

Brevard County Planning and Zoning Committee
Brevard County Board of County Commissioners. Attention: Jennifer Jones

This letter is in reference to application #22Z00055. Kelsey Barnes and Michael C. McLain 2405 Maple Street Melbourne, FL. 32904 Parcel I. D. 28-36-12-00-42, applying for a change in zoning from RR to AU. Their application states that they want to breed chickens and doesn't mention the roosters they already own. **They applied for this zoning change (10-06-22) while they were being sighted by Code enforcement to remove their roosters.** They have given the 3 roosters to a neighbor whose property is 170' away from us (we would not wish this noise on anyone) to hold until they get rezoned. Let us explain.

In 2020 we asked Kelsey and Michael to get rid of 2 roosters. These roosters crowed simultaneously and continuously for 8-12 hours daily. We offered to compensate. **We told them they were not zoned for roosters. We asked 5 times.** Kelsey refused to talk, they were her "**pets.**" The two roosters died. Kelsey has **accused us twice of killing her roosters.**

In the next year they purchased 4 more roosters. They fenced the 4 roosters with several chickens **20' from our property.** The loud crows and the long durations went on all day until sunset. They never put them in early knowing they were disturbing the peace. They knew that the noise bothered us. The noise runs through our home. They knew they were not zoned to have roosters. The property has been in the family for many years.

We own 652' of a shared property line to the north of this property.
We have asked 8 times to have a conversation.

We contacted code enforcement. They had us contact Christen Champion and she confirmed the property is RR. **No roosters allowed.** So the roosters were moved off the property to the afore mentioned neighbor, 170' from our property. They are hoping to get them back.

While they were being sighted they put in a complaint to code enforcement about our culvert. The culvert has never been a problem. The culvert was installed before we purchased our property in 1987 and their property has been in the family since 1998. Code enforcement (Ricky Mays) let them know it was not a code enforcement issue.

They are changing the zoning so they can have roosters. Currently zoned RR they can have farm animals and eggs, but have restrictions **(no roosters.)** (Section 62-1927)

This will have an adverse impact of future potential use of our property.

The area is primarily changing to residential with a few of us still AU and no one has ever been unthoughtful by having roosters that **disturbed the peace.**

There is little drainage on the back of their property for runoff. Fowl excrement, causes several respiratory illnesses. The quality of life with multiple roosters and breeding

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chickens will affect everyone around them. With roosters and other animals there will be high noise levels, odor, and runoff that can cause illness. We would not wish this constant noise on anyone. There is nowhere on this property that the roosters will not be a nuisance.

It is in our opinion that this property is not large enough for what they have proposed without affecting the neighbors adversely.

This public hearing is to hear from the neighbors that are being affected by this proposed zoning change. They are suppose to talk with us and work out these differences. We have asked several times. They have refused.

Please do not approve this property to have multiple roosters. The decibel level of daytime noise above normal (75 db) can lead to anxiety, loss of sleep, high blood pressure, and tinnitus. Please consider the health and well being and the desire and future to live in this area.

Thank you for your time and consideration.

Roy Brent and Sharon Dolan
2395 Maple Street Melbourne, FL 32904
phone 321-223-6147

You are welcome to come out to our property anytime and view the situation. Open the gate it is not locked.

Note: The sound of a rooster crowing can reach **142 decibels** (when measured at the rooster's head). To put that in context, a chainsaw produces about 120 db and a jet taking off 25 meters away is about 150 db and can lead to eardrum rupture. Jul 2, 2019 (google)

December 21, 2022

Re: 22Z00055

Ms. Jones,

My name is Patrick Horn. My wife Susan and I reside on the property North of the Dolan's. We have been neighbors for over 30 years. The Dolan's property is right up against the property that is petitioning to be rezoned to AU. Even though Susan and I are approximately 80 yards from the property in question, we can clearly hear their roosters. The roosters are a nuisance all day long and has been quite annoying in our residential neighborhood.

They had 4 roosters on their property until they were told they couldn't have roosters on a RR-1 zoned land. It is my understanding that the roosters are being housed on the property South of the land in question.

Susan and I can hear the roosters all day even though they are another 100 yards away (180 yards total).

The Dolan's ran a very successful nursery (quietly) for several decades. Now, they are retired and have to battle with their neighbors about roosters of all things. The said property wants to have 4 or more roosters. Can you imagine having worked all these years to begin retirement and now have to deal with roosters out your front door? If this request to rezone the property to AU is granted, it is going to severely disrupt our quiet piece of Brevard County. It will also cause a lot of neighborly tension.

Respectfully,

Patrick and Susan Horn
2335 Maple Street
Melbourne, FL 32904
321-403-2891

#22Z00055

Brevard County Planning and Zoning Committee
Brevard County Board of Commissioners.

Jennifer Jones, Kristen Zonka Brevard County District 5 commissioner,

We would like to add to our previous submitted comment pertaining to application #22Z00055.
Kelsey and Michael McLain 2405 Maple Street, Melbourne, FL. 32904.

There are approximately 9-11 single family residential homes surrounding this property all in hearing distance of these roosters.

Our home (2395 Maple Street) has always sat between two RR-1 Zoned properties since we moved here in 1987.

We have run a native plant nursery business (Maple Street Natives) for 35 years and always have had respect for noise levels for our neighbors residence.

We have had quiet neighbors without continuous noise for 33 years because of this RR-1 zoning, until Kelsey bought roosters which is explained in our previous comment.

Why would someone that has been disrespectful (Kelsey and Michael) be able to now do whatever they want and cause continuous noise by changing the zoning to AU just to have roosters?

We tried to have a conversation with Michael and let him know he can talk about anything with us. We wanted to have a good neighbor relationship.

Kelsey walked up told Micheal to go back to work and in anger said "You have cost me 3,000.00 to take down trees and put up a fence." For the second time she accused us of killing 2 of her roosters. She went on with other personal accusations and said to me personally **"Whatever the worst thing that can happen to someone is I hope it happens to you."**

We did not engage.

We have never had a conversation with Kelsey. She has refused. She has however yelled in anger at us on 2 occasions. Both times accusing us of killing her roosters among other things.

Sharon and Roy Brent Dolan
2395 Maple Street
Melbourne, FL. 32904
321-223-6146

January 4, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Jim Padgett, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

Signature: _____

Jim Padgett

Date: 1-4-2023

Address: _____

Contact: 772-633-1843

January 4, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Siler Bullard, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

Signature: 

Date: 01-04-2023

Address: 3280 Milman Ave
West Melbourne
FL 32904

Contact: 32407-520-2505

January 7, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Andrew Mutsko, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

Signature: Andrew Mutsko Date: 1/7/23

Address: 440 Vine St
Melbourne FL
32904

Contact: 321-299-7228

January 4, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Lennie Ballard, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

We have no objection

Signature: Lennie Ballard

Date: 1-4-2022

Address: 3280 Milwaukee Ave.

W. Mello 32904

Contact: 321-961-3403

January 4, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Krystal Sinclair, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

The neighbors have been very friendly and helpful and we have no issues with them applying for rezoning

Signature: Krystal Sinclair Date: 1-4-23

Address: 2420 Maple St
Melbourne FL
32904

Contact: 321-349-4886

January 4, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, JERRY BALLARD, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

I HAVE NO ISSUES WITH
THE ABOVE REZONING.



Signature: 

Date: 1-4-23

Address: 3280 MILWAUKEE

Contact: 391.313-9777

January __, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Michael Scott, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

Let these people do what they want with their property. They don't bother anyone. And they keep to themselves.

Signature: Michael Scott

Date: 1-4-23

Address: 525 Vine St.
W. Melbourne, FL 32904

Contact: _____

January 4, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Jennifer Curry, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

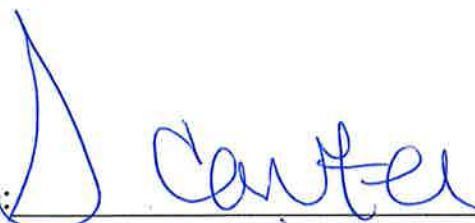
Signature: Jennifer Curry Date: 1-4-23
Address: 525 Vine St
West Melbourne FL
32904
Contact: 321-952-9963

January 4, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Samantha Carter, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

Our neighborhood is a farm friendly neighborhood. I actually love to hear the roosters crow, and see all the animals.

Signature: 

Date: Jan. 4, 2023

Address: 3330 Milwaukee Ave

W. Melb. Fl
32904

Contact: 321-557-1046

January 7, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Melvin & Linda Durand, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

As being their neighbors and living in our house for 29 years, we have had roosters, chickens, horses, donkeys, goats, cows & dogs at our home for our kids. They want the same experience for their children. Just about all of our neighbors have chickens and roosters and many other animals. Actually roosters protect hens from predators we have seen this on our property it's amazing to witness. we think this would be a great learning experience for their family and teaching responsibilities.

Signature: Melvin and Linda Durand

Date: Jan. 7, 2023

Address: 3320 Milwaukee Ave.
W. Melb., Fl.

32904

Contact: 321-984-7115 (House)
321-508-5112 (cell)

January 8, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Matthew D. Landay, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

I ACTUALLY WISH MY
PROPERTY WAS
AGRICULTURAL
ALSO.

I HAVE NO ISSUE
WITH IT

Signature: _____



Date: _____

1/8/2023

Address: _____

2405 MAPLE STREET
MELBOURN FL 32904

Contact: _____

321-367-7430

January 7, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Petrick Suddley, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

Signature: PMS Date: 1-7-23
Address: 520 Vine St
W. Melbourne FL
32909
Contact: _____

January 7, 2023

In regards to Kelsey Barnes and Michael McLain requesting to rezone their property to AU status, I, Jason Milton, have no issues or complaints with the zoning change for the property at 2405 Maple Street.

Additional Comments:

Signature: 

Date: 1-7-23

Address: _____

Contact: _____

From: [Commissioner, D5](#)
To: [Sharon Dolan](#)
Cc: [Zonka, Kristine](#); [Roig, Janette](#); [Jones, Jennifer](#); [Brown, Charlene](#)
Subject: RE: Thank you for contacting Commissioner Kristine Zonka
Date: Friday, January 6, 2023 2:57:07 PM

Hi Sharon,

I am very sorry for your situation. I am copying Jennifer Jones with Planning and Zoning on this email so that she can make sure that your opposition is noted in the agenda package for the meeting on Monday and the one on February 2nd. I want her to also understand why you won't be showing up in person. It would be beneficial if others against the zoning change did come and voice their concerns. They are also welcome to email our office.

Again, I have shared all your emails with the Commissioner and she will definitely consider your concerns when making an informed decision on this item.

Danielle Stern
Chief of Staff
Brevard County Commissioner Kristine Zonka
District Five
490 Centre Lake Drive NE
Suite 175
Palm Bay, FL 32907
(321)253-6611

From: Sharon Dolan <maplestreet@earthlink.net>
Sent: Friday, January 06, 2023 2:12 PM
To: Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Subject: Re: Thank you for contacting Commissioner Kristine Zonka

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

Commissioner Zonka

You do realize we can not be around someone that has wished the worst for me.
I can not attend the meeting.

We are 2 seniors and this is so stressful. We need to keep that stress level down.

Hope you can help.

We have never run into or thought we would ever have to deal with neighbors that are so spiteful.

The roosters still cry through our home every day all day from 7am, and they are over 200' away and if this is approved they will be back to 20' away from our property, and they don't care.

Come out at 7 -7:30 am and appraise the situation.

Sharon and Roy Brent Dolan
2395 Maple Street
Melbourne FL 32904
321-223-6146

Sent from my iPhone

On Jan 6, 2023, at 12:24 PM, Commissioner, D5 <D5.Commissioner@brevardfl.gov> wrote:

Hi Mrs. Dolan,

I am so sorry for the delayed response. I see that this zoning issue comes before the Planning and Zoning Board on Monday. I encourage you and any neighbors against this change to attend the meeting that starts at 3pm in Viera. You can put in a speaker card and express your concerns to the board members. The Planning and Zoning Board will then make a recommendation to the BOCC in regards to the change.

This item will not come before Commissioner Zonka until February 2nd at the 5 pm Commission Zoning Meeting. You are also welcome to attend this meeting. I will make sure that she is aware that you are against this zoning change. I have already shared your prior letter with her as well as one from your neighbor. She will consider all the facts and feedback regarding this item when making an informed decision.

Please feel free to reach out with any additional questions.

Danielle Stern
Chief of Staff
Brevard County Commissioner Kristine Zonka
District Five
490 Centre Lake Drive NE
Suite 175
Palm Bay, FL 32907
(321)253-6611

From: Sharon Dolan <maplestreet@earthlink.net>
Sent: Friday, January 06, 2023 11:44 AM
To: Commissioner, D5 <D5.Commissioner@brevardfl.gov>
Subject: Re: Thank you for contacting Commissioner Kristine Zonka

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

Commissioner Zonka

Have not had a response to our email.

Thank you for your attention to our issue.

Sharon and Brent Dolan
2395 Maple Street
Melbourne FL
321-223-6146

Sent from my iPhone

On Jan 2, 2023, at 6:03 PM, Commissioner, D5
<D5.Commissioner@brevardfl.gov> wrote:

Thank you for taking the time to contact me by email. Each day I review my emails and I use this automated response to verify and acknowledge receipt of your correspondence.

My staff and/or I will respond to each and every email as it pertains to my District or specific questions directed towards me. In order to better serve you and your concerns, it is important to include your name, complete address and phone number.

Should you require additional information or assistance, feel free to call my office and a staff member will promptly discuss your concerns with you.

My office address is

Commissioner, District 5
490 N.E. Centre Lake Drive,
Suite 175
Palm Bay, Florida 32907
(321) 253-6611

Sincerely,

Kristine Zonka

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From: [Sharon Dolan](#)
To: [Jones, Jennifer](#)
Subject: Re: Automatic reply: Rooster and Personal attack from 2405 Maple Street
Date: Friday, January 6, 2023 2:41:37 PM

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

Jennifer,

Commissioner Zonka's response today said we need to attend this meeting on Monday.

We cannot attend this meeting and be around someone that has wished the worst for me.

The stress is unbearable.

Is there any hope with the comments we have expressed that this zoning change will not be approved?

Anyone from the Planning and Zoning board can come out at 7-7:30 am and appraise the situation. The roosters crow all morning and throughout the day. They can be heard through our home at 200' away.

Sharon and Roy Brent Dolan
2395 Maple Street
Melbourne, FL. 32904
321-223-6146

On Jan 4, 2023, at 9:34 AM, Jones, Jennifer <jennifer.jones@brevardfl.gov> wrote:

Yes, your comments will be included in the next agenda packet update later this week.

Jennifer

From: Sharon Dolan <maplestreet@earthlink.net>
Sent: Tuesday, January 3, 2023 8:33 PM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: Re: Automatic reply: Rooster and Personal attack from 2405 Maple Street

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

Jennifer

Just checking to see if you received this comment.

Sharon Dolan

Sent from my iPhone

On Jan 2, 2023, at 5:58 PM, Sharon Dolan <maplestreet@earthlink.net> wrote:

Corrected a few typo's.

On Dec 30, 2022, at 10:11 AM, Jones, Jennifer
<jennifer.jones@brevardfl.gov> wrote:

I will be out of the office Thursday, December 29th, through Monday, January 2nd. I will return Tuesday, January 3rd. Please note that all County offices are closed Monday, January 2, 2023.

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

From: [Vikki](#)
To: [Jones, Jennifer](#)
Subject: Application #22Z00055, Parcel ID 28-36-12-00-42
Date: Tuesday, January 31, 2023 1:11:00 PM

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

This letter is for consideration in making a decision for zoning.
RE: Rezoning 2405 Maple Street, West Melbourne, FL 32904

I, Victoria McLain, lived at 2405 Maple Street from 2006, until recently (2022) leaving to my son Michael McLain and his wife. At that time the property was my home with ducks, dogs, cats, chickens, Koi fish, and at times Big barn Owls, 2 foxes and 4 hawks.

One neighbor, Sharon Dolan at 2395 Maple St, constantly interfered. I was harassed to not mow my yard, to not pick up my palm branches, and to not trim any of my trees. If I trimmed my palm trees or removed a palm tree I was yelled at, called a murderer, and once she called the deputy sheriff. I showed the sheriff I was trimming my trees on my property and he assured me that the neighbor would be spoken to. They were asked to stop trespassing. It continued and is on video. The neighbor continued to interfere with my daily life outside. Verbal insults, demeaning comments, trespassing, and threats to all help /work men. This neighbor has harassed me for many years with this verbal assault and now my son.

Other neighbors for years have had roosters, goats, cows, donkeys, horses, chickens within our neighborhood with no complaints. This area is great for livestock. It is a natural pleasant sound we enjoy from cranes to owls to roosters. Please do not allow one neighbor who does not respect the view of many to stop a whole neighborhood from enjoying a farmish life in a style permitted already by many.

Thank you, Victoria McLain