

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, April 13, 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 3:00 p.m.

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

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE MINUTES

Item H.6. Request for Recommendation: Amendments to Chapter 102, Article II, "Business Tax Receipt," and Repealing and Reserving Section 62-1155, "Zoning approval for business tax receipt; approval of home occupations."

Trina Gilliam read the request into the record and spoke to the request.

Mr. Hopengarten stated when he read this he thought, oh, no big deal. We don't know anything about taxes, and we don't really care. But taking the zoning part out of it is a little problematic. If people are running businesses in their homes and they have trucks or they have equipment that becomes an eyesore in the neighborhood and code enforcement doesn't do their job that there should be a linkage allowing the zoning to be kept, not taken out. I think we should let it remain. There was an HVAC guy that I knew that used to have all of his HVAC units in front of his house and the neighbors tried to fight it and they couldn't and I've seen that with plumbers, they do all kinds of things in their domiciles and it's not just like an office business, it's storage of equipment so I would like to see that left in there and not take the zoning out.

Ms. Amato stated she realizes that the reason for this change is to comply with state law. Is there a way to implement a tracking of this? It goes through, but to be able to track it, and I agree with Mr. Hopengarten, I understand we must comply with state law, but if we're tracking it, we're tracking problems. And I say that because I'll use the illegal land issues that have been going on in North Brevard as an example. There is a disconnect between the constitutional offices and planning and zoning that allows for land to be illegally rezoned and slide through the cracks in district one. And there's not a mechanism that currently has fixed that. So, when we remove these things, again, I understand it matches state law, but is there a way to put in tracking to be able to know when there's going to be problems? Really it's quite backwards. You're not going to know what's going on until the complaints come in. And to be blunt about it, code enforcement is quite limited, the person must be wanting to comply with code enforcement for code enforcement to be effective. Coming in on the back end of things, again I realize it's state law, but is there some type of tracking mechanism that we can implement to help this process and understand how it is going to affect and maybe get ahead of some things?

Ms. Gilliam responded the tax collector's office has a tracking system where we can get updates about what BTRs are being approved. However, as you stated code enforcement is reactive, not proactive. That would take quite a bit of staff time to be able to go through each one. Also, we do get those reports quarterly from the tax collector's office.

Ms. Amato continued with does state law still allow for limits on noise, parking, and safety or has it done away with all of it?

Ms. Gilliam responded no, we're not preempted in that way, but we can't prohibit certain homebased businesses. But they still must meet the performance standards for noise and pollution, smoke, all those things, parking.

Ms. Amato stated she finds it troublesome. I know that there's a lot of business going on in private neighborhoods. I know there's full-on garages with testing vehicles around the neighborhood, among a million other things. And it's difficult because you put in a code enforcement claim and then you get retaliated against. So, I don't know what the answer is, but this seems like a free-for-all.

Mr. Hopengarten stated he'd like a motion to deny. I don't like this. I think we should leave it the way it is.

Mr. Wadsworth stated we're not up at the state level.

Mr. Hopengarten responded I know we're not. That's their fight. We're an advisory board. I don't like it.

Motion to recommend denial of item H.6. by John Hopengarten, seconded by Robert Wise. Motion passed with a vote of 9:1.

Meeting adjourned at 4:35 p.m.

DRAFT