

Brevard County Planning and Zoning Committee
Brevard County Board of County Commissioners. Attention: Jennifer Jones

This letter is in reference to application #22Z00055. Kelsey Barnes and Michael C. McLain 2405 Maple Street Melbourne, FL. 32904 Parcel I. D. 28-36-12-00-42, applying for a change in zoning from RR to AU. Their application states that they want to breed chickens and doesn't mention the roosters they already own. **They applied for this zoning change (10-06-22) while they were being sighted by Code enforcement to remove their roosters.** They have given the 3 roosters to a neighbor whose property is 170' away from us (we would not wish this noise on anyone) to hold until they get rezoned. Let us explain.

In 2020 we asked Kelsey and Michael to get rid of 2 roosters. These roosters crowed simultaneously and continuously for 8-12 hours daily. We offered to compensate. **We told them they were not zoned for roosters. We asked 5 times.** Kelsey refused to talk, they were her "**pets.**" The two roosters died. Kelsey has **accused us twice of killing her roosters.**

In the next year they purchased 4 more roosters. They fenced the 4 roosters with several chickens **20' from our property.** The loud crows and the long durations went on all day until sunset. They never put them in early knowing they were disturbing the peace. They knew that the noise bothered us. The noise runs through our home. They knew they were not zoned to have roosters. The property has been in the family for many years.

We own 652' of a shared property line to the north of this property.
We have asked 8 times to have a conversation.

We contacted code enforcement. They had us contact Christen Champion and she confirmed the property is RR. **No roosters allowed.** So the roosters were moved off the property to the afore mentioned neighbor, 170' from our property. They are hoping to get them back.

While they were being sighted they put in a complaint to code enforcement about our culvert. The culvert has never been a problem. The culvert was installed before we purchased our property in 1987 and their property has been in the family since 1998. Code enforcement (Ricky Mays) let them know it was not a code enforcement issue.

They are changing the zoning so they can have roosters. Currently zoned RR they can have farm animals and eggs, but have restrictions **(no roosters.)** (Section 62-1927)

This will have an adverse impact of future potential use of our property.

The area is primarily changing to residential with a few of us still AU and no one has ever been unthoughtful by having roosters that **disturbed the peace.**

There is little drainage on the back of their property for runoff. Fowl excrement, causes several respiratory illnesses. The quality of life with multiple roosters and breeding

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chickens will affect everyone around them. With roosters and other animals there will be high noise levels, odor, and runoff that can cause illness. We would not wish this constant noise on anyone. There is nowhere on this property that the roosters will not be a nuisance.

It is in our opinion that this property is not large enough for what they have proposed without affecting the neighbors adversely.

This public hearing is to hear from the neighbors that are being affected by this proposed zoning change. They are suppose to talk with us and work out these differences. We have asked several times. They have refused.

Please do not approve this property to have multiple roosters. The decibel level of daytime noise above normal (75 db) can lead to anxiety, loss of sleep, high blood pressure, and tinnitus. Please consider the health and well being and the desire and future to live in this area.

Thank you for your time and consideration.

Roy Brent and Sharon Dolan
2395 Maple Street Melbourne, FL 32904
phone 321-223-6147

You are welcome to come out to our property anytime and view the situation. Open the gate it is not locked.

Note: The sound of a rooster crowing can reach **142 decibels** (when measured at the rooster's head). To put that in context, a chainsaw produces about 120 db and a jet taking off 25 meters away is about 150 db and can lead to eardrum rupture. Jul 2, 2019 (google)

December 21, 2022

Re: 22Z00055

Ms. Jones,

My name is Patrick Horn. My wife Susan and I reside on the property North of the Dolan's. We have been neighbors for over 30 years. The Dolan's property is right up against the property that is petitioning to be rezoned to AU. Even though Susan and I are approximately 80 yards from the property in question, we can clearly hear their roosters. The roosters are a nuisance all day long and has been quite annoying in our residential neighborhood.

They had 4 roosters on their property until they were told they couldn't have roosters on a RR-1 zoned land. It is my understanding that the roosters are being housed on the property South of the land in question.

Susan and I can hear the roosters all day even though they are another 100 yards away (180 yards total).

The Dolan's ran a very successful nursery (quietly) for several decades. Now, they are retired and have to battle with their neighbors about roosters of all things. The said property wants to have 4 or more roosters. Can you imagine having worked all these years to begin retirement and now have to deal with roosters out your front door? If this request to rezone the property to AU is granted, it is going to severely disrupt our quiet piece of Brevard County. It will also cause a lot of neighborly tension.

Respectfully,

Patrick and Susan Horn
2335 Maple Street
Melbourne, FL 32904
321-403-2891

#22Z00055

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Jennifer Jones, Kristen Zonka Brevard County District 5 commissioner,

We would like to add to our previous submitted comment pertaining to application #22Z00055.
Kelsey and Michael McLain 2405 Maple Street, Melbourne, FL. 32904.

There are approximately 9-11 single family residential homes surrounding this property all in hearing distance of these roosters.

Our home (2395 Maple Street) has always sat between two RR-1 Zoned properties since we moved here in 1987.

We have run a native plant nursery business (Maple Street Natives) for 35 years and always have had respect for noise levels for our neighbors residence.

We have had quiet neighbors without continuous noise for 33 years because of this RR-1 zoning, until Kelsey bought roosters which is explained in our previous comment.

Why would someone that has been disrespectful (Kelsey and Michael) be able to now do whatever they want and cause continuous noise by changing the zoning to AU just to have roosters?

We tried to have a conversation with Michael and let him know he can talk about anything with us. We wanted to have a good neighbor relationship.

Kelsey walked up told Micheal to go back to work and in anger said "You have cost me 3,000.00 to take down trees and put up a fence." For the second time she accused us of killing 2 of her roosters. She went on with other personal accusations and said to me personally **"Whatever the worst thing that can happen to someone is I hope it happens to you."**

We did not engage.

We have never had a conversation with Kelsey. She has refused. She has however yelled in anger at us on 2 occasions. Both times accusing us of killing her roosters among other things.

Sharon and Roy Brent Dolan
2395 Maple Street
Melbourne, FL. 32904
321-223-6146