

STATE OF FLORIDA
COUNTY OF BREVARD

Jacob Foune, after being duly sworn, deposes and says:

The undersigned is the owner of the real property described as follows:

(Insert legal description of property here)

4060 Golden shores Blvd. Mims, FL 32754
20G1-34-03-A1-8-6.24

There are no mortgages on the above described property

Dated this 10 day of February 2026

Jacob Foune
Signature

STATE OF FLORIDA
COUNTY OF BREVARD

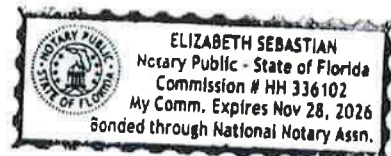
The foregoing instrument was sworn to before me this 10 day of February 2026 by

Jacob Foune, who is personally known to me or who has produced _____ as identification, and who did take an oath.

Notary Public:

Elizabeth Sebastian
State of Florida at Large
My Commission Expires: 11/28/2026

(SEAL)



LOCATION MAP

FOUNE, JACOB
25SS00008





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/3/2025

 Buffer
 Subject Property

ZONING MAP

FOUNE, JACOB

25SS00008



1:4,800 or 1 inch = 400 feet

Subject Property

Parcels

Zoning

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 9/3/2025

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, November 17, 2025, 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 (D1); Ron Bartcher (D2); Ruth Amato (D1); John Hopengarten (D1); Jerrad Atkins (D1); Robert Brothers (D5); Melissa Jackson (D5); Neal Johnson (D4); Ana Saunders (D5); Greg Nicklas (D3); Erika Orriss (D3); and Debbie Thomas (D4).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Tim Craven, Planner; Alex Esseesse, Deputy County Attorney; and Jordan Sagosz, Operations Support Specialist.

H.6. Jacob Foune requests a Small-Scale Comprehensive Plan Amendment (25S.14) to change the Future Land Use designation from RES-1 (Residential 1) to RES-2 (Residential 2). (25SS00008) (Tax Account 2000804) (District 1)

H.7. Jacob Foune requests a zoning classification change from SR (Suburban Residential) with a BDP to SR (Suburban Residential) with removal of the existing BDP and addition of a new BDP. (25SS00008) (Tax Account 2000804) (District 1)

Paul Body read both item H.6. and H.7. into the record as they are companion applications but will need separate recommendations.

Jacob Foune spoke to the applications. He stated he initially bought the property not aware of any issues to build on it. I turned in all my permits, got everything accepted, started construction. I currently already have my concrete slab done, my block. I have trusses sitting in the dirt for almost five or six months now. Now I'm just waiting to get it approved to continue my construction.

Public Comment

Clifford McKnight stated currently the rezoning, I don't know what happened to get this approved. Where you're supposed to get rezoned, you can rezone down to one acre. This is going to rezone it down to a half an acre, setting a precedence for future building in the area. According to the property appraiser website, this property is listed at .45 acres. It is now with the current survey listed as .51. So, I have a discrepancy there. I don't know what happened to get this thing rubber stamped to where he could start building. I feel sorry for him. But also with this property, the house directly behind it that just got built, 4070, their driveway runs directly through this piece of land also. So, by building this, approving it and building this house, you're cutting off their flag lot. They don't have direct access. The current BDP, I'm not sure what is going to entail with that being changed, but I'm not in favor of this.

End Public Comment

Mr. Hopengarten asked how did you buy this? Did you go through a realtor?

Mr. Foune replied no, no realtor. Nope. Just bought it. I work construction, so I just work in the area all the time and work with people that sell lots. I was told of the lot and made a deal and closed on it and turned everything in.

Mr. Hopengarten asked who did the survey for you. Did you pay for the survey?

Mr. Foune replied yes, sir.

Mr. Hopengarten asked so, your surveyor didn't notify you that this was an illegal lot.

Mr. Foune replied no, sir.

Mr. Hopengarten stated might be a lawsuit there for you. Also, it seems that the county mis-stepped on this too when they issued you a building permit, which is sad. Also, the last gentleman that spoke said that there's another lot that's supposed to be flagged through yours.

Mr. Foune replied correct. So, they have an easement, a 25 ft easement to the left.

Mr. Hopengarten asked is that what's showing on the survey? On the I guess it's the west side.

Mr. Foune replied yes, correct.

Mr. Body stated the parcel that's to the rear does have an approved easement to get to their lot.

Mr. Hopengarten stated that's not the west, that's the east side. I'm looking at the survey just to see where that is. But you're aware of that.

Mr. Foune replied correct.

Mr. Hopengarten stated I'm looking at this wrong. You're saying on the east side there's the flag lot.

Mr. Foune replied on the west side there is an easement for them. The other side there's like a piece of property. I think it's like a something the county owns. I think it's 25 ft wide as well.

Mr. Hopengarten replied okay, but it doesn't affect the house that you wanted to build.

Mr. Foune replied no, the slab's already done.

Mr. Hopengarten stated I really feel bad about this. The county let you down, the surveyor let you down. The seller let you down and you're paying money on construction that's not being completed. I think number one that they shouldn't charge you any fee for this change that you want and that they should let you proceed. That's sad.

Mr. Atkins asked who sold you the lot? And who is building the house?

Mr. Foune replied, Scotty Minnick. I'm owner builder.

Ms. Amato stated in the packet, it says that if the zoning request is approved that it will not be introducing a new zoning into the area, that it won't like RES2, can't be used in the future to build on the intensity and density in the area. How do we guarantee that? Because we got here there was a BDP to prevent this and multiple steps were missed. So, if we put another barrier in place, what guarantee is there that we're not going to be sitting here in another 6 months or so? There seems to

be quite a few mistakes happening up in the Scottsmeer area and it's repeated up against this board. And how do we stop, what does that guarantee?

Ms. Gilliam replied that the technicians that reviewed the building permit originally went through additional 8 weeks training. So, we have corrected that and tightened it up, so their reviews are more focused, and they know what to look for in the future. Additionally, we have cited in the staff report that this action if it is approved would not be precedential in nature. So, by stating that we feel that that would not allow for other people to do the same thing because this is a unique situation. Staff did make an error in originally approving the building permit and we're doing what we can for Mr. Founé to correct our errors.

Ms. Amato replied when we get these reports it'll give us a range sometimes like there's 0.2 2 acres to 5-acre properties in the area. Is there going to be a note attached to any rezoning in the area that this one will not be considered when we get those reports before a planning and zoning board. So that way in the future everybody who's considering a rezoning in that area will have a note to that effect.

Ms. Gilliam responded as you know when we do our staff reports, we do a search radius of a thousand square feet. So, any zonings, rezonings or small scales that have happened within that thousand square feet is noted in the staff report. That's how we would protect this from not happening again, from moving forward, is by doing that search.

Ms. Amato stated and in that staff report, it would let us know that this property shouldn't be considered.

Ms. Gilliam replied we would do what we can to work with the applicant before even bringing it forward. But of course, it is still up to the applicant in the end.

Ms. Amato responded it kind of feels like we're stuck between a rock and a hard place. People moved up that way and they have larger lots. They did that on purpose. They didn't stumble into larger lots. And now we have somebody who's going to lose an immense amount of money because somebody who sold him the lot dropped the ball, his surveyor dropped the ball, and someone in staff dropped the ball. And now there's no RES2 anywhere near that. And now we're going to introduce a new zoning into the area all to make everybody else's missteps correct. And the problem I have with that is considering everybody who lives there that moved there not to have that zoning. And that's quite a conundrum.

Mr. Johnson asked when you bought the property, did you close with a title company?

Mr. Founé replied yes, I did.

Mr. Johnson then asked, have you spoken to them about this? You should.

Mr. Founé replied I have not yet. No.

Mr. Bartcher stated relating to what Ruth was saying, when this lot was split back in 2020, who should have recognized that this was illegal. Would it be the property appraisers office, the buyer's lawyer, the county clerk, zoning staff, who would you expect to have found this error?

Ms. Gilliam responded zoning staff are not involved with properties when they're split. That is done through the clerk of courts. They also take it over to the property appraiser, but it must be recorded with the clerk of courts. Clerk of court staff does not look at zoning or BDPs or anything else. So, we don't know about it until it gets mapped.

Mr. Bartcher responded so in essence, what the situation that we have here is that until he pulls a building permit, he would never have known he had a problem.

Ms. Gilliam replied that is correct.

Mr. Bartcher stated and in this case, he actually got a building permit.

Ms. Gilliam replied yes, sir.

Mr. Body stated a lot of times the property appraisers will call zoning if they're trying to get a mortgage on it and make sure that it's properly done, and we'll tell them when something like this has been recorded that it's done without meeting the requirements for the zoning classification. The surveyors don't usually look at stuff like that. All they do is get a legal description and they go out and survey the property by that. The title company is the one that should be looking at that.

Mr. Bartcher stated I was thinking the title company ought to have found that and advised him that there was a problem. Because of all these failures, I'm going to recommend that we approve this with the disclaimer. But before we get to that, how are we going to put this disclaimer in effect? Are we going to ask him to put a BDP on the property or how's that known? How's it made known?

Ms. Gilliam responded yes, sir. We are requesting a BDP with this action. What we're proposing is two things. The applicant agrees that this rezoning request and companion future land use amendment application was the result of an unlawful split by the predecessor and interest and will stipulate to the fact in any future proceedings regarding that action. And number two, that this rezoning and companion future land use amendment application are not precedential but instead are being requested to resolve the substandard lot that has arisen as a result of the unlawful lot split. And under these particular circumstances, that it be recognized that these actions are being granted based upon the unique conditions of the subject property.

Mr. Bartcher stated I recommend approval with that disclaimer.

Ms. Orriss stated I've done a lot of real estate transactions in my lifetime, but I've always used a realtor and it's been brought to my attention, Erica this is zoned this way. And so, then the onus always is... you know for sale by owner then you know a lot of things get hidden and so just recommendation for the future. And I don't want to see this set a precedent, so I do want to make sure that we've got this BDP, and it is we know not to use it. So along with that I guess I'll go along with everyone else.

Mr. Atkins asked out of curiosity, what kind of construction do you do?

Mr. Founé responded HVAC.

Mr. Atkins asked do you work for the gentleman that sold you the property at all?

Mr. Foune responded yes, I do. I work for a lot of the small builders in Titusville, Mims area.

Mr. Minneboo asked if this falls under the auspices of the septic tank moratorium.

Ms. Gilliam responded no it does not.

Mr. Minneboo asked who said that? The area is not.

Ms. Gilliam responded it is not in the septic tank moratorium.

Mr. Hopengarten asked do you still work for Minnick.

Mr. Foune replied yes, I do.

Mr. Hopengarten asked does he know the troubles he's put you in?

Mr. Foune replied yep.

Mr. Hopengarten asked if he's helping you out in any way?

Mr. Foune replied we'll see. Hopefully.

Mr. Hopengarten stated this is an expense that... Do you have a mortgage on this?

Mr. Foune replied I don't.

Mr. Hopengarten stated you're paying cash for everything. I'll second his motion.

Motion to recommend approval of Item H.6. by Ron Bartcher, seconded by John Hopengarten.

Motion passed with a vote of 10:2.

Motion to recommend approval of Item H.7. by Ron Bartcher, seconded by Neal Johnson. Motion passed with a vote of 10:2.

Meeting adjourned at 4:27 p.m.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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December 12, 2025

MEMORANDUM

TO: Billy Prasad, Planning and Development Director Attn: Trina Gilliam

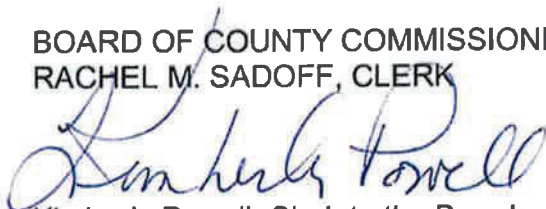
RE: Board Actions on Planning and Zoning Board Recommendations

The Board of County Commissioners, in regular session on December 11, 2025, took action on Planning and Zoning Board Recommendations.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Alice Randall, Zoning
County Attorney

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. **City Point Landfall, LLC.** Delaney/Feltner. Adopted Ordinance No. 25-22, setting forth the fourth Small Scale Comprehensive Plan Amendment (24S.11), to change the Future Land Use Map (FLUM) designation from RES-1, RES-2, RES-4, and NC to CC and RES-2, but declining to find that the proposed development is compatible with adjacent development, and thereby making the property ineligible for a density bonus under Policy 1.8 of the Future Land Use Element of the Brevard County Comprehensive Plan. (24SS00009). Approved with Commissioner Delaney voting nay.
- Item H.2. **City Point Landfall, LLC.** Delaney/Adkinson. Approved the request for a change of zoning classification from EU and RP with an existing Binding Development Plan (BDP) to Planned Unit Development (PUD) with the removal of existing BDP and approval of the Preliminary Development Plan (PDP); approved a waiver to section 62-2883(d) requiring an undisturbed 15-foot buffer around the perimeter of the project with the condition that any vegetation removed shall be replaced with reasonably similar vegetation in consultation with Natural Resources Management Department, for appropriate buffering vegetation that will thrive and mature into a buffer similar to its natural state; and making the PUD subject to the following conditions, which are to be memorialized in a BDP: an overall reduction of rate of stormwater discharge from the subject property, overall reduction of volume of stormwater discharge from the subject property, conduct a groundwater analysis to identify any groundwater concerns and address them accordingly, applicant voluntarily offers to dedicate up to 50 feet of right-of-way for Brevard County maintenance and roadway projects along North Indian River Drive, and the applicant to work with staff on shoring up/improving the shoreline on the lagoon. (24PUD00003). Approved with Commissioner Delaney voting nay.
- Item H.3. **Jacob Foune.** Delaney/Goodson. Tabled the request for a Small Scale Comprehensive Plan Amendment (25S.14) to the Future Land Use designation to the February 5, 2026, Zoning meeting. (25SS00008)
- Item H.4. **Jacob Foune.** Delaney/Goodson. Tabled the request for a zoning classification change from SR with a Binding Development Plan (BDP) to SR with removal of the existing BDP and addition of a new BDP, to the February 5, 2026, Zoning meeting. (25Z00037)
- Item H.5. **Alexis Raul and Rosemary Estevez DeJesus.** Delaney/Feltner. Denied the change of zoning classification from BU-1 with a BDP to BU-1 with removal of a BDP. (25Z00003)

- Item H.6. **Thomas Dahn.** Feltner/Delaney. Approved the change of zoning classification from RR-1 to AU. (25Z00024)
- Item H.7. **Dick Holdings, LLC.** Goodson/Delaney. Approved a Conditional Use Permit (CUP) for a private heliport in AU zoning classification. (25Z200033)
- Item H.8. **Leslie Bishop.** Adkinson/Delaney. Approved the change of zoning classification from RU-1-7 to SR. (25Z00034)
- Item H.9. **Paul and Cheryl Pearson.** Feltner/Delaney. Approved the change of zoning classification from RU-1-9 to RU-2-6. (25Z00035)
- Item H.10. **Sandra Walsh and Terrie Canada.** Adkinson/Feltner. Approved the change of zoning classification from AU to RR-1, with a BDP on the entire property stating no building for three years. (25Z00036) With Commissioner Delaney voting nay.
- Item H.11. **Jay Steinke and Grant Steinke.** Goodson/Adkinson. Tabled the request for a change of zoning classification from GU to AU, to the February 5, 2026 zoning meeting. (25Z00038)
- Item H.12. **Linda M. and Erran L. Muenzthomas Dahn.** Delaney/Feltner. Approved a change of zoning classification from GU to AU. (25Z00040)



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February 6, 2026

MEMORANDUM

TO: Billy Prasad, Planning and Development Director Attn: Trina Gilliam

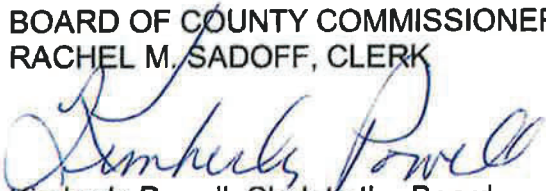
RE: Board Actions on Planning and Zoning Board Recommendations

The Board of County Commissioners, in regular session on February 5, 2026, took action on Planning and Zoning Board Recommendations.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**


Kimberly Powell, Clerk to the Board

Encl. (1)

cc: Alice Randall, Zoning
County Attorney

PLANNING AND ZONING BOARD RECOMMENDATIONS

- Item H.1. **Jay Steinke and Grant Steinke.** Goodson/Adkinson. Approved the request for a change the zoning classification from GU to AU. (25Z00038)
- Item H.2. **Laughing Clown, LLC.** Delaney/Feltner. Adopted Ordinance No. 26-01, setting forth the fifteenth Small Scale Comprehensive Plan Amendment (25S.15) to change the Future Land Use (FLU) designation from RES-2 to CC. (25SS00009)
- Item H.3. **Laughing Clown, LLC.** Adkinson/Delaney. Approved the request for a change of zoning classification from RP to BU-1-A. (25Z00028)
- Item H.4. **Strada Development, LLC.** Goodson/Delaney. Denied the request to change the zoning classification from AU and RR-1 to SR with a BDP, and directed the County Attorney to prepare a Finding of Fact to bring back for Board consideration. (25Z00039)
- Item H.5. **C. Steven Douglas.** Adkinson/Feltner. Approved the request for a change of zoning classification from TR-2 with BDP to AGR with removal of the existing BDP. (25Z00047)
- Item H.6. **Clinton Smith and Kimberly Smith.** Adkinson/Delaney. Approved the request for a change of zoning classification from RU-1-7 to SR. (25Z00048)
- Item H.7. **Lazy River Investments, LLC.** Adkinson/Delaney. Denied the request for a change of zoning classification from RU-1-13 to AU(L) and directed the County Attorney to prepare a Finding of Fact to bring back for Board consideration. (25Z00049)
- Item H.8. **100 Flug Ave., LLC.** Goodson/Feltner. Approved the request for a change of zoning classification from BU-1 to RU-2-15. (25Z00050)
- Item H.9. **Eric D. and Pamela S. Martin Trust.** Goodson/Delaney. Approved the request for a change of zoning classification from BU-1 to BU-1 and BU-2. (25Z00051)
- Item H.10. **Blair Foster (Foster Family Living Trust).** Feltner/Delaney. Approved the request for a change of zoning classification from GU to SR. (25Z00053)

- Item H.11. **Merritt Bidco SPV, LLC.** Goodson/Adkinson. Continued the request for a change of zoning classification from AU with a BSP to RU-2-15 and RU-2-30 with removal of BSP, to the March 16, 2026, Local Planning and Zoning (LPA) meeting and the April 2, 2026, Zoning meeting. (25Z00054)
- Item H.12. **Beverly Jean Richardson.** Delaney/Feltner. Approved the request for a change of zoning classification from RU-1-9 to RU-2-4. (25Z00055)
- Item H.13 **Jacob Foune.** Altman/Feltner. Adopted Ordinance No. 26-02, setting forth the fourteenth Small Scale Comprehensive Plan Amendment (25S.14) to change the Future Land Use (FLU) designation from RES-1 to RES-2. (25SS00008). Commissioners Adkinson and Delaney voting nay.
- Item H.14. **Jacob Foune.** Altman/Feltner. Approved the request for a change of zoning classification from SR with a BDP to SR with removal of the existing BDP and addition of a new BDP to include that the applicant agrees that the rezoning requested companion FLU amendment application was a result of an unlawful split by the predecessor in interest and will stipulate that fact in any future proceeding regarding that action and that this FLU amendment application are not precedential, but instead is being requested to resolve the substandard lot that has arisen as a result of the unlawful split, and under these particular circumstances that it be recognized that these actions are being granted based on the unique conditions of the subject property. (25Z00037) Commissioner Delaney voting nay.
- Item H.15. **Princeton Technology, LLC.** Delaney/Feltner. Continued the request for a Conditional Use Permit (CUP) for (4COP) full liquor, beer, and wine license for on-premises consumption, accessory to a restaurant, to the March 5, 2026, Zoning meeting. (25Z00044)