

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on May 3, 2018 at 5:02 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Rita Pritchett	Chair	Present	
Jim Barfield	Commissioner District 2	Present	
John Tobia	Commissioner District 3	Present	
Curt Smith	Commissioner District 4	Present	
Kristine Isnardi	Vice Chair/Commissioner District 5	Present	

### **ZONING STATEMENT**

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezonings and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness testimony showing that the request meets the Zoning Code and the Comprehensive Plan criteria. Opponents must also testify as to facts, or provide expert testimony; whether they like, or dislike, a request is not competent evidence. The Board must then decide whether the evidence demonstrates consistency and compatibility with the Comprehensive Plan and the existing rules in the Zoning Ordinance, property adjacent to the property to be rezoned, and the actual development of the surrounding area. The Board cannot consider speculation, non-expert opinion testimony, or poll the audience by asking those in favor or opposed to stand up or raise their hands. If a Commissioner has had communications regarding a rezoning or Conditional Use Permit request before the Board, the Commissioner must disclose the subject of the communication and the identity of the person, group, or entity, with whom the communication took place before the Board, takes action on the request. Likewise, if a Commissioner has made a site visit, inspections, or investigation, the Commissioner must disclose that fact before the Board, takes action on the request. Each applicant is allowed a total of 15 minutes to present their request unless the time is extended by a majority vote of the Board. The applicant may reserve any portion of the 15 minutes of rebuttal. Other speakers are allowed five minutes to speak. Speakers may not pass their time to someone else in order to give that person more time to speak.

### **MOMENT OF SILENCE**

Chairman Pritchett called for a moment of silence.

### **PLEDGE OF ALLEGIANCE**

Commissioner Tobia led the assembly in the Pledge of Allegiance.

### **ITEM III., PUBLIC COMMENTS**

David Harrison thanked the Board for letting him speak in open forum; he lives on Export Avenue, and it is about a quarter mile long; and it is surrounded by Everett Street and Falcon Boulevard in Cocoa. He added there are 20 homes on Export Avenue, six are vacant lots, two are being developed, and it is those two in which he is speaking on; according to information he

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has been given, by the Department of Natural Resources, these lots are being developed by Kingston Construction Enterprises; he has four issues; and these concerns are substantial and significant. He went on to say that the lot has fill dirt that is greatly above the other lot lines elevations, they are concerned because that elevation will cause a lot of run-off of rain water to go into other lots nearby; and the reason why is that Export Avenue does not have great drainage. He noted over the last three years, they have seen a significant pileup of water, such that their driveways and front yards have flooded and septic systems have become inactive. He understood it is difficult to manage rainwater, but they feel there may be options; they have come to the Board today to seek those options; he has gone to Code Enforcement, Department of Natural Resources, and they have reached out to the Building Department; and they have not given them any solutions, they merely say that there is a minimum requirement. He stated they understand about the minimum requirement, they do not want anyone's lot to flood; they are concerned that there is no maximum requirement, that is the big issue for them today; and he requested that the Board help them to resolve this problem. He added one approach that would be helpful is if the Board reached out to other departments and help to determine the elevation of fill dirt they are using is too excessive, they wish that it would be brought down to the minimum requirement; also, they would like the Board to reach out to other areas to find a way to manage the run-off water, and they would like there to be an improvement in the process of permitting, such that there is an examination of surrounding lots, so that they can be protected from new development.

Mary Ann Harrison stated she also lives on Export Avenue; it is a little street in Port St. John; Port St. John is a nice little community; and what is happening is, they have been on this lot, and been in their home for 27 years. She added when they moved in, they never saw any water puddling and during that time, more and more they see it puddling. She advised the topography of Export Avenue has been changed and the area around it by building; they want to protect those new occupants, and she understands that, but she does not believe in her heart that it is fair that builders and new occupants have an advantage; and everyone has to have fair treatment and she does not feel that it is fair that the other properties are suffering now. She noted they have already seen evidence of this new lot that has high fill dirt; she understands why a property owner would want to do that, because it makes it more desirable, but inquired about the neighbors around the property that are suffering and receiving water in the backyard that her neighbor has never seen previously where his septic is; and especially since this is a septic system community. She asked the Board to address this and stop it; they would like to have a maximum; and she asked that the person building this property to remove some of that dirt, because it is making it too high for the neighbors to protect their properties.

**ITEM IV.D., PUBLIC HEARING, RE: HORIZON TITLE COMPANY, INC. (KIM REZANKA) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU TO PUD (18PZ00009)**

Chair Pritchett called for a Public Hearing for Horizon Title Company, Inc., for a change of Zoning Classification from AU to PUD, on property located at 890 E. Hall Road, Merritt Island, as requested by Horizon Title Company, Inc.

Erin Sterk, Interim Planning and Zoning Manager, stated the applicant wished to request this item to be tabled.

Kim Rezanka stated her applicant is requesting a continuance to the May 24, 2018, Zoning Meeting so some adjustments can be made to the PUD.

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There being no further comments or objections, the Board tabled the request for a change of Zoning Classification from AU to PUD, for a change of Zoning Classification from AU to PUD, on property located at 890 E. Hall Road, Merritt Island, as requested by Horizon Title Company, Inc., to the May 24, 2018, Zoning Meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.F., PUBLIC HEARING, RE: W.K. & R. GROVES, INC. (CHAD GENONI) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU TO RR-1 (17PZ000158)**

Chair Pritchett called for a Public Hearing on W.K. & R Groves, Inc., on property located on the north side of E. Crisafulli Road, approximately 320 feet west of Broad Acres Street.

Erin Sterk, Interim Planning and Zoning Manager, stated this is a request for W.K. & R Groves, represented by Chad Genoni.

Chad Genoni stated he is with Beachland Managers requesting this item be tabled to the August 2, 2018, Zoning meeting.

There being no further comments or objections, the Board tabled the request for a change of Zoning Classification from AU to RR-1, located on the north side of E. Crisafulli Road, approximately 320 feet west of Broad Acres Street, to the August 2, 2018, Zoning meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.A., PUBLIC HEARING, RE: JEFFREY D. AND KAREN ATWELL REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM GU TO AU (18PZ00004)**

Chair Pritchett called for a Public Hearing for a change of Zoning Classification from GU to AU, on property located at 3775 Felda Street, Cocoa, Florida.

Erin Sterk, Interim Planning and Zoning Manager stated this is a request by Jeffrey D. and Karen Atwell requesting a change of Zoning Classification from GU to AU, in District 1, on a property that is one acre in size.

Jeff Atwell stated the reason they would like the Zoning Classification changed to AU is because he wants to start bees, and would like to have a place to extract the honey on the property.

Chair Pritchett stated she thinks it is wonderful.

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There being no further comments or objections, the Board approved the request for a change in Zoning Classification from GU to AU, on property located at 3775 Felda Street, Cocoa, Florida.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.B., PUBLIC HEARING, RE: MATTHEW C. STRICKLAND (Z. SID CHEYHAYEB) REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM AU TO RR-1 (18PZ00005)**

Chair Pritchett called for a Public Hearing for Matthew C. Strickland (Z. Sid Cheyhayeb) to request a change of Zoning Classification from AU to RR-1, on property located at 2155 Tomato Farm Road, Mims, Florida.

Erin Sterk, Interim Planning and Zoning Manager stated this is a request by Matthew Strickland, represented by Sid Cheyhayeb for a change of Zoning Classification from AU to RR-1, on a property that is 2.96 acres in size and located at 2155 Tomato Farm Road in Mims. She added she believes the applicant is here as well.

Sid Cheyhayeb stated he is with Consultant Civil Engineers and Matthew Strickland is present as well. He added this site is zoned AU and they are asking for RR-1, and RR-1 is typical for the area around the site; and is consistent with the Future Land Use. He advised the reason for the zoning change is to have a lot split, it is 2.95 acres; they will have two houses built on this property instead of one.

Chair Pritchett stated she is good with it and he is basically imitating what a neighbor has done recently.

The Board approved the request for a change of Zoning Classification from AU to RR-1 on 2.95 acres.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>SECONDER:</b>	Jim Barfield, Commissioner District 2
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.C., PUBLIC HEARING, RE: CLAIR JOHN JAUSSE AND JANET HAMILTON JAUSSE REVOCABLE TRUST REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM EU TO SEU (18PZ00007)**

Chair Pritchett called for a Public Hearing on a change of Zoning Classification from EU to SEU, on property located at 1655 North Tropical Trail, Merritt Island, Florida.

Erin Sterk, Interim Planning and Development Manager stated this is a request by Clair John Jaussi and Janet Hamilton Jaussi Revocable Trust proposing a change of Zoning

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Classification from EU to SEU on a property that is 7.04 acres in size, located at 1655 N. Tropical Trail, Merritt Island.

Clair Jaussi stated this zoning request is to change to SEU, which he believes makes it appropriate with the current Future Land Use; the purpose of it is for a six lot subdivision.

Commissioner Barfield stated he looked that the property and he has no problem with it; and made a motion to approve it with five single-family homes.

There being no further comments or objections, the Board approved the request for a change in Zoning Classification from EU to SEU, limited to five single-family homes, located at 1655 North Tropical Trail, Merritt Island, Florida.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

**ITEM IV.E., PUBLIC HEARING, RE: JUSTIN AND LILLIAN YONEY REQUESTS A CHANGE OF CLASSIFICATION FROM AU TO RR-1 (18PZ00010)**

Chair Pritchett called for a Public Hearing on the request for a change of Zoning Classification from AU to RR-1, for property located at 1500 D'albora Road, Merritt Island, Florida.

Erin Sterk, Interim Planning and Zoning Manager stated this is a request by Justin and Lillian Youney requesting a change of Zoning Classification from AU to RR-1, on a property that is 2.64 acres in size, located at 1500 D'albora Road, Merritt Island.

Justin Youney stated he has a property that is 2.64 acres at 1500 D'albora Road in Merritt Island, he would like to re-zone it; it matches the Future Land Use; and he would like to make is RR-1 so he can split it into two lots. He added the two lots would be 125x125, a little bit bigger in one of them, and he would like to do that to gift one lot to one of his children for a house and keep one for his wife and himself.

Commissioner Barfield stated he has no problem with it at all.

There being no further comments or objections, the Board approved the request for a change of Zoning Classification from AU to RR-1, for property located at 1500 D'albora Road, Merritt Island, Florida.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jim Barfield, Commissioner District 2
<b>SECONDER:</b>	Kristine Isnardi, Vice Chair/Commissioner District 5
<b>AYES:</b>	Pritchett, Barfield, Tobia, Smith, Isnardi

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**ITEM IV.G. THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT (LETTER RECEIVED 04/13/18) PUBLIC HEARING, RE: LTM OF FLORIDA HOLDING, LLC, REQUESTS A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FROM RESIDENTIAL 15 TO COMMUNITY COMMERCIAL ON 2.42 ACRES, LOCATED AT THE NORTH END OF DIXIE HIGHWAY, APPROXIMATELY 0.22 MILE WEST OF U.S. HIGHWAY 1 (17PZ00041)**

This item was withdrawn by the applicant.

**ITEM IV.H., THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT (LETTER RECEIVED 04/13/18) PUBLIC HEARING, RE: LTM OF FLORIDA HOLDING, LLC, REQUESTS A CHANGE OF ZONING CLASSIFICATION FROM FY TO BU-2 ON 2.42 ACRES, LOCATED AT THE NORTH END OF HIXIE HIGHWAY, APPROXIMATELY 0.22 MILE WEST OF U.S. HIGHWAY 1 (17P00041)**

This item was withdrawn by the applicant.

**ITEM VIII., COMMISSIONER/VICE CHAIR ISNARDI, DISTRICT 5, RE: REPORT**

Commissioner Isnardi stated she would like to recognize the National Day of Prayer, she believes that a bunch of them were at different places when the community needed them, but the Mission Church and Dove Bible Club did a nice event where her and her Community Affairs Director, Vic Luebker, were out at a part of the ceremony; and it was lovely to see people come out and celebrate God, and the impact that He has on everyone's lives. She added hopefully each year it will get bigger as more and more people realize the importance of faith and God and of Jesus Christ; next year they are hoping to make it even bigger; and are already talking about plans for that. She added it was fun to be a part of.

**ITEM VIII. COMMISSIONER JOHN TOBIA, DISTRICT 3, RE: REPORT**

Commissioner Tobia believed this was the first meeting he has been a part of that the Board has unanimously voted on each and every item that has come to the Agenda. He stated Mike Chatam is the owner of Movable Roots, which is a Tiny Home manufacturer in Brevard County; he is actually located in Commissioner Isnardi's District; and he offered to bring one of his tiny homes for the Board to see at the next meeting. He added the reason he is bringing it up is because there are some transformative changes to the Code that would potentially allow for this type of housing in the future; and he did not want him to bring it if the Board was not interested. He went on to say to park one of those things and bring it all the way up here, he does not know if the Board has seen it, but he does know he travels around at Beerfests and things like that, but if one has never seen a tiny house, it is very interesting; and he would like to hear the Board's thoughts.

Chair Pritchett stated she loves the concept.

Commissioner Isnardi stated she thinks it would be great.

Commissioner Tobia stated he hears two people, he will hold them to a 30 second tour of it.

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**ITEM VIII., COMMISSIONER BARFIELD, DISTRICT 2, RE: REPORT**

Commissioner Barfield stated this morning he went to Brevard Neighborhood Coalition, which is now Neighborhood Up; and it is basically a coalition of a number of different organizations for affordable housing for youth for intervention in helping people get on their feet. He added it is a crisis center organization, it was very enlightening, and it is an excellent organization; it was a great way to spend the National Day of Prayer this morning; it was impressive and gives him something to do once he is done being a County Commissioner.

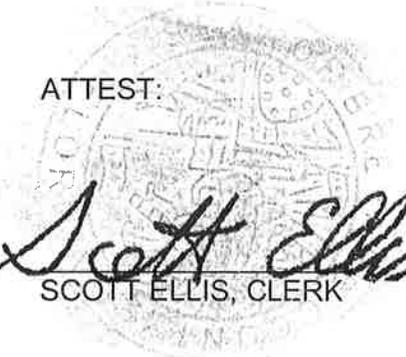
Chair Pritchett stated she is sure he will be looking for other things.

**ITEM VIII., COMMISSIONER/CHAIR RITA PRITCHETT, DISTRICT 1, RE: REPORT**

Chair Pritchett stated this is the first meeting that the Board has had with Eden Bentley, County Attorney, that has been less than five hours.

Upon consensus of the Board, the meeting was adjourned at 5:21 p.m.

ATTEST:



*Scott Ellis*  
SCOTT ELLIS, CLERK



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RITA PRITCHETT, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by Board May 22, 2018