



927 E. New Haven Avenue, Suite 213, Melbourne, FL 32901  
Telephone: (321) 265-4170 Email: scott@danglerlaw.com

**VIA EMAIL (CountyAttorney@BrevardFL.gov) and CERTIFIED MAIL**

July 6, 2026

C. Morris Richardson, County Attorney  
Brevard County Attorney's Office  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940

**RE: Rezoning Application No. 26Z00008 – 1800 Turtle Mound Road, Melbourne (Tax Account 2702763); Transmittal of Written Objection for Inclusion in the Agenda Package and Record of the July 9, 2026 Board of County Commissioners Zoning Hearing**

Dear Mr. Richardson:

Enclosed is the written objection of Scott Schiffer, individually and as Trustee of the Schiffer Revocable Living Trust, dated February 15, 2012, and other similarly situated homeowners of the Fox Bay community, together with Exhibits A through G, submitted in opposition to Rezoning Application No. 26Z00008, scheduled for hearing before the Board of County Commissioners on Thursday, July 9, 2026. The objection letter is concurrently being transmitted by email to Chair Altman and to each Commissioner at their district addresses.

I respectfully request that your office: (1) include the enclosed letter and exhibits in the agenda package for the July 9 zoning meeting item concerning Application No. 26Z00008 or, if the package has closed, distribute them to each Commissioner as supplemental correspondence in advance of the hearing; (2) transmit a copy to the Clerk to the Board for inclusion in the record of this application; and (3) confirm receipt and inclusion by reply email at your convenience.

I will be outside the country on previously scheduled commitments on July 9 and will not appear in person; this written submission is accordingly intended to place my

clients' objections, authorities, and evidence fully before the Board in advance of the hearing. My client, Mr. Schiffer, will attend, will speak during the allotted public comment period, and will tender a duplicate hard copy of this submission to the Clerk at the hearing so that the record is complete in all events.

I will have email access while traveling and remain available at [scott@danglerlaw.com](mailto:scott@danglerlaw.com) should your office or staff have any questions regarding this submission. I appreciate your office's attention to this matter and its continued care with the procedural record in this proceeding.

Respectfully submitted,



Scott W. Dangler, Esq.  
Dangler Law  
927 E. New Haven Ave., Ste. 213  
Melbourne, FL 32901  
(321) 265-4170  
[scott@danglerlaw.com](mailto:scott@danglerlaw.com)

*Counsel for Scott Schiffer, et al.*

Enclosures: Written Objection dated July 6, 2026, with Exhibits A-G

cc: Clerk to the Board (for inclusion in the record of 26Z00008))  
[clerktotheboard@brevardclerk.us](mailto:clerktotheboard@brevardclerk.us)  
Brevard County Planning and Development Department  
[AdministrativeServices@BrevardFL.gov](mailto:AdministrativeServices@BrevardFL.gov)



927 E. New Haven Avenue, Suite 213, Melbourne, FL 32901  
Telephone: (321) 265-4170 Email: scott@danglerlaw.com

VIA CERTIFIED MAIL and EMAIL

July 6, 2026

C. Morris Richardson, County Attorney  
Brevard County Attorney's Office  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940  
[CountyAttorney@BrevardFL.gov](mailto:CountyAttorney@BrevardFL.gov)

The Honorable Thad Altman, Chair,  
and Members of the Board of County Commissioners  
Brevard County Board of County Commissioners  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940  
[D1.Commissioner@BrevardFL.gov](mailto:D1.Commissioner@BrevardFL.gov)  
[D2.Commissioner@BrevardFL.gov](mailto:D2.Commissioner@BrevardFL.gov)  
[D3.Commissioner@BrevardFL.gov](mailto:D3.Commissioner@BrevardFL.gov)  
[D4.Commissioner@BrevardFL.gov](mailto:D4.Commissioner@BrevardFL.gov)  
[D5.Commissioner@BrevardFL.gov](mailto:D5.Commissioner@BrevardFL.gov)

**RE: Rezoning Application No. 26Z00008 – 1800 Turtle Mound Road, Melbourne (Tax Account 2702763); Written Objection for the July 9, 2026 Board of County Commissioners Hearing**

Dear Mr. Richardson and Honorable Commissioners:

This firm represents Scott Schiffer, individually and as Trustee of the Schiffer Revocable Living Trust, dated February 15, 2012, and other similarly situated homeowners of the Fox Bay community, owners of property adjoining the 14.37-acre parcel at 1800 Turtle Mound Road, Melbourne (Tax Account 2702763), the subject of Rezoning Application No. 26Z00008, filed by Defender Homes Airway Heights LLC and scheduled for hearing before the Board of County Commissioners on July 9, 2026. My clients attended and objected on the record at the June 15, 2026 Planning and Zoning Board hearing, at which the applicant's counsel announced – for the first time and from the dais – the substitution of RU-1-11 for the noticed RU-2-6 classification,

while simultaneously withdrawing companion Small-Scale Plan Amendment 26SS00002. This letter sets out my clients' objections and respectfully requests inclusion in the agenda package and the record of the July 9 hearing.

**I. The RU-1-11 Request Is Not Properly Before the Board**

The Board lacks a procedural basis to consider RU-1-11 on July 9, for five independent reasons.

**First, no application for RU-1-11 exists.** The only executed application of record – filed January 30, 2026, and unamended since – requests RU-2-6. *See* Application Packet, attached hereto as **Exhibit A**. Section 62-1151(a)(5) makes “[t]he requested zoning classification” a mandatory element of the written application, and Florida law requires that rezoning approvals proceed on written applications meeting the county’s specified requirements. § 125.022(1), Fla. Stat. The application is the jurisdictional predicate for the hearing. The applicant’s oral statement at the June 15 Planning and Zoning Board hearing did not amend the application; nothing in Section 62-1151 authorizes amendment of the requested classification from the dais, and no written amendment has been filed in the three weeks since.

**Second, no notice for RU-1-11 was ever given.** Every notice obligation in Section 62-1151(b) is keyed to “the requested amendment to the official zoning maps,” and every one identified RU-2-6. *See* Notices, attached hereto as **Exhibit B**. That same published notice is the only notice of this Board’s hearing. RU-1-11 has never appeared in any published, posted, or mailed notice at any stage of this proceeding. Due process requires prior notice and an opportunity to be heard beginning at the Planning and Zoning Board stage, *Gulf & Eastern Dev. Corp. v. City of Fort Lauderdale*, 354 So. 2d 57, 59 (Fla. 1978), and strict compliance with notice requirements is a mandatory and jurisdictional prerequisite to valid zoning action. *Webb v. Town Council of Hilliard*, 766 So. 2d 1241, 1244 (Fla. 1st DCA 2000); *Save Calusa, Inc. v. Miami-Dade County*, 355 So. 3d 534, 538-39 (Fla. 3d DCA 2023). Having promised this notice by ordinance, the County may not dispense with it. *Gulf & Eastern*, 354 So. 2d at 61.

**Third, the defect is not theoretical – it disabled the advisory process itself.** Members of the Planning and Zoning Board stated on the record that the substituted request was “totally different,” that they “have not had time to research it,” that “this is completely changed from what we’ve all received previously,” (Tr. 2:02:54-2:03:58), and that the “staff report is not based on RU-1-11” (Tr. 2:04:02-2:04:21) – a point no one disputed. The recommendation this Board received under Section 62-1151(d) was thus rendered on a classification that neither staff nor the advisory board had analyzed, by members who said so while voting. Surrounding owners objected in the same terms: they were “prepared to talk about” the noticed multifamily proposal, not the substitute (Tr. 1:18:06-1:18:15); the applicant should “not come and surprise us” (Tr. 1:22:57-1:23:11); and the substitution was “fundamentally unfair,” made without a staff report,

without notice to the community, and regarding a classification the audience could not evaluate (Tr. 1:24:40–1:26:08). Where objectors timely and specifically object to insufficient notice and demonstrate prejudice, the defect is not waived by participation, and the resulting action is invalid. *City of Fort Pierce v. Davis*, 400 So. 2d 1242, 1244 (Fla. 4th DCA 1981). The undersigned’s clients renew those objections here and will renew them on the record on July 9.

**Fourth, no exception applies.** Section 62-1151(h) permits *the Board* – not the applicant – to approve a classification less intense than the one requested, and only where the advertised notice so indicated and the Board first determines, on competent substantial evidence, that the *noticed* request should not be approved. An applicant’s substitution of a different classification before any merits record is developed satisfies neither predicate. *McGee v. City of Cocoa*, 168 So. 2d 766 (Fla. 2d DCA 1964), does not assist the applicant: it addressed a governing body’s final action deviating downward from a properly noticed request, and expressly rested on the objectors’ presence *and* absence of prejudice – conditions negated by this record. And a small-lot single-family subdivision of undetermined yield – the applicant conceded it is “not sure how many exactly we can get on there” (Tr. 44:04–44:18) – is a change in the fundamental character of the proposal from the noticed multifamily project, the kind of substantial deviation requiring new notice regardless of any density comparison.

**Fifth, the applicant refused the cure.** The Planning and Zoning Board offered the applicant the procedurally sound path: a member asked for a continuance so the substituted request could be properly analyzed, and the applicant was asked directly whether it would “be willing to return and come back with specifics.” It declined. (Tr. 2:04:53–2:05:00; 2:05:05–2:05:19.) The applicant cannot manufacture a procedural defect over objection, reject the continuance offered to cure it, and then ask this Board to overlook the defect it elected to preserve.

## II. The Record Contains No Evidence on Which RU-1-11 Could Be Approved

Even if RU-1-11 were properly presented, the Board could not lawfully approve it on this record. A landowner seeking rezoning bears the burden of demonstrating that the proposal is consistent with the Comprehensive Plan and complies with the procedural requirements of the zoning ordinance. *Bd. of Cnty. Comm’rs of Brevard Cnty. v. Snyder*, 627 So. 2d 469, 476 (Fla. 1993). Consistency is not a matter of general compatibility; the development permitted by the rezoning must be “compatible with and further the objectives, policies, land uses, and densities or intensities” of the plan. § 163.3194(3)(a), Fla. Stat. When the applicant withdrew companion Small-Scale Comprehensive Plan Amendment 26SS00002 at the outset of the June 15 hearing (Tr. 43:07–43:17), it elected to leave the Residential 4 (RES 4) Future Land Use designation in place. Yet no staff consistency determination, zoning-potential analysis, compatibility-table evaluation, or preliminary concurrency review under Section 62-602(b) has ever been performed for RU-1-11 under RES 4. (Tr. 2:04:02–2:04:21); *see also* Staff Comments for 26Z00008, attached hereto as **Exhibit C**. The applicant’s own Zoning Information Worksheet reflects that staff evaluated

consistency only for the RU-2-6 request, and found it inconsistent with RES 4 absent the now-withdrawn plan amendment. *See* Ex. A, at p. 8.

There is accordingly no competent substantial evidence in this record upon which the Board could make the consistency finding *Snyder* requires for RU-1-11, and none supporting the compatibility analysis required by Section 62-1151(c) and Administrative Policies 2 through 8 of the Future Land Use Element, all of which were briefed and analyzed – by staff and by the public – solely against the noticed RU-2-6 classification.

### **III. The Code and the Board’s Own Standard Require a Decision Based on Competent Substantial Evidence – and the Applicant Has Presented None for RU-1-11**

Section 62-1151(d) directs that the Board “shall deny or grant each application for amendment to the official zoning maps based upon a consideration of the recommendation of the planning and zoning board and those factors specified in subsection (c)” – the character of surrounding land use, changed conditions, infrastructure and traffic impacts, compatibility with existing land use plans, and the public health, safety, and welfare. And the one provision of the Code under which a classification other than the noticed request could even theoretically be approved – Section 62-1151(h) – expressly conditions that authority on a determination, “based upon substantial and competent evidence,” that the requested classification should not be approved. This mirrors the standard the Board announces at the opening of every zoning meeting: the Board sits as a quasi-judicial body; applicants must provide competent substantial evidence establishing facts, or expert testimony, showing the request meets the Zoning Code and Comprehensive Plan criteria; and the Board cannot consider speculation. *Minutes, Bd. of Cnty. Comm’rs, Zoning Meeting of Mar. 5, 2026, at 1–2 (approved May 19, 2026)*, attached hereto as **Exhibit D**.

Nor could a favorable staff or Planning and Zoning Board recommendation – if one existed – substitute for record evidence. A staff recommendation of approval “is not dispositive,” and the Board is not bound by it. *Hillsborough Cnty. v. Dibbs*, 398 So. 3d 1096, 1100 (Fla. 2d DCA 2024); *Hillsborough Cnty. Bd. of Cnty. Comm’rs v. Longo*, 505 So. 2d 470 (Fla. 2d DCA 1987). Here even that thin reed is absent: the staff report does not address RU-1-11 at all – staff conceded as much at the June 15 hearing (Tr. 2:04:14–2:04:21)<sup>1</sup> – and the Planning and Zoning

---

<sup>1</sup> "Tr." refers to the transcript of the June 15, 2026 hearing before the Brevard County Planning and Zoning Board / Local Planning Agency on Rezoning Application No. 26Z00008 (Agenda Item H.4.). The official meeting video, published on the Brevard County Government YouTube channel, is available at <https://www.youtube.com/live/vRwXnDMAW8A>. A partial transcript of the relevant discussion, prepared from the official meeting video, is attached hereto as **Exhibit E**; citations are to video timestamps (h:mm:ss).

Board’s recommendation was rendered by members who stated on the record that they had no opportunity to research the classification.

Measured against the governing standard, the record on RU-1-11 is empty. What the applicant offered in support of RU-1-11 was the argument of counsel – and argument of counsel is not evidence. The applicant’s own presentation conceded the proposal’s most basic parameter is unknown: “This is a constrained site, so we’re not sure how many exactly we can get on there.” (Tr. 44:04–44:11.) Unsubstantiated lay opinion of this kind does not constitute competent substantial evidence. *City of Apopka v. Orange Cnty.*, 299 So. 2d 657, 660 (Fla. 4th DCA 1974). By contrast, the fact-based testimony of the neighboring residents who appeared and objected on June 15 is competent substantial evidence, *Miami-Dade Cnty. v. Walberg*, 739 So. 2d 115, 117-18 (Fla. 3d DCA 1999) – including their fact-based testimony that the surrounding communities to the east are built at 1.1 to 2.6 units per acre (Fox Bay at 2.6; Oakwood Trails at 2.3; Creekwood at 1.1) (Tr. 1:24:40–1:26:08) and the neighboring properties to the north are all built at 1.0 units per acre pursuant to RR-1 zoning classification (Tr. 1:26:11–1:26:36), which bears directly on the character-of-surrounding-land-use and public-welfare criteria of Section 62-1151(c) – and a denial resting upon it will be sustained on certiorari review, where the court reviews the record for evidence supporting the Board’s decision, not evidence rebutting it. *Dibbs*, 398 So. 3d at 1099. A request whose unit count, layout, consistency analysis, and compatibility analysis exist nowhere in the record cannot be granted by a quasi-judicial body bound to decide on competent substantial evidence – under Section 62-1151(d) and (h), under *Snyder*, and under the standard this Board recites at every zoning hearing.

#### **IV. The Built Density of the Surrounding Communities – Including the Applicant’s Own Comparator – Affirmatively Refutes Compatibility**

At the June 15 hearing, the applicant’s counsel repeatedly invoked the Fox Bay community in support of the substituted RU-1-11 request: in her presentation, that the homes in Fox Bay range from 0.15 to 0.33 acres, “so they’re of similar size” (Tr. 47:34–48:03); again, that “the compatibility for RU-1-11 is apparent just looking at the map” because “[t]he Fox Bay subdivision to the east is on 17.754 acres with 46 lots” (Tr. 52:38–53:04); and in rebuttal, that Fox Bay’s “smaller lots” – “not rural residential lots” – define the character of the area (Tr. 1:57:02–1:58:04). The lot-size observation is accurate but immaterial, because minimum lot size is not density. Density is measured on a gross basis – total units divided by total acreage – consistent with the County’s own methodology under Sections 62-1371 and 62-1372. And the division the applicant did not perform is dispositive: on the applicant’s own figures – 46 lots on 17.754 acres (Tr. 52:38–53:04) – Fox Bay is built at a gross density of 2.59 units per acre, as the recorded plats confirm (Plat Book 32, Page 29; Plat Book 37, Page 70). The applicant’s own chosen comparator, on the applicant’s own numbers, demonstrates the opposite of the proposition for which it was offered.

Fox Bay is not an outlier. As shown in the density survey enclosed as **Exhibit F** – each entry calculated from the recorded plat, as platted units divided by total platted acreage, and verifiable by plat book and page – every platted single-family community adjacent to or east of the subject parcel is built at a gross density between 1.18 and 2.59 units per acre. Exhibit F substantiates, with recorded sources, the residents’ fact-based testimony already before the Board. (Tr. 1:24:40–1:26:08.) Each of those communities, moreover, lies within a Future Land Use designation of Residential 6 (RES 6) or Residential 4 (RES 4) and were built to far less than their plan ceiling. The subject parcel, by contrast, carries a RES 4 designation. The applicant thus seeks a classification permitting approximately 5.81 units per acre on a four-unit-per-acre parcel, immediately abutting communities that never approached even the four- or six-unit ceiling available to them. The sole surveyed community exceeding 2.59 units per acre – Aurora Oaks, at 4.2 units per acre in RES 6 – does not abut the subject parcel and shares no boundary or street network with it; it fronts the Aurora Road corridor to the southwest, separated from the subject parcel by intervening commercial, industrial, and mixed residential zoning – and even so, its density remains well below its own plan ceiling. *See Exhibit G*, Future Land Use, Zoning, and Subdivision map excerpts from the County’s Zoning and Future Land Use Web App.

Nor does the Village Glen Mobile Home Park west of the subject parcel support the requested classification – it refutes it. The applicant itself placed the park’s figures in the record, telling the Board that the park comprises 27.2 acres with 143 units, averaging “over five units to the acre” (Tr. 52:38–53:04), and urging in rebuttal that the mobile home parks are “part of the character of the area” (Tr. 1:57:02–1:58:04). But that development – zoned TR-3 – sits within the same RES 4 Future Land Use designation as the subject parcel: on the applicant’s own figures, its gross density of 5.26 units per acre exceeds its plan ceiling by more than thirty percent, which is possible only because it is a legacy development predating the current Comprehensive Plan. It is grandfathered, not compliant, and no application proposing that density could be approved under RES 4 today. It is the only development in the surrounding area whose density exceeds its plan designation, and it is a categorically different housing form in any event – a single-parcel mobile home park embedded as an enclave within the surrounding RR-1 area, not a platted fee-simple subdivision. A development the Plan itself would prohibit cannot serve as a compatibility benchmark for new development.

What the park does establish is the planning function the subject parcel currently serves. At RR-1, the parcel is the transition between a grandfathered 5.26-unit-per-acre legacy use to the west and platted communities built at 1.18 to 2.59 units per acre to the east. The substituted RU-1-11 classification – permitting 7,500-square-foot lots at a theoretical density of approximately 5.81 units per acre under Section 62-1340(4) – would not provide that transition; it would replicate, in fee-simple form, the density of the one legacy anomaly in the area, on the very parcel that separates that anomaly from the lowest-density communities in the survey, and at a density exceeding even the RES 4 ceiling the applicant elected to retain when it withdrew Amendment

26SS00002. The step-down the Comprehensive Plan contemplates occurs here or it occurs nowhere. Built density is not a metric of the objectors' invention: the Board's own Zoning Statement directs that the Board decide whether the evidence demonstrates consistency and compatibility with, among other things, "the actual development of the surrounding area." See Ex. D. Exhibits F and G are affirmative, fact-based record evidence of incompatibility under that standard and under the character-of-surrounding-land-use, compatibility, and public-welfare criteria of Section 62-1151(c) – evidence on which a denial will be sustained on certiorari review. *Dibbs*, 398 So. 3d 1096.

**V. Meeting the Minimum Filing Requirements Does Not Carry the Applicant's Burden of Proof**

At the June 15 hearing, the applicant's counsel responded to residents' requests for traffic, drainage, and environmental analysis by reciting the application filing requirements of Section 62-1151(a) – owner's name, consent, legal description, current and requested classification, and warranty deed – and asserting: "That's all that's required for this application. And that's what been submitted." (Tr. 44:55–45:28.) When a Planning and Zoning Board member later asked whether she would return with more, she answered that "the zoning code does not require storm water plans, site plans, platting, or any of that," and "no, we're not coming back with full engineering designs." (Tr. 2:05:05–2:05:19.)

This conflates two different things. Section 62-1151(a) prescribes what must be filed for an application to be accepted. Section 62-1151(c) prescribes what must be established for an application to be granted – including, by its plain text, "[t]he impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property," compatibility with existing land use plans, and the public health, safety and welfare. Traffic, drainage, and infrastructure impacts are not deferred "site plan issues" under the County's code; they are decisional criteria at the rezoning stage, as are the drainage, wetland, and transportation factors of Administrative Policies 3, 5, and 7 of the Future Land Use Element – the same policies analyzed in the County's standard rezoning staff reports, which routinely include preliminary concurrency evaluations under Section 62-602(b) at the zoning stage, before any site plan exists.

Florida law forecloses the applicant's position independently of the code's text. An application that clears the filing checklist has commenced the quasi-judicial process; it has not carried the applicant's evidentiary burden within it. *Snyder* itself expressly rejected the proposition that a landowner who demonstrates consistency with the comprehensive plan is presumptively entitled to the requested use, holding that the applicant must prove both consistency and compliance with all procedural requirements of the zoning ordinance – and that even then the Board may maintain the existing classification upon a showing of legitimate public

purpose. 627 So. 2d at 475–76; *see also Walberg*, 739 So. 2d at 117. The burden is on the party seeking the change to demonstrate, by competent substantial evidence, that the proposal conforms strictly to the Comprehensive Plan and each of its elements; where the record is silent or shows nonconformity, the rezoning must be denied. *Machado v. Musgrove*, 519 So. 2d 629, 632-33 (Fla. 3d DCA 1987) (en banc). And a denial is sustainable on either procedural noncompliance or a legitimate public purpose for retaining existing zoning, even where consistency is shown. *Sarasota Cnty. v. BDR Invs., L.L.C.*, 867 So. 2d 605, 608 (Fla. 2d DCA 2004); *see also Sarasota Cnty. v. Purser*, 476 So. 2d 1359, 1362 (Fla. 2d DCA 1985) (satisfaction of code criteria does not divest the Board of discretion to determine whether the use promotes the public welfare).

The indeterminacy the applicant itself introduced compounds the problem. Every impact representation offered on June 15 was keyed to a 57-unit maximum: traffic (“previously for the possible 86 units, now the maximum units would be 57,” Tr. 49:05–49:13) and school capacity (“the 86 units previously sought, now down to 57,” Tr. 51:29–51:38) were each argued by scaling down analyses staff performed for the withdrawn RU-2-6 request. But 57 appears nowhere in this record except as argument. The applicant concedes it does not know the yield (“we’re not sure how many exactly we can get on there,” Tr. 44:04–44:08; “[Q:] it’s going to happen around 50. [A:] We probably won’t get that high,” Tr. 58:46–59:02); no plan, plat, or binding commitment fixes it; and the classification actually requested permits approximately 83 lots under Section 62-1340(4). The factors of Section 62-1151(c) cannot be weighed against a project whose intensity is indeterminate across a range from “around 50” to 83 units. A record in which the only impact evidence is scaled to a number that binds no one, that the applicant admits it cannot confirm, and that the requested classification does not impose, is precisely the speculation this Board’s own standard forbids it to consider.

The burden of establishing those criteria belongs to the applicant. *Snyder*, 627 So. 2d at 476. An applicant is free to submit only the filing minimum – but it then bears the risk that the record contains no competent substantial evidence on the criteria the Board must weigh, and a quasi-judicial body may not fill that gap with the assurances of counsel. Nothing prevents the Board from requiring, or the criteria from demanding, evidence beyond the filing checklist – a traffic analysis where subsection (c)(3) makes traffic impact decisional, or drainage and environmental information where Administrative Policy 7 makes drainage aggravation and wetland impact decisional. The applicant here has made its position explicit: it has provided the filing minimum, it will provide nothing more, and the site’s most basic development parameters remain unknown even to the applicant. (Tr. 44:04–44:18; 2:05:05–2:05:19.) On such a record, the application – under either classification – fails for want of proof, and denial is not merely permitted but required.

**VI. The Applicant Signed the County’s Form Requiring a Meeting with Objectors – and Has Never Held One**

The application packet the applicant executed includes the County’s Notice to Applicants for Change of Land Use. It could not be plainer: if an application “generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, et cetera,” the applicant “is advised to meet with concerned parties in an effort to resolve the differences prior to the Board of County Commission (BCC) taking final action on the request,” and is “encouraged to meet with affected property owners prior to the public hearing by the Planning and Zoning Board.” The Notice further provides that if the P&Z Board finds the application controversial and the applicant has not met with affected property owners, “the item shall be tabled to the next agenda to allow such a meeting to take place,” and that this Board “may also table your request in order for you to meet with interested parties if this has not occurred prior to the public hearing before the BCC.” The applicant’s counsel signed this Notice on the final page of the executed application. See Ex. A, at pp. 11-12.

By any measure, this application generated public opposition: 159 pages of public comments in the P&Z agenda packet, petitions bearing thousands of signatures submitted into the record (Tr. 1:04:47-1:04:56), a capacity audience at the June 15 hearing, and the appearance of the Vice Mayor of the City of Melbourne – the area’s water utility provider – to voice the City’s objection. A surrounding owner invoked the Notice at the June 15 hearing and asked that the item be tabled so the required meeting could occur. (Tr. 1:06:09-1:07:17.)

The applicant did not meet with the objecting property owners before the Planning and Zoning Board hearing. Three weeks have now passed, and the applicant still has not met with them – not about the RU-2-6 request it noticed, and not about the RU-1-11 request it announced from the dais. This is not a technicality. The meeting the applicant agreed to is the County’s own mechanism for exactly the situation this application presents: overwhelming opposition, a changed proposal, and residents who have never been given the chance to sit down with the applicant and understand – much less attempt to resolve – what is actually being proposed for their neighborhood.

The undersigned’s clients simply ask the Board to hold the applicant to the form it signed. Final action should not be taken on July 9.

**VII. In the Alternative Only, and Without Waiver: Any Approval Must Be Conditioned on a Binding Development Plan Memorializing the Applicant’s Own Representations**

The undersigned’s clients oppose this application in its entirety, join the surrounding community in requesting denial, and ask that the property retain its RR-1 classification. Nothing in this section constitutes consent to, acquiescence in, or support for approval of RU-1-11 or any other classification. This section is presented strictly in the alternative, without waiver of any

objection stated in this letter or on the record, and solely to preserve the record should the Board approve over objection.

At the June 15 hearing, the applicant's presentation repeatedly and specifically represented the limits of what it proposes: "This is residential four. Maximum use can be four units of the acre. That is what we're proposing." (Tr. 47:34-48:03.) The lots "cannot be any smaller than 7500," and some "will likely be larger." *Id.* "[N]ow the maximum units would be 57" (Tr. 49:05-49:13), the "86 units previously sought, now down to 57" (Tr. 51:29-51:38), and the project would in fact come in "around 50" because of "the limitations of the site, the character of that zoning we're requesting, and the size of the lot" (Tr. 58:46-59:02). The result would be a "purely single family residential subdivision" (Tr. 44:04-44:18), with "no[] change in the density. No land use change at all." (Tr. 54:47-54:54.) And in response to a Board member's direct question about RU-1-11's density, the applicant confirmed "the land use was still four units per acre." (Tr. 59:41-59:56.) The undersigned's clients request that the Board's findings, and any motion made on this item, recite these representations.

None of these representations binds anyone. They are statements of counsel and of the applicant's engineer – not evidence, not conditions, and not covenants running with the land. The RU-1-11 classification the applicant asks this Board to confer permits 7,500-square-foot lots at a theoretical density of approximately 5.8 units per acre under Section 62-1340(4) – roughly 83 lots on this 14.37-acre parcel, some 45 percent more than the applicant says it wants – together with resort dwellings under Section 62-1340. The only mechanism the County recognizes for holding a developer to project-specific limits is a binding development plan; indeed, Section 62-1255(b)(2) itself contemplates an applicant "limit[ing] the project to a density equal to or less than the maximum density threshold" as a consistency mechanism.

Accordingly, if the Board approves any zoning classification for this parcel over the undersigned's clients' objection, the approval cannot lawfully rest on representations that bind no one. The Board must condition any such approval on a binding development plan limited to the applicant's own stated maximums: no more than 57 dwelling units (four units per acre); a minimum lot size of 7,500 square feet; single-family detached dwellings only; and no resort dwellings. If the applicant declines to commit to a binding development plan the very representations it made to this County's boards, that refusal will speak for itself. Any such binding development plan must be executed by the applicant and made part of the record before the Board votes; an approval "subject to" a plan to be negotiated later would place nothing before the Board for review and nothing in the record. And an approval untethered from the only project description in the record would rest on no competent substantial evidence at all.

## VIII. Relief Requested

For the reasons above, the undersigned's clients respectfully request that the Board: (1) confine its July 9 hearing to the application as filed and noticed – the RU-2-6 request – and deny it, as it is inconsistent with the RES 4 Future Land Use designation following the applicant's withdrawal of Amendment 26SS00002 and therefore cannot be approved under Section 163.3194(3)(a), Florida Statutes, and *Snyder*, and is affirmatively incompatible with the established character and built density of the surrounding communities as set out in Section IV and Exhibits F and G; and (2) decline to take any action – approval or denial – on the unnoticed RU-1-11 request. If the applicant wishes to pursue RU-1-11, the lawful path is a written application and full compliance with Section 62-1151, including complete re-notice and a meeting with the affected property owners, not substitution from the dais. In the alternative, should the Board be inclined to entertain RU-1-11 in any form, the undersigned's clients request that the matter be tabled or continued, that the applicant be required to file a written amended application and to meet with the affected property owners, and that all notice obligations under Section 62-1151(b) be completed for the amended classification before any further hearing.

Strictly in the further alternative, and without waiver of any of the foregoing, should the Board approve any zoning classification for this parcel over objection, the undersigned's clients request that the approval be expressly conditioned on a binding development plan limited to the applicant's representations of record – no more than 57 dwelling units (four units per acre), a minimum lot size of 7,500 square feet, single-family detached dwellings only, and no resort dwellings – and that the Board's findings recite those representations, as set out in Section VII above.

To ensure a complete record, the undersigned's clients further request that: (1) the complete record of the June 15, 2026 Planning and Zoning Board proceeding – including the recording or transcript, the agenda packet and staff report, all public comment and petitions, and all exhibits – be incorporated into the record of the July 9 hearing; (2) the Board state on the record any required disclosures pursuant to the Board's Zoning Statement, Ex. D, and Section 286.0115, Florida Statutes; (3) the Board state on the record its findings as to the criteria of Section 62-1151(c), in addition to findings reciting the applicant's representations as requested in Section VII; and (4) if the Board continues this matter for the filing of a written amended application, complete notice under Section 62-1151(b) be required for the amended classification – a continuance without re-notice cures nothing.

The undersigned's clients further object in advance to the introduction of any study, plan, or other material evidence presented for the first time at the July 9 hearing, which would deny the public any meaningful opportunity to review and respond, and request a continuance should any such evidence be admitted.

Any action on RU-1-11 taken on the present record would be taken without a filed application, without the notice Section 62-1151(b) mandates, without any evidentiary basis for the consistency finding *Snyder* requires, and over preserved objection, and would constitute a departure from the essential requirements of law subject to certiorari review. All objections stated herein and at the June 15 hearing are expressly preserved and will be renewed on the record on July 9. My clients reserve all rights and remedies.

Thank you for your attention to this matter. Please include this letter and its enclosures in the agenda package and the record of the July 9 hearing.

Respectfully submitted,



Scott W. Dangler, Esq.  
Dangler Law  
927 E. New Haven Ave., Ste. 213  
Melbourne, FL 32901  
(321) 265-4170  
[scott@danglerlaw.com](mailto:scott@danglerlaw.com)

cc: Brevard County Planning and Development Department  
[AdministrativeServices@BrevardFL.gov](mailto:AdministrativeServices@BrevardFL.gov)  
Clerk to the Board of County Commissioners  
[clerktotheboard@brevardclerk.us](mailto:clerktotheboard@brevardclerk.us)



BOARD OF COUNTY COMMISSIONERS

Planning and Development  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
321-633-2070

### Application for Zoning Action, Comprehensive Plan Amendment, or Variance

Applications must be submitted in person. Please call 321-633-2070 for an appointment at least 24 hours in advance. Mailed, emailed, or couriered applications will not be accepted.

PZ # 26200008

Existing FLU: RES-4 Existing Zoning: RR-1

Proposed FLU: RES-6 Proposed Zoning: RU-2-6

#### PROPERTY OWNER INFORMATION

If the owner is an LLC, include a copy of the operating agreement.

<u>Steve Emtman</u>		<u>Defender Homes Airway Heights LLC</u>	
Name(s)		Company	
<u>850 Wickham Lakes Dr.</u>	<u>Viera</u>	<u>FL</u>	<u>32940</u>
Street	City	State	Zip Code
<u>steve@segrandhomes.com</u>	<u>509-499-9349</u>		
Email	Phone	Cell	

#### APPLICANT INFORMATION IF DIFFERENT FROM OWNER:

Attorney       Agent       Contract Purchaser       Other

<u>Kimberly Rezanka</u>		<u>Lacey Rezanka</u>	
Name(s)		Company	
<u>6013 Farcenda Pl.</u>	<u>Melbourne</u>	<u>FL</u>	<u>32940</u>
Street	City	State	Zip Code
<u>KRezanka@llr.law</u>	<u>321-608-0892</u>		
Email	Phone	Cell	

**APPLICATION NAME**

- Large Scale Comprehensive Plan Amendment (CP) (greater than 50 acres)
- Small Scale Comprehensive Plan Amendment (CP) (less than 50 acres)
- Text Amendment (CP): Element \_\_\_\_\_
- Other Amendment (CP): Name \_\_\_\_\_
- Rezoning Without CUP (RWOC)
- Combination Rezoning and CUP (CORC)
- Conditional Use Permit (CUP)
- Binding Development Plan (BDP)
- Binding Development Plan (BDP) (Amendment)
- Binding Development Plan (BDP) (Removal)
- Variance(s) (V) (building permits will not be approved until 30 days after the date the order is signed)
- Administrative Approval of Setbacks, Lot Size, or Accessory Structures
- Administrative Approval of Flag Lot or Easement
- Administrative Approval of On-Premises Consumption of Alcoholic Beverages for Restaurants / Snack Bars
- Other Action: Name \_\_\_\_\_

Acreage of Request: 14.37 +/-

Reason for Request:

To develop a single family home subdivision.

The undersigned understands this application must be complete and accurate prior to advertising a public hearing:

- I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.
- I am the legal representative of the owner of the subject property of this application. (Notarized Authorization to Act must be submitted with application)
- An approval of this application does not entitle the owner to a development permit.
- For Variances, I understand that building permits will not be approved until 30 days after the date the order is signed, in order to comply with the appeal procedure.
- I certify that the information in this application and all sketches and data attached to and made part hereof are true and accurate to the best of my knowledge.

Kimberly B. Rezanka  
 Signature of Property Owner or  
 Authorized Representative

1/30/26  
 Date

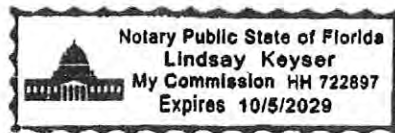
State of Florida

County of Brevard

Subscribed and sworn before me, by  physical presence or \_\_\_\_\_ online notarization,  
 this 30th day of January, 20 26, personally appeared  
Kimberly Rezanka, who is personally known to me or produced  
 \_\_\_\_\_ as identification, and who did / did not take an oath.

Lindsay Keyser  
 Notary Public Signature

Seal



**Office Use Only:**

Accela No. 26200008 Fee: \$3349.00 Date Filed: 1/30/2026 District No. 5

Tax Account No. (list all that apply) 2702763

Parcel I.D. No.

27      36      14      01      \*      33.01  
Twp      Rng      Sec      Sub      Block      Lot/Parcel

Planner: TR      Sign Issued to: C.E.      Notification Radius: 500'

MEETINGS	DATE	TIME
P&Z	<u>6/15/2026</u>	<u>3:00 pm</u>
PSJ Board	_____	_____
NMI Board	_____	_____
LPA	_____	_____
BOA	_____	_____
BCC	<u>7/9/2026</u>	<u>5:00 pm</u>

Wetland survey required by Natural Resources      Yes       No      Initials \_\_\_\_\_

Is the subject property located in a JPA, MIRA, or 500 feet of the Palm Bay Extension?  
Yes       No      If yes, list \_\_\_\_\_

Location of subject property:  
On the west side of Turtle mound Road, approximately 258.5 ft north of Aurora Road.

Description of Request:  
Requesting to rezone from RR-1 to RU-2-6 for development as a single-family home subdivision.



Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

AUTHORIZATION TO ACT ON BEHALF OF OWNER

I, Steven Emtman, of Defender Homes Airway Heights

authorize Kimberly B. Rezanka of Lacey Rezanka/ Jack Wise of Construction Engineering Group, LLC

to act on my behalf, which may include representing me in public hearings pertaining to the submittal of the attached application.

Choose the applicable application type. More than one may apply.

- Administrative Action, Comprehensive Plan Amendment, Development Plan, Rezoning, Variance

Signature [Handwritten Signature]

Date 2.24.20

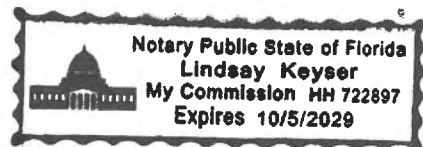
State of Florida

County of Brevard

The foregoing instrument was acknowledged before me this 24th day of February, 20 20 by Steven Emtman, who is personally known to me or has produced Florida Driver License as identification, and who did or did not take an oath.

Signature of Notary [Handwritten Signature]

Seal:





**RECEIPT OF PAYMENT**

Payment Date: 1/30/2026  
 Receipt #: 836937  
 Transaction Id# 190918402

Payment Method	Payment Reference #	Amount Paid	Comments
	190918402	\$25.00	
		\$25.00	Total
<b>1800 TURTLE MOUND RD MELBOURNE, FL 32934</b>			
	Rezoning	\$25.00	
	<b>26Z00008</b>		
Fee	Invoice #	Amount	
Application Processing Fee	1023431	\$25.00	
			<b>Grand Total</b>
			\$25.00

Reprint Date: 04/16/26

**Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.  
 To verify fees please visit the Brevard County Planning & Development Search.**

[www.brevardcounty.us/PlanningDev](http://www.brevardcounty.us/PlanningDev)

P (321) 633-2068 F (321) 633-2052



**RECEIPT OF PAYMENT**

Payment Date: 3/3/2026  
 Receipt #: 840992  
 Transaction Id# 192924225

Payment Method	Payment Reference #	Amount Paid	Comments
	192924225	\$3,324.00	
		\$3,324.00	Total

**1800 TURTLE MOUND RD  
 MELBOURNE, FL 32934**

Rezoning \$3,324.00  
**26Z00008**

Fee	Invoice #	Amount
Rezoning Multiple Family Residential	1028265	\$3,024.00
Rezoning Natural Resources Review	1028265	\$300.00

**Grand Total \$3,324.00**

Reprint Date: 04/16/26

**Additional Fees may apply to obtain a Certificate of Completion, a Certificate of Occupancy, Pre-Power, or Final Inspection.  
 To verify fees please visit the Brevard County Planning & Development Search.**

[www.brevardcounty.us/PlanningDev](http://www.brevardcounty.us/PlanningDev)

P (321) 633-2068 F (321) 633-2052

**Zoning Information Worksheet**

Owner(s): Defender Homes Airway Heights, LLC.  
(Does this match the warranty deed?)

Applicant(s): Kim Rezanka  
(Does this person have authorization from everyone listed on the warranty deed?)

Parcel ID#: 27-36-14-01-\* - 33.01  
(If more than one parcel, they must share a property line to be on the same application.)

Present Zoning: RR-1

Is there a BDP or a CUP on the property? Yes/ No \_\_\_\_\_ (If yes, attach BDP)

Existing BDP states: \_\_\_\_\_  
\_\_\_\_\_

Requested Zoning/CUP: Companion application to 265500002 requesting RES6  
Requesting RU-2-6

BDP Requested? Yes/ No \_\_\_\_\_

If CUP Request, do you have a CUP worksheet filled out by the applicant? Yes/No

Previously Approved Zoning Actions on lot:  
Z-2624 various zoning classifications to RR-1  
\_\_\_\_\_  
\_\_\_\_\_

Is this a non-conforming lot of record? Yes/ No Why?  
Non-Conforming to: \_\_\_\_\_

Is this a substandard lot? Yes/ No Why?  
\_\_\_\_\_

What is the FLU Designation of the property?: RES4

- Is the requested zoning consistent with the FLU? Yes/ No (See compatibility table)
- If no, what is the requested **small scale plan amendment**? (Must be 10 acres or less)

265500002, requesting RES6

Character of the Area – List the recent zoning changes in same section? (Last 3 years)

Action #, Date of action and State what changed?  
Z# 23200036 From SEU to AU  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If this is a CUP request, list all CUP's on adjacent properties: \_\_\_\_\_

Abutting property zoning: N RR-1 S TR3 + RR-1 E Road + EU-2 W RR-1 + TR-3

JPA/Special Board/Special Section? Yes/No (Circle one and make a note on the application) PSJ, NMI, MIRA  
ROCKLEDGE, MELBOURNE, PALM SHORES, TITUSVILLE, PALM BAY or within 500' of PALM BAY EXTENSION

Reason for Rezoning Request: To develop a single-family home subdivision

- If proposing single-family or multi-family how many units? 86
- If proposing a CUP for alcohol, how many seats? \_\_\_\_\_ Bar or Restaurant? \_\_\_\_\_
  - Do you have a certified survey indicating there are no churches or schools within 400'? Yes/No
  - Do you have a site plan showing the layout and parking configuration? Yes/No
  - Do you have a CUP worksheet filled out by the applicant? Yes/No
- If the request is for commercial zoning, do you have a wetland survey that includes a legal description of the wetland? Yes/No (If no, NR must have checked no on the front of the application)

Existing structures/uses on the property? Radio or TV station

Describe the character of the area based upon Administration Policy 3 of FLUE (attached):

Rural residential single-family homes and mobile homes

Concerns raised as part of request: N/A

Other options discussed with applicant: Online submittal

Did you print out the Property Appraiser's Map for this property?  
Did you mark the map?  
Did you stamp the deed(s)?

Janina Ramos  
Planner Signature

4/16/2020  
Date

### **Administrative Policy 3**

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

#### **Criteria:**

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foresee ably be affected by the proposed use;
- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:
  1. Historical land use patterns;
  2. Actual development over the immediately preceding three years; and
  3. Development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.



BOARD OF COUNTY COMMISSIONERS

**Planning and Development**

2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940  
Phone 321-633-2070

## NOTICE TO APPLICANTS FOR CHANGE OF LAND USE

The Planning and Development Department staff will be preparing written comments concerning your request. These comments will be provided to the Planning and Zoning Board/Local Planning Agency and Board of County Commissioners. The comments will address the following:

- The current zoning of the property along with its current development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.
- The proposed zoning of the property along with its development potential and consistency with the Brevard County Comprehensive Plan use and density restrictions.
- The proposal's impact on services, such as roads and schools.
- The proposal's impact upon hurricane evacuation, if applicable.
- Environmental factors.
- Compatibility with surrounding land uses.
- Consistency with the character of the area.

You may place your own written comments on these items into the record. Up to two typewritten pages can be included in the package if received at least 10 working days prior to the Planning and Zoning Board hearing. You are not required to provide written comments. **An applicant presentation to the Planning and Zoning Board is required regardless of written submittals.** The board may approve the requested classification, or a classification which is more intensive than the existing classification but less intensive than the requested classification.

**Note:**

**If your application generates public opposition, as may be expressed in letters, petitions, phone calls, testimony, et cetera, you are advised to meet with concerned parties in an effort to resolve the differences prior to the Board of County Commission (BCC) taking final action on the request; therefore, you are encouraged to meet with affected property owners prior to the public hearing by the Planning and Zoning Board / Local Planning Agency (P&Z / LPA). During the course of conducting the public hearing, if the P&Z / LPA finds the application is controversial, and the applicant has not met with affected property owners, the item shall be tabled to the next agenda to allow such a meeting to take place. If the item is controversial, despite the applicant's efforts to meet with affected property owners, the Planning and Zoning Board / Local Planning Agency may include, in their motion, a requirement to meet with interested parties again prior to the BCC public hearing. The BCC may also table your request**

Revised 09/2021

in order for you to meet with interested parties if this has not occurred prior to the public hearing before the BCC. If you need assistance to identify these parties, please contact the Planning and Development Department.

Brevard County Board of County Commissioners approval of a zoning application does not vest a project nor ensure issuance of a permit. At the time of permit application, land development regulations and concurrency-related level of service standards must be met.

Staff comments will be available approximately one week prior to the Planning and Zoning Board hearing. These comments will be made available to you at that time. In order to expedite receipt of staff's comments, please provide an email address, or indicate if you wish to receive the comments by U.S. mail.

Krezanka@llr.law  
E-mail address

Receipt of Comments by U.S. Mail

Yes

No

Kimberly B. Rezanka  
Applicant Signature

This Instrument prepared by and return to:

Patricia B. Wright

Alliance Title Insurance Agency, Inc.

10 S. Harbor City Boulevard

Melbourne, FL 32901

as a necessary incident to the fulfillment of conditions contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):

27-36-14-01-\*33.01

File No.: 121050022

## WARRANTY DEED

This Warranty Deed, Made the 20<sup>th</sup> day of October, 2021, by **MYBD Properties LLC, a Florida limited liability company**, having its place of business at **794 Washburn Road, Melbourne, FL 32934**, hereinafter called the "Grantor", to **Defender Homes Airway Heights, L.L.C., a Washington limited liability company**, whose post office address is: **850 Wickham Lakes Drive, Viera, FL 32940**, hereinafter called the "Grantee".

**WITNESSETH:** That said Grantor, for and in consideration of the sum of **Eight Hundred Thousand Dollars and No Cents (\$800,000.00)** and other valuable considerations, receipt whereof is hereby acknowledged, by these presents grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in **Brevard** County, Florida, to wit:

**Parcel 1: Lot 64 and the East ½ of Lot 63, INDIAN RIVER GROVES AND GARDENS, according to the Plat thereof as recorded in Plat Book 6, Page 86, Public Records of Brevard County, Florida.**

**Parcel 2: The South 330 feet of Lot 33 (except the East 25 feet thereof heretofore dedicated as a public road); South 330 feet of Lot 34, South 330 feet of the East 130 feet of Lot 35 and the West ½ of Lot 63, all according to the Plat of INDIAN RIVER GROVES AND GARDENS, as recorded in Plat Book 6, page 86, Public Records of Brevard County, Florida.**

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all

persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2020, reservations, restrictions and easements of record, if any.

(Wherever used herein the terms "Grantor" and "Grantee" included all the parties to this instrument and the heirs, legal representatives and assigns of the individuals, and the successors and assigns of company)

**IN WITNESS WHEREOF**, Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES  
**TWO SEPARATE DISINTERESTED WITNESSES REQUIRED**

MYBD PROPERTIES, LLC  
a Florida limited liability company

Witness Signature: [Signature]  
Printed Name: Michael Spragins

By: [Signature]  
Brian R. Young, Member

Witness Signature: [Signature]  
Printed Name: \_\_\_\_\_

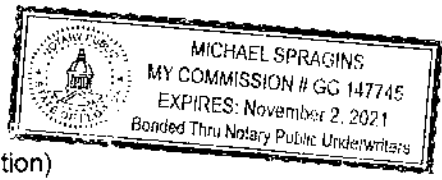
By: [Signature]  
Roger A. Baxter, Member

By: [Signature]  
John W. Williams, Jr., a/k/a John E. Williams  
Member

State of Florida  
County of Brevard

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 20 day of October, 2021 by **Brian R. Young, Roger A. Baxter, and John W. Williams, Jr., a/k/a John E. Williams, as members of MYBD PROPERTIES, LLC, a Florida limited liability company, on behalf of the company.** They are  Personally Known OR  Produced Video Photo ID's as Identification.

[Signature]  
Notary Public Signature (SEAL)  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
 Online Notary (Check Box if acknowledgment done by Online Notarization)

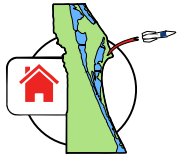


## LEGAL DESCRIPTION

**Parcel 1: Lot 64 and the East $\frac{1}{2}$  of Lot 63, INDIAN RIVER GROVES AND GARDENS, according to the Plat thereof as recorded in Plat Book 6, Page 86, Public Records of Brevard County, Florida.**

**Parcel 2: The South 330 feet of Lot 33 (except the East 25 feet thereof heretofore dedicated as a public road); South 330 feet of Lot 34, South 330 feet of the East 130 feet of Lot 35 and the West $\frac{1}{2}$  of Lot 63, all according to the Plat of INDIAN RIVER GROVES AND GARDENS, as recorded in Plat Book 6, page 86, Public Records of Brevard County, Florida.**





**REAL PROPERTY DETAILS**  
Account 2702763 - Roll Year 2025

Owners	DEFENDER HOMES AIRWAY HEIGHTS LLC
Mailing Address	850 WICKHAM LAKES DR VIERA FL 32940
Site Address	1800 TURTLE MOUND RD MELBOURNE FL 32934
Parcel ID	27-36-14-01-* -33.01
Taxing District	5300 - UNINCORP DISTRICT 5
Exemptions	NONE
Property Use	1960 - RADIO OR TV STATION
Total Acres	14.37
Site Code	0001 - NO OTHER CODE APPL.
Plat Book/Page	0006/0086
Subdivision	INDIAN RIVER GROVES & GARDENS
Land Description	INDIAN RIVER GROVES & GARDENS S 330 FT OF LOTS 33,34 & E 130 FT OF S 330 OF LOT 35 ALL OF LOTS 63,64 EXC RD R/W



**VALUE SUMMARY**

Category	2025	2024	2023
Market Value	\$718,850	\$647,000	\$647,000
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$711,700	\$647,000	\$647,000
Assessed Value School	\$718,850	\$647,000	\$647,000
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$711,700	\$647,000	\$647,000
Taxable Value School	\$718,850	\$647,000	\$647,000

**SALES / TRANSFERS**

Date	Price	Type	Instrument
10/20/2021	\$800,000	WD	9300/0518
05/04/2007	\$50,000	QC	5777/1055
02/23/2004	\$50,000	QC	5207/2429
08/30/1993	\$280,000	WD	3314/2443
10/01/1974	\$150,000	PT	1482/0112

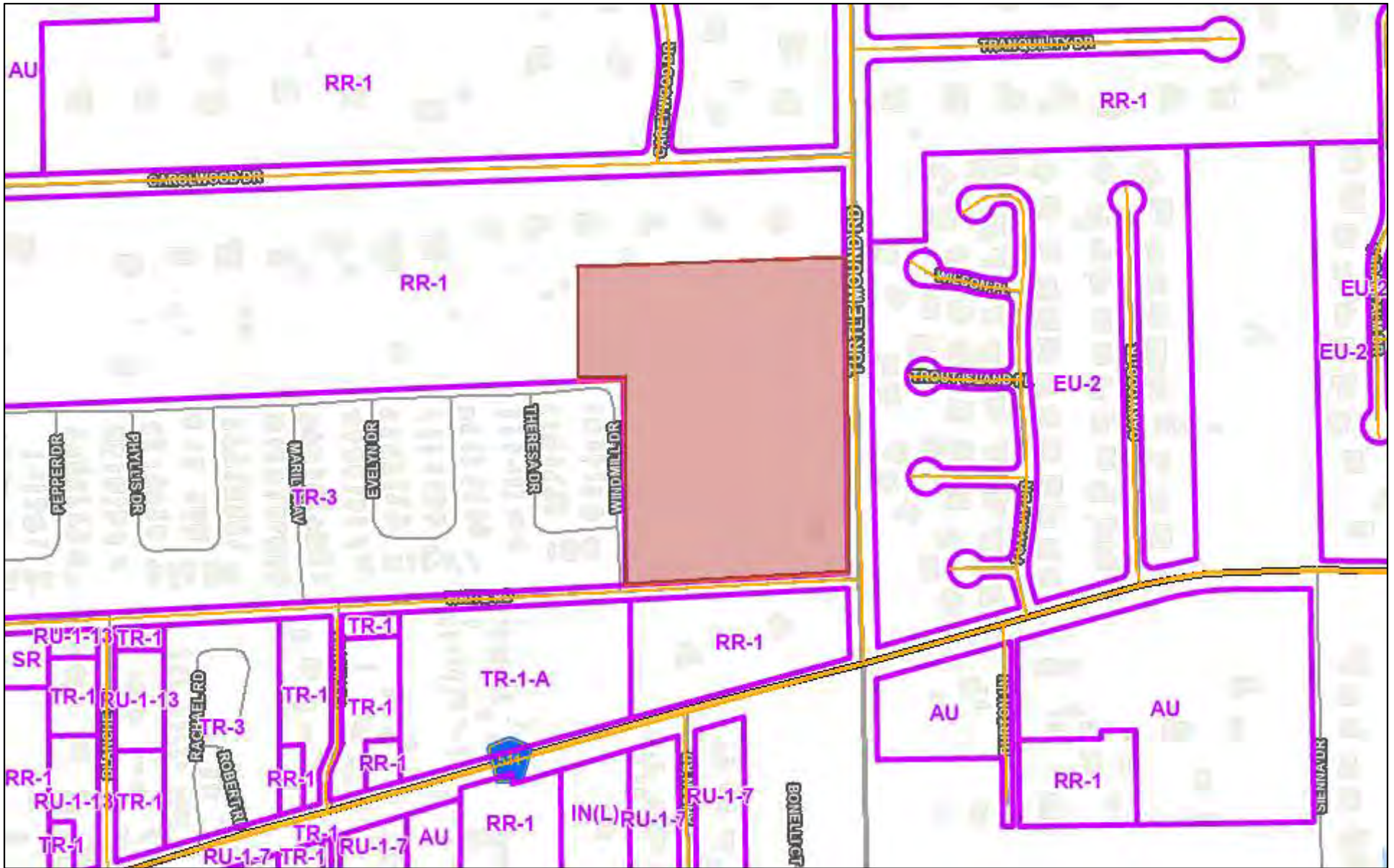
**BUILDINGS**

**PROPERTY DATA CARD #1**

**Building Use:** 1960 - RADIO OR TV STATION

Materials		Details	
Exterior Wall:	PAINTED EXTERIOR , STUCCO	Year Built	1955
Frame:	MASNRYCONC	Story Height	9
Roof:	BU-TG/MMBRN	Floors	1
Roof Structure:	WOOD TRUSS	Residential Units	
		Commercial Units	1
Sub-Areas		Extra Features	
Base Area (1st)	2,746	Paving - Concrete	140
Open Porch	14		
Total Base Area	2,746		
Total Sub Area	2,760		

# Tax Account 2702763



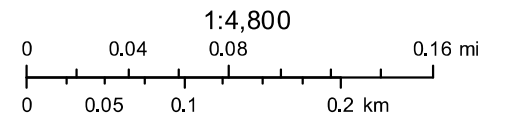
**Search Results: Parcel (Tax Account)**

- Override 1
- Sidewalk Waivers

**Roadway**

- County
- County ROW/Non-Maintained
- County ROW (Under Maintenance Bond)

Zoning



Publication Date  
2026-06-01

Subcategory  
Miscellaneous Notices

#### A PUBLIC HEARING NOTICE

NOTICE is hereby given pursuant to Chapters 125 & 163, FLORIDA STATUTES, and Chapter 62, Article VI of the Brevard County Code, that the Brevard County Planning and Zoning Board (Local Planning Agency) and the Board of County Commissioners will consider the following requests on MONDAY, June 15, 2026, and THURSDAY, July 09, 2026.

##### District 5

(25Z00061) Sunshine State Wildlife Conservation LLC and Bernard Egan & Company ( Ralph Brown) request a CUP (Conditional Use Permit) for land alteration in AU (Agricultural Residential) and GU (General Use), on property described as Tax Parcel 2, as recorded in OR Book 8213, Page 1794, of the Public Records of Brevard County, Florida. Section 34, Township 30, Range 37. Tax Parcel 501, as recorded in OR Book 8779, Page 1194, of the Public Records of Brevard County, Florida. Section 27, Township 30, Range 37. Tax Parcel 750, as recorded in OR Book 9814, Page 1285, of the Public Records of Brevard County, Florida. Section 28, Township 30, Range 37. Tax Parcel 751, as recorded in OR Book 8779, Page 1194, of the Public Records of Brevard County, Florida. Section 28, Township 30, Range 37. And, part of Tax Parcel 501, as recorded in OR Book 10384, Page 2170, of the Public Records of Brevard County, Florida. Section 28, Township 30, Range 37. Part of Tax Parcel 1, as recorded in OR Book 9600, Page 2758, of the Public Records of Brevard County, Florida. Section 33, Township 30, Range 37. Part of Tax Parcel 251, as recorded in OR Book 9875, Page 0249, of the Public Records of Brevard County, Florida. Section 33, Township 30, Range 37. (723.09 acres) Located on the southwest corner of Babcock St. and Centerline Rd. (No Assigned Address - Fellsmere)

##### District 5

(26SS00002) Defender Homes Airway Heights LLC (Kim Rezanka) requests a Small-Scale Comprehensive Plan Amendment (26S.02) to change the Future Land Use designation from RES 4 (Residential 4) to RES 6 (Residential 6), on property described as Tax Parcel 33.01, as recorded in OR Book 9300, Page 518, of the Public Records of Brevard County, Florida. Section 14, Township 27, Range 36. (14.37 acres) Located on the northwest corner of White Rd. and Turtle Mound Rd, (1800 Turtle Mound Rd, Melbourne)

##### District 5

(26Z00008) Defender Homes Airway Heights LLC (Kim Rezanka) request a zoning classification change from RR-1 (Rural Residential) to RU-2-6 (Low-Density Multiple-Family), on property described as Tax Parcel 33.01, as recorded in OR Book 9300, Page 518, of the Public Records of Brevard County, Florida. Section 14, Township 27, Range 36. (14.37 acres) Located on the northwest corner of White Rd. and Turtle Mound Rd, (1800 Turtle Mound Rd, Melbourne)

##### District 1

(26SS00004) 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), on property described as Tax Parcel 5, as recorded in OR Book 8727, Page 1071, of the Public Records of Brevard County, Florida. Section 15, Township 20G, Range 34. (3.39 acres) Located on the northeast corner of Hog Valley Rd. and Pine Needle St. (4792 Pine Needle St, Mims)

##### District 1

(26Z00013) Joshua and Jennifer Law request a zoning classification change from GU (General Use) to AU (Agricultural Residential), on property described as Tax Parcel 5, as recorded in OR Book 8727, Page 1071, of the Public Records of Brevard County, Florida. Section 15, Township 20G, Range 34. (3.39 acres) Located on the northeast corner Hog Valley Rd. and Pine Needle St. (4792 Pine Needle St, Mims)

##### District 1

(26Z00009) Gunnar Downes (Jenna Tindall) requests a zoning classification change from GU (General Use) to AU (Agricultural Residential), on property described as Tax Parcels 14 and 15, as recorded in OR Book 10225, Page 1901, of the Public Records of Brevard County, Florida. Section 17, Township 24, Range 35. (2.565 acres) Located on the northwest corner of Satellite Blvd and Keydeer Ave. (No Address Assigned Cocoa)

##### District 5

(26Z00014) DiPrima Construction Corporation and Daniel Carson (Kim Rezanka) request a zoning classification change from RU-1-13 (Single-Family Residential) and RU-2-10 (Medium-Density Multiple-Family Residential) to RU-2-15 ( Medium-Density Multiple-Family Residential ), on property described as Tax Parcels 6 and 7, as recorded in OR Book 10290, Page 2291, and OR Book 10237, Page 2754, of the Public Records of Brevard County, Florida. Section 13, Township 27, Range 37. (1.14 acres) Located on the north side of Coral Way E., approximately 477 feet west of Highway A1A (116 and 120 Coral Way E., Indialantic)

##### District 1

(26Z00016) Robin R. and Maxine M. Bland, and Tara Brozman (John Campbell) request a zoning classification change from GU (General Use) to RR-1 (Rural Residential), on property described as Tax Parcel 519, as recorded in OR Book 10467, Page 2544, of the Public Records of Brevard County, Florida. Section 23,

Township 24, Range 35. (4.89 acres) Located on the east side of Friday Rd., approximately 1,280 ft. north of Highway 524 (No Address Assigned Cocoa)

Public Hearing before the Planning and Zoning Board will be held at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Bldg. C, Viera, Florida on MONDAY, June 15, 2026, at 3:00 p.m. . A Public Hearing will be held by the Board of County Commissioners at the Brevard County Government Center, Building C, 2725 Judge Fran Jamieson Way, Commission Room, Bldg. C, Viera, Florida, on THURSDAY, July 09, 2026, at 5:00 p.m. All interested parties can be heard at said time and place. If a person decides to appeal any decision of this Board, agency or commission (as appropriate) with respect to any matter considered at this meeting or hearing, such a person will need a record of this proceeding and that, for such purposes, such person may need to ensure that a verbatim record of the proceedings is made, at his own expense, which record includes testimony and evidence upon which any such appeal is to be based. The Board may grant such other less intense zoning or land use classification as may be deemed appropriate. Final report on the above-mentioned agenda will be heard at this meeting. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in this proceeding should contact the Planning & Development Department no later than 48 hours prior to the meeting at 321-633-2069 for assistance. Brevard County Planning & Development Department, per: Billy Prasad, Planning and Development Director. By: Alice Randall, Operations Support Specialist.

# REZONING NOTICE 26Z00008

The Brevard County Planning & Zoning Board will hold a public hearing at 3:00 P.M. on JUNE 15, 2026, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, FL, to consider the proposed zoning action on the property as indicated below:

Owner: Defender Homes Airway Heights, LLC

Present Zoning: RR-1

Acreage: 14.37 ACRES

Requested Action(s): RU-2-6 (Low-Density Multiple-Family)

The recommendations from the aforementioned public hearing will be presented to the County Commission at 5:00 P.M. on JULY 09, 2026, at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera. Interested parties are invited to appear and be heard. Written comments filed with the Brevard County Zoning Official, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32949 will be considered.

Removal of this sign prior to JULY 09, 2026, is illegal and subject to prosecution.

Dear Property Owner:

**ID# 26SS00002  
& 26Z00008**

This COURTESY NOTICE is being sent to inform you that your property is within 500 ft. of property owned by **Defender Homes Airway Heights, LLC**, who is requesting a change of zoning classification and a change of future land use on 14.37 acres. The property is located on the northwest corner of White Rd. and Turtle Mound Rd, (1800 Turtle Mound Rd, Melbourne)

Current Zoning: RR-1 (Rural Residential)

**Requested Zoning: RU-2-6 (Low-Density Multiple-Family)**

Current Future Land use: RES 4 (Residential 4)

**Requested Future Land use: RES 6 (Residential 6)**

A public hearing will be held by the **Planning and Zoning Board** at the Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, Viera, Florida, on **Monday, June 15, 2026, beginning at 3:00 p.m.** The final public hearing will be held by the **Board of County Commissioners on Thursday, July 09, 2026, beginning at 5:00 p.m.**, at the same location.

You are invited to attend these public hearings to voice any comments you may have, or you may also write to the address shown on the front of this card, or email [administrativeservices@brevardfl.gov](mailto:administrativeservices@brevardfl.gov). Your correspondence or inquiry should refer to the ID# located in the upper right-hand corner of the card. For the complete agenda, you may visit the County's internet site at <http://www.brevardfl.gov/> -> Board Meetings, approximately one week prior to the first meeting, or call the Planning & Development Department at 321-633-2070. The needs of hearing or visually impaired persons shall be met if the Planning and Development Department is contacted at least five (5) days prior to the public hearing.



BOARD OF COUNTY COMMISSIONERS

**Planning and Development Department**

2725 Judge Fran Jamieson Way  
 Building A, Room 114  
 Viera, Florida 32940  
 (321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS  
 26Z00008**

**Defender Homes Airway Heights, LLC**

**Rural Residential (RR-1) to Low-Density Multiple Family Residential (RU-2-6)**

Tax Account Number: 2702763  
 Parcel I.D.s: 27-36-14-01-\*-33.01  
 Location: 1800 Turtle Mound Road, north side of White Road, approximately 240 feet north of Aurora Road (District 5)  
 Acreage: 14.37 acres  
 Planning & Zoning Board: 06/15/2026  
 Board of County Commissioners: 07/09/2026

**Consistency with Land Use Regulations**

- Current zoning cannot be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C).

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RR-1	RU-2-6
<b>Potential*</b>	14 units	86 units
<b>Can be Considered under the Future Land Use Map</b>	YES RES 4	YES RES 6**

\* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations. Application of these regulations may reduce development potential.

\*\* A companion application request 26SS00002 proposes to amend the Future Land Use designation from Residential 4 (RES 4) to Residential 6 (RES 6).

**Background and Purpose of Request**

The applicant is requesting to change the zoning from RR-1(Rural Residential) to RU-2-6 (Low-Density Multiple Family Residential) on 14.37 acres, so the applicant can develop a single-family subdivision with 86 lots. The subject property is currently undeveloped. According to an email received from the attorney’s office of Lacey-Rezanka on 03/13/2026, the applicant intends to develop single-family detached or single-family attached residential homes. The property is currently zoned RR-1 which would allow for single-family residences at one (1) unit to the acre but not for multi-family use.

The subject parcel is currently undeveloped and is located on the east side of Turtle Mound Rd. and the north side of White Rd., approximately 240 feet north of Aurora Rd.

RU-2-6 classification low-density multiple-family residential zoning classifications encompass lands devoted to low-density multifamily residential purposes, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. RU-2-6 is a six unit per acre multiple-family residential zoning classification. It permits multiple-family residential development or single-family residences at a density of up to six units per acre on 7,500 square foot lots. Resort dwellings are a permitted use in this zoning classification.

Alternatively, the smallest single-family zoning classification found within the area is RU-1-7. It would require a minimum 5,000 square-foot lot, having a minimum 50 feet of width, and a minimum depth of 100 feet. A minimum floor area of 700 square feet. The RU-1-7 would allow for the development of approximately 81 units, not taking into account infrastructure requirements. The RU-1-7 is a zoning classification already established within the area.

NRM comments identify several environmental and floodplain development constraints affecting the subject property. Pursuant to Section 62-3694(c)(1), residential land uses within wetlands are limited to no more than one (1) dwelling unit per five (5) acres. For subdivisions and multi-family developments exceeding five acres in size, Section 62-3694(c)(6) allows this limitation to be applied as a maximum percentage, restricting cumulative wetland impacts to no more than 1.8% of the total non-commercial and non-industrial acreage.

Additionally, a majority of the property is located within a FEMA-designated Special Flood Hazard Area (SFHA A), as identified on the FEMA Flood Insurance Rate Map. Pursuant to Section 62-3724(3)(d), compensatory storage is required for fill exceeding that necessary to establish an upland buildable area greater than one-third (1/3) acre within the isolated floodplain. Chapter 62, Article X, Division 6 further provides that "No site alteration shall adversely affect the existing surface water flow pattern," while Section 62-3723(2) requires that development within floodplain areas not adversely impact adjoining properties.

A 12.15-acre development owned by the Housing Authority of Brevard County, located within 0.5 miles of the subject property, is zoned RU-2-30. The development is considered a legal nonconforming use and recently received approval of a Conditional Use Permit (CUP) under application 25Z00022 to address the existing nonconformity.

The nearest multi-family zoning district considered consistent with the subject property's zoning classification and Future Land Use (FLU) designation is located approximately 0.7 miles east of the subject property, on the south side of Aurora Road. The site consists of an undeveloped 8.85-acre parcel with an RU-2-10 zoning classification and a RES 15 FLU designation. Additionally, within a 1.0-mile radius of the subject property, there are no townhome zoning classifications or properties developed with townhomes.

**ZONING HISTORY:**

The subject property was platted and recorded in PB 8, PG 86, dated December 31, 1926, as part of Indian River Groves and Gardens south 330 feet of lots 33, 34 & east 130 feet of south 330 feet of lot 35, all of lots 63 & 64 excluding road right-of-way.

On May 22, 1958, the Brevard County zoning code was established, with the subject property having AU (Agricultural Use) zoning classification.

On April 30, 1970, an administrative rezoning was approved by the Board of County Commissioners (BOCC), from AU to RR-1 under zoning action **Z-2624**.

On September 8, 1988, Brevard County adopted the Comprehensive Plan, which gave the Future Land Use (FLU) designation on the property of RES 4.

The site has direct access off Turtle Mound Road, a county-maintained right-of-way.

**Surrounding Area**

	<b>Existing Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
<b>North</b>	Single-family residences	RR-1	RES 4
<b>South</b>	Single-family residences across White Rd.	RR-1	RES 4
<b>East</b>	Single-family residences across Turtle Mound Rd.	EU-2	RES 4
<b>West</b>	Single-family residence, Mobile home park	RR-1, TR-3	RES 4

North of the subject property are four (4) parcels, all developed with single-family residences, with three parcels at 1.0 acres and one parcel at 1.68 acres. All properties have RR-1 zoning classification and RES 4 FLU designation.

South of the subject property across White Road are two (2) parcels, both of which are developed with single-family residences; one parcel has 1.5 acres, while the second has 2.27 acres. Both properties have RR-1 zoning classification with RES 4 FLU designation.

East of the subject property across Turtle Mound Road is Fox Bay Subdivision. The subdivision is an approximate total of 17.754 acres with 46 lots. The subdivision has EU-2 zoning classification with RES 4 FLU designation. Each lot is approximately 0.15 acres to 0.33 acres in size.

West of the subject property is a 2.07-acre parcel, developed with a single-family residence and has RR-1 zoning classification with RES 4 FLU designation. In addition, there is a non-conforming mobile home park, 27.2 acres with 143 units, with TR-3 zoning classification and RES 4 FLU designation.

RR-1 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with

residential surroundings on a minimum one-acre lot, with a minimum lot width and depth of 125 feet. The RR-1 classification permits horses, barns and horticulture as accessory uses to a single-family residence. The minimum house size is 1,200 square feet. Keeping of horses and agricultural uses are accessory to a principle residence within the RR-1 zoning district.

EU-2 zoning classification encompasses lands devoted to single-family residential development of a spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings. The minimum lot size is 9,000 square feet with a minimum lot width of 90 feet and depth of 100 feet. The minimum living area is 1,500 square feet.

TR-3 zoning is a mobile home park zoning classification with a minimum lot size of 10 acres for the park. Mobile home sites must be at least 4,000 square feet, with a minimum width of 40 feet.

### **Land Use**

The RR-1 zoning classification is consistent with the RES 4 Future Land Use designations provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County’s Comprehensive Plan. The proposed RU-2-6 zoning classification may be considered consistent with the requested RES 6 FLU designation.

### **Applicable Land Use Policies**

#### **Residential 6 (maximum of 6 dwelling units per acre)**

##### **Policy 1.6**

The Residential 6 land use designation affords a transition in density between more highly urbanized areas and lower intensity land uses. This land use designation permits a maximum density of up to six (6) units per acre, except as otherwise may be provided for within this element. The Residential 6 land use designation may be considered for lands within the following generalized locations, unless otherwise limited by this Comprehensive Plan:

##### **Criteria:**

A. Areas adjacent to existing Residential 6 land use designation; or

**Properties to the east across Turtle Mound Rd. are currently designated with RES 6 FLU.**

B. Areas which serve as a transition between existing land uses or land use designations with density greater than six (6) units per acre and areas with density of less than six (6) units per acre; or

**The subject property is not considered transitional. RES 6 is located on both the north and south sides of Aurora Road. RES 6 FLU is predominantly on the south side of Aurora Road, however, the subdivision east of the subject property across Turtle Mound Rd. has RES 6 FLU along with numerous other parcels abutting the north side of Aurora Rd. RES 6 FLU can be found outside the search radius, approximately over one (1) mile until properties are in the jurisdiction of the City of Melbourne. Based on the best analysis of the area, the RES 4 FLU has been the designated FLU on the subject property since the inception of the Brevard County Comprehensive Plan in 1988. The RES 6 was established in 2010 as a result of the**

**South Mainland Small Area Study, which reduced the RES 15 to RES 6 in the area. South of the subject property across Aurora Road is predominantly RES 6 FLU.**

C. Unincorporated areas which are adjacent to incorporated areas and may be considered a logical transition for Residential 6.

**The subject property is abutted by unincorporated properties; however, within the area, it does include areas that are incorporated in the City of Melbourne jurisdiction.**

D. Up to a 25% density bonus to permit up to 7.5 units per acre may be considered with a Planned Unit Development were deemed compatible by the County with adjacent development, provided that minimum infrastructure requirements outlined in Policy 1.2 are available. Such higher densities should be relegated to interior portions of the PUD tract, away from perimeters, to enhance blending with adjacent areas and to maximize the integration of open space within the development and promote inter-connectivity with surrounding uses. This density bonus shall not be utilized for properties within the CHHA.

**The applicant's request is not part of a PUD application. No density bonus is requested.**

The Board should evaluate the compatibility of this application within the context of the Board's Administrative Policies 1 through 8 of the Future Land Use Element, outlined in the Administrative Policies.

**Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.**

Compatibility shall be evaluated by considering the following factors, at a minimum:  
Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

**Staff analysis: Regarding the hours of operation, lighting, odor, noise levels, traffic, or site activity, must comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The Board may require additional conditions or limitations with respect to the requested zoning action.**

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.

**Staff analysis: Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed request.**

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

- 1. historical land use patterns.

**There are three (3) FLU designations within a half-mile radius of the subject property. They include RES 4, RES 6, and RES 15. Res 4 is the predominant FLU designation in the area.**

**Within the area, new development has been sparse; however, predominantly in the area are single-family dwellings with a mixture of single-family mobile homes.**

**There are multiple zoning classifications within a half-mile radius of the subject property. They include BU-2, BU-1, TR-3, IN(L), TR-1, RU-1-13, SR, TR-1-A, RR-1, EU, RU-1-7, RRMH-1 and AU. RR-1 is the predominant zoning classification in the area.**

2. actual development over the immediately preceding three years; and

**There has been no new development within a half-mile radius of the subject property within the last three (3) years.**

3. development approved within the past three years but not yet constructed.

**Staff Analysis: There have been two (2) zoning approvals in the past three (3) years.**

- **23Z00083 changed zoning from RU-1-7 and TR-1 to BU-2 with a BDP on a 5.32-acre parcel located on the south side of Aurora Road, approx. 0.3 miles southwest of the subject property on August 8, 2024. The property is developed as an RV and boat storage, as the BDP on the property limits the uses to all BU-1 and only the BU-2 use of RV and boat storage.**
- **25Z00022 was a request for a Conditional Use Permit (CUP) to mitigate a non-conforming use on a 12.15-acre parcel located on the north side of Aurora Rd. off Marywood Rd. approximately 0.5 miles southwest of the subject property. It was approved on November 6, 2025. The property currently features one office building and 25 duplexes, totaling 50 units.**

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

**Staff analysis: No material violation of relevant policies has been identified.**

#### **Analysis of Administrative Policy #4 - Character of a neighborhood or area.**

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

##### **Criteria:**

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic, parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The subject property was platted as Indian River Groves & Gardens on December 15, 1926, and has remained undeveloped.

Traffic from the proposed development will impact the surrounding area, however, the corridor is anticipated to operate within the Maximum Acceptable Volume (MAV). The maximum development potential from the proposed FLUM amendment increases the percentage of MAV utilization by 4.28%. The corridor is anticipated to operate at 28.66% of capacity daily. Specific concurrency issues will be addressed at the time of site plan review.

B. In determining whether an established residential neighborhood exists, the following factors must be present:

1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

**The area has well-established boundaries, roads, and open spaces. The subject property is not located in a residential neighborhood or subdivision.**

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

**The request is not for commercial use. It is located in an existing single-family residential neighborhood. There are no neighborhood commercial land uses established in the surrounding area.**

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

**Staff analysis indicates the area is predominantly residential with a church and sparse commercial properties. There have not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years within the County's jurisdiction.**

### **Administrative Policy 7**

Proposed use(s) shall not cause or substantially aggravate any (a) substantial drainage problem on surrounding properties; or (b) significant, adverse and unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

**A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils. A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal. Per Section 62-3694(c)(1), residential land uses within wetlands shall be**

limited to not more than one (1) dwelling unit per five (5) acres. For subdivisions and multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65 3694(c)(6).

The mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

A majority of this property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The eastern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay.

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

### **Preliminary Concurrency**

The closest concurrency management segment to the subject property is Turtle Mound Road between Eau Gallie Boulevard and Aurora Road, which has a Maximum Acceptable Volume (MAV) of 22,400 trips per day, a Level of Service (LOS) of D, and currently operates at 24.38% of capacity daily. The maximum development potential from the proposed development increases the percentage of MAV utilization by 4.28%. The Turtle Mound Road corridor is anticipated to operate at 28.66% of capacity daily. The request is not anticipated to create a deficiency in LOS. This is based on the applicant's request to develop with single-family detached residences.

School concurrency indicates that Sabal Elementary, Lyndon B. Johnson Middle School and Eau Gallie Senior High School, all have enough capacity for the total of projected and potential students from the proposed development. This was a non-binding review; a Concurrency Determination must be performed by the School District prior to a Final Development Order and the issuance of a Concurrency Evaluation Finding of No Deficiency by the Local Government.

The subject property is within access to centralized sewer and centralized water from the City of Melbourne Utilities.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

Please refer to all comments provided by the Natural Resource Management Department at the end of this report.

**For Board Consideration**

The Board may wish to consider whether the proposed request is consistent and compatible with the surrounding area.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary  
Item No. 26Z00008**

**Applicant:** Kimberly Rezanka (Owner: Defender Homes Airway Heights LLC)

**Zoning Request:** RR-1 to RU-2-6

**Note:** To develop a single-family home subdivision  
**Zoning Hearing:** 04/20/2026; **BCC Hearing:** 05/07/2026  
**Tax ID No.:** 2702763

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Wetlands and Hydric Soils
- Aquifer Recharge Soils
- Floodplain Protection
- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Protected and Specimen Trees
- Protected Species

### **Land Use Comments:**

#### **Wetlands and Hydric Soils**

A portion of the subject parcel contains mapped National Wetlands Inventory (NWI) and St. Johns River Water Management District (SJRWMD) wetlands and hydric soils (EauGallie sand; Pineda sand, 0 to 2 percent slopes; and Valkaria sand); indicators that wetlands may be present on the property. **A wetland delineation will be required prior to any land clearing activities, site plan design, or building permit submittal.**

**Per Section 62-3694(c)(1), residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres** unless strict application of this policy renders a legally established parcel as of September 9, 1988, which is less than five (5) acres, as unbuildable. **For subdivisions and multi-family parcels greater than five acres in area, the preceding limitation of one dwelling unit per five (5) acres within wetlands may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total non-commercial and non-industrial acreage on a cumulative basis as set forth in Sec. 65 3694(c)(6).** Any permitted wetland impacts must meet the requirements of Section 62-3694(e) including avoidance of impacts and will require no net loss mitigation in Brevard County in accordance with Section 62-3696. **The applicant is encouraged to contact NRM at 321-633-2016 prior to any plan or permit submittal.**

#### **Aquifer Recharge Soils**

Valkaria sand may also function as highly permeable soils. The mapped topographic elevations show that the property falls within a Type 3 Aquifer Recharge area, which is subject to impervious

area restrictions. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

### **Floodplain Protection**

A majority of this property is located within an area mapped as FEMA Special Flood Hazard Area (SFHA) A, as identified by the Federal Emergency Management Agency, and as shown on the FEMA Flood Map. The parcel is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance, including compensatory storage. Per Section 62-3724(3)(d), compensatory storage shall be required for fill in excess of that which will provide an upland buildable area within the isolated floodplain greater than one third (1/3) acre in size. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties." **The applicant is encouraged to continue communication with NRM prior to any plan or permit submittal or performing any land clearing activities.**

### **Indian River Lagoon Nitrogen Reduction Septic Overlay**

The eastern portion of this property is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay, if adequate sewer for the development is not available, then the use of an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes, shall be required. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

### **Protected and Specimen Trees**

Protected and Specimen trees likely exist on the parcel. The applicant shall perform a tree survey prior to any site plan design in order to incorporate valuable vegetative communities or robust trees into the design. Per Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, Section 62-4341(18), Specimen and Protected Trees shall be preserved or relocated on site to the Greatest Extent Feasible. Greatest Extent Feasible shall include, but not be limited to, relocation of roads, buildings, ponds, increasing building height to reduce building footprint or reducing Vehicular Use Areas. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**

### **Protected Species**

Federally and/or state protected species may be present on the property. Specifically, Gopher Tortoises can be found in areas of aquifer recharge soils. If applicable, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission ([GTpermits@myfwc.com](mailto:GTpermits@myfwc.com)) and/or U.S. Fish and Wildlife Service ([FW4FLESRegs@fws.gov](mailto:FW4FLESRegs@fws.gov)) prior to any plan, permit submittal, or development activity, including land clearing.

# **Brevard County Board of County Commissioners**

*Commission Chambers, Building C  
2725 Judge Fran Jamieson Way  
Viera, FL 32940*



## **Minutes**

**Thursday, March 5, 2026**

**5:00 PM**

**Zoning**

**Commission Chambers**

**Present:** Commissioner District 1 Katie Delaney , Commissioner District 2 Tom Goodson, Commissioner District 3 Kim Adkinson, Commissioner District 4 Rob Feltner, and Commissioner District 5 Thad Altman

## **ZONING STATEMENT**

The Board of County Commissioners acts as a Quasi-Judicial body when it hears request 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 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, 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. 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.

### **A. CALL TO ORDER**

### **B. PLEDGE OF ALLEGIANCE**

Commissioner Feltner led the assembly in the Pledge of Allegiance.

#### **F.1. Resolution, Re: Setting Forth the Findings and Conclusions of the Board of County Commissioners for the Denial of a Request for a Change of Zoning Classification from RU-1-13 to AU(L) on Property Owned by Lazy River Investments, LLC**

Chair Altman stated there is a card for Gregory McClasky; and he asked if he wanted to speak.

Mr. McClasky spoke from the audience and was inaudible.

Commissioner Feltner stated he thinks the County Attorney could better answer that, but this is the Findings of Fact on the denials.

Morris Richardson, County Attorney, explained these are findings for one that was denied at last month's zoning meeting.

Someone from the audience stated the last one was a tie and then it went to the Commission to send it back to the zoning.

Attorney Richardson advised when he said the zoning meeting, he meant the Commission zoning meeting; this is not related to the one that was sent back that is at Pioneer and Courtenay, this is the other one in North Merritt Island; and actually, there are two Findings of Fact on the Agenda, but the North Merritt Island one is the one that was heard by the Board of County Commissioners last month and denied.

An audience member asked if Attorney Richardson could tell him when the other one is supposed to be scheduled back.

Billy Prasad, Planning and Development Director, stated the next time that is heard is at the Planning and Zoning board, which is an advisory board, and that is going to be on March 16th at 3:00 p.m. and then it is expected to come back to the Board of County Commissioners at its April 2nd meeting at 5:00 p.m.; and those are the two public hearings.

Attorney Richardson stated he wanted to point out to the Board and the Clerk that it was brought to his attention by Kim Rezanka, Attorney, who is coming up now, that on the Strada Item, Item F.2., the resolution of findings of fact that there is a record submitted that apparently was cut off in the Agenda packet; the record consists of an excess of 300 pages; unfortunately, the portion attached to the Agenda looks like it cut off at page 126, he believes, so staff is going to provide the full version for the record, for the Clerk, and they will transmit that to Ms. Rezanka as well; and he is not sure what happened to the upload there.

**Approval, Re: Commissioner Goodson to Appear Via Telephone**

Commissioner Feltner asked if the Board needs to make a motion for Commissioner Goodson to appear by telephone.

Morris Richardson, County Attorney, responded affirmatively.

The Board approved for Commissioner Goodson to participate via telephone.

**Result:** Approved

**Mover:** Rob Feltner

**Second:** Katie Delaney

**Ayes:** Delaney, Goodson, Adkinson, Feltner, and Altman

**F.1. Resolution, Re: Setting Forth the Findings and Conclusions of the Board of County Commissioners for the Denial of a Request for a Change of Zoning Classification from RU-1-13 to AU(L) on Property Owned by Lazy River Investments, LLC (continued)**

Kim Rezanka, Lacy Rezanka, stated she would like to speak to Item F.2.; she is here on behalf of Strada Development and Maronda, the contract purchaser; she does not have any comments regarding the statement of the case and the facts, actual final order, but she would like the Board to postpone this until she can get ahold of the entire record; as mentioned, she saw it cut off at page 124, 125, and it goes an excess of 300 pages; additionally, she would ask that the board put the adopted minutes, not the draft minutes, for both North Merritt Island P&Z and Board of County Commissioners; and until those are finalized minutes, until she can see the whole order, she would ask the Board to postpone adoption of this; and if not, she understands, but she would like to have the actual minutes instead of draft minutes.

Attorney Richardson stated he does have concern about extending it because of the timeline in which to finally take action on a development permit application; but if Ms. Rezanka would state for the record that her applicant is waiving any such requirements, then he would not have any problem with staff bringing it back when the full record is attached; and as far as adopted minutes, that is not typical with what they do with Findings of Fact just because those tend to trail.

Ms. Rezanka advised it has been a month, she would think that they would be adopted if they have not been already, at least North Merritt Island and P&Z; but if not, yes, she would waive

any requirement of adoption of a development order within a certain statutory timeframe or ordinance timeframe.

Commissioner Feltner stated maybe the Board could get clarity from the Clerk; and he asked if typically, the minutes are what, two months.

Donna Scott, Assistant Clerk to the Board, stated typically; and she asked if these are the P&Z minutes or Board of Adjustment minutes.

Commissioner Feltner commented he thinks the Board is talking about the Planning and Zoning for the Board of County Commissioners.

Attorney Richardson pointed out there are three sets, North Merritt Island board and Planning and Zoning board, which staff handles, and then the Board Zoning meeting minutes which the Clerk to the Board handles.

Ms. Scott noted they do not finalize the Board of Adjustment minutes.

Attorney Richardson stated right, but just for the Clerk, the Board of County Commissioners zoning meeting; and County staff does the Planning and Zoning and North Merritt Island minutes.

Ms. Scott stated right, so it does take a couple of months as Attorney Richardson said to go through that process to have the minutes completed; and once they are on the next Agenda to be approved, they will be full and posted as a full set of minutes adopted by the Board.

Attorney Richardson stated he is going to suggest the Board, for purposes of any appeal or anything like that . . . first of all, the applicant is responsible for having a transcript of the hearings, but generally for Findings of Fact and for the record, all that is needed is a verbatim transcript, it does not have to be adopted minutes per se; often minutes are not even verbatim, they are speaking minutes, so a transcript is generally preferable for something like Findings of Fact; but he would stipulate to bringing this back next month based on the applicant's statement that they will waive any timeframe; and it is just so the entire record can be in the Agenda packet.

Commissioner Feltner stated for Consent, the Board has F.1. that can be adopted, and then for F.2. that the Board table that to the next month's zoning hearing.

Mr. Prasad advised April 2nd.

The Board adopted Resolution No. 26-014, setting forth the findings of fact and conclusions of the Board pertaining to the denial of a request for a change of zoning classification from RU-1-13 to AU(L) on property owned by Lazy River Investments, LLC.

**Result:** Adopted

**Mover:** Katie Delaney

**Second:** Kim Adkinson

**Ayes:** Delaney, Goodson, Adkinson, Feltner, and Altman

**F.2. Resolution, Re: Setting Forth the Findings and Conclusions of the Board of County Commissioners of the Denial of a Request for a Change of Zoning Classification from AU and RR-1 to SR with a Binding Development Plan (BDP) on Property Owned by Strada Development, LLC**

Chair Altman asked why the Board is tabling F.2.; and he would like some clarification.

Morris Richardson, County Attorney, explained because the record that was attached to the Agenda somehow in the electronic upload it apparently got cut off at page 126, and there are a couple of hundred more pages; staff did not realize it did not make it into the package; Ms. Rezanka has requested, she stated that she has no issue with the form of the findings of fact order, but she would like to see the rest of the record prior to the Board's adoption; and that seems fair, especially since she has again waived on behalf of the applicant any challenge based on timeline.

Chair Altman mentioned that makes sense.

The Board tabled the proposed resolution setting forth the findings of fact and conclusions of the Board pertaining to the denial of a request for a change of zoning classification from AU and RR-1 to SR with a BDP on property owned by Strada Development, LLC, to the April 2, 2026, Zoning meeting.

**Result:** Tabled

**Mover:** Katie Delaney

**Second:** Rob Feltner

**Ayes:** Delaney, Goodson, Adkinson, Feltner, and Altman

**G. PUBLIC COMMENTS**

Gerhard Claassen stated he is here to speak about the budget; he is very concerned about the ballooning budget of the County; it seems it is not just start today, it started a long time ago; maybe it has been going on forever; but he stated the numbers at the previous meetings. He went on to say this week or last week he was watching the Board's YouTube Channel and he saw a video about the traffic management center groundbreaking ceremony; there was a lady, he did not write down her name, tall lady, blond hair, and a long acronym, the organization that she represented; then Jim Liesenfelt, County Manager, read a speech from Chair Altman who was not there, and then was a Marc Bernath, who basically said what this building was for, so there is a central located place where data people, there are a lot of corporate talk, but basically all of the video cameras that is all over the County will lead to this central place and that is why this is there; and he was thinking, wow, it is a CIA of this County and that chilled his spine to be honest. He went on to say former John Denninghoff came up, he believes is the retired Assistant County Manager for a historic perspective; he said it started in 2003; in 2003 the County was looking at the expansion of people moving into the County, more cars, and stuff, and one would think the County would build more roads and bridges, and the County said no, it was not going to do that because it is too expensive; the County said it was going to make it an intelligent traffic system; there have been fiber optic cables laid and cameras obviously put all over on the buses like he said last time; he is thinking wow, 23 years the County is wasting money on these things and millions of roads and bridges could have been built; and he just does not get that. He went on to say he is a simple man, but it makes no sense to him; he asked why the County does these things; he advised every year the budget goes up, six, seven, eight, 10, 12 percent every year; he has been looking at all of the different departments, everybody is financially irresponsible as the next one; the finger cannot even be pointed and say this one or that one; he can point the finger at the Commissioners; the

Commissioners are here to represent him and all of the people here; and he asked the audience if they wanted more bridges or more cameras. He noted he thinks there need to be more bridges and roads; he wonders if the Board actually cares about that; he knows it is harsh to say it, he does not want to be harsh; he wants the County to do better, to be financially responsible like he and everyone else has to be; he is sure at home the Commissioners are responsible financially; he asked why it cannot be done on a bigger scale; why not for a few years say no, it is not going to increase the budget; he stated it is 140 percent in the last 10 years; and if adjusted for inflation it is 117 percent, all while the population grew by 18 percent; he asked the Board to consider this year to keep the budget where it is; and he reiterated to just do it for one year and get by with what it has.

**H.1. Public Hearing, Re: Princeton Technology, LLC Requests a Conditional Use Permit (CUP) for (4COP) Full Liquor, Beer and Wine License for On-Premises Consumption, Accessory to a Bar, in a BU-1 Zoning Classification (25Z00044) (Tax Account 2104653)**

Chair Altman called for a public hearing to consider a request by Princeton Technology, LLC for a CUP for Alcoholic Beverages for On-Premises Consumption, accessory to a restaurant, in a BU-1 zoning classification.

Trina Gilliam, Planning and Zoning Manager, stated Item H.1. is Princeton Technology, LLC requests a CUP for (4COP) full liquor, beer and wine license for on-premises consumption, accessory to a bar, in a BU-1 zoning classification, application 25Z00044, and located in District 1.

Sachin Shenoy commented he is the operator of this particular establishment; they are asking for a CUP related to their business only; they do have a full liquor license and will comply with all regulations; the Planning and Zoning commission has seen their plans, and appropriately has given them permission to do so; and they would like the Board to codify it.

Commissioner Delaney stated she would make a motion to approve with the condition that the CUP is acceptable only to establishments operated by C&S Restaurants, Inc.

Commissioner Feltner stated he will second the motion if this is acceptable to the applicant.

Mr. Shenoy stated that is acceptable.

There being no further comments or objections, the Board approved the request of Princeton Technology, LLC for a CUP for (4COP) full liquor, beer and wine license for On-Premises Consumption, accessory to a bar, in a BU-1 zoning classification, and with an additional condition that the CUP is acceptable only to establishments operated by C&S Restaurants, Inc.

**Result:** Approved

**Mover:** Katie Delaney

**Second:** Rob Feltner

**Ayes:** Delaney, Goodson, Adkinson, Feltner, and Altman

**H.2. Public Hearing, Re: Spacewalk Groves, Inc. (Kim Rezanka) Requests a Conditional Use Permit (CUP) for Land Alteration (25Z00057) (Tax Account 2315318)**

Chair Altman called for a public hearing to consider a modification to an existing CUP for land alteration in Planned Industrial Park (PIP) zoning classification as requested by Spacewalk Groves, Inc.

Trina Gilliam, Planning and Zoning Manager, stated H.2. is Spacewalk Groves, Inc., represented by Kim Rezanka, requests a CUP for land alteration, application 25Z00057, tax account 2315318, and located in District 2.

There being no objections, the Board approved the request of Spacewalk Groves, Inc. for a CUP for land alteration.

**Result:** Approved

**Mover:** Tom Goodson

**Seconded:** Kim Adkinson

**Ayes:** Delaney, Goodson, Adkinson, Feltner, and Altman

**L.3. Reports, Re: Katie Delaney, Commissioner District 1**

Commissioner Delaney stated about a year ago when one of the County's hospitals was shut down, the community had to come together and figure out how to give people access to healthcare; the Space Coast Health Foundation pulled together a group of all of the different entities, the hospitals, the State organizations, elected officials, and city managers; it was an amazing group, extremely collaborative, and they worked together extremely well to make sure that people had access to healthcare; he wanted to mention that today was their final meeting; there is going to continue to be a roundtable of the CEOs of the hospitals just so that they can continue collaborating moving forward; it is just a good day to be on the other side of that; and she just wanted to say well done to everybody.


**L.7. Reports, Re: Thad Altman, Commissioner District 5, Chairman**

Chair Altman stated he just got back hours ago; he met with officials in Washington, D.C., the US Department of Transportation, the Department of Railroads, Senator Rick Scott, Senator Ashley Moody, and Congressman Mike Haridopolos; the meetings were very positive; they were there with the City of Cocoa and Brevard County Transportation Planning Organization (TPO); the application he thinks is very strong; although, at first in the one Big Beautiful Bill, he thinks it was around \$5 billion appropriated for rail projects; there was a shortage of applicants; and now there are more applicants for that pot of money than there is money, so it is a little more competitive. He advised they are just going to wait and see and hoping that some news perhaps will be gotten this summer, maybe June, where they will do some initial review of the projects; and he expressed his appreciation to this Board and its support for Brightline.

Upon consensus of the Board, the meeting adjourned at 5:25 p.m.

ATTEST:

  
\_\_\_\_\_  
RACHEL M. SADOFF, CLERK

  
\_\_\_\_\_  
THAD ALTMAN, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

As approved by the Board May 19, 2026.

**EXHIBIT E — Prepared in Opposition to Application No. 26Z00008**

**RECORD CITATIONS — JUNE 15, 2026 PLANNING AND ZONING BOARD HEARING**

Excerpts below are reproduced verbatim from an automated transcription of the official recording of the June 15, 2026 hearing of the Brevard County Planning and Zoning Board on the above applications. Transcription artifacts (e.g., “RU 111” or “RU11” for RU-1-11) are unaltered; the official recording controls in the event of any discrepancy. Timestamps refer to elapsed time on the recording. Section references are to the accompanying objection letter of Dangler Law dated July 6, 2026.

<b>Tr. Cite</b>	<b>Speaker</b>	<b>Excerpt (verbatim from automated transcription)</b>	<b>Establishes / Cited In</b>
Tr. 43:07–43:17	Applicant’s counsel	“that we have heard the neighbors. We have read all the comments and we are withdrawing H3. We’re no longer seeking a change of the future land use.”	Withdrawal of the FLU amendment (Item H.3) at the outset of the hearing. Cited in Sections I, IV.
Tr. 44:04–44:18	Applicant’s counsel	“We are amending the application from RU26 to RU111. So, that will allow 7500 square foot lots or larger. This is a constrained site, so we’re not sure how many exactly we can get on there. So that will change it to purely single family residential subdivision.”	Mid-hearing substitution of RU-1-11; concession that the site is constrained and the unit count unknown. Cited in Sections I, III.
Tr. 44:55–45:28	Applicant’s counsel	“Many of the comments from the public indicate that we should be doing full-blown wetlands studies and full-blown drainage studies and things like that. The uh requirements of a zoning application are found in 621151. The name of the owner, the written consent of the owner, the legal description of the property, the current zoning classification, the requested zoning classification, and a recorded warranty deed. That's all that's required for this application. And that's what been submitted.”	Applicant’s position that the minimum filing requirements of Section 62-1151 are “all that’s required.” Cited in Section V.

Tr. 47:34–48:03	Applicant’s counsel	“This is residential four. Maximum use can be four units to the acre. That is what we’re proposing. So, we can have some flexibility with the size of the lots at 7500. Some will likely be larger, but they cannot be any smaller than 7500. The homes to the east in Fox Bay according to staff report range anywhere from 0.15 acres to.33 acres. So they’re of similar size. The appropriateness of the proposed zoning classification based upon a consider consideration of the conditions contained in this article and other laws la la la ”	Characterization of RES 4 as capping four units per acre; 7,500 sq. ft. minimum lots; Fox Bay lot sizes per the staff report, “so they’re of similar size.” Cited in Sections III, IV.
Tr. 49:05–49:13	Applicant’s counsel	“Road. [clears throat] Regarding traffic and safety, the staff report has stated uh that previously for the possible 86 units, now the maximum units would be 57. But even for the 86 units, the staff report says that the corridor is anticipated to operate within maximum acceptable volume”	Traffic argument rests on the staff report prepared for the prior 86-unit proposal. Cited in Sections II, III.
Tr. 51:29–51:38	Applicant’s counsel	“the 86 units previously sought, now down to 57, that there were sufficient capacity in the elementary, middle school, and high school for this area. So, school capacity is a non-issue.”	School-capacity argument likewise rests on the prior analysis. Cited in Sections II, III.
Tr. 52:38–53:04	Applicant’s counsel	“Again, the compatibility for RU111 is apparent just looking at the map. The Fox Bay subdivision to the east is on 17.754 acres with 46 lots ranging in size from.15 acres to 33. The Village Glen Mobile Home Park to the west is 27.2 acres with 143 units average over five units to the acre. Uh the TR3 zoning only requires mobile home sites of 4,000 square feet.”	Compatibility case: Fox Bay stated as 17.754 acres with 46 lots (a built gross density of 2.59 units per acre); Village Glen Mobile Home Park stated as 27.2 acres with 143 units, over five units per acre. Cited in Section IV.
Tr. 54:47–54:54	Applicant’s engineer	“Uh just like Ms. Rezinka said, we don’t normally dive this deep at just a rezoning. Um but just to reiterate, we’re not asking for any change in the density. No land use change at all. Just um bringing the zoning change.”	“[W]e’re not asking for any change in the density. No land use change at all.” Cited in Sections I, III.

Tr. 58:46–59:02	P&Z Board member; Applicant’s engineer	“Q: And you're going to get to 50 some now. Um I mean it's going to happen around 50. A: We probably won't get that high because of the limitations of the site, the character of that zoning we're requesting, and the size of the lot. Q: So, it could be 40s. It could be. Who knows? A: Yeah, it probably be a lot less.”	Unit count unknown: “could be 40s. It could be. Who knows?” Cited in Section III.
Tr. 59:41–59:56	P&Z Board member; applicant’s engineer	“Q: Mr. Neil, so at the zoning of RR1-11, how many units per acre would that work out to be approximately? A: the land use was still four units per acre. Um, but R1 has different uh zoning requirements on it and as as I'm sure you're aware used to have a radio tower on it site.”	Direct Board question — how many units per acre under RU-1-11 — answered only with the land-use figure; the zoning-capacity question goes unanswered. Cited in Sections II, III.
Tr. 1:04:47–1:04:56	Resident speaker	“I submitted a petition just a few moments ago of over 2300 signatures and we have another 500 from our residents.”	Petitions in opposition: over 2,300 signatures submitted, with approximately 500 more from residents. Cited in Section VI.
Tr. 1:06:09–1:07:17	Scott Schiffer	“Members of the board, my name is Scott Schiffer, S C H I F F E R. I reside at 1891 Fox Bay Drive in Melbourne. Before this board proceeds further, I need to raise a procedural issue that I believe requires this item to be tabled. Brevard County's notice to applicants for change of land use regarding applications generating public opposition is clear. When an application generates opposition through letters, petitions, phone calls, or testimony, the applicant must meet the concerned pri parties prior to the planning and zoning board hearing. And critically, the policy goes further if this board finds that the application is controversial and the application has applicant has not met the affected property owners met with sorry, the item not may but shall be tabled to the next agenda to allow the meeting to take place. This application is	Procedural objection under the County’s meet-with-objectors policy; request to table. Cited in Section VI.

		controversial. 159 pages of public comments in the agenda packet and numerous petitions of concerned neighbors. I personally submitted an 18 page detailed opposition to the requested changes to the board on June 8th and the applicant has not reached out to us. Not one member of the opposition has been contacted for a meeting, a discussion or even an acknowledgement of our concerns.”	
Tr. 1:18:06– 1:18:15	Resident speaker	“don’t vote on the four today till you hear more from the public because the public wasn't prepared to talk about four per acre. We were prepared to talk about 85 low income proposed housing. That's what we were prepared to talk about. Thank you. Okay. Thank you.”	The public was not prepared to address the substituted classification. Cited in Sections I, VI.
Tr. 1:22:57– 1:23:11	Resident speaker	“I think that they are being very disingenuous in how they approached tonight’s meeting. If they want to change it, then we should be able to address the changes, not come and surprise us.”	Objection to surprise change; questions regarding the out-of-state applicant’s rental model unanswered. Cited in Section I.
Tr. 1:24:40– 1:26:08	Scott Dangler	“Uh, as I'm sure you can understand, the residents here are very happy to go ahead and hear about the withdrawal of the future land use map change. Uh, but I think quite honestly, it's fundamentally unfair now to go ahead and address a zoning change that has not been presented to the residents. Staff has not had an opportunity to go ahead and do a report. And quite honestly, I think if you polled the people here in the audience, no one knows what an RU 111 is. Like they were here prepared to go ahead and talk about RR1, RA26. So I think first it would just be it it's premature to go ahead and have a zoning decision made today by this board. This should be heard by staff have a full report full notice to the community so then a properly noticed and informed uh decision could be made. The other thing I would say is you know uh council had raised the issue of you know four acres	Fundamental unfairness of deciding a zoning change never presented to residents or analyzed by staff; fact-based survey of surrounding built densities (Fox Bay 2.6; Oakwood Trails 2.3; Hammock Estates 2.4; The Oaks 2.2; Creekwood 1.1; Anson under 3; Aurora Woods 1.2; Aurora Oaks 4). Cited in Sections I, III, IV; corroborated by Exhibit B.

		<p>you four lots per acre is kind of what they're anticipating with their zoning change but it's still incompatible and inconsistent with what's actually built there in the community. Now, this table was done to go ahead and address whether an RES4 should be changed to a six. If you look at all the communities that are nearby, what you'll notice when you look at the units per acre, Fox Bay is 2.6 units per acre, Oakwood Trails 2.3 units per acre. Uh Hammock Estates 2.4, Oaks of Holly, Oaks of Eau Gallie are 2.2, Creekwood 1.1, Anson's less than three, Aurora uh Woods is 1.2, to in Aurora Oaks is the only one that's four"</p>	
<p>Tr. 1:26:11– 1:26:36</p>	<p>Scott Dangler</p>	<p>“So if you look at what’s compatible with what’s actually built in the neighborhood of this particular piece of land, even four is incompatible. That's why it's RR1. And the last point I'd make, if you look at the corridor of on the west side of Turtle Mound, every single lot is RR1. This is a consistent neighborhood. There are no greater densities other than R1 as you move up that corridor. Thank you.”</p>	<p>RR-1 uniformity of the west-side Turtle Mound corridor extending north of the subject parcel; consistency of neighborhood character. Cited in Section IV; corroborated by Exhibit C.</p>
<p>Tr. 1:57:02– 1:58:04</p>	<p>Applicant’s counsel (rebuttal)</p>	<p>“There are many people that said zone it less. How about EU2? We've taken it a step lower to RU111 to give the flexibility because of the challenges of this land. And let's talk about the character. They only want to talk about the rural lands, but there's a lot more out there than just rural lands. This is the pack. This is what's in your package. Defender Homes is there. This is the Fox Bay up right here. No, let me see. I'm sorry. I'm backwards. right there. Fox Bay. Fox Bay. 1.15 acres.33 acres. Those are not rural residential lots. Those are smaller lots. That's a subdivision. That's where most of these people are from that are complaining about this. Okay. All right. Let me rephrase that. That was most of the the the emails that I saw were from Fox Bay. But you do see the</p>	<p>RU-1-11 chosen “to give the flexibility”; Fox Bay’s “smaller lots” and the mobile home parks invoked as the character of the area. Cited in Sections I, IV.</p>

		smaller lots. You see the smaller lots all around it. And you see the mobile home parks which are part of the character of the area.”	
Tr. 2:02:54– 2:03:38	P&Z Board member	“However, I would also state that this is completely changed from what we've all received previously. That's my follow. I go. Yes, Mr. John. Okay. I'm I'm looking at the the document here that we received that I studied before I come to these meetings when you were asking for an RU26. Coming here today asking for an RU 1111 is totally different and we have not had time to research it to get all the information necessary that that change would make. So I would ask for a continuance of this and let's get some real information so we can determine exactly what your client wants to do and then we can make deci, you know, a decent decision.”	Board members state the request is “completely changed from what we’ve all received previously” and that they “have not had time to research it”; continuance requested. Cited in Sections I, II.
Tr. 2:04:02– 2:04:21	P&Z Board member	“I want time to think it through, to do my own research, on every item that comes before me. This is also one of them that I would like to do that. I’d like to go a little in depth, find our what’s going on, what the impact would be with an RU111. I don’t know. So that’s why I’m and also staff report is not based on RU 1111.”	The staff report is not based on RU-1-11 and reflects the prior unit count. Cited in Sections II, III.
Tr. 2:04:53– 2:05:00	P&Z Board member	“would you be willing to return and come back with specifics with [your] revised plan and impacts”	Refusal to provide engineering, stormwater, site plan, or platting detail: the code “does not require” it. Cited in Sections III, V.
Tr. 2:05:05– 2:05:19	Applicant’s counsel	“Well, sir, you need to tell me what you want because the zoning code does not require storm water plans, site plans, platting, or any of that. If you want us to do full engineering designs, no, we're not coming back with full engineering designs, sir.”	Refusal to provide engineering, stormwater, site plan, or platting detail: the code “does not require” it. Cited in Sections III, V.

**EXHIBIT F — Prepared in Opposition to Application No. 26Z00008**

**ACTUAL-BUILT DENSITY OF SURROUNDING COMMUNITIES AND DEVELOPMENTS**

<b>Community</b>	<b>Plat Book/Page</b>	<b>FLU</b>	<b>Units</b>	<b>Total Acreage</b>	<b>Units per Acre</b>	<b>Notes</b>
<b><i>Communities Adjacent to or East of the Subject Parcel</i></b>						
Fox Bay	32/29 & 37/70	RES 6	46	17.7545	2.59	Applicant’s chosen comparator; acreage and lot count stated by applicant’s counsel (Tr. 52:49–52:57).
Oakwood Trails	27/50	RES 6	23	9.92	2.32	
Hammock Estates	37/5	RES 6	26	10.608	2.45	
The Oaks of Eau Gallie	33/12	RES 6	16	7.23	2.21	
Creekwood	43/8	RES 6	17	14.39	1.18	
Anson Subdivision	11/5	RES 6	18	See note	≤ 2.9	Total platted acreage indeterminate. 18 lots at a minimum recorded lot size of 0.34 acres implies not less than 6.12 acres of lot area, exclusive of rights-of-way, capping gross density below 2.9 units per acre; the actual figure is necessarily lower.
Aurora Woods	49/78	RES 6	30	29.965	1.25	
<b><i>Outlying and Non-Comparator Developments</i></b>						
Aurora Oaks	52/57	RES 6	60	14.28	4.2	Does not abut the subject parcel and shares no boundary or street network with it; fronts the Aurora Road corridor to the southwest, separated by intervening commercial, industrial, and mixed residential zoning. Even so, below its RES 6 plan ceiling.

Village Glen Mobile Home Park	Unplatted (TR-3)	RES 4	143	27.2	5.26	Figures stated by applicant's counsel (Tr. 52:57–53:04). Exceeds its RES 4 plan ceiling by more than thirty percent; legacy development predating the Comprehensive Plan — grandfathered, not compliant.
<b><i>Subject Parcel — Requested Classification</i></b>						
<b>Subject Parcel (substituted RU-1-11 request)</b>	—	<b>RES 4</b>	<b>≈83*</b>	<b>14.37</b>	<b>5.81*</b>	<b>*Theoretical maximum under the 7,500 sq. ft. minimum lot area of Section 62-1340 (43,560 ÷ 7,500 = 5.81); ≈83 lots on 14.37 acres. Exceeds the RES 4 plan ceiling of four units per acre.</b>

**Methodology:** Units per acre are calculated as platted units divided by total platted acreage per the recorded plat (gross density), consistent with the gross-acreage density methodology of Sections 62-1371 and 62-1372, Brevard County Code. Plat references are to the Official Records of Brevard County. Transcript citations (Tr.) are to the June 15, 2026 hearing of the Brevard County Planning and Zoning Board on the above applications. Future Land Use (FLU) designations per the Brevard County Zoning & Future Land Use Web App (captured July 3, 2026; excerpts at Exhibit G).

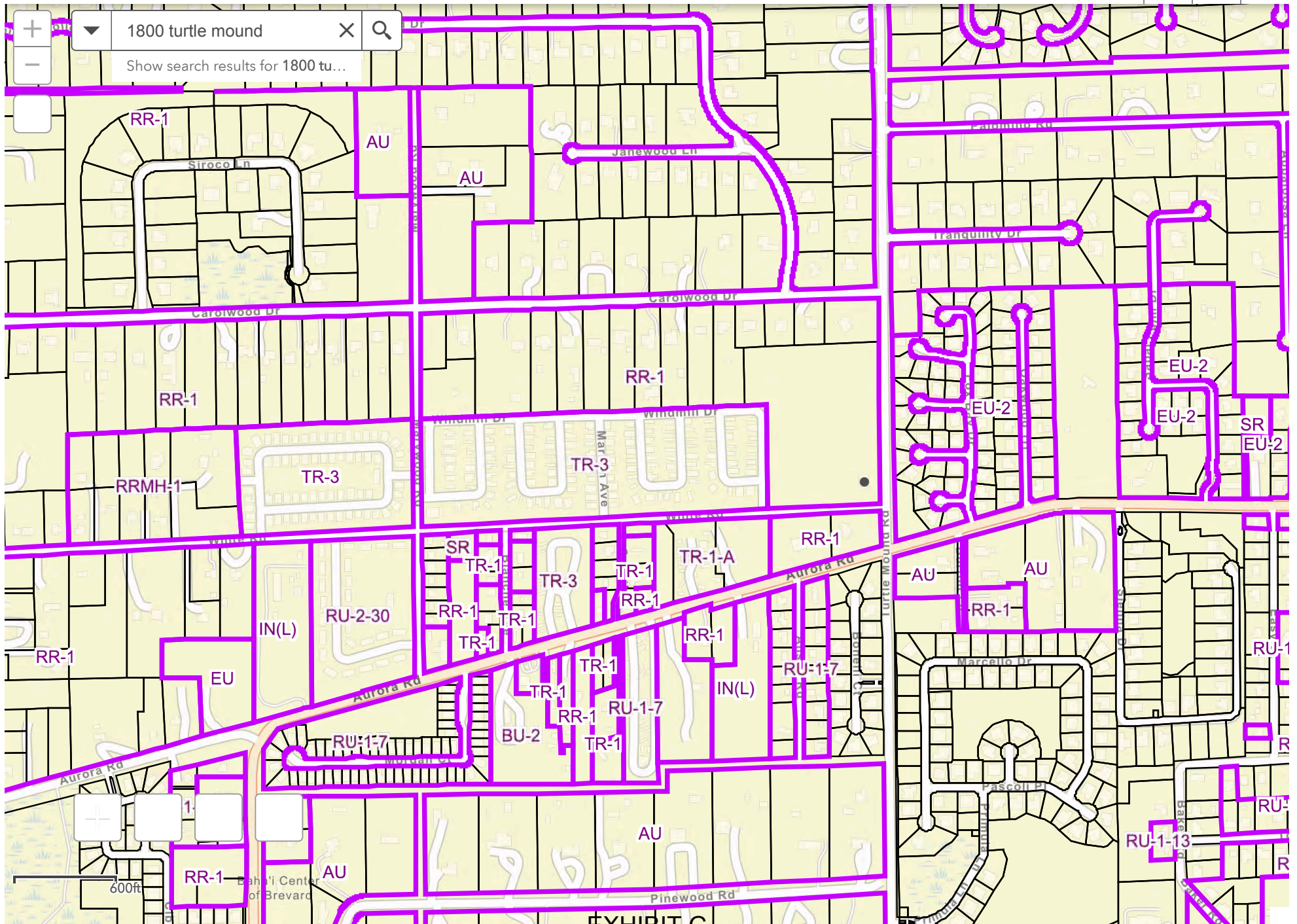


EXHIBIT G

