

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Thursday, October 5, 2023

5:00 PM

Zoning

Commission Chambers

A. CALL TO ORDER 5:04 PM

Present: Commissioner District 1 Rita Pritchett, Commissioner District 2 Tom Goodson, Commissioner District 4 Rob Feltner, and Commissioner District 5 Jason Steele
Absent: Commissioner District 3 John Tobia

ZONING STATEMENT

The Board of County Commissioners acts as a Quasi-Judicial body when it hears requests for rezoning and Conditional Use Permits. Applicants must provide competent substantial evidence establishing facts, or expert witness opinion testimony showing that the request meets the Zoning Code and 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, inspection, 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 for 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.

C. PLEDGE OF ALLEGIANCE

Commissioner Feltner led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL: June 28, 2023, Special Board Meeting; and August 10, 2023, Special Board Meeting

The Board approved the minutes from June 28, 2023, Special Meeting, and August 10, 2023, Special Meeting.

Result: Approved

Mover: Jason Steele

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

F.1. Acceptance, Re: Tracey C. and Teresa B. Higginbotham

The Board executed a Binding Development Plan Agreement with Tracey C. and Teresa B. Higginbotham for property located on Lot 4, Block 1, Canaveral Groves Subdivision, as recorded in ORB 9088, Pages 2874 – 2875, of the Public Records of Brevard County, Florida; Lot 4.01, Block 1, Canaveral Groves Subdivision, as recorded in ORB 9088, Page 2877, of the

Public Records of Brevard County, Florida; and Lot 4.02, Block 1, Canaveral Groves Subdivision, as recorded in ORB 9088, Page 2876, of the Public Records of Brevard County, Florida.

Result: Approved

Mover: Jason Steele

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

G.1. Glenn R. Miller, Sr., and Glenn R. Miller, Jr. Request a Change of Zoning Classification from SEU to AU(L) (23Z00036) (Tax Accounts 2703311 & 3027845)

Chair Pritchett called for a public hearing on a request by Glenn R. Miller, Sr. and Glenn R. Miller, Jr. for a change of zoning classification from SEU to AU(L).

Jeffrey Ball, Planning and Zoning Manager, stated Glenn R. Miller, Sr. and Glenn R. Miller, Jr. are requesting a change of zoning classification from SEU to AU(L); application number is 23Z00036; tax account numbers are 2703311 and 3027845; and it is located in District 5.

James Evers stated the Millers' are clients and he is going to be building a barn-style home for them on their property; the reason for the zoning change is that they are looking to do bird dog and deer dog training and will be raising dogs and having birds and what-not on the property; he wants to keep congruent with the zoning, having those types of animals on the property; and it will not be a for-profit business, where there would be a storefront, as everything will be internet sales.

There being no further comments or objections, the Board approved the request by Glenn R. Miller, Sr. and Glenn R. Miller, Jr. for a change of zoning classification from SEU to AU(L).

Result: Approved

Mover: Jason Steele

Second: Rob Feltner

Ayes: Pritchett, Goodson, Feltner, and Steele

Absent: Tobia

G.2. The Powers Family Revocable Living Trust (Kelly Hyvonen) Requests a Change of Zoning Classification from AU, SEU, and BU-1 to all AU (23Z00062) (Tax Accounts 2462101 & 3026965)

Chair Pritchett called for a public hearing on a request by The Powers Family Revocable Living Trust for a change of zoning classification from AU, SEU, and BU-1 to all AU.

Jeffrey Ball, Planning and Zoning Manager, stated The Powers Family Revocable Living Trust is requesting a change in zoning classification from AU, SEU, and BU-1 to all AU; application number is 23Z00062; tax account numbers are 2462101 and 3026965; and it is located in District 1.

There being no comments or objections, the Board approved the request by The Powers Family Revocable Living Trust for a change of zoning classification from AU, SEU, and BU-1 to all AU.

Result: Approved

Mover: Rob Feltner

Seconder: Jason Steele
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

G.3. Atlantic Culvert Company, Inc. (Kim Rezanka) Requests a Change of Zoning Classification from BU-1 to BU-2 (23Z00059) (Tax Accounts 2408515, 2408516, & 2408517)

This item has been withdrawn by the applicant. Letter received 09/05/23.

G.4. Joshua and Christy Jones Request a Change of Zoning Classification from GU to RU-1-11 (23Z00061) (Tax Account 2444034)

Chair Pritchett called for a public hearing on a request by Joshua and Christy Jones for a change of zoning classification from GU to RU-1-11.

Jeffrey Ball, Planning and Zoning Manager, stated Joshua and Christy Jones are requesting a change of zoning classification from GU to RU-1-11; application number is 23Z00061; tax account number is 2444034; and it is located in District 1.

There being no comments or objections, the Board approved the request by Joshua and Christy Jones for a change in zoning classification from GU to RU-1-11.

Result: Approved
Mover: Rob Feltner
Seconder: Jason Steele
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

G.5. Terrance P. and Peggy A. Mulreany (Kelly Hyvonen) Request a Small Scale Comprehensive Plan Amendment (23S.16) to Change the Future Land Use Designation from NC to CC (23SS00016) (Tax Account 2400699)

Chair Pritchett called for a public hearing on a request by Terrance P. and Peggy A. Mulreany for a Small Scale Comprehensive Plan Amendment (23S.16) to change the Future Land Use designation from NC to CC.

Jeffrey Ball, Planning and Zoning Manager, stated Items G.5. and G.6. are companion applications; he will read them into the record together, but there will need to be separate motions; Item G.5. is a request by Terrance P. and Peggy A. Mulreany for a Small Scale Comprehensive Plan Amendment (23S.16) to change the Future Land Use Designation from NC to CC; application number is 23SS00016; tax account number is 2400699; and it is located in District 1. He added Item G.6. is a request by Terrance P. and Peggy A. Mulreany for a change of zoning classification from GU to BU-2; application number is 23Z00056; tax account number is 2400699; and it is also located in District 1.

There being no comments or objections, the Board adopted Ordinance No. 23-26, amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, entitled "The 1988 Comprehensive Plan", setting forth the sixth Small Scale Plan Amendment of 2023, 23S.08, to the Future Land Use Map of the Comprehensive Plan; amending Section 62-501 entitled Contents of the Plan; specifically amending Section 62-501, Part XVI(E), entitled The Future Land Use Map Appendix; and provisions which require amendment to maintain internal consistency with these amendments; providing legal status; providing a severability clause; and providing an effective date.

Result: Adopted
Mover: Jason Steele
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

G.6. Terrance P. and Peggy A. Mulreany (Kelly Hyvonen) Request a Change of Zoning Classification from GU to BU-2 (23Z00056) (Tax Account 2400699)

Chair Pritchett called for a public hearing on a request by Terrance P. and Peggy A. Mulreany for a change of zoning classification from GU to BU-2.

There being no comments or objections, the Board approved the request by Terrance P. and Peggy A. Mulreany for a change in zoning classification from GU to BU-2.

Result: Approved
Mover: Jason Steele
Second: Rob Feltner
Ayes: Pritchett, Goodson, Feltner, and Steele
Absent: Tobia

K. PUBLIC COMMENTS

Charles Tovey stated the town crybaby, or the town crier; personally, he has as many broken bones probably as Evel Knievel and he does not feel like doing extra things, or anything; he does not feel like coming up here and saying this, as he did not from the beginning; but, he was directed by God, communicated; and if he said He told him, they would probably try and lock him up for something or another, because he does not know what day it is, and it is wrong. He added anyways, what he wants to do he does not do, and what he does want to do, he tries not to do; about the liens on his property, they were installed the first 90 days after the fire in the middle of the busiest hurricane seasons ever; if they wanted him to fix it, why did they put the liens in 90 days, and no communication or anything else; besides that, he heard the Mayor speaking to one of the investors, and they discussed that he would not be able to do anything, as the County would not let him; and aside from that, it is a truck stop and there are multiple vehicles, semi-trucks all day, every day, twenty-four seven and it does not stop. He stated then they are stored at the room and he still has issues with trespassers and aggressors; he saw two tortoises, a male and a female, last week; he took pictures of them and what he is afraid of is Otter Creek, which is environmentally sensitive as well, the cement springs, that is from way before, and it still is not located and it is still that way; he mentioned micro-plastics from dog beach and showed a small bag, stating it is one of the things that needs looked into, as well as the jaguars; and there were 50 of them a couple years ago and now there are 25 or less. He went on to say the rip tide, there are eight men that died on the west coast, ages 30 to 45; if there could be some information posted before, and he knows there is; he had a slight delay from deputies, but this time it was different; it has been 20 years that way, and he asked why now; he stated he did not mean to be rude and no direction towards any of the Board; and it is his life, liberty, and a pursuit of happiness.

Upon consensus of the Board, the meeting adjourned at 5:13 p.m.

ATTEST:

RACHEL M. SADOFF, CLERK

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

Approved by the Board on October 24, 2023