

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 13, 2026**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

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

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

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

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

EXCERPT OF COMPLETE AGENDA

H.6. Anthony J. Falanga requests a zoning classification change from AU (Agricultural Residential) to RR-1 (Rural Residential). (26Z00017) (Tax Account 2316489) (District 2)

Paul Body read item H.6 into the record.

Anthony Falanga spoke to the application. He stated when he went for a building permit he was told that the property is no longer compatible because it's now 2 acres of property and it needs to be a minimum of 2.5 to be agricultural. So, it was recommended by staff that I rezone the property to rural residential, which is conducive to the area.

PUBLIC COMMENT

Mary Hillberg stated she is on the North Merritt Island Dependent Special District Board voted unanimously to approve the request. We think it's compatible with the area and it's in the interest of the entire community.

END PUBLIC COMMENT

Mr. Michajlowicz inquired if this is for a single residence. And if you sell the property the idea is to put a house on it?

Mr. Falanga responded that his plan was to build a home. Yes, but he can't speak to someone else.

Mr. Hopengarten then asked if the intent was to build a house for himself and the compatibility issue came up when you went to the county to put a house on it.

Mr. Falanga stated when he went to get a building permit he was told it was unbuildable. The road that goes through the property has too many homes on it already. The road was an easement and over the years people kept putting more easements. This road has eight easements, and they will not allow another building permit. It was suggested I change the zoning because 2 acres is not code for agricultural and to change it to rural residential so I can at least have the property to code. The road problem is still there and that's for another day. I own the house located on the front of the property. Before I completed it, my life partner passed away. I moved into the home. I was there for about a

year, and it was just too difficult. My mistake was in selling the home. Shortly after that, I wanted to come back. We bought the surrounding property so we could guarantee our privacy, so I'm fortunate that I do have an adjacent piece of property that has another access.

Mr. Hopengarten inquired if changing the zoning would affect his access. And why bother doing it if you can't get the easement.

Mr. Falanga responded with no. I can't go to the next step until I rezone it.

Mr. Minneboo commented that's called a flag lot overload stem. You're only allowed so many units on the stem, and you overload it.

Mr. Falanga commented I wish they had given me that permit.

Mr. Hopengarten asked staff if he must do the zoning change first before you resolve the flag lot issue. And, is he guaranteed that he can get that.

Mr. Body responded right now he needs to have it rezoned because it doesn't meet the size requirement for the AU. Then he can apply for an access easement after it's rezoned. There's no guarantee he'll get it. He'll have to get approval to go across somebody else's property and come in and apply for the access easement. We can't approve access to it because it does not meet the size requirements. So, that's the reason he's here. It would be administratively done after the rezoning. He must come in and apply for it.

Alex Esseeesse stated that for this gentleman to develop his property, it needs to be rezoned to RR1 because he doesn't have the size requirements for the zoning. Chapter under section 62-102 deals with access for single family residential building permits. This individual is going to have to go to his neighbors, secure access through an easement that meets our code requirements, and then he'll be able to get his building permit. Either way there's going to be costs associated with this, whether he'd be getting the easement from his neighbors, which potentially would cost him more because it's up to you guys and the board of county commissioners to grant him his zoning change, which is not guaranteed. He needs to work with his neighbors to get an easement from the neighboring properties to connect to the public right of way because he doesn't have frontage.

Mr. Falanga stated it is two different roads. When we built the home, we purchased the surrounding properties. So, I do have the property to access it. I don't have to go to my neighbors. So, I do have the property to access it. And that's why the county suggested I rezone it because with me owning the property, I don't have that step. I don't have to go to a neighbor for it.

Mr. Johnson inquired because of what he's talking about now, the access is going to be through property that he already owns, does he have to get an easement still? And would that be from him?

Mr. Esseeesse stated it depends on the circumstances surrounding the property. Right now, before you is a rezoning that deals with making it compliant with our acreage requirements.

Mr. Atkins stated the lot he would use for his access is .65 acres. And then you own another lot the same size just to the south of that. Since the one lot touches, why not just combine that with this one and have more than two and a half acres and then you don't have to rezone it at all and go through all this?

Mr. Falanga stated he was told he could do it with a variance. It took about a year because it was very difficult at that time to get a surveyor. When I finally got all the paperwork, I went in and it was politely brought to my attention that there was an internal policy that they most likely would not

approve it. Then I was told to rezone it, and then use the property they had, put an easement over the top of it and I can get to the property. I would not like to start this procedure all over again if I can help it.

Mr. Minneboo inquired how many flag lots are permitted.

Ms. Gilliam responded with you can have two flag lots side by side. Depending on how you configure it, but two side by side. And then there's another property to the south there that you can't get an easement over an easement. But since he owns the other two properties that abut the main road there....

Motion to recommend approval of item H.6 by Robert Brothers, seconded by Eric Michajlowicz.
Motion passed unanimously.

Meeting adjourned at 5:21 p.m.

DRAFT