



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

7/11/2024

Subject:

Suzanne Cook (Daniel Banker) requests a Conditional Use Permit for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification. (24Z00007) (Tax Account 2431745) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a CUP (Conditional Use Permit) for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification.

Summary Explanation and Background:

The property owner is seeking a Conditional Use Permit (CUP) to allow a guesthouse without kitchen facilities in the RU-1-13 zoning classification. Per section 62-1932(c): A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one-acre in size. However, this parcel contains 0.60 acres which does not meet the requirement to have a kitchen facility. A guesthouse shall meet the following conditions:

- The structure shall be a detached accessory structure located to the rear of the principal structure and shall not be attached to any other accessory structure.
- The structure shall not exceed the maximum size permitted for accessory structures in the applicable zoning classification. Where there is no maximum, the structure shall not exceed 50 percent of the size of the principal structure.
- The structure shall be used for the accommodation of family members, temporary guests (maximum six months), or servants only.
- The structure shall not be used for rental purposes.
- The structure shall be set back a minimum of ten feet from the side and rear lot lines.

To the north are single-family homes on parcels less than one acre lots with RU-1-13 zoning. Abutting to the south is a religious facility with IU(L) (Institutional Use Low intensity) zoning. West across N. Banana River Drive is zoned RP (Residential Professional) and developed with a Group Home. East across the canal is GU (General Use) zoning and developed with a single-family home.

The applicants included a set of plans for the proposed structure in their CUP application showing the proposed location, layout, and size of the structure as required by code. In addition, the applicant acknowledged that the guesthouse cannot have a kitchen and redlined the plans to omit the kitchen facility.

The Board's approval confirms the exclusion of a kitchen, range, and electrical service for the range.

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential offsite impacts to the abutting properties.

On June 10, 2024, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Upon receipt of resolution, please execute and return a copy to Planning and Development.

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

"The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare."

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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<https://www.brevardfl.gov/PlanningDev>

STAFF COMMENTS

24Z00007

Susanne K. Cook, Trustee (Daniel Banker)

Conditional Use Permit (CUP) for a guesthouse in Single-Family Residential (RU-1-13)

Tax Account Number: 2431745
Parcel I.D.: 24-37-19-00-509
Location: East side of N. Banana River Drive, 445 feet south of Coquina Drive.
(District 2)
Acreage: 0.60 acres

Planning and Zoning Board: 06/10/2024

Board of County Commissioners: 07/11/2024

Consistency with Land Use Regulations

- Current zoning can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal can be considered under the Future Land Use Designation, Section 62-1255.
- The proposal would maintain acceptable Levels of Service (LOS) (XIII 1.6.C)

	CURRENT	PROPOSED
Zoning	RU-1-13	RU-1-13 with CUP for guesthouse
Potential*	One single-family home	One single-family home w/ guesthouse without kitchen facility
Can be Considered under the Future Land Use Map	YES Residential 4	YES Residential 4

* Zoning potential for concurrency analysis purposes only, subject to applicable land development regulations.

Background and Purpose of Request

The property owner is seeking a Conditional Use Permit (CUP) to allow a guesthouse without kitchen facilities in the RU-1-13 zoning classification as per Section 62-1932. Per section 62-1932(c): A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one acre in size. The parcel contains 0.60 acres and does not meet the one acre size requirement to contain a kitchen facility. The lot currently contains a single-family home. The parcel abuts N. Banana River Drive a county maintained roadway.

The original zoning of this property was GU (General Use). On July 6, 1978, it was rezoned under zoning action **Z-4560** from GU to RU-1-13.

The applicants included a set of plans for the proposed structure in their CUP application showing the proposed location, layout, and size of the structure. The set of plans for the proposed structure has only been reviewed for purposes related to the CUP application. The plan set has not been reviewed to compliance with other County code requirements. A building permit, 23BC24759, has been submitted for construction of the guesthouse. The building permit is on hold until the CUP has been approved or denied.

Section 62-1932 allows an application for a CUP for guesthouses subject it to the following minimum requirements:

(a) Guesthouses or servants' quarters are subject to the following minimum requirements:

- (1) The structure shall contain no kitchen facilities except where consistent with paragraph (c) below.

Section 62-1102, Definition of Kitchen, means a room or area within a room whose primary purpose is to store, prepare and cook food. A kitchen will have a refrigerator to store food, counter space and a sink to prepare food, and a stove and/or range to cook food.

Floor plan does not include a stove and/or range to cook food.

- (2) The structure shall be a detached accessory structure located to the rear of the principal structure and shall not be attached to any other accessory structure.
 - (3) The structure shall not exceed the maximum size permitted for accessory structures in the applicable zoning classification. Where there is no maximum, the structure shall not exceed 50 percent of the size of the principal structure.
 - (4) The structure shall be used for the accommodation of family members, temporary guests (maximum six months), or servants only.
 - (5) The structure shall not be used for rental purposes.
 - (6) The structure shall be set back a minimum of ten feet from the side and rear lot lines.
- (b) This conditional use shall not be granted on a parcel of land containing less than one-half acre. A conditional use permit shall not be required on parcels equal to or exceeding one acre in size.
- (c) A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one acre in size where the resulting density of the lot including the guesthouse or servants' quarters is consistent with the zoning regulation and comprehensive plan density designation. All other conditions enumerated above shall apply.

The parcel contains 0.60 acres and does not meet the one acre size requirement to contain a kitchen facility.

Section 62-1102. Definitions *Guesthouse* means living quarters within a detached accessory building located on the same premises as the main building, to be used for housing members of the family occupying the main building or their temporary guests. Such quarters shall be subject to the provisions of section 62-1932, shall have no separate utility meters, and shall not be rented or otherwise used as a separate dwelling.

The guesthouse will have not have seperate utility meters, utilities will be run from existing single family house on the parcel.

Land Use

The subject property is currently designated as Residential 4 (RES 4) FLU. The current RU-1-13 zoning can be considered consistent with the existing RES 4 FLU designation

Applicable Land Use Policies

Policy 1.7 –The Residential 4 Future land use designation. The Residential 4 land use designation affords an additional step down in density from more highly urbanized areas. This land use designation permits low density residential development with a maximum density of up to four (4) dwelling units per acre, except as otherwise may be provided for within the Future Land Use Element.

The Board should evaluate the compatibility of this application within the context of Administrative Policies 3 - 5 of the Future Land Use Element.

Analysis of Administrative Policy #3 - Compatibility between this site and the existing or proposed land uses in the area.

Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use;

The proposed guesthouse is not anticipated to have any minimum impact on hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in the surrounding area.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development.

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

- 1. historical land use patterns;

The historic land use pattern along N. Banana River Drive has been the development of single-family homes on lots less than one acre in size.

- 2. actual development over the immediately preceding three years; and

It appears no changes to the immediate area have occurred within the last three years.

3. development approved within the past three years but not yet constructed.

It appears there has been no development approved within the past three years that has not yet been constructed.

- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

The proposed use would not result in a material violation of relevant policies in any elements of the Comprehensive Plan. No kitchen facility is allowed.

Analysis of Administrative Policy #4 - Character of a neighborhood or area.

The developed character of the surrounding area consists of lots less than one-acre in size zoned RU-1-13 and RU-1-11 developed with single-family homes and IN(L) (Institutional Use Low intensity) developed with a church.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Single-family residence	RU-1-13	RES 4
South	Place of Worship (Church)	IN(L)	RES 4
East	Across Canal, Single-family residence	GU	RES 6
West	Across N. Banana River Drive, Group Home	RP	RES 4

The subject property is surrounded to the north by single-family homes on parcels less than one acre lots with RU-1-13 zoning, which is consistent with the FLU designation of RES 4.

Abutting to the south is a religious facility on 3.95 acre parcel with IU(L) (Institutional Use Low intensity) zoning.

West across N. Banana River Drive is zoned RP (Residential Professional) and developed with a Group Home.

East across the canal is GU (General Use) zoning and developed with a single-family home.

RU-1-13 classification permits single family residences on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

IN(L) is an Institutional Use (Low Intensity) zoning classification, intended to promote low impact private, nonprofit, or religious institutional uses to service the needs of the public for facilities of an educational religious, health or cultural nature.

RP is a Residential-Professional zoning classification, intended to promote low to medium density residential development along with low intensity commercial usage. Minimum lot area requirements in the RP classification are 7,500 square feet, with 75 feet of width and depth.

GU classification is a holding category, allowing single-family residences on five acre lots with a minimum width and depth of 300 feet. The minimum house size in GU is 750 square feet.

There have been no zoning actions within a half-mile radius around this site within the last 3 years.

Special Considerations for CUP (Conditional Use Permit)

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901, as outlined on pages 6 – 8 of these comments. Section 62-1901 provides that the approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. **The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved.** The applicant's responses and staff observations, if any, are indicated below.

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1906, on-premises consumption of alcohol.

This request should be evaluated in the context of **Section 62-1932** which outlines conditions for guesthouses or servants' quarters which states:

(a) Guesthouses or servants' quarters are subject to the following minimum requirements:

- (1) The structure shall contain no kitchen facilities except where consistent with paragraph (c) below.*

Staff's analysis: Guesthouse can not have a kitchen, see (c) below.

- (2) The structure shall be a detached accessory structure located to the rear of the principal structure and shall not be attached to any other accessory structure.*

Staff's analysis: Per plot plan provided with the application, the guesthouse will be to the rear of the principal structure and will not be attached to any other accessory structure.

- (3) *The structure shall not exceed the maximum size permitted for accessory structures in the applicable zoning classification. Where there is no maximum, the structure shall not exceed 50 percent of the size of the principal structure.*

Staff's analysis: The existing single-family house has 2,836 sq. ft. of living area. Each detached accessory building or structure shall not exceed 600 square feet or 50 percent of the living area of the principal building, whichever is greater. Per the proposed plan the Guesthouse will be 2 stories high and 800 sq. ft. and will meet accessory size requirement.

- (4) *The structure shall be used for the accommodation of family members, temporary guests (maximum six months), or servants only.*

Staff's analysis: The guesthouse will be for family members only.

- (5) *The structure shall not be used for rental purposes.*

Staff's analysis: The guesthouse will be for family members and not rented. Code does not allow guesthouse to be rented out.

- (6) *The structure shall be set back a minimum of ten feet from the side and rear lot lines.*

Staff's analysis: Proposed plot plan shows guesthouse will be setback 10 feet off the side (south) property line and 43.2 feet off the rear (east) property line.

- (b) *This conditional use shall not be granted on a parcel of land containing less than one-half acre. A conditional use permit shall not be required on parcels equal to or exceeding one acre in size.*

Staff's analysis: The parcel contains 0.60 acre which requires the CUP.

- (c) *A guesthouse or servants' quarters may contain kitchen facilities on parcels of at least one acre in size where the resulting density of the lot including the guesthouse or servants' quarters is consistent with the zoning regulation and comprehensive plan density designation. All other conditions enumerated above shall apply.*

Staff's analysis: The parcel contains 0.60 acres and does not meet the one acre size requirement to contain a kitchen facility, therefore not subject to the density requirements for kitchen facility. Per the proposed plan provided the guesthouse will not have a kitchen.

General Standards of Review

Section 62-1901(c)(1)(a): The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other

emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

Applicant's Response: Will not have an impact on any of these listed above.

Staff analysis: The CUP will not permit the guesthouse to be used for any commercial purposes. The CUP is not anticipated to result in excessive noise, odor, or traffic and meet Performance Standards of section 62-2251 through 62-2271.

Section 62-1901(c)(1)(b): The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

Applicant's Response: Will be compatible with the above statement.

Staff analysis: Guesthouse will meet setbacks and building size per proposed plans.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property.

Note: A substantial diminution shall be irrebutably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by a MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

Applicant's Response: As stated the project will not cause a substantial diminution in value.

Staff analysis: Evidence from an appraiser has not been provided by the applicant.

Section 62-1901(c)(2)(a): Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20 percent, or ten percent if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at level of service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable county standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

Applicant's Response: Will not burden adjacent properties as stated above.

Staff analysis: This property will remain residential and therefore will have a minimal increase on traffic.

Section 62-1901(c)(2)(b): The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

Applicant's Response: As stated above project will no interfere with nearby properties.

Staff analysis: This project shall comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272.

Section 62-1901(c)(2)(c): Noise levels for a conditional use are governed by section 62-2271.

Applicant's Response: Project will not exceed above DB. levels.

Staff analysis: This project shall comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. Any proposed outdoor lighting and noise standards should remain within code parameters or a violation will be created.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.

Applicant's Response: Solid waste disposal will not increase from this project.

Staff analysis: Proposed guesthouse is not anticipated to exceed level of service.

Section 62-1901(c)(2)(e): The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.

Applicant's Response: Water use will not increase from this project.

Staff analysis: The subject property is serviced by the City of Cocoa for potable water and is serviced by Brevard County for sewer. The gushouse will have not have seperate utility meters, utilities will be run from existing single family house on the parcel.

Section 62-1901(c)(2)(f): The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

Applicant's Response: We will comply with the above statement.

Staff analysis: Proposed CUP does not require these.

Section 62-1901(c)(2)(g): Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to, traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

Applicant's Response: Project will not cause any of the above statements.

Staff analysis: No signage or exterior lighting have been proposed.

Section 62-1901(c)(2)(h): Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

Applicant's Response: It's just a normal living space.

Staff analysis: This property will remain residential use and the proposed guesthouse will be for family members only and consent with residential use.

Section 62-1901(c)(2)(i): The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

Applicant's Response: Project will be under 35 feet in height.

Staff analysis: The proposed guesthouse will be two stories high per proposed plans.

Section 62-1901(c)(2)(j): Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Note: for existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Applicant's Response: Driveway parking is original since 1994 and will not change.

Staff analysis: Additional parking is not required for a guesthouse beyond the minimum requirements of two spaces per unit for single-family residential cited in Ch. 62-3206(d)(32).

Preliminary Concurrency

The closest concurrency management segment to the subject property is Newfound N. Banana River Drive, between Sykes Creek Pkwy. and Central Avenue, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 74.87% of capacity daily. The CUP is not anticipated to increase the MAV utilization. The corridor is anticipated to operate at 74.94% of capacity daily (LOS E). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as this proposal is below the minimum number of new residential lots that would require formal review.

The subject property is within the City of Cocoa's service area for potable water and on Brevard County's service area for sewer.

Environmental Constraints

NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

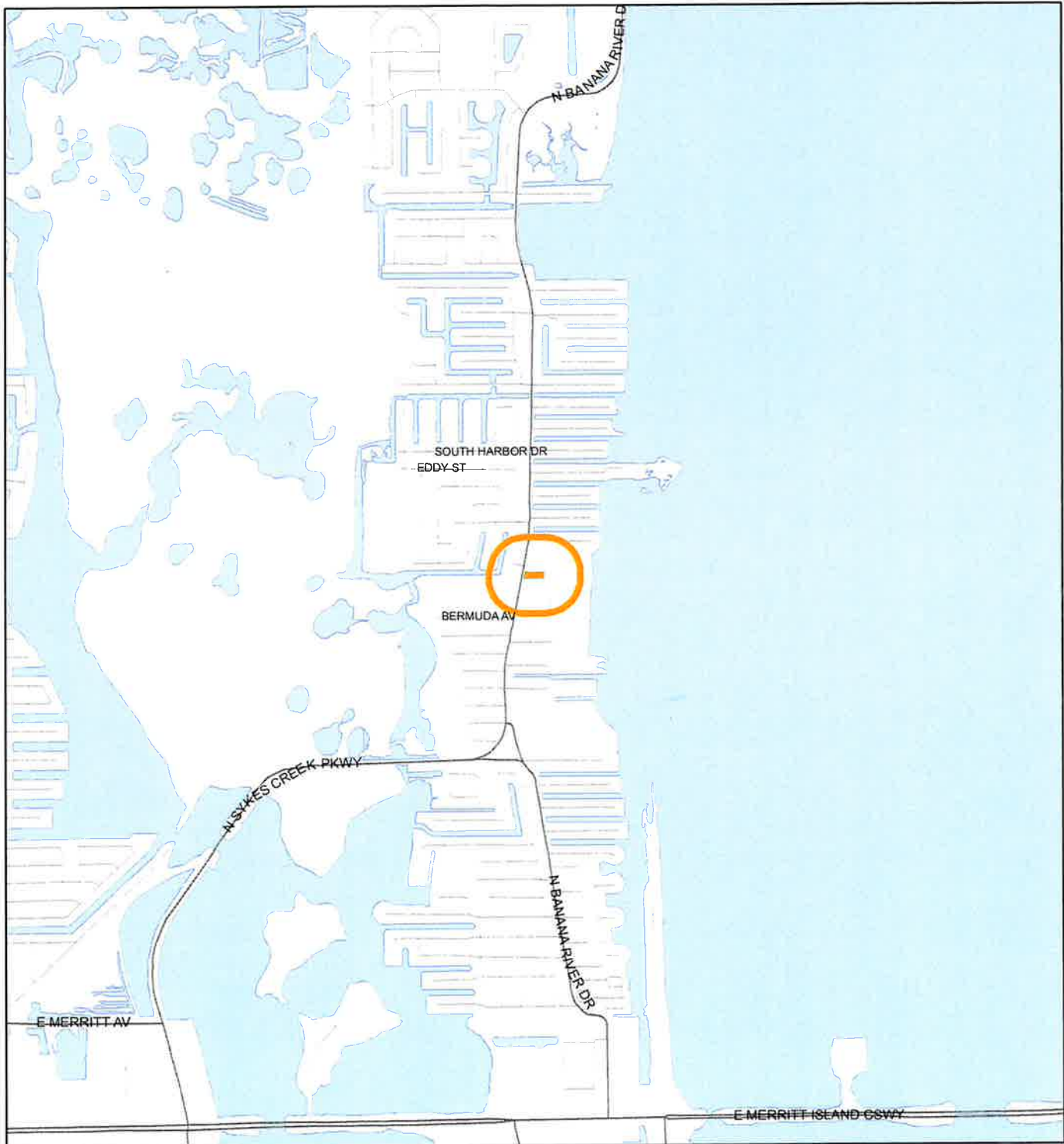
For Board Consideration

The Board may wish to consider the compatibility of the proposed CUP with the surrounding area. The Board may also wish to consider additional conditions beyond those cited in Sections 62-1901 and 62-1906 in order to mitigate potential offsite impacts to the abutting properties.

LOCATION MAP

COOK, SUSANNE K TRUSTEE

24Z00007





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

Buffer Distance: 500 feet

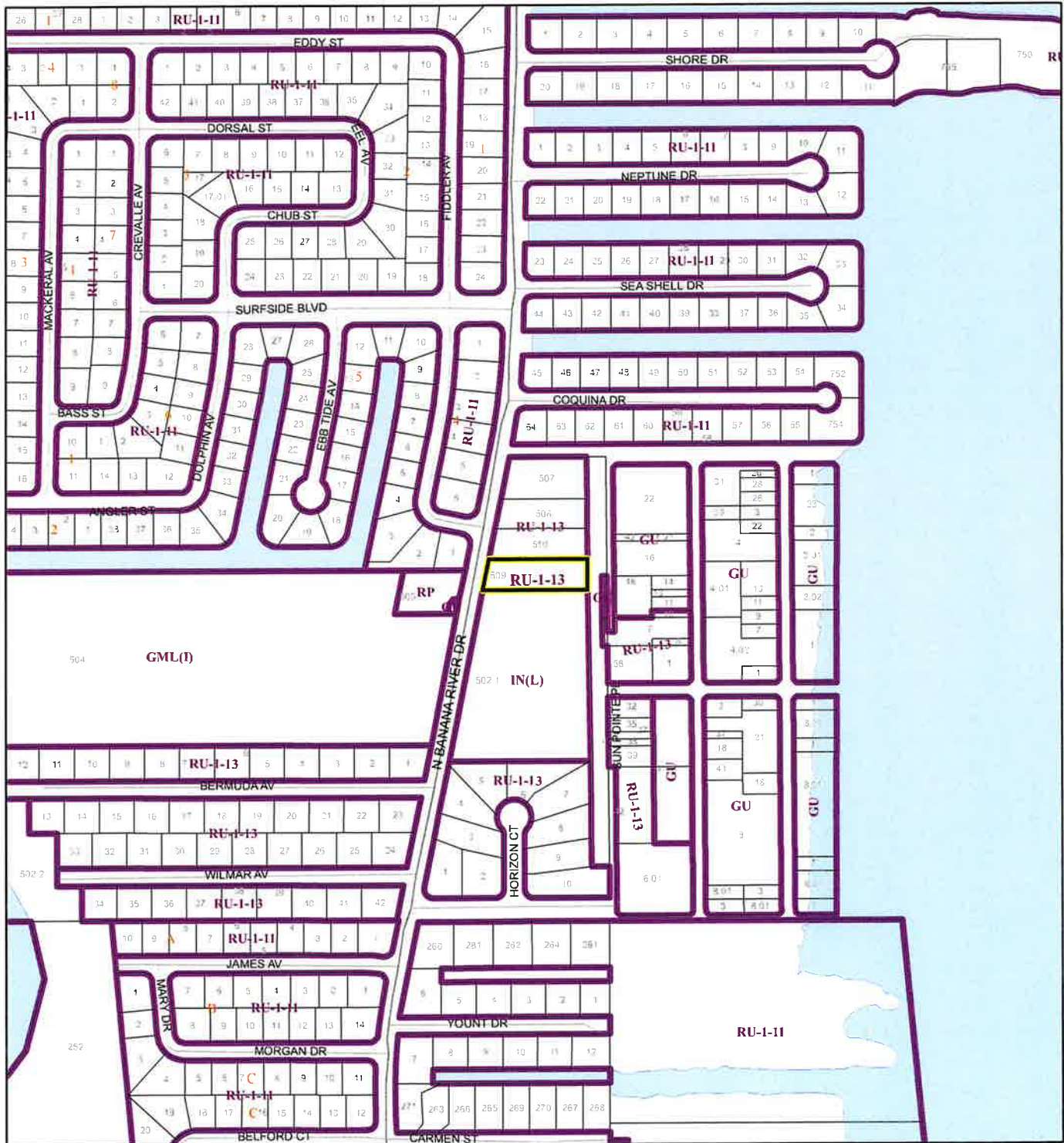
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/21/2024

-  Buffer
-  Subject Property

ZONING MAP

COOK, SUSANNE K TRUSTEE
24Z00007



1:4,800 or 1 inch = 400 feet

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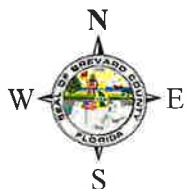
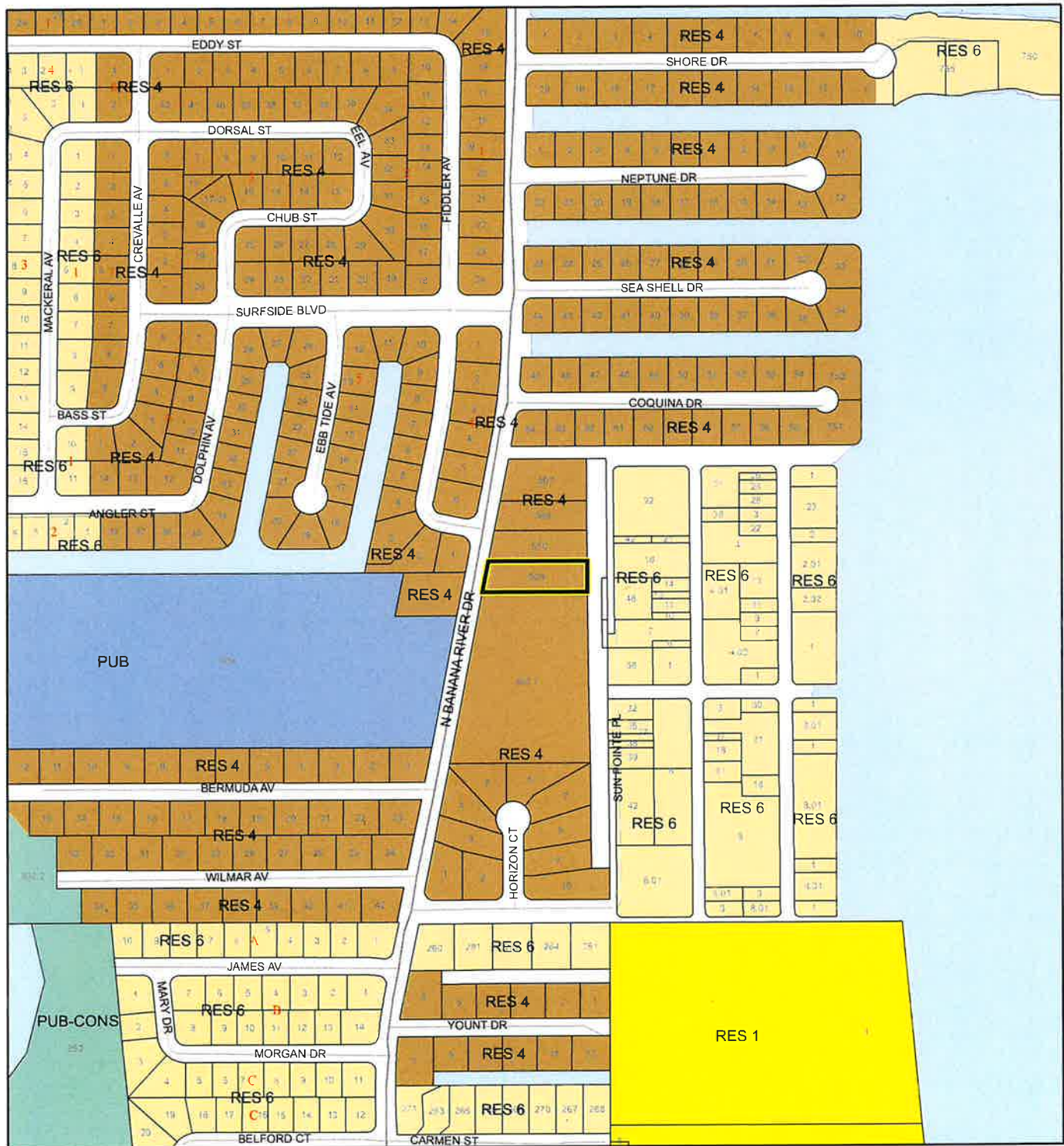
Produced by BoCC - GIS Date: 2/21/2024

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

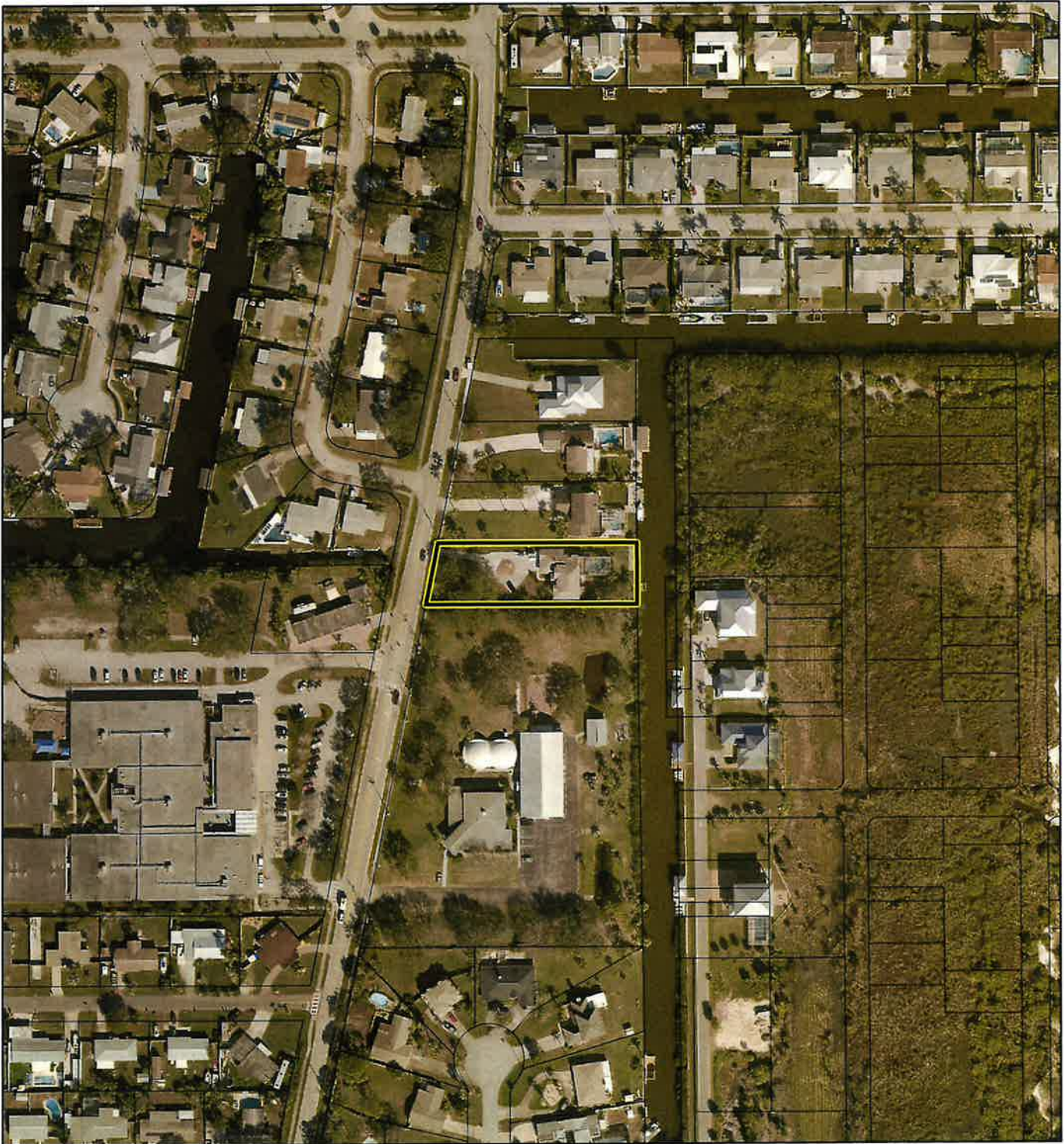
— Subject Property

□ Parcels

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: 2/21/2024

AERIAL MAP
COOK, SUSANNE K TRUSTEE
24Z00007





1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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 Subject Property
 Parcels

NWI WETLANDS MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

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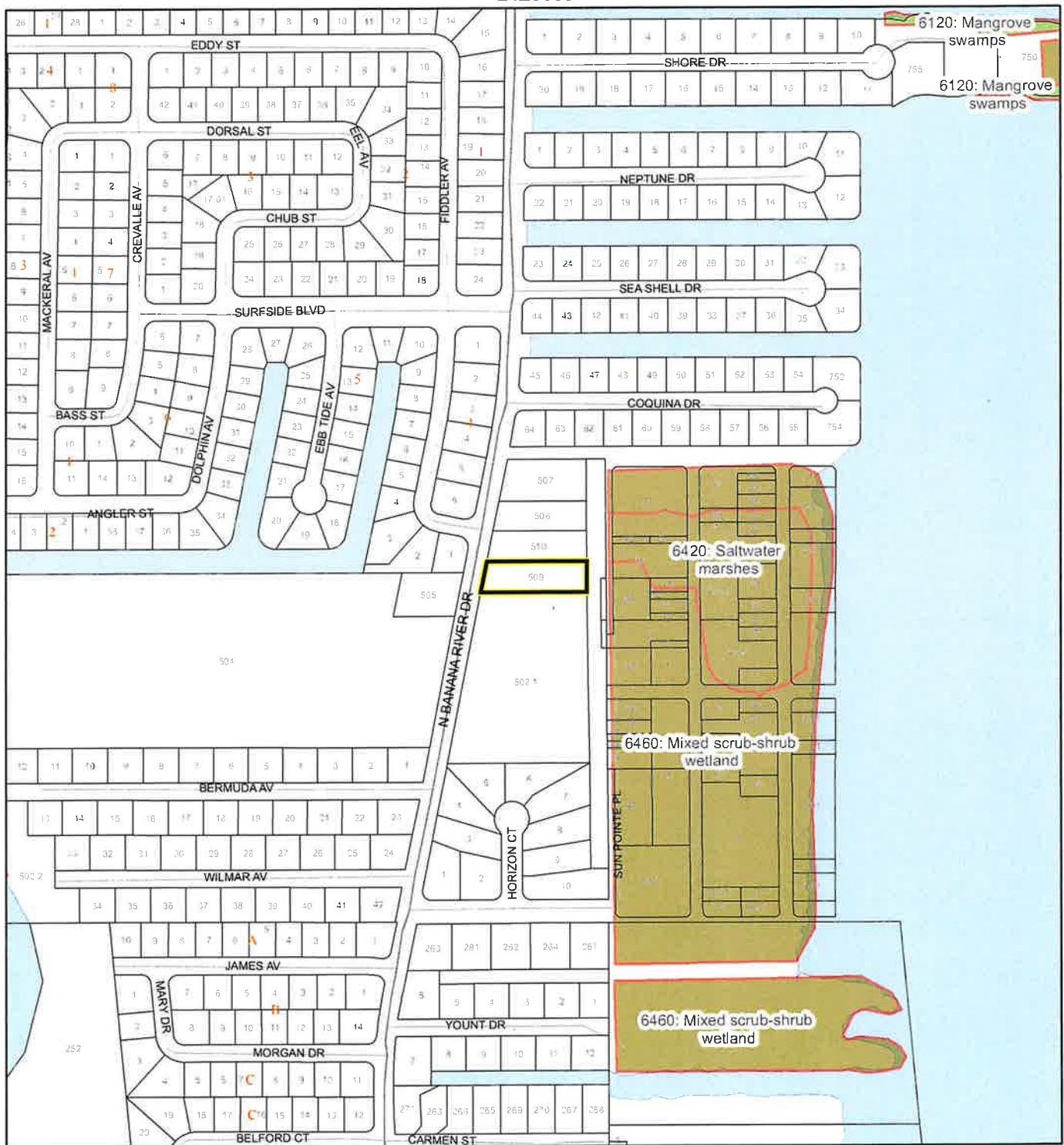
National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|-----------------|
| Estuarine and Marine Deepwater | Freshwater Pond |
| Estuarine and Marine Wetland | Lake |
| Freshwater Emergent Wetland | Other |
| Freshwater Forested/Shrub Wetland | Riverine |
| Subject Property | Parcels |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

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SJRWMD FLUCCS WETLANDS

- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

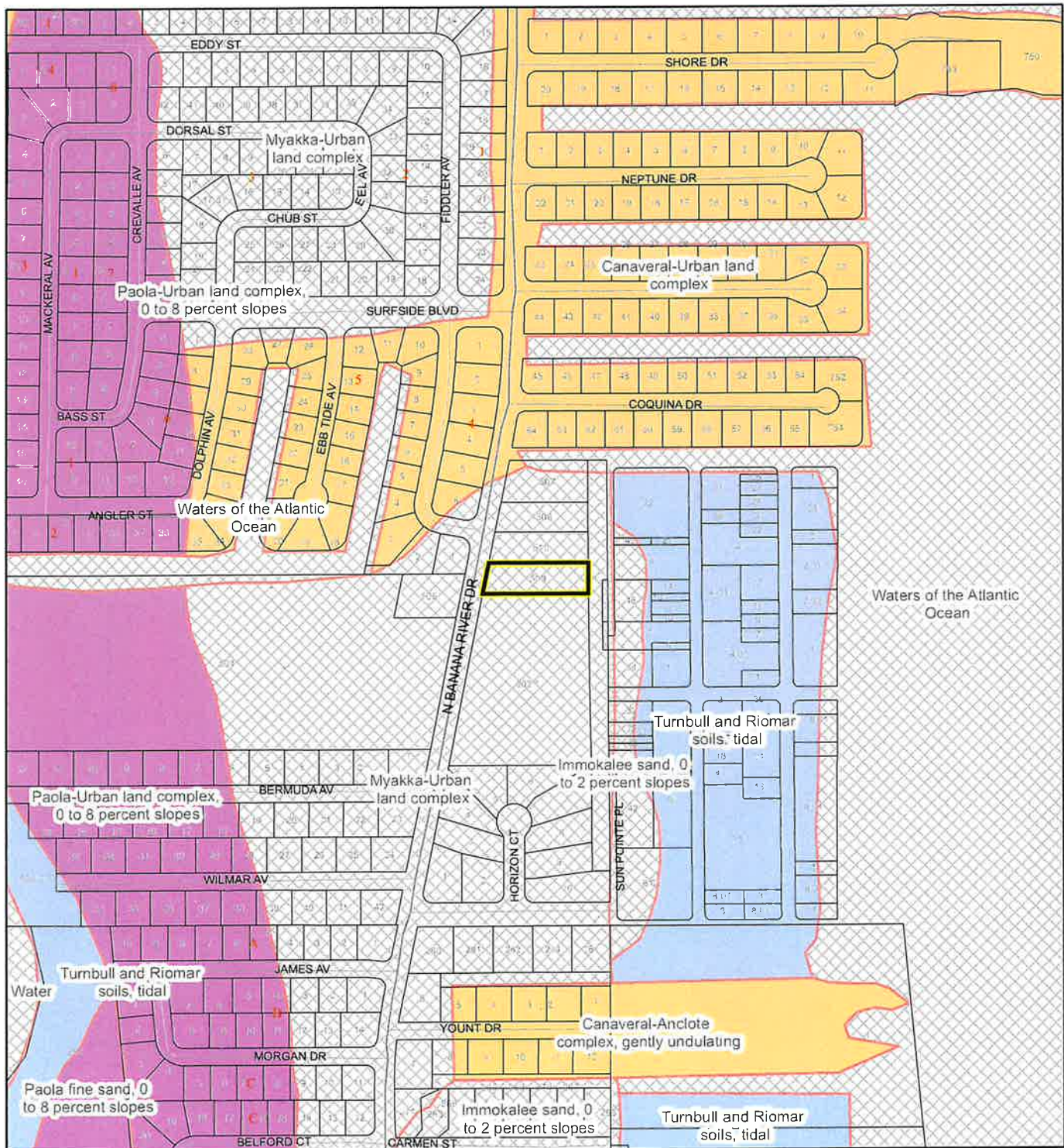
Subject Property

Parcels

USDA SCSSS SOILS MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/21/2024

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/21/2024

FEMA Flood Zones

A	AO	x
AE	Open Water	
AH	VE	

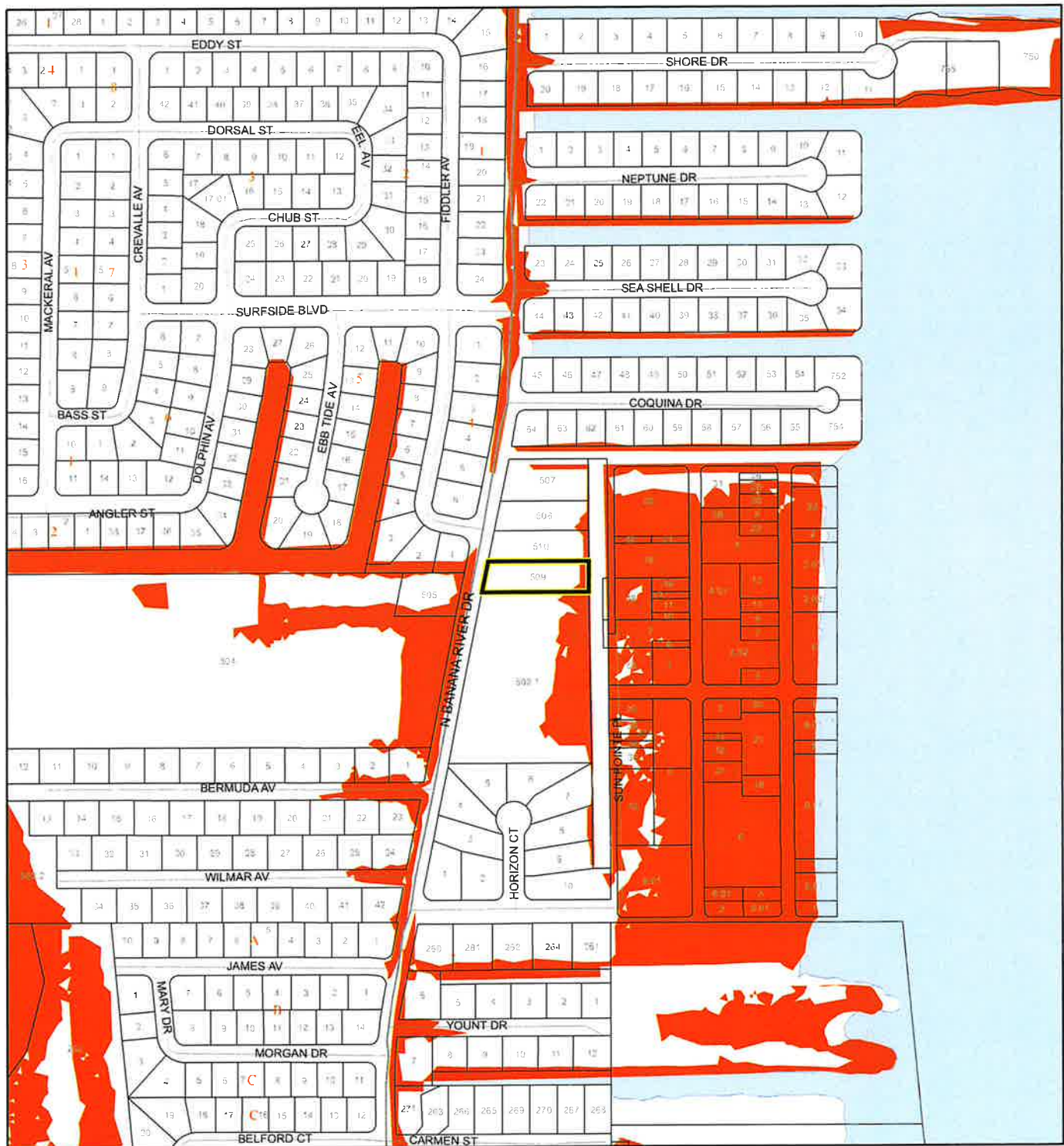
Subject Property

Parcels

COASTAL HIGH HAZARD AREA MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet


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 Subject Property

 Parcels

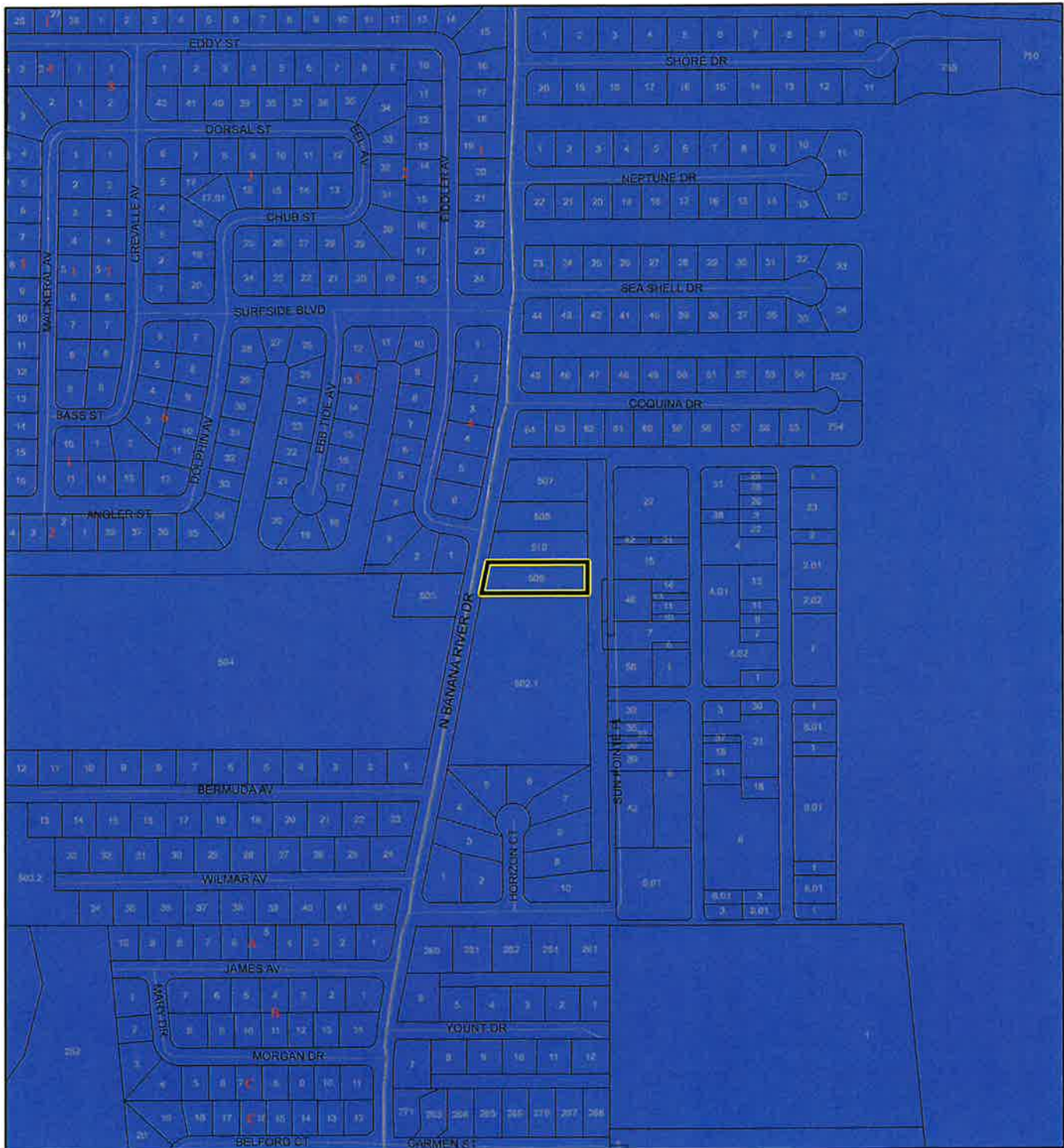
Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels

Septic Overlay

 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

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 Subject Property

 Parcels



Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 2/21/2024

— Subject Property

□ Parcels

▨ Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 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 herein.

Produced by BoCC - GIS Date: 2/21/2024

SJRWMD FLUCCS Upland Forests

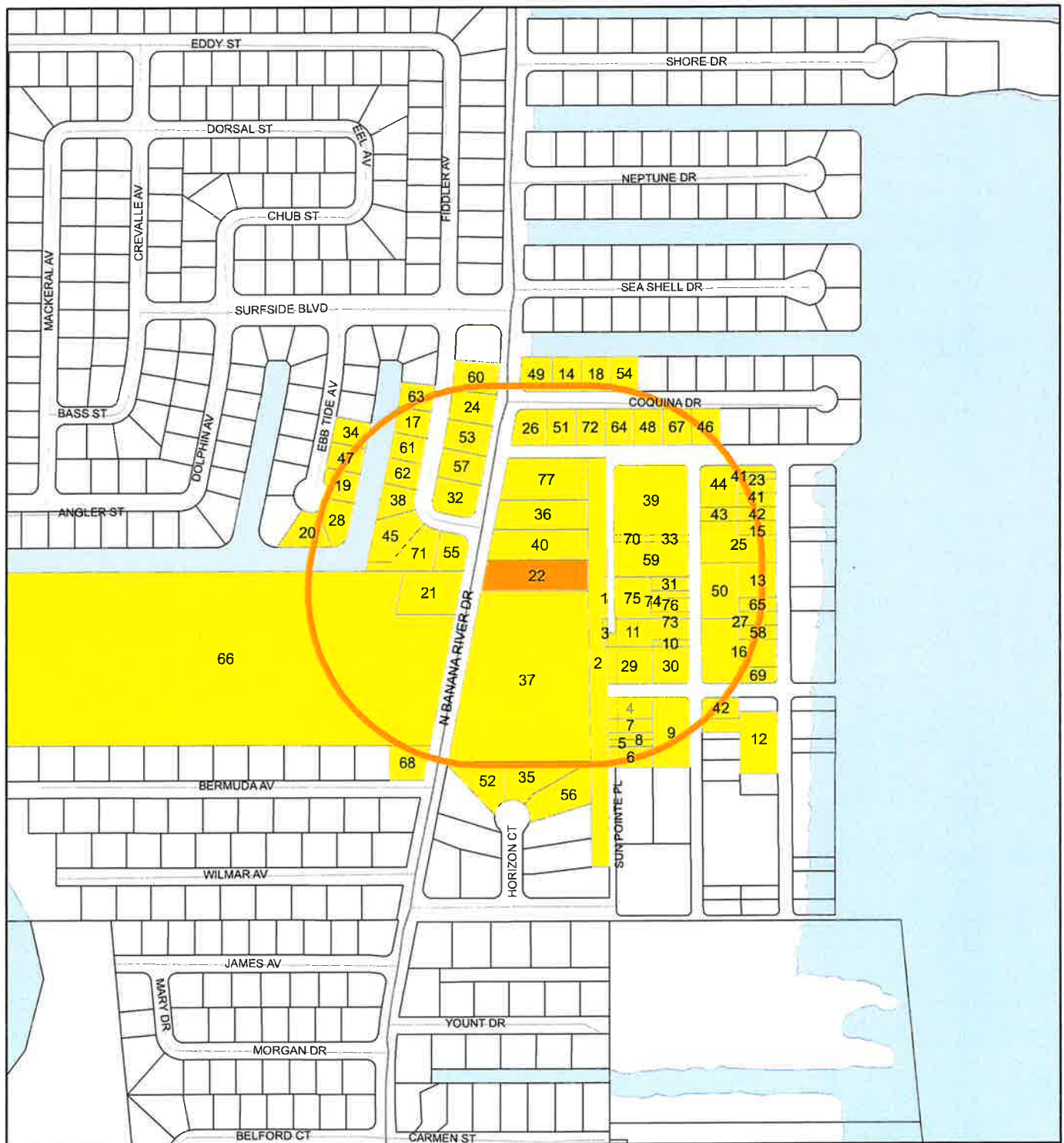
- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property Parcels

RADIUS MAP

COOK, SUSANNE K TRUSTEE

24Z00007



1:4,800 or 1 inch = 400 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: 2/21/2024

- Buffer
- Subject Property
- Notify Property
- Parcels

Conditional Use Permit (CUP) Application Worksheet

- 1) Owner(s): SUZANNE K. COOK TRUST
Applicant(s): DANIEL BANKER
- 2) Property Location: 1276 N. BANNA RIVER DR.
- 3) Type of CUP requested: GUEST HOUSE
- 4) If CUP is for Alcoholic Beverages for On-Premises Consumption, is it in conjunction with a restaurant? _____
- 5) Type of Plan Required by Section 62-1901[b] (refer to attached CUP Checklist):
☒ Reproducible Site Plan signed by a registered engineer, land surveyor or architect
☐ Scaled Dimensional Sketch Plan

NOTE: IF FULL SIZE DRAWINGS ARE SUBMITTED, PLEASE SUBMIT ONE COPY OF A REDUCED SIZE VERSION OF THE PLANS (8 ½" X 11", 8 ½" X 14" OR 11" X 17").

Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable: An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. **The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved.** Prepare responses to address how the requested CUP will meet these standards and submit this completed worksheet along with your application for public hearing for a CUP. You may attach additional pages or documentation, if needed.

General Standards of Review

Section 62-1901(c)(1)(a) The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

WILL NOT HAVE AN IMPACT ON ANY OF THESE LISTED ABOVE.

Section 62-1901(c)(1)(b) The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

WILL BE COMPATIBLE WITH THE ABOVE STATEMENTS

Section 62-1901(c)(1)(c) The proposed use will not cause a substantial diminution in value of abutting residential property.

Note: A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred.

AS STATED THE PROJECT WILL A SUBSTANTIAL DIMINUTION
IN VALUE.

Specific Standards

Section 62-1901(c)(2)(a) Ingress and egress to the property and proposed structures (including vehicular and pedestrian safety and convenience, traffic flow and control, and emergency response access) shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses is defined as increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

WILL NOT BURDEN ADJACENT PROPERTIES AS STATED
ABOVE

Section 62-1901(c)(2)(b) The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

AS STATED ABOVE PROJECT WILL NOT INTERFERE WITH
NEARBY PROPERTIES

Section 62-1901(c)(2)(c) Noise levels for a conditional use shall comply with Section 62-2271 of the Code, which includes the following:

Maximum Permissible Time Averaged (Leq)
A-Weighted Sound Pressure Limits for Receiving Uses

Type of Use	Time Period	Maximum Allowable Sound Pressure Level
Residential	7:00 a.m. to 10:00 p.m.	60 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Commercial	7:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Industrial	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	65 dB(A)

Note: Additional requirements may apply. Refer to Section 62-2271 for full noise specifications.

PROJECT WILL NOT EXCEED ABOVE DB LEVELS.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal for the property or area covered by such level of service, to be exceeded.

SOLID WASTE DISPOSAL WILL NOT INCREASE FROM
THIS PROJECT.

Section 62-1901(c)(2)(e) The proposed conditional use shall not cause the adopted level of service for potable water or wastewater for the property or the area covered by such level of service, to be exceeded by the proposed use.

WATER USE WILL NOT INCREASE FROM THIS PROJECT.

Section 62-1901(c)(2)(f) The proposed conditional use must have existing or proposed screening or buffering, in terms of type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

WE WILL COMPLY WITH THE ABOVE STATEMENT.

ID # _____

Section 62-1901(c)(2)(g) Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

PROJECT WILL NOT CAUSE ANY OF THE ABOVE STATEMENTS

Section 62-1901(c)(2)(h) Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

ITS JUST A NORMAL LIVING SPACE.

Section 62-1901(c)(2)(i) The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1000 feet of the property line.

Note: A survey of building heights within 1000 feet of the property lines should be furnished for applications requesting a CUP for additional building height.

PROJECT WILL BE UNDER 35' IN HEIGHT

Section 62-1901(c)(2)(j) Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties.

Note: For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

DRIVE WAY PARKING IS ORIGINAL SINCE 1994 AND WILL NOT CHANGE.

Note to Applicant: Per Section 62-1901(f), *Expiration*, Conditional use permits approved after the effective date of Ordinance No. 99-43 (8/3/99) shall expire within three years from the date of approval if the approved use is not constructed or under substantial and continuous construction.

I HAVE READ THE ABOVE NOTE TO APPLICANT. ALL THE ANSWERS TO THE STANDARDS ADDRESSED BY THIS WORKSHEET AND ALL ACCOMPANYING PLANS AND DOCUMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE.

Applicant Signature

Date

2-1-24

Submittal checked by PB

From: [SKILSAW WORKER](#)
To: [Body, Paul](#)
Subject: Re: Guesthouse CUP application
Date: Wednesday, May 8, 2024 7:16:20 AM

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

Good morning, the yes proposed guest house @ 1270 N. Banana Dr. will not be used for rental purposes and will not contain a kitchen. Thank you Paul, and everyone involved for all your help and patience you've given us throughout the permitting process.

Sent from my iPhone

On May 7, 2024, at 10:31 AM, Body, Paul <Paul.Body@brevardfl.gov> wrote:

Hello Daniel, can you email me, for our record, that the CUP for the Guesthouse shall not be used for rental purposes.
Also, that the guesthouse will not contain kitchen facilities.

Paul Body, Senior Planner
Brevard County Planning & Development
321-350-8261

This office can only provide zoning and comprehensive plan information. You may wish to contact other County agencies to fully determine the development potential of this property. This letter does not establish a right to develop or redevelop the property and does not constitute a waiver to any other applicable land development regulations. At the time of development, this property will be subject to all such regulations. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."



TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE FOLLOWING PLANS COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE 2020 FLORIDA RESIDENTIAL BUILDING CODE 3rd EDITION AND LATEST ADOPTED SUPPLEMENTS

STUCCO EXTERIOR FINISH NOTES

- [illegible]

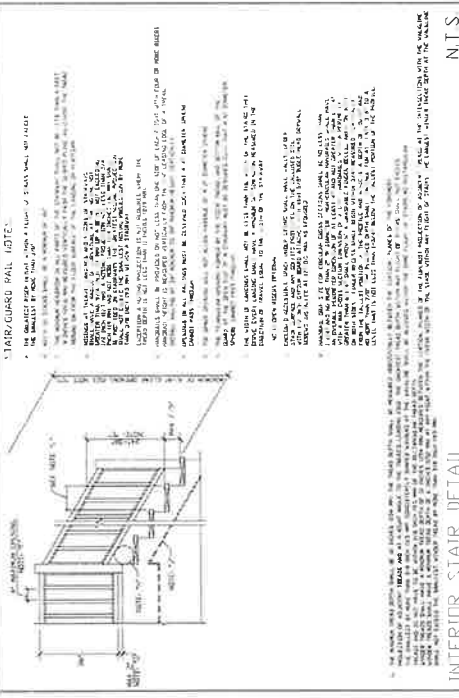
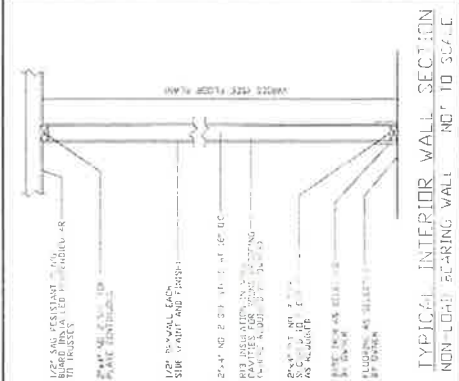
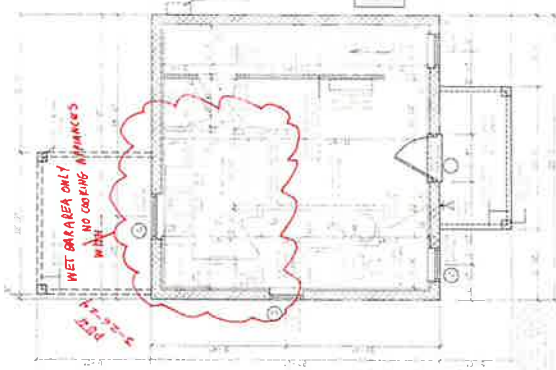
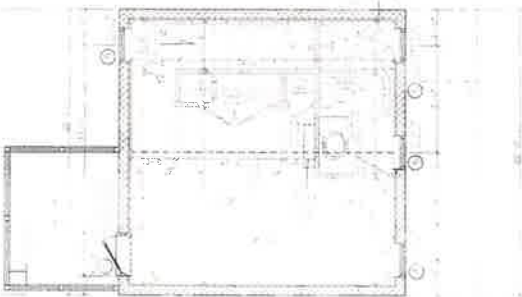
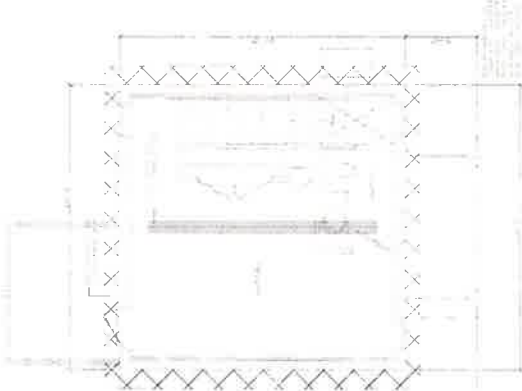
NOTE:
COORDINATE ALL FINAL BEARING HEIGHTS WITH
ROOF FRAMING LAYOUT PRIOR TO CONSTRUCTION

NOTE:
COORDINATE ALL ROUGH OPENINGS FOR EXTERIOR
DOORS AND WINDOWS WITH MANUFACTURER'S SPECS.

[illegible][illegible]

20/10/16
Parker Limited (Cdn)

ATTIC VENTILATION CALCULATION

[illegible]

REVISIONS	DATE	BY	CHK	APP

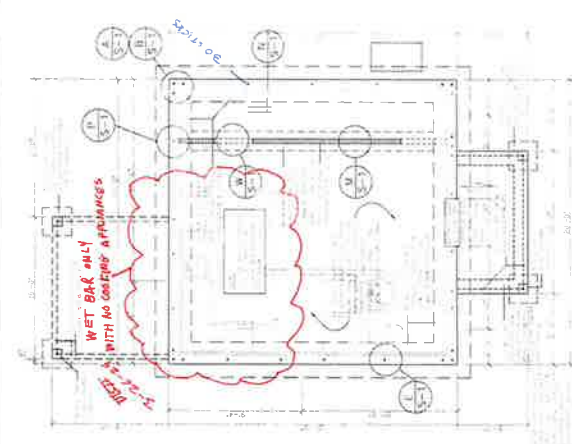


ENGINEERING AND DESIGN CONCEPTS, INC.
 1111 N. W. 10th Ave., Suite 100
 Ft. Lauderdale, FL 33304
 Phone: (305) 555-1234
 Fax: (305) 555-5678
 Email: info@edc.com

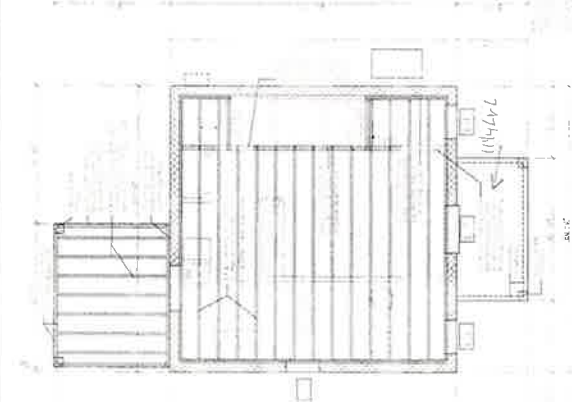
EST HOUSE FOR:
 COOK

30 N BANANA RIVER DR. HERRITT ISLAND, FL
 32 865 2625
 FLORIDA REG. # 12345
 12345 N. W. 10th Ave.
 Ft. Lauderdale, FL 33304
 Phone: (305) 555-1234
 Fax: (305) 555-5678
 Email: info@edc.com

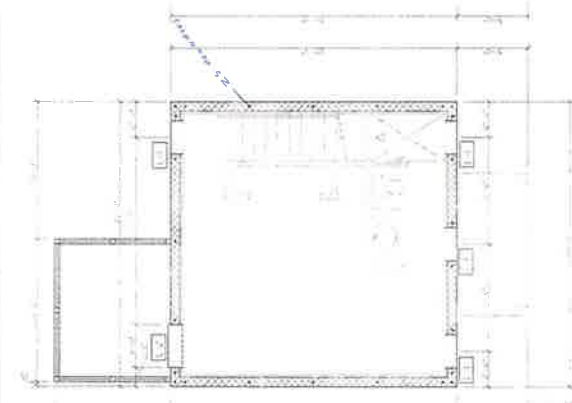
A3
 SHEET 3 OF 3
 12/12/24



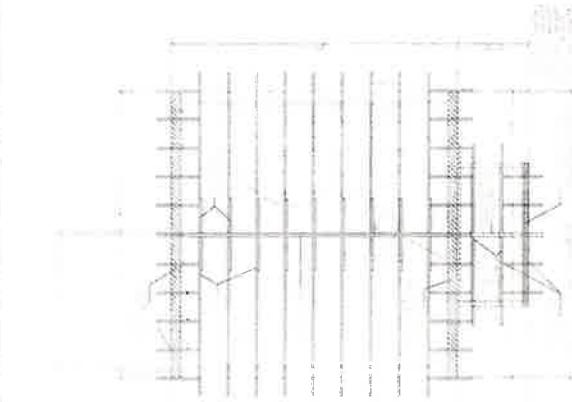
FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"



UPPER LEVEL FLOOR FRAMING PLAN
 SCALE: 1/4" = 1'-0"



UPPER LEVEL REINFORCING PLAN
 SCALE: 1/4" = 1'-0"



ROOF FRAMING PLAN
 SCALE: 1/4" = 1'-0"

SAFE GRAVITY LOADS FOR 8" PRECAST & PRESTRESSED ULTIMATES

SAFE LOAD - POUNDS PER LF W/ 100'

MEMBER	3'-0" (45') PRECAST	3'-0" (45') PRECAST	3'-0" (45') PRECAST
L-1	2031	2031	2031
L-2	1558	1558	1558

SAFE UPLIFT LOADS FOR 8" PRECAST & PRESTRESSED ULTIMATES

SAFE LOAD - POUNDS PER LF W/ 100'

MEMBER	3'-0" (45') PRECAST	3'-0" (45') PRECAST	3'-0" (45') PRECAST
L-1	100	100	100
L-2	100	100	100

ENGINEERING

NOTES:

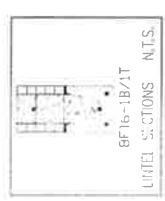
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REVISIONS	DATE	BY	CHK	APP

E2

SHEET 2 OF 2

GUEST HOUSE FOR:  COOK
1270 N BANANA RIVER DR. MERRITT ISLAND, FL

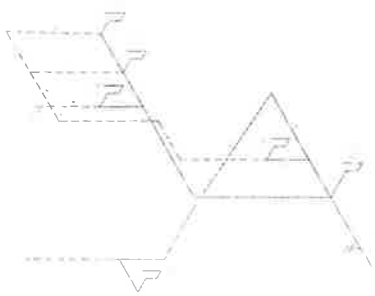
ENGINEERING AND DESIGN CONCEPTS, INC.
 EDC

200 212 S. 8th Street, Suite 100
P.O. Box 100
Merritt Island, FL 32952
Tel: (321) 724-0740
Fax: (321) 724-0740
Email: info@edcinc.com



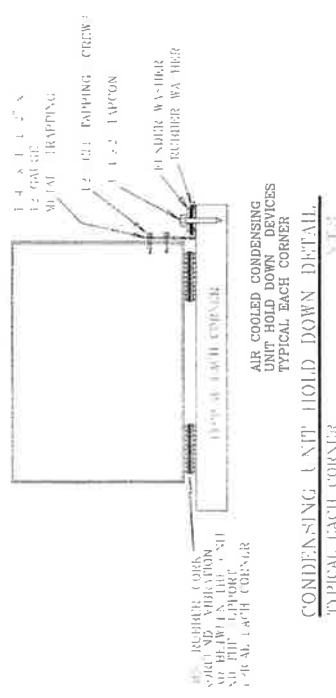
REVISIONS

REVISION	DATE	BY	DESCRIPTION
1	01/11/11	EDC	ISSUED FOR PERMITTING
2	01/11/11	EDC	ISSUED FOR PERMITTING
3	01/11/11	EDC	ISSUED FOR PERMITTING
4	01/11/11	EDC	ISSUED FOR PERMITTING
5	01/11/11	EDC	ISSUED FOR PERMITTING
6	01/11/11	EDC	ISSUED FOR PERMITTING
7	01/11/11	EDC	ISSUED FOR PERMITTING
8	01/11/11	EDC	ISSUED FOR PERMITTING
9	01/11/11	EDC	ISSUED FOR PERMITTING
10	01/11/11	EDC	ISSUED FOR PERMITTING



PLUMBING RISER DIAGRAM
NOT TO SCALE

NOTE:
HVAC DESIGN/MODIFICATIONS AND ENERGY
CALCULATIONS WILL BE SUBMITTED BY OWNER/
CONTRACTOR WITH THESE PLANS FOR PERMITTING



CONDENSING UNIT HOLD DOWN DETAIL
TYPICAL EACH CORNER

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 10, 2024**, 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: Henry Minneboo (D1); Ron Bartcher (D1); Ian Golden (D1 Alternate); Robert Sullivan (D2); Brian Hodgers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseeesse, Deputy County Attorney; Trina Gilliam, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Excerpt of Complete Agenda

Suzanne Cook (Daniel Banker) requests a Conditional Use Permit for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification. The parcel is 0.60 acres, located on the east side of N. Banana River Dr., approx. 445 ft. south of Coquina Dr. (1270 N. Banana River Dr., Merritt Island) (24Z00007) (Tax Account 2431745) (District 2)

Jeffrey Ball read the application into the record and stated that this item was continued from the April 15, 2024, P&Z meeting.

Mr. Ball stated that there are conditions related to a guesthouse and those five items are listed in the agenda report and if the Board remembers, there was some confusion by the applicant of whether or not this guesthouse would be allowed to be rented out and the applicant provided an email that the guesthouse would not be used for rental purposed per what the code requires.

Suzanne Cook stated that she'd like to build a guesthouse for herself to stay in while her children live in the main house, this way she'll get her own privacy but she's close enough that if anything were to happen, they could help her.

Mark Wadsworth asked if there was anyone here to speak for or against the application. With no public comment he opened the discussion to the Board.

Rob Sullivan had a question for staff. What is the difference between a Conditional Use Permit for Zoning and a Binding Development Plan.

Jeffrey Ball explained that the zoning code it set up to allow for permitted uses, permitted with conditions, and uses permitted with a conditional use permit. A guesthouse in this instance is a CUP in this zoning classification. A BDP is a voluntary signed agreement between the applicant and the Board to put conditions on the property in support of the Board granting the zoning of the property.

Rob Sullivan asked if a CUP is like a BDP in that it stays with the property or is it only for the applicant and Jeffrey Ball stated that it is for the applicant.

Rob Sullivan made a motion to approve the conditional use application, seconded by Bruce Moia.

John Hopengarten asked Ms. Cook about her previous presentation in front of the Board in April and how at that time she was looking to have this building for Airbnb but now she's for herself/family members.

Ms. Cook stated that what she said was if my money situation went down, I might have to, but if that's the case then I'll sell the house. The house is not important to me. If I can't afford the house, I'll sell it.

John Hopengarten asked who is going to be using this small building that you want to put on the property and Ms. Cook responded that she is. She will be living in it.

John Hopengarten asked how she is going to eat because there is not kitchen in there.

Daniel Banker stated that there won't be a kitchen in there, but she's allowed to have a sink and she's got her son and daughter-in-law who will prepare her meals for her.

Ms. Cook stated that she'll have a microwave, but she won't be cooking since she's 86 years old.

John Hopengarten said he wasn't sure what we're going to do about this and Mark Wadsworth responded that we have a motion and a second and John Hopengarten reiterated that he is still discussing.

Bruce Moia stated that rental would be a violation of the conditional use and how she eats is up to her, not the Board.

John Hopengarten stated that he still has the floor and doesn't like hearing different stories and he'd like to get the truth. If you're going to live there in that house, then fine, but if you're going to rent it out...

Ms. Cook stated that she's not going to rent it out, that they have a lot of family that comes to visit, and we don't charge them. They'll be staying in the main house while I'm in the small house.

John Hopengarten said that he didn't want her neighbors complaining that she's renting it out and then Code Enforcement has to come out and put the kibosh on you.

Ms. Cook responded that she takes care of the area from the road all the way down to the canal and that's the church. I maintain that and my other neighbors are good fishing friends, they're not concerned. We have a nursing home that I don't think has anybody in it and the school and they're not a problem.

Mark Wadsworth stated we have a motion by Rob Sullivan, and a second by Bruce Moia.

Motion to approve the Conditional Use Permit by Rob Sullivan, seconded by Bruce Moia. The vote was unanimous.