  
Viera, FL 32940

Dear Ms. Jones,

Regarding the above referenced re-zoning application for Dolphin Paradise Tours, I strongly object to the request for that parcel to be re-zoned. The location of said parcel is only accessed by egress/ingress through a residential neighborhood. Should that particular parcel be re-zoned the potential for that property to visually display non-residential structures, signage and the like, becomes significant and objectionable to those in the neighborhood.

Thank you for your time and consideration.

Sincerely,

  
Alex Terrero, Jr.



R-049

1/12/004/5  
OBJECTION

## Table of Contents

1. Cover letter
2. Exhibit A
3. Exhibit B
4. Exhibit C (2 pages)
5. Written letters of objection (6)
6. Signature Petition (4 pages, 24 signatures)

**Submitted by:**

**Patricia and Bruce Laissle  
3999 Dundee Drive  
3997 Dundee Drive  
Merritt Island, FL 32953**

On the first page of your packet you will see Exhibit A. The green portion indicates the location of the proposed rezoning. The areas highlighted in yellow indicate all the residents who either sent a letter objecting to the rezoning, or they signed a petition objecting to it. The breakdown is as follows: There are 24 signatures on the petition opposing the rezoning, and 6 letters opposing the rezoning. There may be more letters of opposition that were not directed to me, but rather directly to the NMIHOA or the county. I would not be aware of them personally. The areas marked by a red "X" are vacant/unoccupied homes. You will notice that directly to the north, west and northwest of the green section are residential homes, all within direct sight of the proposed rezoned area. All the other yellow highlighted areas on Dundee Drive, and the most easterly sections of Gator Drive, have line of sight to the rezoned area. You can clearly see the people most affected by that parcel are Gator and Dundee Drive.

Turning to Exhibit B in your packet, you will see a printout of a Facebook post generated by Florida Adventures in Paradise on 5/2/17. You will observe no less than 12 amusements/attractions planned for that location. Those endeavors are the reason for the rezoning request. The Obloys wish to erect signage advertising them. Two of those endeavors would likely involve alcohol.

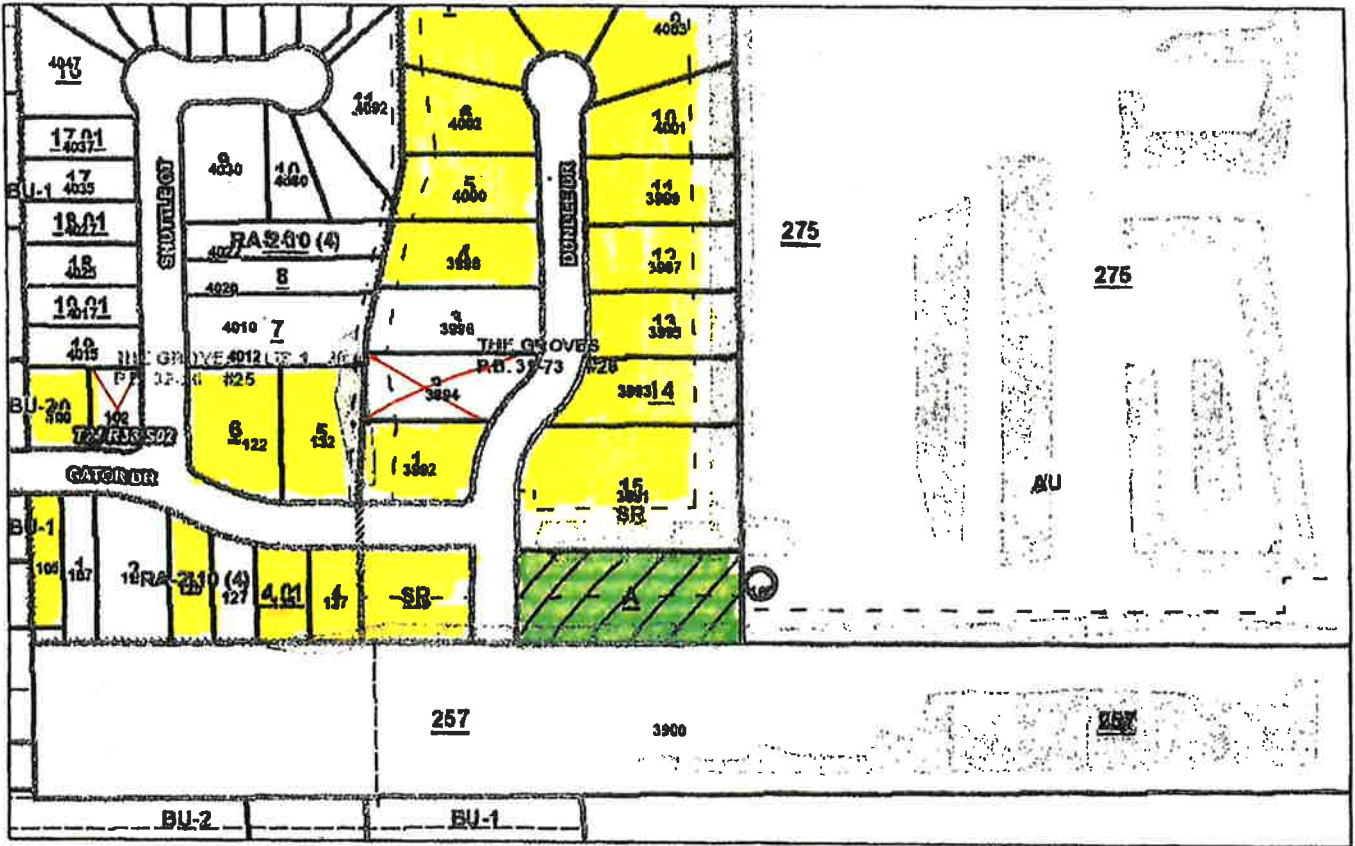
Based on the number of activities they plan to engage in on that property, one can logically assume that the property they wish to rezone away from residential will be used to advertise their business. As proof of that is Exhibit C, a rejected sign application dated 11/22/16, in which the refusal was based on the fact that the proposed sign was on property zoned residential, and that in order to go forward with any sign construction they would have to apply to rezone that parcel. Which is why we are here tonight. That parcel is in a residential neighborhood, and those residents do not wish to live in the middle of the Obloy's theme park aspirations.

Let's be clear about this. The Obloy's sole reason for this rezoning application is because their request to construct a 20' high arched sign advertising this attraction was rejected on the grounds it was residential property.

Specific objections based on some of the suggested guidelines stated on the application are:

1. Impact on services, such as roads and schools. All roads leading to Adventures in Paradise are residential. They were not designed for the type of commercial traffic likely needed to sustain the planned activities in Exhibit B. Weddings nowadays can generate anywhere from 50 to 200 people. So the potential is high that on a continual basis, 200 cars could be entering our residential street and exiting sometime later, only now exiting guests have potentially consumed alcohol. And that is only referencing the wedding traffic, just one of the 12 activities listed in Exhibit B. The amount of commercial delivery vehicles that would likely be needed to deliver goods and services to sustain these 12 activities will be detrimental to our streets. They are residential streets, and were constructed as such. They were not roads designed for the cumulative impact of sustained commercial traffic.
2. Compatibility with surrounding land use. As indicated in Exhibit C, the purpose of this rezoning request is so the Obloys can construct a 20' high, overhead arched sign advertising their attraction. That would not, by any stretch of the imagination, be compatible with the existing, surrounding land use of a residential neighborhood.
3. Consistency with the character of the area. There are NO commercial signs on Gator or Dundee Drive, BECAUSE THEY ARE RESIDENTIAL STREETS! So to maintain the consistency of the area it would NOT be appropriate to allow a commercial sign, accomplished only by this rezoning request, to be constructed on that property.

In conclusion, we hope that the petition signatures and letters written are adequate proof of the objection to this rezoning request. If by some chance the collective thinking leans towards the notion that the property in question is of so little consequence that approval would be forthcoming, please consider the converse notion. If the property is of little consequence, consider ruling in favor of the 24 petition signers and 6+ letters writers who oppose this rezoning application.



- Zoning
- Section
- CAPE CANAVERAL
- COCOA

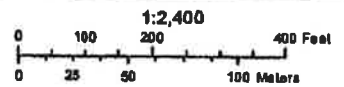


Exhibit A

Patti Laissle  
(No Subject)  
May 4, 2017, 11:41 AM  
Patti Laissle



Sent from my iPhone

[www.facebook.com/floridasadventuresinparadise](http://www.facebook.com/floridasadventuresinparadise)

posted 5/2/17 @ 2:11pm

Exhibit B

R-053



FLORIDA'S SPACE COAST

PLANNING & DEVELOPMENT DEPARTMENT  
Building Code  
2725 Judge Fran Jamieson Way, Bldg A  
Viera, Florida 32940

TELEPHONE: (321)633-2072  
Fax (321)633-2087

Status Date: November 22, 2016

Site Address: 165 GATOR  
MERRITT ISLAND FL 32953  
Property Owner: OBLOY, ERIC  
165 GATOR DR  
MERRITT ISLAND FL 32953-8139

Contractor: Owner  
Contractor's Fax:  
Contractor's E-mail:

RE: Permit Number: 16BC15988

Dear Permit Applicant:

Your permit application was reviewed for compliance with the Florida Building Code, Brevard County Code of Ordinances, and other state rules and local ordinances. The comments listed below were generated by each review agency and must be addressed in order to further process your permit application. Written response addressing the comments in the order given must be submitted and revised construction drawings must be provided. Changes made to construction drawings must be clouded to identify those changes. Please provide two copies of construction drawings and or survey plot plans when submitting revised drawings.

11 copies

**Zoning Review George Ritchie**

- 1) Current zoning does not allow commercial signage under Section 62-3316. Property needs to be rezoned or the sign moved into an area where signage can be allowed.
- 2) Sign needs to be dimensioned. Need height, width and square footage of signage area.
- 3) Will sign be illuminated?
- 4) Update survey with location showing setbacks from property lines.



Petition Objecting to Re-Zoning of:

Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094  
April 19, 2017

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
1. Dantawis Griffin	120 GATOR DR.	[Signature] E/C
2. Kim Griffin	120 Gator Dr	[Signature]
3. Helen Burns	122 Gator Dr.	Helen Burns
4. Kristen Hughes	100 GATOR DR.	KRH
5. Kenneth Winn	4001 Dundee Dr	[Signature]
6. Edward Kinane	4004 Dundee Dr.	[Signature]
7. Kyra Kinane	4004 Dundee Dr.	Kyra Kinane
8. Jodi Jackson	4000 Dundee Dr	[Signature]
9. Scott Jackson	4006 Dundee Dr.	[Signature]
10. Marty Costerton	3995 Dundee Dr.	[Signature]

Petition Objecting to Re-Zoning of:

Re-zoning Application

Eric Obloy

Dolphin Paradise Tours

165 Gator Drive

Merritt Island, FL 32953

ACCELA # 17P200045

Tax ID #: 2458094

April 19, 2017

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
1. Vickie Hall	4006 Dundee Dr	Vickie Hall
2. James Hall	4006 Dundee Dr.	James Hall
3. Carol Stevens	3998 Dundee Dr	Carol Stevens
4. Justin Bourne	135 Gator Dr.	Justin Bourne
5. Connor Bourne	135 Gator Dr	Connor Bourne
6. Tammy Bourne	135 Gator Drive	Tammy Bourne
7. Eric Bourne	135 Gator Drive	Eric Bourne
8. Michael Stevens	3998 Dundee Dr.	Michael Stevens
9.		
10.		

**Petition Objecting to Re-Zoning of:**

**Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094  
April 19, 2017**

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
1. ANTHONY BRANNON	3993 DUNDRE DR, M.I	<i>Anthony Brannon</i>
2. Taming Acup	3992 Dundre Dr MI	<i>Taming Acup</i>
3. Steven Acup	3992 Dundre Dr MI	<i>Steven Acup</i>
4. WALLY MASLY	105 GATOR DR MI	<i>Wally Masly</i>
5.		
6.		
7.		
8.		
9.		
10.		

**Petition Objecting to Re-Zoning of:**

**Re-zoning Application  
Eric Obloy  
Dolphin Paradise Tours  
165 Gator Drive  
Merritt Island, FL 32953  
ACCELA # 17P200045  
Tax ID #: 2458094  
April 19, 2017**

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
1. <i>J+K Songer</i>	<i>[Signature]</i>	<i>137 Gator Dr.</i>
2. <i>Dennis A. Wilson</i>	<i>139 Gator Dr.</i>	<i>Dennis A. Wilson</i>
3. _____		
4. _____		
5. _____		
6. _____		
7. _____		
8. _____		
9. _____		
10. _____		

OBJECTION  
IV.P.  
17PZ00045  
Obloy

**Jones, Jennifer**

---

**From:** Commissioner, D1  
**Sent:** Monday, July 31, 2017 9:19 AM  
**To:** Ragain, Rebecca; Sterk, Erin; Jones, Jennifer  
**Cc:** Mascellino, Carol; Tagye, Steven; Pritchett, Rita  
**Subject:** FW: Aug 3 BCC zoning meeting/ Item IV-P. Change of Zoning Classification, Re: SR to AU – Eric & Amanda Obloy (17PZ00045)

Good morning,

Please see email below received in our office regarding the above agenda item for the August 3, 2017 zoning agenda.

Thanks,

*Marcia Newell*

Legislative Aide to Commissioner Rita Pritchett  
[Marcia.newell@brevardcounty.us](mailto:Marcia.newell@brevardcounty.us)

**District 1 Commission Office**  
2000 S. Washington Avenue, Suite 2  
Titusville, Florida 32780  
321-607-6901

**Please note:**

*Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.*

---

**From:** S & K [<mailto:t.square@prodigy.net>]  
**Sent:** Sunday, July 30, 2017 8:05 PM  
**To:** Commissioner, D1  
**Subject:** re: Aug 3 BCC zoning meeting/ Item IV-P. Change of Zoning Classification, Re: SR to AU – Eric & Amanda Obloy (17PZ00045)

{agenda packet pgs, 168-174}

Honorable Vice Chairman Prichett -

The Obloys have come to our attention through complaints from the neighbors residing in the 2 neighborhoods Inbetween the Obloys and Courtenay Pkwy. The Obloys moved in to the neighborhood about 3 years ago; they have caused considerable commercial traffic to increase in these neighborhoods as they have tried to run a business there. They put up a huge sign by their driveway promoting their business at their residence. According to county code enforcement it is illegal and has been accruing daily fines that the Obloys have yet to pay.

We see that now the Obloys are attempting to change their zoning on this piece of property with the illegal sign, at the entrance to the second neighborhood, to make it legal instead of working with the neighbors and putting something up more appropriate and legal to be displayed in the neighborhood. They have told county staff that they also want to put up a large ranch gate there, too.

Buying into a neighborhood then trying to change their property classification so they can have large ad signs and gates is not only disruptive to the character of the neighborhood but is just wrong to their neighbors. Please don't reward them for their unneighborly spirit by allowing this zoning change.

Thank you, the Smiths, PO Box 236982, Cocoa, FL 32920

OBJECTION  
I.P.  
17P206045  
Obloy

BETSI SIDDALL  
3991 Dundee Dr., Merritt Island, FL 32953  
321-684-2382

August 1, 2017

Brevard County Board Of Commissioners

RE: Eric and Amanda Obloy Rezoning Request

Dear Commissioners:

I am opposed to this re-zoning request. When we purchased our home in 2009, we had every reason to expect that the only use in the community would be residential. As for the 24 acres which remained undeveloped, given that when the subdivision was originally designed, it was all part of the same parcel, we had no reason not to think that the rest of the acreage would also eventually be developed as residential. The fact that it was a farm in the past was not an issue, as we have no objection to a quiet farmer farming for his own sake. What we do object to is inviting the public through our residential community in what is blatant abuse of the agri tourism law, a law whose intent was to provide bonafide farmers with supplemental income. It was never intended to be a determining factor of whether they succeed as a farm, or not, nor as the primary source of income. The applicants have gone far beyond farm activity, turning their property into an amusement attraction, increasing activity 10 fold, as depicted in the drawing included in my original packet of information.

In reviewing the **Administrative Policies Of The Future Land Use Element**, this request most decidedly does not meet **Administrative Policy 3**, in that all of the surrounding properties are, and have been, zoned residential for more than two decades. Our community is a well established residential neighborhood, which the applicants were well aware of when they purchased this property. As I have stated in a previous letter, the applicant's lack of due diligence should not constitute consequences for their neighbors. This re-zoning request is would be wrong for our community.

Since the arrival of the applicants in our neighborhood in 2015, we have lived with constant disruptions which interfere, in ways large and small, with our right to quiet enjoyment of our property. In my discussions with various staff members in the Planning and Zoning Department, the suggestion of a **Binding Development Plan** has been mentioned on several occasions. I am opposed to this for several reasons. Firstly, a BDP is not truly binding, and secondly, and most importantly, the applicants have a clear history of non-compliance which began long before they purchased the subject property, and continues even now despite the substantial fines which have been accruing since December of 2015 and are now in excess of \$100,000.00.

I have included additional documentation as to the applicant's continued non-compliance and abuse of the agri tourism bill in the form of photographs obtained from the Florida's Adventures In Paradise Facebook page and their Barn Stall Winery Pages and documentation from several

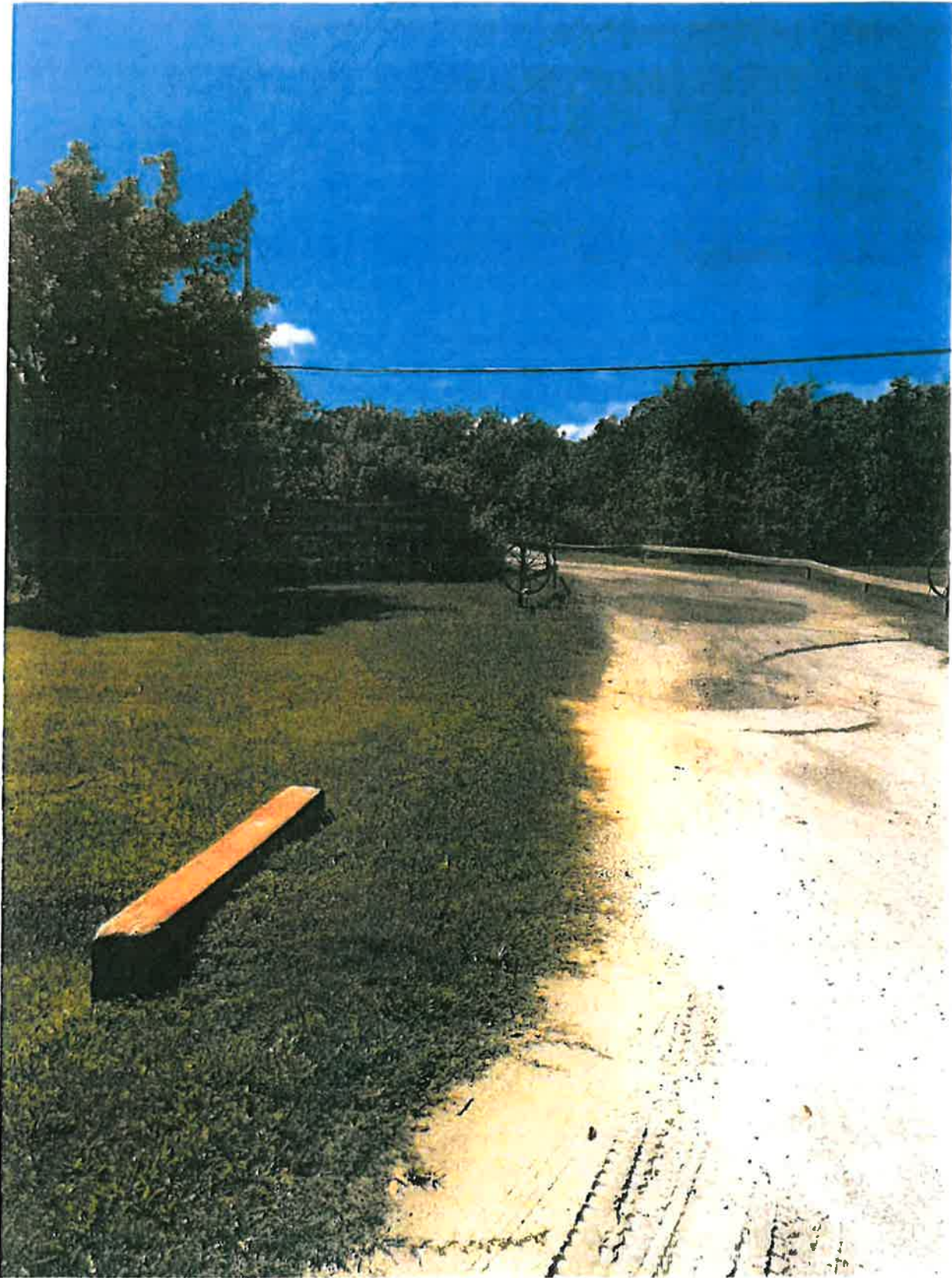
State Of Florida websites, which I think you will find self explanatory.

I thank you for your time and attention to this matter and respectfully request that you please protect the character of our community by denying this application.

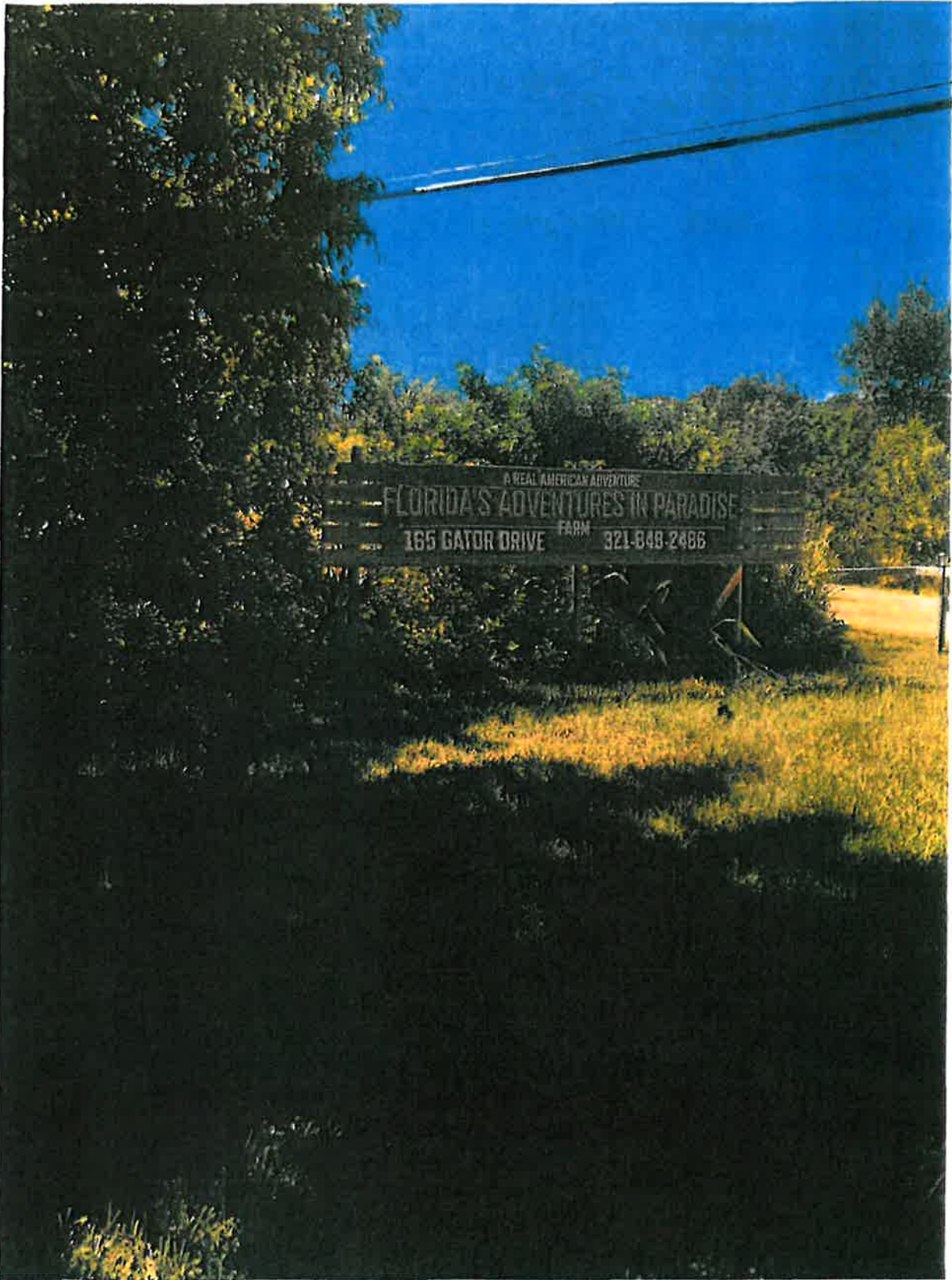
Respectfully,

*Betsi Siddall*

**Betsi Siddall**



R-064



R-065

# BARN STALL WINERY & WEDDING BARN

CREATED BY FLORIDA'S ADVENTURES IN PARADISE

Wine is bottled poetry - Robert Louis Stevenson



Barn Stall Winery & Wedding Barn offers seven unique blends of Muscadine wines for your enjoyment. From our heavenly flavored blush to an enchanting dessert wine, we have a flavor for perfect for anyone's taste buds.

Our winery offers a unique experience in that you can pick the grapes of the very wines that you are drinking.

Enjoy a spacious interior, 3,000 square feet with delicate lighting and a gorgeous chandelier, charming decorations, and music at a comfortable volume, or take advantage of our patio, overlooking two fire pits, a horse pasture and offers a powerful view of the setting sun behind Florida pines.

Contact us:  
165 Gator Drive, Merritt Island, FL 32953  
321.438.2465  
adventuresinparadisepartypackages.com

BARN STALL WINERY & WEDDING BARN  
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[barnweddings](#)

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9:59:39 AM 6/2/2017

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For additional information, including any complaints or discipline, click on the name.

License Type	Name	Name Type	License Number/ Rank	Status/Expires
Retail Beverage	<u>DOLPHIN PARADISE TOURS CORP</u>	DBA	BEV1506841 2APS	Null and Void, 03/31/2017
	License Location Address*: 2700 HARBORTOWN DRIVE MERRITT ISLAND, FL 32952 Main Address*: 2700 HARBORTOWN DRIVE MERRITT ISLAND, FL 32952 Mailing Address*: 165 GATOR DRIVE MERRITT ISLAND, FL 32953			
Retail Beverage	<u>DOLPHIN PARADISE TOURS CORP</u>	Primary	BEV1506841 2APS	Null and Void, 03/31/2017
	License Location Address*: 2700 HARBORTOWN DRIVE MERRITT ISLAND, FL 32952 Main Address*: 2700 HARBORTOWN DRIVE MERRITT ISLAND, FL 32952 Mailing Address*: 165 GATOR DRIVE MERRITT ISLAND, FL 32953			

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\* denotes


- Main Address - This address is the Primary Address on file.
- Mailing Address - This is the address where the mail associated with a particular license will be sent (if different from the Main or License Location addresses).
- License Location Address - This is the address where the place of business is physically located.

2601 Blair Stone Road, Tallahassee FL 32399 :: Email: Customer Contact Center :: Customer Contact Center: 850.487.1395

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EZ Catch Fishing Best! Home 20-



**EZ Catch Fishing**  
@ezcatchfishing

- Home
- Posts
- Reviews
- Photos
- About
- Community
- Offers

Create a Page




Your #1 fishing charter...  
trips and 4-8 hour...


Call Now

Like Follow Recommend



YOUR GAMES MORE



RECOMMENDED GAMES MORE




**Featured For You**

100% response rate  
Typically replies within a day

Message 84 people like this

**Posts**


 EZ Catch Fishing shared Florida's Adventures in Paradise's event.  
Jul 5 at 1:51m

You will have access to five fresh water fishing ponds at this festival!



**JUL 22** 2nd Annual Family Festival  
Sat 12 PM Florida's Adventures in Paradise...  
Community 425 people

Like Comment

 Write a comment

 EZ Catch Fishing shared Florida's Adventures in Paradise's event.  
Jun 26

If you can't be fishing on July 22nd, be here instead!

**Sports & Recreation in Merritt Island**


Community

- 1 Invite your friends to like this Post
- 84 people like this
- 84 people follow this

About

- (877) 382-2824
- Typically replies within a day
- Send Message
- Sports & Recreation

**People Also Like**

-  Florida's Adventures in Paradise  
Fishing Zoo
-  Shark Fishing NSB  
Local Service
-  Goodtimes Fishing Club  
Fishing Store

Sports & Recreation in Merritt Island, Florida

English (US) Español Português (Brasil) Français (France) Deutsch

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**2017 FLORIDA PROFIT CORPORATION ANNUAL REPORT**

DOCUMENT# P05000011636

Entity Name: EZ CATCH FISHING, INC.

Current Principal Place of Business:

165 GATOR DRIVE  
MERRITT ISLAND, FL 32953

Current Mailing Address:

165 GATOR DRIVE  
MERRITT ISLAND, FL 32953 US

FEI Number: 20-2211528

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

BROSS, PAUL E ESQ  
50 N. GROVE STREET  
MERRITT ISLAND, FL 32953 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

SIGNATURE: STEVEN L APTED

01/19/2017

Electronic Signature of Registered Agent

Date

**Officer/Director Detail :**

Title P  
Name OBLOY, ERIC  
Address 165 GATOR DRIVE  
City-State-Zip: MERRITT ISLAND FL 32953

Title VP  
Name OBLOY, AMANDA  
Address 165 GATOR DRIVE  
City-State-Zip: MERRITT ISLAND FL 32953

Title S  
Name BROSS, PAUL E  
Address 50 N. GROVE STREET  
City-State-Zip: MERRITT ISLAND FL 32953

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

SIGNATURE: AMANDA OBLOY

OWNER

01/19/2017

Electronic Signature of Signing Officer/Director Detail

Date



**Detail by Entity Name**

Florida Profit Corporation  
EZ CATCH FISHING, INC.

Filing Information

<b>Document Number</b>	P05000011636
<b>FE/EIN Number</b>	20-2211528
<b>Date Filed</b>	01/21/2005
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	AMENDMENT
<b>Event Date Filed</b>	10/16/2014
<b>Event Effective Date</b>	NONE

Principal Address

165 Gator Drive  
MERRITT ISLAND, FL 32953

Changed: 01/22/2016

Mailing Address

165 Gator Drive  
MERRITT ISLAND, FL 32953

Changed: 01/22/2016

Registered Agent Name & Address

BROSS, PAUL E, ESQ  
50 N. GROVE STREET  
MERRITT ISLAND, FL 32953

Name Changed: 10/16/2014

Address Changed: 10/16/2014

Officer/Director Detail

**Name & Address**

**Title P**

OBLOY, ERIC  
165 Gator Drive  
MERRITT ISLAND, FL 32953

**Title VP**

**OBLOY, AMANDA**  
 165 Gator Drive  
 MERRITT ISLAND, FL 32953

**Title S**

**BROSS, PAUL E**  
 50 N. GROVE STREET  
 MERRITT ISLAND, FL 32953

**Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2015	01/13/2015
2016	01/22/2016
2017	01/19/2017

**Document Images**

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<a href="#">10/09/2014 - Amendment</a>	<a href="#">View image in PDF format</a>
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<a href="#">04/27/2006 - ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/21/2005 - Domestic Profit</a>	<a href="#">View image in PDF format</a>

Company Name: Sunbiz - State of Florida

Credit

Florida

company name or number or address OR director name

Search

# EZ CATCH FISHING, INC.

If You Ignore This \$0.22 Stock  
- You'll Never Forgive Yourself

Do Not Sit By And Watch Your Neighbor Get Rich Off  
This Stock. See For Yourself



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2017 Top 40 CRM Software Rankings. Don't make CRM  
Decisions without it



Company number: P05000011636

Status: Active

FEI number: 202211528

Company Type: Domestic for Profit

Home State: FL

Last activity date: 10/16/2014

Date Of Incorporation: 1/21/2005

Principal Address: 165 Gator Drive, MERRITT ISLAND, FL, 32953

Mailing Address: 165 Gator Drive, MERRITT ISLAND, FL, 32953

## EZ CATCH FISHING, INC. Principals

President: Obloy Eric  
Address: 165 Gator Drive, MERRITT ISLAND, FL, 32953

Vice President,  
President: Obloy Amanda  
Address: 165 Gator Drive, MERRITT ISLAND, FL, 32953

Secretary: Bross Paul E  
Address: 50 N. GROVE STREET, MERRITT ISLAND, FL, 32953

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meets your needs.

## Last Annual Reports

2016: 1/22/2016  
2016: 1/22/2016  
2015: 1/13/2015

## Registered Agent

Agent Name: BROSS PAUL EESQ (p)  
Agent Address: 50 N. GROVE STREET, MERRITT ISLAND, FL, 32953

## EZ CATCH FISHING, INC. Events

Event: AMENDMENT  
filedDate: 10/6/2014

2: AMENDMENT

filedDate: 10/9/2014

3: AMENDMENT

filedDate: 10/16/2014

### Description

EZ CATCH FISHING, INC. has been set up 1/21/2005 in state FL. The current status of the business is Active. The EZ CATCH FISHING, INC. principal address is 165 Gator Drive, MERRITT ISLAND, FL, 32953. Meanwhile you can send your letters to 165 Gator Drive, MERRITT ISLAND, FL, 32953. The company's registered agent is BROSS PAUL EESQ 50 N. GROVE STREET, MERRITT ISLAND, FL, 32953. The company's management are President - Obloy Eric, Vice President, President - Obloy Amanda, Secretary - Bross Paul E. The last significant event in the company history is AMENDMENT which is dated by 10/16/2014. This decision is take in action on unknown. The company annual reports filed on Annual reports - 1/22/2016.

## Comprehensive Report about this company

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[I am a company director](#)

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Congrats to Ashley and Samuel who will be getting married at our venue on December 13th!!



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165 Gator Drive  
Merritt Island, Florida, FL 32953  
(321) 848-2486

Typically replies within an hour  
Barn Stall Winery & Wedding Barn  
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barnstallwinery.com

Congrats to Ashley and Samuel who will be getting married at our venue on December 13th!!

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**Ms. Yooper's Rummage Sales Group**  
(NEW)  
13 friends · 21,865 members  
Join

Florida's Adventures in Paradise  
May 25

Spice up your Memorial Day weekend!  
Buy one get one half-off on all Ass Kickin' products today through Saturday!



http://www.floridasadventuresinparadise.com/  
Impressum

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Spice up your Memorial Day weekend!  
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today through Saturday!

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Suggested Groups See All

Ms. Yooper's Rummage Sales Group  
(NEW)  
13 friends 21 857 members  
Join

Florida's Adventures in Paradise shared Barn Stall Winery & Wedding Barn's photo.  
June 30

http://www.floridasadventuresinparadise.com/  
Impressum

Congratulations to Briana Balta, you won the Barn Stall Winery & Wedding Barn raffle!

People Also Like

- Brevard County Enecha... Wildlife Sanctuary Like
- Brevard Zoo Zoo Like
- Fun 4 Space Coast Kids Like



LOPO

Destination Brevard  
June 30

Looking for something to do with the kids today? Here are 5 options for you!

#1- A free summer kids movie at Cinemasworld

#2- Bowl five games for FREE at River

R-077

Jones, Jennifer

OBJECTION  
IV.P.  
17P200045  
Obloy

**From:** Commissioner, D2  
**Sent:** Wednesday, August 02, 2017 8:24 AM  
**To:** Jones, Jennifer  
**Subject:** FW: 165 Gator Dr. Merritt Island Zoning Change Hearing

Zoning meeting

Thank you,  
Liz Alward

Please note:

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

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

**From:** [nolepride@cfl.rr.com](mailto:nolepride@cfl.rr.com) [<mailto:nolepride@cfl.rr.com>]  
**Sent:** Tuesday, August 1, 2017 10:27 PM  
**To:** Commissioner, D2  
**Subject:** 165 Gator Dr. Merritt Island Zoning Change Hearing

Honorable Commisioner Barfield,

My name is Martin Casleton. I along with my wife and two children live at 3995 Dundee Dr. Merritt Island 32953. I would've appeared this coming Thursday for the rezoning hearing but I have had surgery and cannot attend due to my recovery. Please use this email as my official objection to Eric and Amanda Obloys request to rezone the residential lot at 165 Gator Dr. Merritt Island 32953, Parcel ID# 24-36-02-26-A to an agricultural lot. This lot is directly in the middle of our neighborhood and should stay residential for the security, welfare and the property values of the neighborhood. Most of the commissioners have been and are aware of the ongoing issues with the Obloys setting up multiple tourist businesses in the middle of this neighborhood. Allowing this residential lot to be rezoned will allow the Obloys to advertise with signage any way they would like which includes large signs, vehicles, lighting, livestock and so on. None of these should be allowed in the middle of a neighborhood with families. Please take note this is a small neighborhood with one road in and out. Mr. Rayfield, the original owner of our property and the Obloys property developed this neighborhood and fully intended it to be a neighborhood that would benefit the families and homes with its seclusion and safety not a freeway to a tourist attraction.

Since the Obloys have moved in we have had many issues which has involved us to attend multiple court hearings and to request help from the Brevard County Sheriff's Department, local government and government representatives that have been elected to protect us from such problems. The Obloys have continually showed they have no care about the wellbeing of the neighborhood, its families and pets. They have now opened a winery and wedding barn along with aspirations for multiple cottages on the property.

You have your chance right now to help lower the high probability of someone, a child or pet from getting seriously hurt or even worse now that the Obloys have introduced alcohol into this huge

disaster for our neighborhood and North Merritt Island. Ethical Tourism has its spot in Brevard County, it just doesn't belong in our neighborhood or anyone else's endangering their families.

We have had a tremendous rise in traffic since they've moved in. That traffic has brought strangers, speeding, littering and wrecks into what was once a perfect neighborhood to raise our children in. Theft has been on the rise also. The Obloy's have even had high dollar stolen farm equipment recovered from their very own property. The noise goes on seven days a week and is getting worse. Gun shots, intimidation, property damage and large farm animals such as horses and cattle running lose through the neighborhood and it keeps going on and on. They have never repaired or even offered to repair damage caused by their tractor trailer delivery vehicles or visitors. All of this inside of our one road in and out neighborhood! Not on Courtenay Pkwy but in the neighborhood!

We need your help! You and the commissioners are the only ones that can help us. Please don't ignore or forget about us. Everything is getting out of control and all we want is the peace and safety that we all thought we had for our families when we all bought and built here. No one wants to spend thousands of dollars on attorneys when you have the ability to help us now and in the future.

This email doesn't cover half of the stress and problems Florida's Adventures in Paradise has caused my family and others.

I please ask that you would respond so I know you received my email.

Thank you for your service and have a great day,

Marty Casleton  
3995 Dundee Dr.  
Merritt Island FL, 32953

OBJECTION  
III P.  
17200045  
Obloy

Newell, Marcia

From: plaissle@cfl.rr.com  
Sent: Tuesday, August 01, 2017 8:06 AM  
To: Commissioner, D1  
Subject: Obloy Re-zone request  
  
Categories: EMAIL - MARCIA

Dear Commissioner Prichett,

I would like to strongly oppose the rezoning request by Adventures In Paradise, located at 165 Gator Drive, Merritt Island FL 32953, scheduled to be heard at the Commissioner's meeting on Thursday August 3.

The Obloy's sole reason for this rezoning application is because their request to construct a 20' high arched sign advertising their attraction was rejected on 11/22/16, on the grounds it was residential property.

Based on the number of activities they plan to engage in on that property, we assume that the property they wish to rezone away from residential will be used to advertise their business. One of those activities is as a wedding venue, with their advertising stating that they can accommodate 200 people. The county's refusal was based on the fact that the proposed sign was on property zoned residential, and that in order to go forward with any sign construction they would have to apply to rezone that parcel. That parcel is in a residential neighborhood, and those residents do not wish to live in the middle of the Obloy's theme park aspirations.

Some specific objections based on the suggested guidelines stated on the application are:

1. Impact on services, such as roads and schools. All roads leading to Adventures in Paradise are residential. They were not designed for the type of commercial traffic likely needed to sustain the planned activities. Weddings nowadays can generate anywhere from 50 to 200 people. So the potential is high that on a continual basis, 200 cars could be entering our residential street and exiting sometime later, only now exiting guests have potentially consumed alcohol. And that is only referencing the wedding traffic, just one of the 12 activities advertised by Adventures in Paradise. The amount of commercial delivery vehicles that would likely be needed to deliver goods and services to sustain these 12 activities will be detrimental to our streets. They are residential streets, and were constructed as such. They were not roads designed for the cumulative impact of sustained commercial traffic.
2. Compatibility with surrounding land use. The assumed purpose of this rezoning request is so the Obloys can construct a 20' high, overhead arched sign advertising their attraction. That would, by no stretch of the imagination, be compatible with the existing, surrounding land use of our residential neighborhood.

3. Consistency with the character of the area. There are NO commercial signs on Gator or Dundee Drive. BECAUSE THEY ARE RESIDENTIAL STREETS! So to maintain the consistency of the area it would NOT be appropriate to allow a commercial sign, accomplished only by this rezoning request, to be constructed on that property.

Thank you very much for your time and consideration.

Bruce Laissle  
3999 Dundee Drive  
Merritt Island, FL 32953

OBJECTION  
IV.P.  
17P200045  
Obloy

Newell, Marcia

From: nolepride@cfl.rr.com  
Sent: Tuesday, August 01, 2017 10:24 PM  
To: Commissioner, D1  
Subject: 165 Gator Dr. Merritt Island Zoning Change Hearing  
Categories: EMAIL - MARCIA

Honorable Vice Chairman Prichett,

My name is Martin Casleton. I along with my wife and two children live at 3995 Dundee Dr. Merritt Island 32953. I would've appeared this coming Thursday for the rezoning hearing but I have had surgery and cannot attend due to my recovery. Please use this email as my official objection to Eric and Amanda Obloys request to rezone the residential lot at 165 Gator Dr. Merritt Island 32953, Parcel ID# 24-36-02-26-A to an agricultural lot. This lot is directly in the middle of our neighborhood and should stay residential for the security, welfare and the property values of the neighborhood. Most of the commissioners have been and are aware of the ongoing issues with the Obloys setting up multiple tourist businesses in the middle of this neighborhood. Allowing this residential lot to be rezoned will allow the Obloys to advertise with signage any way they would like which includes large signs, vehicles, lighting, livestock and so on. None of these should be allowed in the middle of a neighborhood with families. Please take note this is a small neighborhood with one road in and out. Mr. Rayfield, the original owner of our property and the Obloys property developed this neighborhood and fully intended it to be a neighborhood that would benefit the families and homes with its seclusion and safety not a freeway to a tourist attraction.

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You have your chance right now to help lower the high probability of someone, a child or pet from getting seriously hurt or even worse now that the Obloys have introduced alcohol into this huge disaster for our neighborhood and North Merritt Island. Ethical Tourism has its spot in Brevard County, it just doesn't belong in our neighborhood or anyone else's endangering their families.

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by their tractor trailer delivery vehicles or visitors. All of this inside of our one road in and out neighborhood! Not on Courtenay Pkwy but in the neighborhood!

We need your help! You and the commissioners are the only ones that can help us. Please don't ignore or forget about us. Everything is getting out of control and all we want is the peace and safety that we all thought we had for our families when we all bought and built here. No one wants to spend thousands of dollars on attorneys when you have the ability to help us now and in the future.

This email doesn't cover half of the stress and problems Florida's Adventures in Paradise has caused my family and others.

I please ask that you would respond so I know you received my email.

Thank you for your service and have a great day,

Marty Casleton  
3995 Dundee Dr.  
Merritt Island FL, 32953

OBJECTION  
IV.P.  
17P200045  
Obloy

Jones, Jennifer

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**From:** Betsi Siddall <betsisiddall@gmail.com>  
**Sent:** Wednesday, August 02, 2017 3:14 PM  
**To:** Commissioner, D2; Commissioner, D1; Commissioner, D3; Commissioner, D4;  
Commissioner, D5  
**Subject:** Re-Zoning Request-Eric and Amanda Obloy

Dear Commissioners,

My name is Betsi Siddall and I reside at 3991 Dundee Dr., Merritt Island, FL. I am opposed to the subject parcel being rezoned from residential to agricultural as it will adversely affect the value of our property and is not a use consistent with the surrounding properties, all of which are residential. There exists no valid reason to re zone this parcel as the value of it is zero and the applicants do not pay taxes, so their tax obligation would not be reduced. As far as I can ascertain, the intent of this re-zoning request is to avoid compliance with Brevard County Code, which prohibits signage in residentially zoned areas. A code which the applicants have been in violation of since purchasing the property 2 1/2 years ago. I also have a valid and justified concern that should the parcel be re zoned to agricultural, we would soon see farm animals on that lot. I respectfully request that you deny this application and leave the use of this parcel for ingress and egress only. Thank you.

Respectfully,

Betsi Siddall

OBJECTION  
IV.P.  
17P200045  
Obloy

**Jones, Jennifer**

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**From:** john siddall <johnsiddall@yahoo.com>  
**Sent:** Wednesday, August 02, 2017 3:03 PM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Eric and Amanda Obloy Re-Zoning Application

Dear Commissioners,

My name is John Siddall and I reside at 3991 Dundee Dr., Merritt Island, FL. Our property adjoins this parcel and I don't want farm animals in the middle of our residential neighborhood or right next door to our single family home. I am opposed to having the subject property rezoned from residential to agricultural. It is not consistent with the surrounding land use and would have an adverse affect on my property value. I respectfully request that you deny this request and leave the parcel for ingress and egress. Thank you.

Sincerely,

John Siddall

Jones, Jennifer

OBJECTION  
IV.P.  
17P200045  
Obloy

**From:** Commissioner, D2  
**Sent:** Thursday, August 03, 2017 12:31 PM  
**To:** Jones, Jennifer  
**Subject:** FW: Rezoning of 165 Gator Dr Merritt Island, Fl

FYI

Thank you,

*Liz Alward*

**Please note:**

Florida has a very broad public records law. Most written communications to or from the offices of elected officials are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

**From:** cls7277 [mailto:cls7277@aol.com]  
**Sent:** Thursday, August 3, 2017 12:30 PM  
**To:** Commissioner, D1; Commissioner, D2; Commissioner, D3; Commissioner, D4; Commissioner, D5  
**Subject:** Rezoning of 165 Gator Dr Merritt Island, Fl

Dear Commissioners

Unfortunately I will not be able to attend tonight's meeting about the rezoning of 165 Gator Dr Merritt Island...I have spoken at all the other meetings pertaining to this property and feel very strong on opposing to this request for rezoning.

We purchased our property in 2014 and we liked the quiet atmosphere of the small community and the large lots. We did not purchase in a commercial area or where we thought that huge business signs could be structured. If we wanted that I would have purchased in a commercial area. Likewise why would you purchase in a residential area that is already established with homes on both sides and across the street from your parcel to use it as a place to put your business sign and so forth. I would think that doing your due diligence on this property would be the first thing and smart business decision to do realizing it is surrounded by existing homes and still purchasing said property shows some lack of concern for the neighborhood and how you are effecting the area...

The impact is greater traffic for the one way in and one way out residential community. The roads were not built for this type of commercial traffic. We are a residential community not commercial. His future plans are plentiful and I give him credit for his business thoughts but his location and what he is proposing for this area effects us all and do not enhance our community in any way it will do the opposite and the harm it will cause a small residential community is already felt. If the applicant would have done a thorough business plan and thought this out prior to purchase we would not be having this discussion. We did not move to his neighborhood and make major changes to the neighborhood he moved into ours without thought or care for his neighbors.

Thank you for taking the time for this. I wish I could speak again tonight as I have at other meetings but due to a family illness I am not able to attend...

Carol L Stevens  
Dundee Dr  
Merritt Island, Fl

**Jones, Jennifer**

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**From:** Berrios, Cristina  
**Sent:** Thursday, May 18, 2017 3:35 PM  
**To:** Jones, Jennifer  
**Cc:** Bentley, Eden; Fox, Cynthia C; 'pbross1@yahoo.com'; Lane, Karen; Yuan, Diana  
**Subject:** RE: Tabling Policy

He meant August 3<sup>rd</sup> as he was responding to my e-mail. It's fine.

Sincerely,

Cristina T. Berrios, Esq.  
Assistant County Attorney  
Brevard County Attorney's Office  
2725 Judge Fran Jamieson Way, Suite 308  
Viera, FL 32940  
Telephone: 321/633-2090  
Fax: 321/633-2096  
cristina.berrios@brevardcounty.us

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**From:** Jones, Jennifer  
**Sent:** Thursday, May 18, 2017 3:32 PM  
**To:** Berrios, Cristina  
**Subject:** RE: Tabling Policy

Well, August 5<sup>th</sup> is a Saturday.....

---

**From:** Berrios, Cristina  
**Sent:** Thursday, May 18, 2017 3:31 PM  
**To:** Jones, Jennifer; Fox, Cynthia C  
**Cc:** Bentley, Eden; Yuan, Diana; Lane, Karen  
**Subject:** FW: Tabling Policy

---

**From:** paul bross [<mailto:pbross1@yahoo.com>]  
**Sent:** Thursday, May 18, 2017 3:25 PM  
**To:** Berrios, Cristina  
**Subject:** Re: Tabling Policy

Yes Eric Obloy will table the zoning change request until the next August 5, 2017.

PAUL E. BROSS, ESQUIRE  
50 North Grove Street Merritt Island, FL 32953 (321) 456-5914 Office (321-452-1689 (321) 537-0328 Cell  
Florida Bar No: 0410837 [pbross1@yahoo.com](mailto:pbross1@yahoo.com) [pleadings@brosslawfirm.com](mailto:pleadings@brosslawfirm.com) CONFIDENTIALITY NOTICE: This

email and any attachments are LEGALLY PRIVILEGED AND CONFIDENTIAL and intended only for the use of the addressee named above. If the reader of this message is not the intended recipient, please be aware that any dissemination, distribution, or duplication of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone, return the original message to us at the address listed above via the postal service, and promptly delete this message and any attachments from your computer system. Our phone number is (321) 456-5914

On Thursday, May 18, 2017 3:06 PM, "Berrios, Cristina" <[Cristina.Berrios@brevardfl.gov](mailto:Cristina.Berrios@brevardfl.gov)> wrote:

Here you go. Paul needs to respond to this today if he wants the automatic tabling.

---

**From:** Berrios, Cristina  
**Sent:** Thursday, May 18, 2017 2:37 PM  
**To:** Jones, Jennifer; Fox, Cynthia C  
**Cc:** 'pbross1@yahoo.com'; Yuan, Diana  
**Subject:** RE: Tabling Policy

Yes. Paul – it needs to be tabled to the next Board Zoning meeting which will be August 3rd at 5pm. Please respond with a request to table to that meeting.

Thank you,

Cristina T. Berrios, Esq.  
Assistant County Attorney  
Brevard County Attorney's Office  
2725 Judge Fran Jamieson Way, Suite 308  
Viera, FL 32940  
Telephone: 321/633-2090  
Fax: 321/633-2096  
[cristina.berrios@brevardcounty.us](mailto:cristina.berrios@brevardcounty.us)

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---

**From:** Jones, Jennifer  
**Sent:** Thursday, May 18, 2017 1:55 PM  
**To:** Berrios, Cristina; Fox, Cynthia C  
**Cc:** 'pbross1@yahoo.com'; Yuan, Diana  
**Subject:** RE: Tabling Policy

Doesn't it need to be tabled to a date certain?

---

**From:** Berrios, Cristina  
**Sent:** Thursday, May 18, 2017 1:27 PM  
**To:** Fox, Cynthia C; Jones, Jennifer  
**Cc:** 'pbross1@yahoo.com'; Yuan, Diana  
**Subject:** FW: Tabling Policy

FYI

---

**From:** paul bross [<mailto:pbross1@yahoo.com>]  
**Sent:** Thursday, May 18, 2017 1:05 PM  
**To:** Berrios, Cristina  
**Cc:** Yuan, Diana  
**Subject:** Re: Tabling Policy

To WHOM IT MAY CONCERN:

I am the attorney representing Eric Obloy, and he wishes to table his zoning request at this time. Thank you, if I need to take additional action please advise ASAP. Thank you.

PAUL E. BROSS, ESQUIRE  
50 North Grove Street Merritt Island, FL 32953 (321) 456-5914 Office (321-452-1689 (321) 537-0328 Cell Florida Bar No: 0410837 [pbross1@yahoo.com](mailto:pbross1@yahoo.com) [pleadings@brosslawfirm.com](mailto:pleadings@brosslawfirm.com) CONFIDENTIALITY NOTICE: This email and any attachments are LEGALLY PRIVILEGED AND CONFIDENTIAL and intended only for the use of the addressee named above. If the reader of this message is not the intended recipient, please be aware that any dissemination, distribution, or duplication of this communication is strictly prohibited. If you have received this message in error, please notify us immediately by telephone, return the original message to us at the address listed above via the postal service, and promptly delete this message and any attachments from your computer system. Our phone number is (321) 456-5914

On Thursday, May 18, 2017 12:55 PM, "Berrios, Cristina" <[Cristina.Berrios@brevardfl.gov](mailto:Cristina.Berrios@brevardfl.gov)> wrote:

Paul –

Attached find the tabling policy for Zoning items, as requested. I was informed by staff that Eric has one automatic tabling and then he will have to go before the Board to request the tabling. He has to get his request in today for the automatically tabling to occur. While the item is tabled, his Code case will remain abated.

Sincerely,

Cristina T. Berrios, Esq.  
Assistant County Attorney  
Brevard County Attorney's Office  
2725 Judge Fran Jamieson Way, Suite 308  
Viera, FL 32940  
Telephone: 321/633-2090  
Fax: 321/633-2096  
[cristina.berrios@brevardcounty.us](mailto:cristina.berrios@brevardcounty.us)

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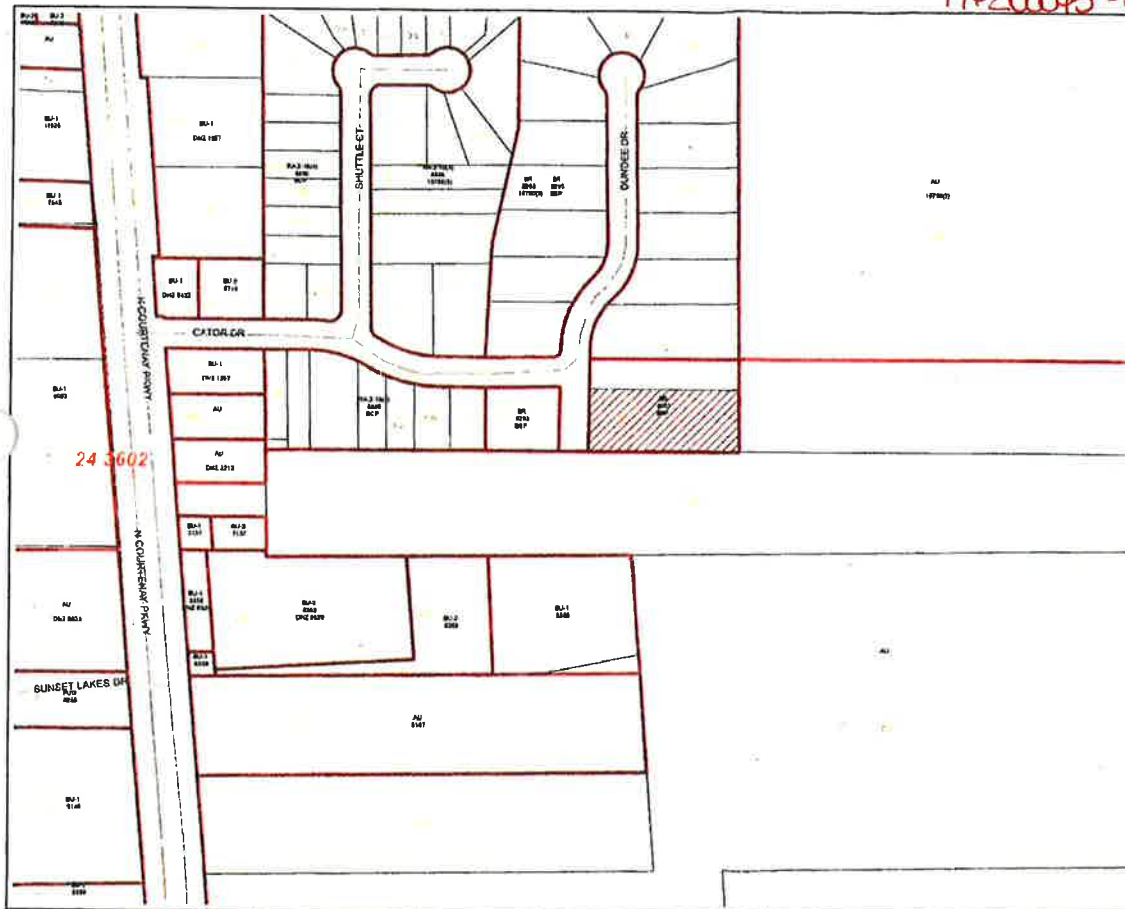
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**From:** Jones, Jennifer  
**Sent:** Thursday, May 18, 2017 12:53 PM  
**To:** Berrios, Cristina  
**Cc:** Fox, Cynthia C  
**Subject:** Tabling Policy

174200045 - ERIC & AMANDA OSLODY

TOWNSHIP 24, RANGE 36, SECTION 02  
17PZ00045

SR to AU



24 3602

**Legend**

- Subject Property
- TwoRng\_Lines
- Sections
- Parcels
- Streets
- Zoning Easements
- Zoning Actions
- Municipality

For Brevard County  
Planning & Zoning  
Office Use Only



0 50 100 200 Feet  
1 Inch = 200 Feet

Date: 3/15/2017

R-080

Sec. 62-1337. - Suburban estate residential use, SEU.

The SEU suburban estate residential use zoning classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings.

(1) *Permitted uses.*

a. Permitted uses are as follows:

One single-family detached residential dwelling.

Parks and public recreational facilities.

Private golf courses.

Foster homes.

Sewer lift stations.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Preexisting use.

Power substations, telephone exchanges and transmission facilities.

Private parks and playgrounds.

Resort dwellings.

Temporary living quarters during construction of a residence.

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3) *Conditional uses.* Conditional uses are as follows:

Bed and breakfast inn.

Change to nonconforming agricultural use.

Guesthouses or servants' quarters, without kitchen facilities.

Horses, mules, goats and barns.

Land alteration (over five acres and up to ten acres).

Recreational facilities.

Recreational/residential marina.

Resort dwellings.

Single-family residential second kitchen facility.

Skateboard ramps.

Substantial expansion of a preexisting use.

Wireless telecommunication facilities and broadcast towers.

- (4) *Minimum lot size.* An area of not less than one acre (43,560 square feet) is required, having a width of not less than 125 feet and having a depth of not less than 200 feet.
- (5) *Setbacks.* (Also see special waterfront setbacks.)
  - a. Structures shall be set back not less than 25 feet from the front lot line, not less than 15 feet from the side lot lines, and not less than 20 feet from the rear lot line. On a corner lot, the side street setback shall be not less than 15 feet. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.
  - b. Accessory buildings shall be located to the rear of the front building line of the principal building, and no closer than 15 feet to the rear and side lot lines, but in no case within the setback from a side street, with a minimum spacing of five feet.
- (6) *Minimum floor area.* Minimum floor area is 2,000 square feet of living area.
- (7) *Maximum height of structures.* Maximum height of structures is 35 feet.

(Code 1979, § 14-20.08(G); Ord. No. 95-47, §§ 14, 15, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 96-16, §§ 14, 15, 3-28-96; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 2000-03, § 3, 1-11-00; Ord. No. 2002-49, § 9, 9-17-02; Ord. No. 2003-03, § 10, 1-14-03; Ord. No. 04-29, § 10, 8-5-04; Ord. No. 2004-52, § 8, 12-14-04; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 06-06, § 1, 1-24-06; Ord. No. 2007-59, § 13, 12-6-07; Ord. No. 2010-22, § 12, 11-23-10; Ord. No. 2014-30, § 3, 10-2-14)

Sec. 62-1334. - Agricultural residential, AU and AU(L).

The AU agricultural residential zoning classification encompasses lands devoted to agricultural pursuits and single-family residential development of spacious character.

The classification is divided into two types, AU and AU(L). The AU is the standard agricultural residential classification, while the AU(L) is a low intensity sub-classification more suited to smaller lots where the neighborhood has a more residential than agricultural character.

(1) *Permitted uses.*

a. (1) Permitted uses within the AU classification are as follows:

Single-family detached residential dwelling.

All agricultural pursuits, including the packing, processing, and sales of commodities raised on the premises as provided in chapter 86, article IV.

Raising and grazing of animals.

Dude ranches, with a minimum area of 40 acres. Barns or stables shall be 200 feet from any property line.

Fowl raising and beekeeping.

Parks and public recreational facilities.

Plant nurseries.

Private golf courses.

Private camps.

Foster homes.

(2) Permitted uses within the AU(L) sub-classification are as follows:

Single-family detached residential dwelling.

Agricultural pursuits of a personal non-commercial nature. Structures for the housing of livestock and animals shall not be permitted within 100 feet of any existing residence under different ownership, except where otherwise permitted in section 62-2108.

Parks and public recreational facilities.

Foster homes.

b. Permitted uses with conditions are as follows (see division 5, subdivision II, of this article):

Fish camps (section 62-1835.4.5).

Group homes, level I, subject to the requirements set forth in section 62-1835.9.

Landscaping business (section 62-1837).

Mobile home residential dwelling (section 62-1837.7.5).

Power substations, telephone exchanges and transmission facilities (section 62-1839).

Preexisting use (section 62-1839.7).

Private parks and playgrounds (section 62-1840).

Resort dwellings.

Temporary living quarters during construction of a residence.

Tenant dwellings: Mobile homes (section 62-1843).

Tenant dwellings: One unit is permitted for each five acres of land under the same ownership. Tenant dwellings must be 100 feet from property of different ownership (section 62-1842.5).

(2) *Accessory buildings or uses.* Accessory buildings and uses customary to residential and agricultural uses are permitted. (Refer to definition cited in section 62-1102 and standards cited in section 62-2100.5).

(3) *Conditional uses.* Conditional uses are as follows:

Airplane runways (section 62-1905).

Bed and breakfast inns (section 62-1912).

Boarding of horses and horses for hire (section 62-1913).

Captive wildlife (section 62-1958).

Change of nonconforming agricultural use.

Composting facility.

Farmers' market (section 62-1929).

Guesthouses or servants' quarters, without kitchen facilities (section 62-1932).

Hog farms (section 62-1934).

Land alteration (over five acres) (section 62-1936).

Private heliports (section 62-1943.5).

Roadside stand (section 62-1945.5).

Security mobile homes.

Single-family residential second kitchen facility.

Skateboard ramps (section 62-1948).

Substantial expansion of a preexisting use (section 62-1949.7).

Veterinary hospital, office or clinic, pet kennels (section 62-1956).

Wireless telecommunication facilities and broadcast towers.

Zoological parks (section 62-1960).

(4) *Minimum lot size.* An area of not less than two and one-half acres is required, having a minimum width of 150 feet and a minimum depth of 150 feet.

(5) *Setbacks.*

- a. Structures shall be set back not less than 25 feet from the front lot line, not less than ten feet from the side lot lines, and not less than 20 feet from the rear lot line. If a corner lot is contiguous to a key lot, then the side street setback shall be not less than 25 feet.
  - b. Accessory buildings shall be located to the rear of the front building line of the principal building and shall be set back not less than 15 feet from the side lot lines and not less than 15 feet from the rear lot lines.
  - c. Setbacks for barns and stalls are as follows:
    - 1. *Front*: 125 feet from the front lot line.
    - 2. *Side*: 50 feet from the side lot line.
    - 3. *Rear*: 50 feet from the rear lot line.
- (6) *Minimum floor area*. Minimum floor area is 750 square feet of living area.
- (7) *Maximum height of structures*. Maximum height of structures is as follows:
- a. Residential structures: 35 feet.
  - b. Structures accessory to an agricultural use: 45 feet.

(Code 1979, § 14-20.08(D); Ord. No. 95-47, §§ 8, 9, 10-19-95; Ord. No. 95-49, § 18, 10-19-95; Ord. No. 95-51, § 3, 10-19-95; Ord. No. 96-16, §§ 8, 9, 3-28-96; Ord. No. 96-46, § 10, 10-22-96; Ord. No. 97-29, § 2, 8-12-97; Ord. No. 97-46, § 1, 12-2-97; Ord. No. 98-03, § 6, 1-29-98; Ord. No. 98-08, § 2, 2-10-98; Ord. No. 98-11, § 3, 2-26-98; Ord. No. 98-62, § 5, 12-3-98; Ord. No. 2002-49, § 5, 9-17-02; Ord. No. 2003-03, § 6, 1-14-03; Ord. No. 03-40, § 1, 8-12-03; Ord. No. 04-29, § 6, 8-5-04; Ord. No. 2004-52, § 4, 12-14-04; Ord. No. 2005-25, § 5, 5-19-05; Ord. No. 05-27, § 2, 5-19-05; Ord. No. 2007-59, § 9, 12-6-07; Ord. No. 2009-06, § 2(Exh. A), 2-5-09; Ord. No. 2010-22, § 10, 11-23-10; Ord. No. 2011-17, § 4, 5-26-11; Ord. No. 2013-38, § 1, 11-19-13; Ord. No. 2013-38, § 1, 11-19-13; Ord. No. 2014-30, § 3, 10-2-14)

**Editor's note**— Ord. No. 2013-38, § 1, adopted November 19, 2013, amended § 62-1334 to read as set out herein. Previously § 62-1334 was titled agricultural residential, AU and AU(L).

## **ADMINISTRATIVE POLICIES**

### **Administrative Policy 1**

The Brevard County zoning official, planners and the director of the planning and zoning staff, 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 appeals, 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 re-zoning 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 foresee ably be affected by the proposed use;

- B. Whether the proposed use(s) would cause a material reduction (five per cent 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 an 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 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.
- 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:

**Criteria:**

- A. Whether adopted levels of service 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.

**NORTH MERRITT ISLAND  
DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The North Merritt Island Dependent Special District Board met in regular session on Thursday, May 11, 2017, at 6:00 p.m., at the Kiwanis Island Park, 951 Kiwanis Island Park Rd., Merritt Island.

**Board members present were:** Mary Hillberg, Chairman, Pro-tem; Chris Cook; Jack Ratterman; and Gina Lindhorst.

**Staff members present were:** Cindy Fox, Zoning Manager; Cristina Berrios, Assistant County Manager; and Jennifer Jones, Special Projects Coordinator II

**APPROVAL OF APRIL 13, 2017, MINUTES**

Motion by Gina Lindhorst, seconded by Jack Ratterman, to approve the minutes of April 13, 2017. The vote passed unanimously, with Ted Balke abstaining.

**IV.B.4. (17PZ00045) – ERIC & AMANDA OBLOY** – requests a change of classification from SR (Suburban Residential) to AU (Agricultural Residential), on 1.06 acres, located east of N. Courtenay Pkwy., at the terminus of Gator Dr., and Dundee Dr. (165 Gator Dr., Merritt Island)

Eric Obloy, 165 Gator Drive, Merritt Island, stated he is asking to rezone the SR (Suburban Residential) zoned portion of his property; it is too small to build a house on; and it has been the access for his farm for over 15 years.

Kim Smith, PO BOX 542372, Cocoa, stated she represents the North Merritt Island Homeowners Association and they do not support the request because of conflicts with Administrative Policies 3(a), 3(c)(1), 3(c)(2), 3(c)(3), 4(a), 4(b)(2), 5(b), 8(1), 8(3), 8(4), and 8(5). She stated under Factors to Consider for a Rezoning Request, the HOA took the following into its consideration: 1.) The character of the land use surrounding the subject property; 3.) The impact of the proposed zoning classification on available projected traffic patterns and established character of surrounding property; 5.) Appropriateness and consideration of public safety and welfare.

Patricia Laissle, 3999 Dundee Drive, Merritt Island; and Nancy Winn, 4001 Dundee Drive, read aloud a presentation to the board, which was also provided prior to the meeting. (See Attached)

Alex Terrero, 4003 Dundee Drive, asked the board to visit the small road, which is over 20 years old, with houses built closely to it, and stated entering and exiting any property on the road is a hazard. He said he built his house in 1996, and his quality of life has been downgraded by the activities at Adventures in Paradise, which is an eyesore in the middle of a residential neighborhood. People are constantly stopping to ask residents for directions. He said the biggest issue is that the activities will not be used for agricultural purposes.

John Siddall, 3991 Dundee Drive, stated he is opposed to the rezoning because it will generate more traffic to the neighborhood, and an increase in traffic means an increase in crime. He said many of the Obloys' customers speed down the streets endangering children and pedestrians, and the zoning change to agricultural will have a negative effect on surrounding homeowners.

Keith Braun, 4002 Dundee Drive, stated there was no intent by the original owner of the farm to turn it into a business. He is concerned because he can't let his child in the street, his quality of life has diminished considerably, and this rezoning will impact the value of his property. Residents have dealt with Mr. Obloy's zoning non-compliant signs since June 2015, and the current sign advertises swimming with dolphins and manatees, which is not authorized on the property. He asked how the County can entertain a request when the Obloy's have over \$100,000 in fines on the property.

Scott Jackson, 4000 Dundee Drive, stated he works at Merritt Island High School and Mr. Obloy contacted the school to drum up business for his property. He noted at one point Mr. Obloy tried to advertise for a hayride and said that he was going to give a kickback to the high school. He stated Mr. Obloy has been very confrontational; he asked Mr. Obloy once when he was going to take his sign down and Mr. Obloy charged at him to start a fight; and the police came out but nothing was done about it. He asked the board to deny the request.

Dennis Wilson, 139 Gator Drive, stated he is adjacent to Mr. Obloy's easement, and he is opposed to the requested rezoning. He said he is new to the controversy, as he purchased in home in December 2016; he's met with some of the neighbors and have heard a lot of stories and second-hand information, so he did his own research, and stated his primary reason for the objection is that he doesn't know the true reason for the rezoning. He said the worksheet from the rezoning application asks the reason for the rezoning, and the answer was to unify the zoning classification. Another question was if there are any existing structures on the property, and the answer was that the property is vacant and is ingress/egress, but that's not entirely true because as of today there is a pillar-and-rope style fence along the drive way, outdoor lighting, and two large signs advertising a commercial business. Another question on the worksheet is if the applicant is asking for a CUP for alcohol, and the answer is 'non applicable'. He stated he is not sure if the CUP is a direct factor today, but from what he has read online, the Obloy's plan a winery and a convention hall for commercial events, which will be serving alcohol, and the customers will drive through the residential neighborhood. He stated the Property Appraiser's Office assessment for the market value of the subject property is \$100, so there is no perceived savings for the rezoning. He concluded by saying that from what he knows today he is against the request to rezone.

Tammy Acup, 3992 Dundee Drive, stated she has lived in her home for 10 months; she's seen activities occur in the neighborhood that make her realize it was a bad idea, and she would never encourage her children to go to the Obloy property. She said there are activities on the property at all hours of the day and night, and tractor trailers that go up and down the road; there also have been trucks dumping dirt for three weeks, along with construction material, and the street is too narrow for those trucks, so it impacts everybody's lives. She concluded by saying she is opposed to the request.

Betsie Siddall, 3991 Dundee Drive, stated she and her husband purchased their home in 2009 and had every reason to expect that the only use of the community would be residential. When the subdivision was originally designed it was all part of the same parcel and there was no reason not to think that the rest of the acreage would also developed as residential. She said the fact that the Obloy's property was a farm in the past was not an issue, as no one has an objection to a quiet farmer farming for his own sake, but she does object to inviting the public through a residential community in what is a blatant abuse of the agro-tourism law, which intent was to provide bonafide farmers with supplemental income. She stated the Obloy's should have known when they purchased their property how it was zoned and what the restrictions were, and she asked the board to recommend to the County Commission that the request be denied.

Mr. Obloy stated he has an agricultural business and he sells livestock and has a lot of horses. He said the reason for the rezoning request is to be able to put a sign at the entrance with the name of the farm.

Mary Hillberg stated she has heard there already signs on the property, and asked what signs he has up now. Mr. Obloy replied he has signs that show the farm and the business part, but he wants to take those signs down and replace them with one sign, which will be an arched sign at the entrance.

Cristina Berrios advised that the signs Mr. Obloy currently has were subject to Code Enforcement action, and this rezoning request is keeping the Code case abated, so the signs are not permitted signs.

Mr. Obloy stated he wants a nicer sign with just the name of the farm.

Gina Lindhorst stated she is not familiar with the commercial use of the property, and asked if he is currently selling livestock from the property. Mr. Obloy replied yes. She asked if the one-acre parcel he wants to change is the access to the larger property. Mr. Obloy replied yes.

Cindy Thurman asked Mr. Obloy if he is willing to limit his use of the property to just a sign. Mr. Obloy stated it will be a sign with just the farm name and address, nothing else.

Chris Cook asked Mr. Obloy if he would be willing to enter into a binding development plan (BDP) limited to the one sign. Mr. Obloy replied yes. Ms. Berrios advised a BDP is a contractual agreement, therefore, he would be able to be sued in civil court. She noted it would only be on the subject parcel and it would include the specifications of the sign he wants. The BDP would go with the land, so if anyone purchased the land after Mr. Obloy they would have the same limitation on that property. She stated BDPs are typically used when the zoning classification doesn't match the desired use and the desired use typically has more intensive uses on it, so people agree they are not going to use the property for the more intensive uses, and they agree to use it for just the purpose of what they want it for and all the other uses are limited. She said even though Mr. Obloy's property is AU, he could only use it for the purpose of having a sign on it.

Chris Cook stated the staff comments mention the property is encumbered with drainage and access easements. Ms. Thurman stated Mr. Obloy owns the parcel, which has a drainage easement for the subdivision and access to the property, so it is encumbered and that is why it was not developed. Mr. Cook said the comments also list the current trips as 19, and the trips with the proposed zoning as 10, and asked how the trips would go down. Ms. Thurman advised it is a down-zoning that is being requested, going from single-family to agriculture. Ms. Berrios stated that while the engineering standards say the zoning is downgraded, it doesn't mean the board is not able to take in the testimony of the people who have presented saying that the traffic has increased.

Jack Ratterman asked what was previously farmed on the property. Mr. Obloy stated it was oranges. Mr. Ratterman asked if Mr. Obloy has a permit to raise and sell alligator meat from the property. Mr. Obloy replied yes, from FWC. Ms. Berrios noted Mr. Obloy has submitted his permit to the County, and he also has a permit for captive wildlife. Mr. Ratterman asked Mr. Obloy when he purchased the property. Mr. Obloy replied 2.5 years ago. Mr. Ratterman stated when Mr. Obloy bought his property the neighbors were already there. He asked if he had licenses for the activities. Mr. Obloy replied yes, he does. Mr. Ratterman asked if there is a lien on the property. Ms. Berrios said fines are accruing against the property for offsite commercial business, and Mr. Obloy has told her he is going to be selling the offsite commercial business endeavors, including the dolphin tours and the manatee kayaking business.

Mr. Cook stated he tries to stay neutral and look at how the request relates to the Code and the compatibilities; it is clear to him that accessing a business through a residential area is not a good idea and is incompatible with the area. He suggested Mr. Obloy prepare a BDP for the Commission meeting.

Mary Hillberg stated she agrees with what has been said so far, that the request is not compatible in many ways. She agrees that a BDP sounds good, but the board has been advised by staff to go with zoning and not BDPs because they are not binding, as three of the five commissioners can remove them.

Motion by Gina Lindhorst, seconded by Jack Ratterman, to deny the request based on the incompatibility with the Administrative Policies of Brevard County. The motion passed unanimously.

Upon consensus, the meeting was adjourned at 7:08 p.m.

May 25, 2017

name of, the lakes are filled in and destroyed, the springs are cemented in, the creeks do not run, and it is all spring fed, so to look at the west side of the railroad tracks where Melbourne maintains the lakes are at least habitable; he is looking for a preservation of that area or at least some kind of recognition; he has called all kinds of people; and his property cannot handle any more of the wild life that is fleeing. He added he has raccoons and he noticed they have problems with raccoons in Cocoa Beach and he thinks that is from all the development; he thinks everyone can work together by finding areas and utilizing the people who are locked up in jail and other community programs together to relieve the budget, in which he is not allowed to speak on; he wrote a bunch of notes and the next time they meet he will try to mention them all; and he commented he hopes the Board has a wonderful week and a safe and enjoyable one. He went on to say he exercises his rights because if people do not exercise their rights they will lose them; he is an American and he chooses to exercise his rights just like the fields and everything else; like Palm Shores, the Bald Eagle, the Indigo snakes, the Tortoises, and the Sandhill Cranes.

**ITEM IV.B., PLANNING AND ZONING BOARD RECOMMENDATIONS OF MAY 8, 2017; AND NORTH MERRITT ISLAND BOARD RECOMMENDATION OF MAY 11, 2017**

Chairman Smith called for a public hearing to consider Planning and Zoning Board recommendations of May 8, 2017; North Merritt Island Board recommendations of May 11, 2017; and tabled items from the April 6, 2017, Board of County Commissioners meeting.

**ITEM IV.B.4., (17PZ00045) - ERIC AND AMANDA OBLOY - REQUESTS A CHANGE OF CLASSIFICATION FROM SR (SUBURBAN RESIDENTIAL) TO AU (AGRICULTURAL RESIDENTIAL), ON 1.06 ACRES, LOCATED EAST OF N. COURTENAY PARKWAY, AT THE TERMINUS OF GATOR DRIVE, AND DUNDEE DRIVE (165 GATOR DRIVE, MERRITT ISLAND)**

Cynthia Fox, Planning and Zoning Manager, stated IV.B.4. was tabled to the August 3, 2017, meeting; she received a letter from the applicant and in accordance with the automatic tabling policies, the Board does not need to make a motion; however, she wanted to announce that to the audience and the public.

**ITEM IV.B.7., (17PZ00041) - LTM OF FLORIDA HOLDING, LLC - (KIM REZANKA) - REQUESTS A SMALL SCALE PLAN AMENDMENT (17S.03) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 15 TO CC; AND A CHANGE OF CLASSIFICATION FROM GU TO BU-2, ON 2.42 ACRES, LOCATED AT THE NORTH END OF DIXIE HIGHWAY, APPROXIMATELY 0.22 MILE WEST OF U.S. HIGHWAY 1 (NO ASSIGNED ADDRESS. IN THE PALM SHORES AREA.)**

Cynthia Fox, Planning and Zoning Manager, stated this Item has been tabled to a Planning and Zoning meeting; she asked the Board to make a motion on IV.B.7. to table to the August 3, 2017, meeting.

There being no further comments or objections, the Board tabled the request of a Small Scale Plan Amendment to change the Future Land Use designation from Residential 15 to CC; and a change of classification from GU to BU-2, on 2.42 acres, located at the north end of Dixie Highway, approximately 0.22 mile west of U.S. Highway 1, to the August 3, 2017, meeting.

### Planning and Zoning Meeting of August 3, 2017

#### Item IV.P., Change of Zoning Classification, Re: SR to AU – Eric and Amanda Obloy

Erin Sterk-This Item is a proposal for change of zoning classification from SR to AU; it is for the Eric and Amanda Obloy property; it is 1.06 acres located at 165 Gator Drive, North Merritt Island.

Jack Ratterman- My name is Jack Ratterman. I live at 568 East Hall Road, Merritt Island. This issue is a particular interest to me because I have friends who live on Gator Drive that will be used by this commercial interest. The applicant is trying to place an amusement park in a rural community. This will cause a huge increase in traffic especially when there is only road in and out. Will the applicant follow County rules and regulations after they get their zoning? Their past history indicates they won't. My understanding is they have a huge fine they have not paid. They have been given subpoenas and they have not come to court. It is not compliant with the local community or residents. If it is then you tell me how an amusement park, petting zoo, airboat rides, swamp buggy rides, gator farm, vineyard, wedding chapel, zipline, hayrides, kayak and swimming hole will fit in this community? You know, the only thing that is probably not there is, he was going to say a gay nudist colony.

Smith-Yeah, let's leave that part out.

Ratterman-Okay. So I don't see how you could say yes to this. You know, there is lots of little kids that live in this community. You know, he's been aggressive to the people that are already living there, you know. So, you know, I, I just don't see how this is a fit. Thank you.

Hillberg-Mary Hillberg, 3780 Sierra Drive. This time I'll talk much faster, and be quick. I've been off my feet. I've been away from you for a while. Uh, this a, this request is not compatible with the area. The applicant, when he bought the land, it was zoned SR, its part of the community, established community. They are, he is, has his piece of property that piece of SR, he's using as his driveway, which is fine, but putting other things on it, putting huge billboards signs on it, putting other animals on it, cages, putting anything else on it is not consistent with the law. So, and in the opinion of the North Merritt Island Special Advisory Board, and I am chairman of that, and I'm also a member of North Merritt Island as well, we're elected by the people there to represent them, so that's why we're there. And I would respectfully request that you deny this request because of the impact on the community, the negative impact on the community, and the unnecessary aspect of it. There's no need to change it. Thank you.

Chris Minerva- Good evening again. My name is Chris Minerva, I'm representing the North Merritt Island Homeowner's Association, P. O. Box 542372, Cocoa, Florida 32920. Our association cannot support the request because it conflicts with the future land use elements of Administrative Policies of, it's the long list, incompatibility, Policies (inaudible), with the existing land uses of 3A, criteria A is hours of operation, noise levels, traffic, site activity, diminishing enjoyment, and safety of quality of life in existing neighborhood. I mean, if you lived on this cul-de-sac, it is a barrage of, a party, and it's commercial, commercial. I mean, it's Disneyland, shrunken, but anyways. Policy 3(B) causing, causing material reduction in value of the existing abutting development. Policy 3(C), historical land use patterns, 3(C) 2, actual development over the past or proceeding the past three years. 3 (C) 3 is development approved within the past three years, but not constructive. Administrative Policy for criteria an adverse impact and an established neighborhood with traffic intensity and commercial activity. Policy 4, criteria B (2),

the commercial use of nonconforming to the residential surrounding area. Administrative Policy 5, criteria B, the physical quality of the road system being deteriorated. Policy 8.1 consideration of the character of the surrounding land. Policy 8.3, negative impact of this request on traffic and established character of the surrounding. Policy 8.4, incompatibility with existing land use. 8.5, inappropriate considering, consideration of public welfare. Okay read this, under general standards of review 2G, proposed signs interfering with use and enjoyment of adjacent and nearby properties. Under the factors to consider for rezoning this request, the homeowners association has taken the following into its consideration: number one, the character of the land use surrounding the subject property, the impact of the proposed zoning classification on available projected traffic patterns and established character of surrounding property, and before incompatibility with existing land use plans, and number five, inappropriateness and consideration of public safety and welfare. You know, if you lived on this cul-de-sac and you bought on a dead end street, it's you know, quite, quite, quite abusive. I mean, I don't live there but I can certainly understand that. And they came in way after everyone else was there. I, I appreciate your consideration and all the work you do. Thank you.

Smith-Martin Webber. Martin A. Webber still here? No. John Siddall, Okay thank you sir. Patsy, I assume is the same? Betsi, Betsi Siddall, okay.

Betsi Siddall- Good evening my name is Betsi Siddall, I'm a little nervous. I reside at 3991 Dundee Drive.

Smith-Don't be nervous, we don't bite.

Betsi Siddall- I practiced this. I'm opposed to this rezoning request. When we purchased our home in 2001, we had every reason to expect that the only use in the community would be residential. As for the 24 acres, which remain undeveloped behind our home, given that when the subdivision was originally designed it was all part of the same parcel, leaving us no reason to think the remaining property would not eventually be developed into residential parcels. The fact that it was a farm in the past was not an issue, as we have no objection to a quiet farmer, farming for their own sake. What we do object to is inviting the public through our residential community in what is a blatant abuse of the agritourism Law, a law whose intent was to provide bonafide farmers with supplemental income. It was never intended to be a determining factor of whether they exceed as a farm or not, more as a primary source of income. The applicants have gone far beyond farm activity turning their property, as you have heard, into an amusement attraction, increasing activity ten-fold as depicted in the drawing; you should have received in my original packet in May. I was going to address Administrative Policy 3, but that has been taken care of, so I'll leave that. I have stated in the past and will state again today, the applicants lack of due diligence should not constitute a consequence for their neighbors. We've dealt with this man for two and a half years. I promise you, there would be livestock next to our home. Since the arrival of the applicants in our neighborhood we have lived with constant disruptions which interfere in ways large and small with our right to quality enjoyment of our property and my discussions with various staff members in Planning and Zoning, there was a suggestion of a Binding Development Plan. I am opposed to this for several reasons. Firstly, it's my understanding that a BDP is not truly binding, and secondly and most importantly, the applicants have a clear history of noncompliance which again, long before they purchased this property, and continues even now despite substantial fines which have been accruing since December of 2015. With these reasons stated by others, respectfully request that you please protect the character of our community by denying this application. One additional thing, Mr. Keith Braun is a neighbor. He intended to be here today to speak and work has prevented that. He, late in the afternoon, sent you all an email stating his objection. I don't know if you saw it, so

he asked me to please make you aware. Thank you.

Patti Laissle-Nobody ever gets it right. It's pronounced Leslie. Patti Laissle, I live at 3999 Dundee Drive and we also own the property at 3997, next door, undeveloped. Previously you all received a packet. On the first page of this packet you will see exhibit A. The green portion indicates the location of the proposed rezoning. The areas highlighted in yellow indicate all the residents who either sent a letter objecting to the rezoning, or they signed a petition. The breakdown is as follows: there are 24 signatures on the petition and six letters, there may be more I'm not aware of. The areas marked by an X are vacant or unoccupied homes. You will notice that directly to the north, west and northwest of the green section are residential homes, all within direct sight of the proposed rezoned area. All the yellow highlighted areas on Dundee Drive and the most easterly section of Gator Drive have line of sight to the rezoned area. You can clearly see the people most affected by that parcel are Gator and Dundee drive. On Exhibit B, is a printout of the Facebook post generated by Adventures in Paradise in May. You will notice no less than 12 amusements/attractions, planned for that location. Presumably the reason for the rezoning request, the applicants wish to erect signage advertising them. Two of those activities would likely involve alcohol. Based on the number of activities they plan to engage in, one can logically assume that the property they wish to rezone will be used to advertise their business. As proof of this, Exhibit C, a rejected sign application dated 11-22-16 in which the rejection was based on the fact that the proposed sign was on property rezoned, zoned residential. And to go forward with any sign construction, they would have to apply to rezone it. That parcel is in our residential neighborhood and we don't wish to live in the middle of the applicant's theme park aspirations. Specific objections based on some of the suggested guidelines are impact on suggested services such as roads and schools. Old roads leading to Adventures in Paradise are residential; they were not designed for the type of commercial traffic likely needed to sustain the planned activities in exhibit B. The applicants wedding barn website indicates maximum capacity of 200 people, so potentially on a continual basis 200 cars would be entering and exiting our residential neighborhood, only now those exiting guests have potentially consumed alcohol and that is only referencing the one wedding traffic, just one of the 12 activities listed in Exhibit B. The amount of commercial deliveries vehicles that would be likely needed to sustain and deliver goods and services to sustain these 12 activities will be detrimental to our streets. They were not designed for such. They were not designed for the cumulated impact of sustained commercial traffic. Compatibility with surrounding land use, as indicated in exhibit C, the purpose of the rezoning request is so the applicants can construct a sign that would not by any stretch of the imagination be compatible with the existing surrounding land use of that area. Consistency with the character of the area, other than the current illegal signage the applicants have installed there are no commercial signs on Gator or Dundee Drive because they are residential streets. So, to maintain the consistency of the area, it would not be appropriate to allow a commercial sign accompanied, accomplished only by this zoning request to be constructed on that property. In conclusion, we hope that the petition signatures and written letters are adequate proof of the objection to this rezoning request. If by some chance the collective thinking leans towards the notion that the property in question is of so little consequence that approval will be forthcoming, please consider the converse notion. If the property is of so little consequence, consider ruling in favor of the 30-plus people who oppose this rezoning application.

Smith- You have 30 seconds.

Laissle-Thank you for your time and consideration. Any Questions?

Smith-That is all the cards we have. No would you quickly fill out another one, sir because I

don't have one. Oh, I'm sorry, I do. I have it. Dennis A. Wilson, 139 Gator Drive, come on down.

Wilson-Thank you. Dennis Wilson, 139 Gator Drive. I'm here to speak in opposition of the opposed applicants rezoning paperwork. Short story, we live in a neighborhood. There is no commercial activity. I'm not sure if you guys have been down the street to see what's going on, but my house is immediately adjacent to the piece of property in question. Up until last weekend, there were two signs, that were about equivalent of your diocese; maybe twice as high, two of them, and my house would be equivalent to the back of the room. So, when I drive in my driveway every day, I have two monster signs that are on this gentleman's property in a neighborhood. And it's my understanding that the original judge's injunction from over two years ago still has not been filled. As was stated before, these fines are accumulating daily, they haven't been paid, I'm not sure who is monitoring that to try to enforce that, but last weekend he did take down these two signs and in its place he put up a singular sign that's maybe three quarters wide as your diocese but still just as tall. So, instead of two monster signs, now there is one semi-monster sign next door to me in my neighborhood. It would be nice if you guys could ride down North Merritt Island and see what we're talking about. So, I'm opposed to this for two reasons. Number one is, as we said and heard from previous cases tonight, this is a slippery slope. If this rezoning is approved, the people that have spoken, we know what the next step is. It's going to be used as a commercial driveway to the current commercial property that is being operated in our neighborhood. Quick reference, last weekend the owner of the property sponsored a festival. You may have heard about it, it was promoted on a couple of billboards, a couple of electronic signs on businesses, and he even parked his swamp buggy, which is about as big as the diocese and about as tall, on Courtenay Parkway at the entrance to our neighborhood, promoting the festival. Saturday Morning I mow the yard, I counted no less than 80 cars that passed my house and turned in at the direction of the two monster signs next door, into the festival. It really would have gotten out of hand, if the rain didn't wash it out. So, one day, 80 cars. Recently I've spoken to Mr. Obloy, who is the owner and the applicant, and I voiced my concern directly to him, that the second objection is alcohol. What's happening back there is not an AG farm, what's happening back there is a commercial, as been described, amusement park. How is he getting these permits? Yesterday, as almost every day, two huge Florida Power and Light bucket trucks pulled out of his facility and shook my house as they went by the front yard. So, there is some overhead transmission work being done down there to support this commercial activity. All of us have presented reams of evidence, including his own Facebook page, and if you go to their.. I did a Google search, the dumb way to do it. If you go to his Adventures in Paradise or Golf in Paradise Tours, two properties, they tell you what is happening back there. So I don't understand how a commercial property, excuse me, a commercial event, a money making commercial event, can take place in the middle of my neighborhood. So I'm running out of time, I can see the clock, but I'm going to fill it up. Again, it is the slippery slope. Chris said it best when he said the reason we have planning boards is not for today, but to avoid disasters in the future. I've witnessed a monster disaster with that Crisafulli case. They should be ashamed for putting a 48-unit development right there across the street, a mile up, across the street from us. I'm not sure what to tell you guys as far as your vote, but anyway, turn this guy down, this application. Thanks for your time.

Smith-That's all of our cards. Mr. Barfield you have the floor.

Barfield-I'd like to ask the County Attorney to explain the agritourism and what our limitations are. So, I have to watch my temper on this, cause it's, it's, it's really amazing how this has been just used against us so much. But you need to explain that, please.

Eden Bentley-Code Enforcement has been out there any number of times, you all know. I'm not

going to go through the entire litany of events, but basically there is an agritourism statute that provides an exemption for many of these activities. It is probably not the original intention of the Legislature when this went through, but it is a rather large loophole. And so, although we have obtained an injunction, the injunction is limited in its scope and we're hoping perhaps someone will change the Statute.

Barfield-So what, before I go any further I'd like to tell everyone that from Merritt Island, if you do not like this you need to get in touch with your Legislature and go to Tallahassee because there's serious loopholes in this thing. And it's really, totally kept us in check where we can't even go on site to inspect for health concerns. It's totally irresponsible. My next comment is this. You can look at the, the picture in here, and obviously this is so incompatible with the neighborhood. It's right up next to it. And let me tell you a little background. The uh, so, the applicant can put a sign up there knowing it was, you know, illegal. It's an enforcement action so he knows it wasn't permitted, couldn't get permitted, so now he wants to change this so he can put the sign there, in the people's backyard, side yard. It's completely incompatible. The uh, I just, I just, there's so much I could say. It's just entirely wrong. But this is what I am going to say, from a legal standpoint for this, I make a motion that we deny this. It's not compatible with the surrounding residential area. It's not at all compatible. The traffic impacts to the community, it's just, as the gentleman said, and that may be an understatement, and sometimes the other things he's had there, there could be a lot more. And the impacts to this poor neighborhood, is just not acceptable. All these, both of these reasons are reasons to deny and I make that motion.

Smith-We have a motion to deny this, do we have a second?

Isnardi-I will second, with discussion.

Smith-Commissioner Isnardi.

Isnardi-I'll second with discussion.

Smith-Okay, you have the floor.

Isnardi-My concern is our hands being tied on this because unfortunately we can't do a lot as far as the County goes, other than cite and see. What's being done obviously is not legal on that property and I think if we were to pass this would just perpetuate the activity, and it's unfortunate because here is this nice subdivision and you guys are set with these set of circumstances even though, again, it's sort of out of our hands with the current zoning of that property. I feel bad for everybody that live in there, only because I'm sure that is not what you signed up for when you bought this property and obviously you were there first, so I will, again, second the motion and I agree with Mr. Barfield that this is not compatible with your neighborhood.

Smith-Any other comments from the Board? I would just like to weigh in. Staff, if this guy is putting up signs, doesn't he have to have permits for these signs? And we have no recourse, if he's putting up illegal signs?

Tad Calkins-He does have to have a permit for the sign. The Code Enforcement Act, there is a Code Enforcement case open for the sign, but it was put on hold to allow him to come into compliance if he could get the zoning change where we could do a permit. So, with your denial, then we will reactivate the Code Enforcement case and that will be going forward.

Smith-Please do. And I will note for the record, that Mr. Obloy is not here to, he made this application and he didn't even show up, so take that for what it's worth. Okay, any other comments from the Board?

Tad Calkins- Mr. Chairman, if I may on that. We did get an email from his attorney requesting to be tabled to this date, so I believe there is a notice that this action was going to be heard by you all tonight.

Smith-Thank you for that. We have a motion and a second, all those in favor to deny this say Aye.

Pritchett, Barfield, Tobia, Smith, Isnardi-Aye.

Smith-Opposed? Passes 5:0.