

Fw: Public Hearing RE: Vested Rights of Air Liquide

HearingOffice <hearingoffice@brevardfl.gov>

Tue 07-May-24 11:07 AM

To: Prasad, Billy <Billy.Prasad@brevardfl.gov>

1 attachments (411 KB)

Waller 05.07.2024.pdf;

Angela Damm-Martling
Brevard County Enforcement Hearing Office
Planning and Development Department
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Viera, FL 32940
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From: lawrtw <lawrtw@gmail.com>

Sent: Tuesday, May 7, 2024 10:04 AM

To: HearingOffice <hearingoffice@brevardfl.gov>

Subject: Public Hearing RE: Vested Rights of Air Liquide

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Respectfully submitted by Douglas & Theresa Waller and citizens of Merritt Island.

Thank you

Douglas & Theresa Waller
1420 D'Albora Road
Merritt Island, Brevard County

Douglas & Theresa Waller

May 3, 2024

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way, Bldg. C
Viera, Florida 32940
HearingOffice@BrevardFL.gov

Dear Commissioners,

We write to express our deepest appreciation and support for the well-reasoned Proposed Order that Special Magistrate Julie Harrison issued on April 8, 2024, regarding the Petition for Vested Rights filed by Air Liquide Large Industries, US, IP. We now ask that you adopt the same and deny the request for vested rights during the public hearing on May 21, 2024.

As Special Magistrate Harrison noted, on October 29, 2002, the Board of County Commissioners and Petitioner entered into a Binding Development Plan that provided that **"Developer/Owner shall comply with all regulations and ordinance of Brevard County Florida.** This agreement constitutes Developer/Owner Agreement to meet additional standards or restrictions in developing the property. **This agreement provides no vested rights** against changes to the comprehensive plan or land development regulations that may apply to this property." *Proposed Order* at pp. 7-8 (emphasis added).

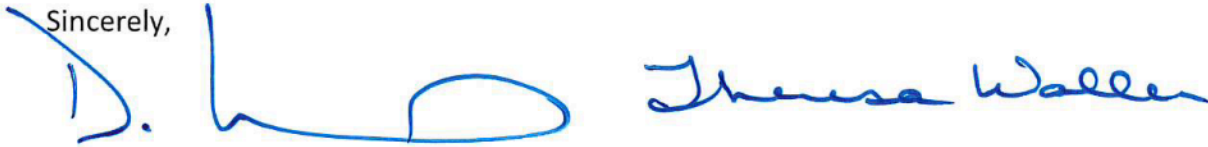
As residential neighbors of Air Liquide since our property purchase in 2001, we have witnessed the explosive expansion referenced in the Order. As Special Magistrate Harrison noted in paragraphs 44-47, the sound now emanating from the plant **"has serious negative effects"** on the health and welfare of the many families in our community. The sound levels are in fact **"excruciating, unbearable, stressful, horrendous and unnatural."** *Proposed Order* pg. 22.

We passionately join our community and would like to applaud the efforts of Code Enforcement and County Staff over the many years to finally reach this point. We join the following Merritt Island community in respectfully requesting your consideration in this very important matter. (Justin & Lillian Youney 1490 D'Albora Road, Rock and Brittany Contardi 1500 D'Albora Road, Brian Bauer 6488 Nunzio Lane, Theresa Huyen 1405 D'Albora Road, David & Judy Apple 6498 Nunzio Lane, Scott & Alice Denlinger 1385 D'Albora Road, Ed & Kristina Gonzalez 1360 D'Albora Road, Ron & Julie Rosenberg 1365 D'Albora Road, Rob Hill 1375 D'Albora Road, Wendy Elliott 1355 D'Albora Road, Ken & Kiela Frank 1380 D'Albora Road, Glenn Butts 1509 D'Albora Road.)

Because the Petitioner did not meet its burden in showing good faith reliance on any act or omission of the County and they cannot demonstrate that granting vested rights will not create imminent peril to our community's health, safety, and welfare; ***we respectfully implore the Board to adopt the Proposed Order and deny Air Liquide's Petition for Vested Rights.***

Thank you for your consideration of this very important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. L. Theresa Waller". The signature is stylized, with a large "D." followed by a long horizontal stroke and a loop, and then the name "Theresa Waller" written in a cursive script.

Douglas & Theresa Waller