

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 15, 2025**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Ana Saunders (D5); Erika Orriss (D3); Debbie Thomas (D4); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5); Neal Johnson (D4); Robert Wise (D2); and Eric Michajlowicz (3).

Staff members present were Billy Prasad, Planning & Development Manager, Paul Body, Planner; Alex Esseeesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE AGENDA

H.4. Boniface and Company, Inc. (Kimberly Rezanka) requests a zoning classification change from BU-1 with a BDP to BU-1 with removal of a BDP. (25Z00020) (Tax Account 2800682) (District 5)

Mr. Body read the application into the record.

Kim Rezanka spoke to the application. She presented handouts to the board and staff. She stated we're here before you to ask for the removal of a binding site plan, now known as a binding development plan, from 1988. This property was zoned back in 1988. It was a 26-acre parcel and has since been carved up. To the north is a subdivision called Meadow Lake. There's some commercial to both the east and the west. This Kia dealership was built in 2020. That binding site plan condition was a requirement. To the east there's a small little parcel that was an antique dealership. It's still multi-commercial, but we don't know if it's used single family. There's no business tax receipt. And then there's a 58-foot drainage canal to the east with an overlay of a 40-foot right-of-way. And then there is some commercial property and some trust property to the north of that. What I've provided to you is just an aerial from your package showing where the Herndon Trust property is, approximately 4 acres single family home, that has two very large garages and if you look on the internet it might have been used for a business at one point, but no business tax receipt was found. The property in the corner there is owned by Miss Baldo. Again, it was an antique store at one time. Not sure what it is now, but it's mixed use. And then on the other side of that right-of-way is the old Babcock furniture store, which is still vacant currently. I've provided for you the property detail sheet on page two and three of Boniface and Company just to show you that it was indeed built in 2020 and it's 12.81 acres. On page four is the Kimberly Baldo property showing that it is commercial property, mixed use. Page five is the Herndon Trust property. Again, 3.93 acres and it is a single-family

residence. I provided a couple pages from the 33-page zoning file. This was the zoning resolution from 1988 which added the binding site plan. It was 46 acres, not 26 acres. On page eight is the actual document that was in your package, and it does show the subject property, which is now two parcels. The TR3 property is the subdivision called Meadow Lake to the north. Page nine was created by Mr. Scheer. It just shows the overlay. This was the old Howzer Zoo back in the day on 192 and it shows the antique store, the furniture store, and the single-family residence. Pages 10 and 11 are pictures of the six-foot masonry wall, which is required by the county code when you have commercial to residential. That wall will never be removed. They've had good relations with their neighbors. They've had no complaints from anyone in the 5 years they've been there. That wall is substantial and will not be moved. Page 12 is the as-built plan from 2020 that shows the six-foot concrete wall along the northern portion of the property. Page 13 is the concept plan created by Mr. Scheer showing the service bays that are going to be built there. It's one story, all air conditioned, all inside and it's on the existing footprint of the parking lot. So, it's not getting any closer to any property, not getting any closer to the property to the east and it'll have regular operating hours of 7:30 to 5:30. None of the trees are going to be taken down. All the trees to the east will stay. All that buffer will be there which has been there for a very long time. Mr. Huta is here to answer any questions. Mr. Scheer can answer any engineering questions, or I can answer any zoning questions. If there is nothing, then we would ask that you approve the removal of this condition of the binding site plan.

Public Comment

William Drake stated he isn't here to oppose or agree to the application. I'm here for clarification. I need an understanding of what the removal of the BDP would do to my community if at all. If it makes any changes to my community. That's what I need to know about.

Mr. Wadsworth stated he would let Ms. Rezanka answer his questions.

End Public Comment

Ms. Rezanka stated to answer that gentleman's question. This is the concept plan that shows what's going to be built. Nothing else is going to change. This is going to be built a one-story building on the parking lot now. The wall will stay the same. All the trees will stay the same.

Mr. Darke replied okay, so it's not going to impact my community at all.

Ms. Rezanka responded I would not imagine it would. You may have that if you have any questions.

Mr. Hopengarten stated this one was a headscratcher for him. I couldn't figure out what you wanted. What are you going to do? You going to take a wall down somewhere?

Ms. Rezanka responded no, we're asking that we don't have to build the wall on the east side. We're not taking a wall down. That wall will always stay there. It must stay there by code. It's a permanent structure.

Mr. Hopengarten inquired where does it say that you must build a wall?

Ms. Rezanka responded 1988 was a different time. Things were different. If you look at the pages that I gave you, it's in your package as well, but if you look at page nine, all the heavy slashes on the west side, north side, east side, and around the antique shop, that's the wall that was supposed to be built. Somehow, only the north one was. The one on the west isn't on my client's property, so they couldn't build it. This wasn't done till 2020. The wall on the east side was never built. Somehow, they got certificate of occupancy and had been operating for 5 years. They went to add the addition, it was during COVID, who knows what happened, but it was 2020 they built it without that east wall. Perhaps because they were going to have to take down trees, somebody decided it didn't have to be done, I don't know. But now as they want to expand to phase two, Mr. Craven said, "No, you've got to put that wall up or you have to get the wall waived." Since it's been there for 5 years without anyone complaining, it didn't seem to be necessary. Also, you'd have to take down those trees to do it.

Mr. Hopengarten responded that explains it. That was a better explanation than in all the documents that I got on this. So, this was not really a BDP. It was a binding drawing. It was just a sketch. It wasn't even a formal drawing. So, you want to get rid of it. So, it's not an obligation and they can get their building permit and be able to build this additional air-conditioned service bay, which I'm sure your employees would enjoy. As you probably know, I do not like BDPs. I think they're useless. There are other ways to enforce regulations rather than force someone to oblige a whim. My partner over there, Mr. Ron loves to add BDPs on a BU2 designation. You know what we could do? We could do a BU2A, so you don't have to do that anymore. I would like to make a motion to do away with BDPs. I think that there are other ways to restrict development on a site. I don't know what it costs to apply for a BDP and what it's going to cost the applicant to remove a BDP. Originally, I was told by Mr. Ball that only a zoning change could remove a BDP, but that's not true. In 621 11572 it says that you can remove a BDP on its own merits. So, I would make a motion to do away with this BDP for you.

Ms. Rezanka stated that's what we're doing right here is getting rid of a binding development plan.

Mr. Hopengarten responded that's not necessary. So that's my motion if you're accepting motions.

Ms. Orriss said I'll second it, to do away with the BDP.

Mr. Bartcher stated I don't want to do away with BDPs.

Mr. Hopengarten clarified this was just for this one. The BDP removal is for this one.

Mr. Minneboo stated no, we're probably not.

Ms. Orriss stated I would not have seconded that.

Mr. Wadsworth clarified this is just item H4.

Motion to recommend approval of item H.4 by John Hopengarten, seconded by Erika Orriss. Motion passed unanimously.

Meeting adjourned at 3:47 p.m.

DRAFT