

From: [G W Wallace](#)
To: [Jones, Jennifer](#)
Cc: [Bill \(Gerald\) Wallace](#)
Subject: Marker 24 Marina, LLC. July 20, 2020
Date: Wednesday, July 15, 2020 2:55:48 PM

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July

15, 2020

(I'm writing this message because I can not reach you by telephone). This message is for the zoning/County Commission meeting to be held on July 20, 2020.

I am located along the adjoining fence line with the subject property - approximately 300 feet south of Jaren avenue.

I have no objections to the development of the marina except for the following two issues.

1. Water runoff.

As we know, water runs down hill. My concern is that with a change in the marina elevation my property could become flooded.

2. Fencing.

The existing chain link fence belonging to the marina has been in place for the last forty (40) years (perhaps longer). When the marina property was undeveloped the trees acted as a barrier to the view/line-of-sight between our properties. However, with marina development the trees and vegetation are gone - that line of sight BARRIER no longer exist. As the result, I would like the Marina to provide a solid barrier blocking the view between our properties.

I hope my concerns will be presented the Brevard County (zoning) Commission.

Thank you for your time and evaluation,

Gerald W. Wallace

1755 Jaren Avenue

Merritt Island, Fl. 32952

From: davidandbill@aol.com
To: Jones, Jennifer
Subject: Re: Marker 24 Marina CUP Request
Date: Tuesday, July 14, 2020 2:06:48 PM
Attachments: [Letter to Commissioners ID 20Z00009 Marker 24 CUP Application Neighbors Response.pdf](#)
[Marker 24 Signed Petition against rezoning 1385.pdf](#)

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Brevard County Planning and Development
Commission
Building A, Room 114
2725 Judge Fran Jaimeson Way
Viera, Florida 32940
jennifer.jones@brevardfl.gov (for inclusion in Meeting Packet: Local Planning Agency/Planning and Zoning Board)

July 14, 2020

Re: **ID# 20Z00009**
Application for Conditional Use Permit
Marker 24 Marina, LLC and Marker 24 Development, LLC

Dear Jennifer Jones,

I spoke with George Ritchie, and he suggested that I forward the attached letter and petition to you for inclusion into the Commissioners' meeting packets.

If you would be so kind, please find attached two (2) documents for enclosure into the meeting packet of the July 20, 2020 Local Planning Agency/Planning and Zoning Board.

1. A letter that specifically addresses the current CUP Application (**ID# 20Z00009**) and the **unfulfilled and agreed upon conditions** related to approval of the **former CUP Application** (ID# 19PZ00080)
2. The previous petition that was submitted for the former CUP (ID# 19PZ00080); that lists all the community objections that apply to the unfulfilled status of the former CUP as well as to the current CUP Application (**ID# 20Z00009**).

Can you please confirm receipt of this email and the letter, and that it has been included in the packet for the July 20, 2020 meeting?

Thank you in advance for your kind assistance.

Sincerely,
David E. Tate
1380 South Banana River Drive
Merritt Island Island, Florida 32952
Email: davidandbill@aol.com

-----Original Message-----

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>

To: davidandbill@aol.com <davidandbill@aol.com>
Sent: Thu, Jul 9, 2020 10:07 am
Subject: Marker 24 Marina CUP Request

Mr. Tate,

Please see the attached documents. If you have any questions after you review them, you can contact George Ritchie at 321-350-8272, or George.ritchie@brevardfl.gov

Jennifer

Jennifer Jones
Special Projects Coordinator
Brevard County
Planning and Development Department
Office line: 321-633-2070 ext. 58300
Direct line: 321-350-8300
jennifer.jones@brevardfl.gov

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Brevard County Planning and Development
Commission
Building A, Room 114
2725 Judge Fran Jaimeson Way
Viera, Florida 32940

July 14, 2020

jennifer.jones@brevardfl.gov (for inclusion in Meeting Packet: Local Planning Agency/Planning and Zoning Board)

Re: **ID# 20Z00009**

Application for Conditional Use Permit
Marker 24 Marina, LLC and Marker 24 Development, LLC

Dear Honorable Commissioners:

We, the neighbors of Marker 24 Marina, do unequivocally and irrevocably **oppose that certain portion of the Marina's Conditional Use Permit Application, that seeks to obtain a conditional use permit to use the residentially zoned property known as 1385 South Banana River Drive, Merritt Island, Florida 32952, for boat storage, parking, or dry slippage.**

Unfulfilled Conditions to Approval of Previous Marker 24 CUP (ID# 19PZ00080), August 2019

Marker 24's August 2019 CUP Application included 1385 South Banana River Drive, and the requested use was for an increase in boat storage and parking. The neighbors to the south end of the Marina objected to that usage for all of the health, peaceful enjoyment, and property value reasons stated in the previous and attached letter of petition, signed by said neighbors, delivered to the Commissioners, and entered into the record.

At the August hearing, in order to obtain approval for that August 2019 CUP Application, Peter Black, owner and representative of the Marina, agreed to the following conditions.

- **Retention of Residential Character:** Mr. Black agreed to delete 1385 from his CUP for boat storage, and that 1385 South Banana River Drive should and would remain residential.
- **Promise to not use 1385 for Marina Operations:** He would not utilize 1385 South Banana River Drive for any purpose other than residential.
- **Promised a Masonry Wall Not Constructed:** Mr. Black also promised to build **a masonry wall on the south end** to protect the neighbors from current marina operations related to hauling, dry dock, boat repair, and boat storage. That committed masonry wall has not been attempted or constructed.

We respect the Marina Ownership and applaud the continuous upgrades to the Marina on both of its east and west sides. We fervently hope that said respect is mutual, as we took Mr. Black, as owner-representative, at his word to not expand the boat storage in our direction. Thus, we hope that the Marker 24 Ownership is not attempting to cancel the agreed upon conditions relative to the August 2019 CUP, and that the ownership is not demonstrating a lack of that same neighborly respect.

Finally, if the CUP is granted, we respectfully request that our Honorable Commissioners will reaffirm the conditions and restrictions agreed upon in August of 2019, and retain the residential zoning of 1385 South Banana River Drive.

Sincerely,
David E. Tate
1380 South Banana River Drive
Merritt Island, Florida 32952

Brevard County Planning and Development
Commission
Building A, Room 114
2725 Judge Fran Jaimeson Way
Viera, Florida 32940

August 11, 2019

jennifer.jones@brevardfl.gov (for inclusion in Meeting Packet: Local Planning Agency/Planning and Zoning Board)

Re: **ID# 19PZ00080**

Application for Conditional Use Permit

Marker 24 Marina, LLC and Marker 24 Development, LLC

Dear Commissioners:

We, the neighbors of Marker 24 Marina, do unequivocally and irrevocably **oppose that certain portion of the Marina's Conditional Use Permit Application, that seeks to obtain a conditional use permit to use the residentially zoned property known as 1385 South Banana River Drive, Merritt Island, Florida 32952, for boat storage.**

The **purpose** of this petition is to present a **two-fold request**:

1. We request that our honorable Brevard County Commissioners **deny that portion of the Conditional Use Permit that seeks to use 1385 South Banana River Drive to expand the Marina's boat storage.**
2. We further request that if our honorable Brevard County Commissioners were to approve the CUP request to incorporate 1385 South Banana River Drive into the Marina Property, that said **approval will include the requirements as listed below.** That as a **condition of granting the CUP, Marker 24 Marina LLC and Marker 24 Development LLC:**

- a. Will build a **street side block wall**, along the perimeter of **South Banana River Drive, extending southward from the south end of the Marina's draw bridge to the south end of 1385 South Banana River Drive** to shield nearby residents from the excess noise and pollutants generated by 1) marina staff and boat owners, 2) the acts of lifting and moving of boats by boat lifts, and 3) the acts of repairing and painting of boats as an inevitable result of storage expansion;
- b. Will be **prohibited from changing its intent and using** (in part or in whole) **the 1385 South Banana River drive property for automobile parking**, unless such parking is limited to a driveway for a residence built on that same property;
- c. Will **move its current boat storage further back on its current property** (where boat storage once was done by a previous Marina owner);
- d. Will **modify the site plans for some of the currently planned residences** and continue to **build homes on the street side of Banana River Drive, where current boat storage exists;**
- e. Will **build a scenic buffer between the boat storage area and any planned, or to be planned, residences. A similar park-like buffer is being maintained and improved upon by Marker 24 for the houses being built on the north end of the Marina**, and the residents on the south end of the Marina, who are **long-term residents, deserve no less.** Moving the boat storage area and utilizing that current storage area for building residences as requested, would vastly improve the Marina's relationship with the community, and immensely improve this area's quality of life.

Marker 24 currently has plenty of commercial space onto which they can expand or create boat storage, but their desire to turn additional street frontage to the south into boat storage demonstrates a flagrant disregard for us, their neighbors to the south.

Certainly, even Marker 24 recognizes the negative impact of expanded storage onto residential property; otherwise they would have expanded their boat storage northward. Instead, Marker 24, on the north end of their property has created a park-like setting into which they are building high-priced single-family housing on both sides of the street, and that park-like setting with water views adds to the value of property they are developing. The potential dwellers of those homes will enjoy, unencumbered by boat movement and boat repairs, a water view of the Banana River as well as a park-like buffer that creates a pleasing view of the Marina. Since Marker 24 recognizes that expanding boat storage northward would greatly harm the value of the homes they are constructing, they have applied for a CUP to expand their boat storage southward – without regard for the impact on their neighbors to the south.

If Marker 24 is granted a CUP of 1385 South Banana River Drive, in order to expand its boat storage on that site, they will do to us, their neighbors on the south end, what they aptly avoided doing to themselves on the north end; i.e. additional boat storage on 1385 not only will do irreparable damage to our property values, but disrupt the unencumbered, peaceful enjoyment of all our homes – many of which at great cost have equally beautiful (full or partial) Banana River water views.

On numerous occasions the neighborhood has already witnessed first-hand, the negative impacts of the current street-side storage, and we readily understand that expansion of that boat storage along the street to include 1385 South Banana River Drive, will destroy the peaceful enjoyment of our homes, severely reduce our property values, and permanently disrupt our way of life - for ourselves and for our posterity. We, the neighbors whose properties would be devalued, would 1) awake each day to the sight of a boat (whatever the condition) staring us in the face, 2) hear, as we have in the past, party revelers on those boats well into the night, and 3) even if promised (as we were on the past) that such would not take place, we will experience not only the noise of repairs and parties, but the unhealthy and dangerous chemical fumes of boat cleaners and paints. Those paint and repair fumes are dangerous to everyone – especially over time - and if occurring on 1385, those dangers would be an even shorter distance away. The fumes are especially dangerous to some of the residents who suffer from cancer and other auto-immune diseases.

Certainly, we would not object if the Marina intended to build a residence on 1385 South Banana River Drive, with conformity to its current residential zoning. We also do not object to Marker 24's wishes to build additional housing on their property. However, it is **our request that our honorable Brevard County Commissioners will deny that portion of the Conditional Use Permit that seeks to use 1385 South Banana River Drive to expand the Marina's boat storage.** It is also requested that our honorable Commissioners will encourage Marker 24, to accomplish their boat storage objectives without commercially encroaching on the residential areas adjacent to, across from, and down the street from the current Marina. **To expand boat storage southward on 1385 South Banana River Drive would irreparably harm us, (all the Marina's good neighbors to the south), economically, physically, and civilly.**

While we have tried to be good neighbors to the Marina, and even supported their goal to build additional housing, it is unfortunately evident that by the Marina's request to expand their boat storage south, that the Marina ownership may not share that same neighborly respect.

Finally, we hope that, if the CUP is granted, that our Honorable Commissioners will include the conditions and restrictions requested in this letter.

Sincerely,
David E. Tate
1380 South Banana River Drive
Merritt Island, Florida 32952

David E. Tate 1380 S. Banana River Dr. Merritt Island 32952

W. J. Dudley

W. Postum 1389 S. Banana River Dr

F. Nelson 1410 S. Banana River Dr.

John Sells 1870 W. VIRGINIA AVE MI

Jessie Sells 1395 S. Banana River Dr. MI

From: davidandbill@aol.com
To: [Jones, Jennifer](#); [Ritchie, George C](#)
Subject: Re: Marker 24 Marina CUP Request
Date: Wednesday, July 15, 2020 4:06:14 PM
Attachments: [Letter Commissioners Withdraw Objection ID 20Z00009 Marker 24 CUP Application.pdf](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Receipt Requested
Re: Attached Letter to the Commisioners
Withdrawal of Objection to **ID# 20Z00009**

Dear Ms. Jones and Mr. Ritchie:

Please see he attached letter to the Commissioners which withdraws our objections to the CUP Application, ID# 20Z00009.

At a meeting today, July 15, 2020, we met with Peter Black, who assured us that the inclusion of the property known as 1385 South Banana River Drive was not meant to be included in the current CUP Application; and further indicated that his intent is to keep that property zoned for residential use.

At the meeting, he conferred with George Ritchie, via telephone,. to confirm that his current survey exempted 1385 from the CUP and boatyard expansion.

As long as 1385 is exempted from the CUP, Application, we have no objections to that Application.

Ms. Jones: Can you please confirm receipt of this letter to the Commissioners and our position noted?

Sincerely,
David E. Tate
1380 South Banana River Drive
Merritt Island Island, Florida 32952
Email: davidandbill@aol.com

-----Original Message-----

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>
To: davidandbill@aol.com <davidandbill@aol.com>
Sent: Tue, Jul 14, 2020 2:10 pm
Subject: RE: Marker 24 Marina CUP Request

Yes, sir. It will be given to both the P&Z Board and County

Commissioners.

From: davidandbill@aol.com <davidandbill@aol.com>
Sent: Tuesday, July 14, 2020 2:07 PM
To: Jones, Jennifer <jennifer.jones@brevardfl.gov>
Subject: Re: Marker 24 Marina CUP Request

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Brevard County Planning and Development
Commission
Building A, Room 114
2725 Judge Fran Jaimeson Way
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July 14, 2020

jennifer.jones@brevardfl.gov (for inclusion in Meeting Packet: Local Planning Agency/Planning and Zoning Board)

Re: **ID# 20Z00009**
Application for Conditional Use Permit
Marker 24 Marina, LLC and Marker 24 Development, LLC

Dear Jennifer Jones,

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1. A letter that specifically addresses the current CUP Application (**ID# 20Z00009**) and the **unfulfilled and agreed upon conditions** related to approval of the **former CUP Application** (ID# 19PZ00080)
2. The previous petition that was submitted for the former CUP (ID# 19PZ00080); that lists all the community objections that apply to the unfulfilled status of the former CUP as well as to the current CUP Application (**ID# 20Z00009**).

Can you please confirm receipt of this email and the letter, and that it has been included in the packet for the July 20, 2020 meeting?

Thank you in advance for your kind assistance.

Sincerely,
David E. Tate
1380 South Banana River Drive
Merritt Island Island, Florida 32952
Email: davidandbill@aol.com

-----Original Message-----

From: Jones, Jennifer <jennifer.jones@brevardfl.gov>

To: davidandbill@aol.com <davidandbill@aol.com>

Sent: Thu, Jul 9, 2020 10:07 am

Subject: Marker 24 Marina CUP Request

Mr. Tate,

Please see the attached documents. If you have any questions after you review them, you can contact George Ritchie at 321-350-8272, or George.ritchie@brevardfl.gov

Jennifer

Jennifer Jones

Special Projects Coordinator

Brevard County

Planning and Development Department

Office line: 321-633-2070 ext. 58300

Direct line: 321-350-8300

jennifer.jones@brevardfl.gov

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Brevard County Planning and Development
Commission
Building A, Room 114
2725 Judge Fran Jaimeson Way
Viera, Florida 32940

July 15, 2020

jennifer.jones@brevardfl.gov (for inclusion in Meeting Packet: Local Planning Agency/Planning and Zoning Board)

Re: Withdrawal of Objection to **ID# 20Z00009**
Application for Conditional Use Permit
Marker 24 Marina, LLC and Marker 24 Development, LLC

Dear Honorable Commissioners:

The intent of this letter is to request the withdrawal of our objection to the July 2020, Marker 24 Marina CUP Application (**ID# 20Z00009**).

At a meeting with Mr. Black, today, 7/15/2020, Mr. Black assured us that in the current CUP Application (**ID# 20Z00009**), he did not mean to include the property known as 1385 South Banana River Drive for Marina Boatyard Expansion. Mr. Black intends to retain the 1385 property as residential.

During today's meeting, Mr. Black conferred with Mr. Ritchie by phone, and indicated that the current CUP map that showed 1385 South Banana River Drive as part of the July 2020 CUP was incorrect and must have been taken from a previous survey used for the August 2019 CUP Application (**ID# 19PZ00080**).

Mr. Black also indicated that the map for the current Application (**ID# 20Z00009**) should have been drawn from his most recent survey - which exempted 1385 from the Cup and the boatyard expansion.

If 1385 is exempted from the CUP this ameliorates all our concerns.

Many thanks for your time and consideration.

Sincerely,
David E. Tate
1380 South Banana River Drive
Merritt Island, Florida 32952
South Banana River Drive Neighbors

From: [Catherine Baldwin](#)
To: [Jones, Jennifer](#)
Subject: Marker 24 Marina id# 20Z00009
Date: Monday, July 20, 2020 1:39:07 PM

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Good afternoon Ms. Jones,

I directly abut the marina to the south at 1850 West Virginia Ave. At the last meeting I questioned the drainage from the marina onto my property. They have added a berm across most of the back of my property. I hope this is enough to keep my home from flooding as it did in Hurricane Irma. I also was assured that the chain link fence would be replaced by a wall between their commercial property and my residence. The fence is still there and it leans toward my home. What is the timeframe to build the wall?

Respectfully,

Catherine Baldwin