

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 15, 2026**, 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 3:30 p.m.

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

Staff members present were Trina Gilliam, Planning and Zoning Manager; Tim Craven, Senior Planner; Alex Esseesse, Deputy County Attorney; Darcie McGee, Natural Resources; and Alice Randall, Operations Support Specialist.

Mark Wadsworth stated that if any Board Member has had any ex-parte communication regarding any application, please disclose now.

EXCERPT OF COMPLETE AGENDA

H.6. Joshua and Jennifer Law request a Small-Scale Comprehensive Plan Amendment (26S.03) to change the Future Land Use designation from AGRIC (Agricultural) to RES 1:2.5 (Residential 1:2.5). (26SS00004) (Tax Account 2005257) (District 1)

H.7. Joshua and Jennifer Law request a zoning classification change from GU (General Use) to AU (Agricultural Residential). (26SS00004) (Tax Account 2005257) (District 1)

Trina Gilliam read both item H.6. and H.7. into the record as they are companion applications.

Joshua and Jennifer Law spoke to the application. Mr. Law stated he's wanting to preserve Florida. I've bought every piece of property I can afford out there and I have hit the same roadblock with this GU. I wanted to build a house. It's way out in the future. I wanted to get power there, so I don't have to tote water. I have six boys and two girls. And I want to preserve it for my children. It's going crazy. Walkabout golf courses behind us. There's not an orange grove left in Mims. I've palmed for Mr. H. I've cut palms. I've shown my boys how I used to do it in high school. I'd go cut palms and hey, this is how I used to go make money for spending money. And it's hard to get power there. I was going to do the zone change for residential. They wanted to put a temp pole there, pull a permit. It's good for a year. I don't know when I'm going to be able to afford to build a house there, but I'd like to be able to put a well there, so I don't have to haul water for animals because my daughter, my youngest daughter is five and we have a horse and she's showing a lot of interest in it. And we have the rails to trails right there by the property, so I don't have to haul a horse to the trail.

NO PUBLIC COMMENT

Erika Orriss stated that there is currently a code enforcement case on the property and asked Mr. Law to explain that.

Mr. Law responded with we started going there. I had a wetland mitigation done first, so I knew not to mess with any wetlands. I paid for a third-party wetland mitigator. And then I had the certified arborist come down because all these trees on this property are, half of them when we bought the property were toppled over, tops blown out of them because they're all hollow. So, I cut some trees down. And

when the code violation happened, the code enforcer said she had pictures of live foliage. Well, FPL cut that tree down. FPL was just there a week ago and Asplundh is there and they're taking pictures of all these trees because they are a hazard and they're going to try to get FPL to take them down because they're hazardous. And like I said, I have eight children. We love being out in the woods. When I was younger, my cousin's best friend's wife, they were walking in Lasita, and a tree limb fell out and killed her while she was pushing her infant baby at Lasita Golf Course. And I'll always remember that. So, when I have my little kids out there playing in the woods, I'm looking around at all these trees that are broken off. And that's what it was. I didn't realize I needed to pull a permit to maintain the property.

Ms. Orriss stated that it says the code case is still pending. So, what needs to happen to have that not....

Mr. Law stated that they told him he was going to have to file for a small land clearing permit, which is \$400. I'm a family of eight, single income. We're making it. \$400 extra dollars isn't in the budget right now. And then I said, "Well, what's the other thing?" He said, "You'll go in front of a general magistrate, and they'll do a land renourishment act." And I said, "Well, I don't have any money for \$400 permit. I don't know how I could ever afford to renourish. I haven't done a lot. I've stayed out of the wetlands, did all my diligence before I did any trimming of any trees, and then I haven't heard anything else from the code. I have not been informed because that one came in a certified letter; I signed for it.

Mrs. Law inquired if they should be reaching out.

Mr. Law continued with that's not the intent of getting the AU, that it's not to avoid code violations or anything.

Ms. Orriss responded with before I say yes to change it if you already had a code violation I would hope that there was a plan in place to fix it

Mr. Law responded with I'm willing to do whatever they want because, like I said, I have wild orange trees growing all over this property and I want to keep it that way.

Mr. Hopengarten asked staff to clarify something. I remember back in 2019, the state passed a law that you don't need a permit to remove trees on your property. So, I don't understand. This is the second one that's come before us today stipulating that they were in violation because they removed some trees without a permit. But the state had, I think it was 2019 that came up. Can you clarify that for me please?

Darcie McGee responded with yes, that's correct. The state requires an arborist to assess the condition of the tree or trees before trimming it or removing it if it's a hazardous tree and the county code also allows the removal of hazardous trees.

Mr. Hopengarten asked if they needed to get a permit.

Ms. McGee responded with well, it depends. Are all the trees hazardous or any of them exotic? I mean, there are several different things that come into play, but usually if you have a hazardous tree, you can remove it if it poses an imminent threat.

Mr. Hopengarten continued with okay. So, if this gentleman had removed a few trees because he was afraid they were going to fall on him, isn't that legitimate without applying for a permit? And he shouldn't be cited?

Ms. McGee replied well, the state would require an arborist to confirm that. And no, I don't know every detail of the code case, but I would suggest that maybe we can meet with the Laws to discuss the way they can resolve their code case. I think there might have been some wetland issues that maybe weren't addressed, but I need to familiarize myself with the case. But we can meet. We'll get with you on your way out.

Ms. Amato stated there were wetland impacts. I have the report. Yes. According to the code enforcement officer in this report that I have. Yes.

Ms. McGee responded with yeah, it does look like there were wetland impacts, but I don't know how far along, again when they serve a notice of violation to a property, there's still a process to go through to assess what impacts that happen at the property, if any. You know, we go with best available data when we send a notice of violation and then go from there. And it sounds like maybe we haven't had a chance to touch base on it yet with the code enforcement officer.

Mr. Law stated before I cut any trees down, the neighbor that lives two doors down is a certified arborist and I had him come down and he said he could deem all the trees unsafe. I did not take all the trees out. And when I talked to the code violation guy, he made it sound like I should have, I mean we're on a budget. If I had just paid him the \$5,000 that he wanted, then I wouldn't have the problem with that code violation because of the certified arborist, I would have given him the \$5,000 to cut these trees down and remove the brush and then I wouldn't have a code violation because the arborist did it. But since me and my family, we're building this together, me and my children. So, I couldn't afford the money. I'd rather take my kid to Disney or something with that money. You know, they haven't even been to Disney.

Ms. McGee stated we'll catch you when you guys walk out after this item, we'll catch you and we'll touch base, and we'll sort it offline.

Ms. Amato stated that according to the maps, all but the teeny, tiniest little corner is either considered and or national inventory wetlands or St. John's River Water Management Wetlands. And GU is one home per five acres if I'm correct. And that is the restriction when you're building within a wetland. So rezoning it to 1.25 to build a home where the map shows all wetlands doesn't exactly allow to build a home either.

Ms. McGee responded with what we would need to do is assess the age of the parcel. So, if the parcel was established prior to 1988, they could still do a house, access, and septic. If it's a newer parcel than 1988, then we would be looking at probably having to do some restoration because you'd be limited to 1.8%.

Ms. Amato continued with my biggest concern is I'm familiar with that area out there. And down the road, not that far, road and bridge routinely go out and fix where the entire road blows out due to drainage. So, if we start compromising the one per five acres in a wetland to 1.25, all those folks that live downstream, which I believe would be administrative policy 7 that applies to this, would be suffering due to the excess. By the time you develop all these lots out, everybody just next door is going to be underwater, and their roads aren't going to be drivable. This is my concern.

Ms. McGee responded she understood. And again, they would just need to meet our code of the 1.8% of the property area, which is not a lot of wetland impact. And if it's a very old lot, they are grandfathered in to be able to have it buildable for a home, access and septic. So, we'll assess all that. It's a complicated issue when you have land clearing and you have wetland impacts, and you must go back and some of it is kind of forensic. So, but that'll all be addressed during the code case and there may be some restoration that they may have to do.

Ms. Amato continued with I'm talking about the rezoning in general because it's asking to go to one 2.5 and if we allow a home on half the acres that's required, or we rezone it giving the applicant the idea that he could build a home on 2.5 acres of wetlands that is not buildable because you must have five. This has nothing to do with the code case. I'm asking about policy.

Ms. McGee responded with if you were to rezone it so that it's one unit on 2.5 and the whole thing is wetlands, it then is not buildable. If it was subdivided after 1988, if it was an old lot, this is the policy in the code. So, if the lot was in existence prior to our code, they could impact on wetlands for house, access and septic. And then they would also have to mitigate for all the impacts as well.

Ms. Amato continued with I feel like that might be valuable information to have because if we just unanimously voted to rezone this property, it still doesn't mean that this guy's going to get what he wants and he pays money to come up before us. I just feel like this is valuable information so someone can plan their future. And that's up to you all to make that decision.

Mr. Law stated it was originally platted in 1911 and then subdivided in 1984.

Mr. Atkins inquired if he then put it back together now.

Mr. Law responded with I bought it all at once. 3.49 acres, one chunk. I have other properties there also because when I first started this process the guy I was working with at the county said try to acquire some more land around you to get your five and I got one, but it doesn't touch mine. So, there's two in between mine.

Mrs. Law added which we'll probably pretty soon have.

Mr. Law continued I'm working to try to get the best deal for it, but I want the property. I'm not trying to disturb anybody. I will do everything. It's going to be a long, long time before I build a house there. I just want to be able to have a well.

Mrs. Law added, and it wouldn't be on the front, the house would be when we got those two back acres, on the very all upland part.

Mr. Law continued I don't want to mess any cypress swamp up. I don't want to natural those orange trees; are 30 feet tall. I'm not going to.....

Ms. Orriss stated to Ruth's point, when it's that many wetlands typically, the restriction is different. It's not RES-1.2.5 it's one per five acres. So that is policy.

Mr. Law added he just did what the county told him to do. Kyle Harris is the one that I originally started working with and this is what he recommended I did. And then when I came to do the rezoning and sat down with the lady that worked with me, this is what she recommended I do.

Ms. Orriss continued with I don't personally live there. I know that Ruth does and she's probably much more familiar with what happens there. To me, it doesn't seem like that big of a deal, but the policy is what the policy is as far as I understand with wetlands.

Ms. Amato added that administrative policy 7 talks about infrastructure and drainage issues. And that is my biggest issue. Trying to digest some of this is the people just to the west of that area; homes are surrounded by water in rain events. And so, the zoning maps didn't come from anywhere. Somebody put a lot of thought into our zoning maps long before we ever got here. They've looked at this and they said this land out here is low. It's Wetlands and we're going to zone it to apply it as such to meet our code because if you have five acres and it's wetlands you can build on it. GU is five acres

and it's compatible. I think they put a lot of thought into it if you look at the plan and when you start compromising that plan that compromises other people's properties and we are in a situation where most of Mims is in a situation where every new home that gets built out there is pretty much putting somebody else underwater. And there's no real easy answer for it. I'm not saying I have the answer for it. I'm just saying these are real things that must be considered and it's going to affect somebody downstream.

Motion to recommend approval of item H.6. by John Hopengarten, seconded by Jerrad Atkins. Motion passed with a vote of 11:2

Motion to recommend approval of item H.7. by John Hopengarten, seconded by Debbie Thomas. Motion passed with a vote of 11:2

Neal Johnson left the meeting following the vote.

DRAFT