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December 3, 2024

**VIA HAND DELIVERY**

Chris Balter  
Director of Community  
Development  
1801 27<sup>th</sup> Street  
Vero Beach, FL 32960

Joe Flescher  
Chairman of the Board of  
County Commissioners  
1801 27<sup>th</sup> Street  
Vero Beach, FL 32960

Jonathan Day  
Chairman of the County  
Planning and Zoning  
Commission  
1801 27<sup>th</sup> Street  
Vero Beach, FL 32960

Re: Red Jazmine Land Company, LLC

Dear Mr. Balter, Chairman Flescher, and Chairman Day:

Please be advised that Red Jazmine Land Company, LLC (“Red Jazmine”), hereby appeals the decision of the Planning and Zoning Commission to deny a rezoning application for the approximately 4.2 acre property which lies at the northwest corner of the intersection of US Highway 1 and 73<sup>rd</sup> Street. This decision was made at the regularly scheduled Planning and Zoning Commission meeting on November 14, 2024.

In support of this appeal, Red Jazmine asserts that the Planning and Zoning Commission misapprehended or overlooked the following facts and law:

1. Alleged incompatibility with a non-conforming use is a non sequitur, and cannot form the legal basis for denying otherwise lawful rezoning.
2. The US 1 corridor constitutes a valid, viable, more-than-adequate buffer between alleged incompatible uses.

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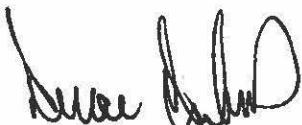
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PERSONAL INJURY & WRONGFUL DEATH · PROBATE & TRUST ADMINISTRATION · DIVORCE & FAMILY LAW · TAX LAW

3. The decision below ignored the lawful existing and emerging zoning pattern developing in the area of the requested rezoning.
4. The proposed rezoning is consistent with the Indian River County Comprehensive Plan and the application complied with all procedural requirements of the zoning ordinance. The Planning and Zoning commission failed to demonstrate that maintaining the existing zoning classification accomplished a legitimate public purpose.

Accordingly, at a minimum, the Planning and Zoning Commission erred in its interpretation and application of Section 902.12 of the Land Development Code and of Future Land Use Element Policy 1.43 of the Indian River County Comprehensive Plan.

For these and other reasons to be demonstrated at a public hearing, Red Jazmine hereby requests that this appeal of the denial of this rezoning application be heard by the Board of County Commissioners in a de novo hearing in accordance with the Indian River County Code of Laws and Ordinances.

Best regards,



Bruce Barkett  
For the Firm