



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

8/4/2022

Subject:

Evan Bales and Kelsey Godfrey (Charlene Morgan) request a CUP for a Guesthouse in an RU-1-11 zoning classification. (22Z00024) (Tax Account 2522454) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning & 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-1-11 (Single-Family Residential) zoning classification.

Summary Explanation and Background:

Pursuant to Section 62-1932, the property owner is seeking a CUP to allow a guesthouse in the RU-1-11 zoning classification. This section allows a detached accessory building located on the same property as the main dwelling, to be a guesthouse used for housing members of the family occupying the main building or their temporary guests. A guesthouse is subject to the provisions, including but not limited to, the building shall not have separate utility meters, shall not be rented or otherwise used as a separate dwelling, and the structure shall contain no kitchen facilities on property that is less than an acre in size.

In this case, the guesthouse will be an additional accessory building on the 0.69-acre lot which currently contains a single-family home and one accessory building. The applicants included a dimensional sketch plan in their CUP application showing the proposed location and size of the structure. Also, the sketch plan contains the floor plan depicting the rooms and one is labeled "no kitchen". Sec. 62-1102 defines a Kitchen as 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." The floor plan does not contain a stove and/or range to cook food.

The developed character of the surrounding area consists of lots less than 1-acre in size zoned RU-1-11 developed with single-family homes. A CUP for guesthouse was approved on a 0.96-acre parcel located approximately a quarter-mile southwest of the subject property on the west side of Newfound Harbor Drive.

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.

Please note, the Board's approval of the guesthouse sketch plan only applies to the location and size of the structure. The sketch plan has not been reviewed for compliance with other provisions of the Land Development Code and Florida Building Code which occur at the building permit review and approval.

On July 18, 2022, the Planning and Zoning Board heard the request and unanimously recommended approval.

Clerk to the Board Instructions:

Once resolution is received, 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

22Z00024

Evan Bales and Kelsey Godfrey

Conditional Use Permit (CUP) for a guesthouse in Single-Family Residential (RU-1-11)

Tax Account Number: 2522454
Parcel I.D.: 25-37-22-06-CX-*-7.15
Location: North side of Mili Ave., 151 feet east of Newfound Harbor Dr. (District 2)
Acreage: 0.69 acres

Planning and Zoning Board: 07/18/2022

Board of County Commissioners: 08/04/2022

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-1-11	RU-1-11 with CUP for guesthouse
Potential*	One single-family home	One single-family home w/ guesthouse
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 in the RU-1-11 zoning classification as per Sec. 62-1932. The lot currently contains a single-family home and one accessory building. According to the applicant, solar panels formerly used for heating the swimming pool and visible in aerial photographs, have been removed.

Sec. 62-1932 allows an application for a CUP for guesthouses on parcels of land containing a minimum of one-half acre if the following requirements are met: (1) The structure shall contain no kitchen facilities except where consistent with paragraph (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; (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.

The original zoning of this property was GU (General Use). On February 1, 1968, it was rezoned under zoning action **Z-2210** from GU to RU-1. On June 1, 1972 the subject property was rezoned under zoning action **Z-2980** from RU-1 to RU-1-11.

The applicants included a dimensional sketch plan in their CUP application showing the proposed location and size of the structure. The dimensional sketch plan has not been reviewed for compliance with other County departments.

Land Use

The subject property is currently designated as Residential 4 (RES 4) FLU. The current RU-1-11 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 CUP for guesthouse is not anticipated to 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 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 Mili Avenue 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.

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

The developed character of the surrounding area consists of lots less than 1-acre in size zoned RU-1-11 developed with single-family homes. A CUP for guesthouse was approved on a 0.96 acre parcel located approximately 1,275 feet southwest of the subject property on the west side of Newfound Harbor Drive.

Surrounding Area

	Existing Use	Zoning	Future Land Use
North	Single-family residence	RU-1-11	RES 4
South	Single-family residence (across Mili Avenue)	RU-1-11	RES 4
East	Single-family residence	RU-1-11	RES 4
West	Single-family residences	RU-1-11	RES 4

The subject property is surrounded to the north, south, east and west by single-family homes on one-quarter acre to one acre lots with RU-1-11 zoning, which is consistent with the FLU designation of RES 4.

RU-1-11 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.

There have been three zoning actions within a half-mile radius around this site within the last 3 years:

19PZ00139 – 05/05/2020; a CUP for a guesthouse was approved on a 0.96 acre parcel located approximately 1,275 feet southwest of the subject property on the west side of Newfound Harbor Drive.

20Z00009 – 08/06/2020; a CUP for a commercial/recreational and commercial/industrial marina was approved on a 7.08 acre parcel located approximately 1,280 feet southeast of the subject property on the east and west side of Banana River Drive.

20Z00010 – 02/04/2021; a CUP for alcoholic beverages (full liquor) for on-premises consumption in conjunction with a private club in a BU-2 zoning classification was approved on a 7.08 acre parcel located approximately 1,825 feet southeast of the subject property on the east side of Banana River Drive.

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 Observation: Guesthouse will 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 Observation: Proposed guesthouse will be 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.*

Staff's Observation: The existing single-family house has 1,833 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 712 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 Observation: The guesthouse will be for family members.

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

Staff's Observation: The guesthouse will be for family members and not rented.

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

Staff's Observation: Proposed site plan shows guesthouse will be setback 20 feet off rear and side (west) property 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.*

Staff's Observation: The parcel contains 0.69 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 Observation: Per the proposed plan provided the guesthouse will not have a kitchen. Per Definitions and rules of construction in section 62-1102: 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.

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: The guesthouse will be occupied by the elderly mother of the Home Owner. As her health is failing, she needs to be close to family.

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.

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: The guesthouse serves as a residential unit. There is no difference between use or function of surrounding homes and the proposed unit.

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. 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: The guesthouse should not cause any negative change to surrounding properties. The proposed site for the unit is near the middle of the yard and near completely hidden due to foliage and trees on the property (see picture).

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: The guesthouse is for one (1) person - the owner's ailing mother.

Staff analysis: This property will remain residential and therefore is not anticipated to cause an increase of any 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: The guesthouse will not create loud noises, glare, odor particulates, smoke, fumes or any emissions.

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: The guesthouse will adhere to the noise levels mandated.

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: The guesthouse will not affect the above services in such a way to require a change in service.

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: The guesthouse will not affect the above services in such a way to require a change in service.

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

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: The proposed area for the guesthouse is to be built is surrounded with foilage and trees. (see picture)

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: The guesthouse will not have any signs and the only lighting will be per code at exterior doors.

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: The guesthouse is a residential unit. There is no difference between use or function of surrounding homes and the proposed unit.

Staff analysis: The proposed guesthouse will need to comply with noise level performance standards.

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: The guesthouse is drawn as a 6/12 pitch and the height of the roof is 14'-5" above finish floor.

Staff analysis: The proposed guesthouse will be one story 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: There will not be any concrete added for a driveway. What is existing is more than enough for the (3) occupants.

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 Harbor, between End and SR 520, which has a Maximum Acceptable Volume (MAV) of 15,600 trips per day, a Level of Service (LOS) of E, and currently operates at 40.11% of capacity daily. The CUP is not anticipated to increase the MAV utilization. The corridor is anticipated to operate at 40.11% of capacity daily (LOS D). 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 within Brevard County's service area for sewer.

Environmental Constraints

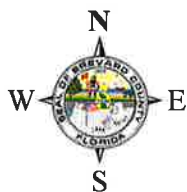
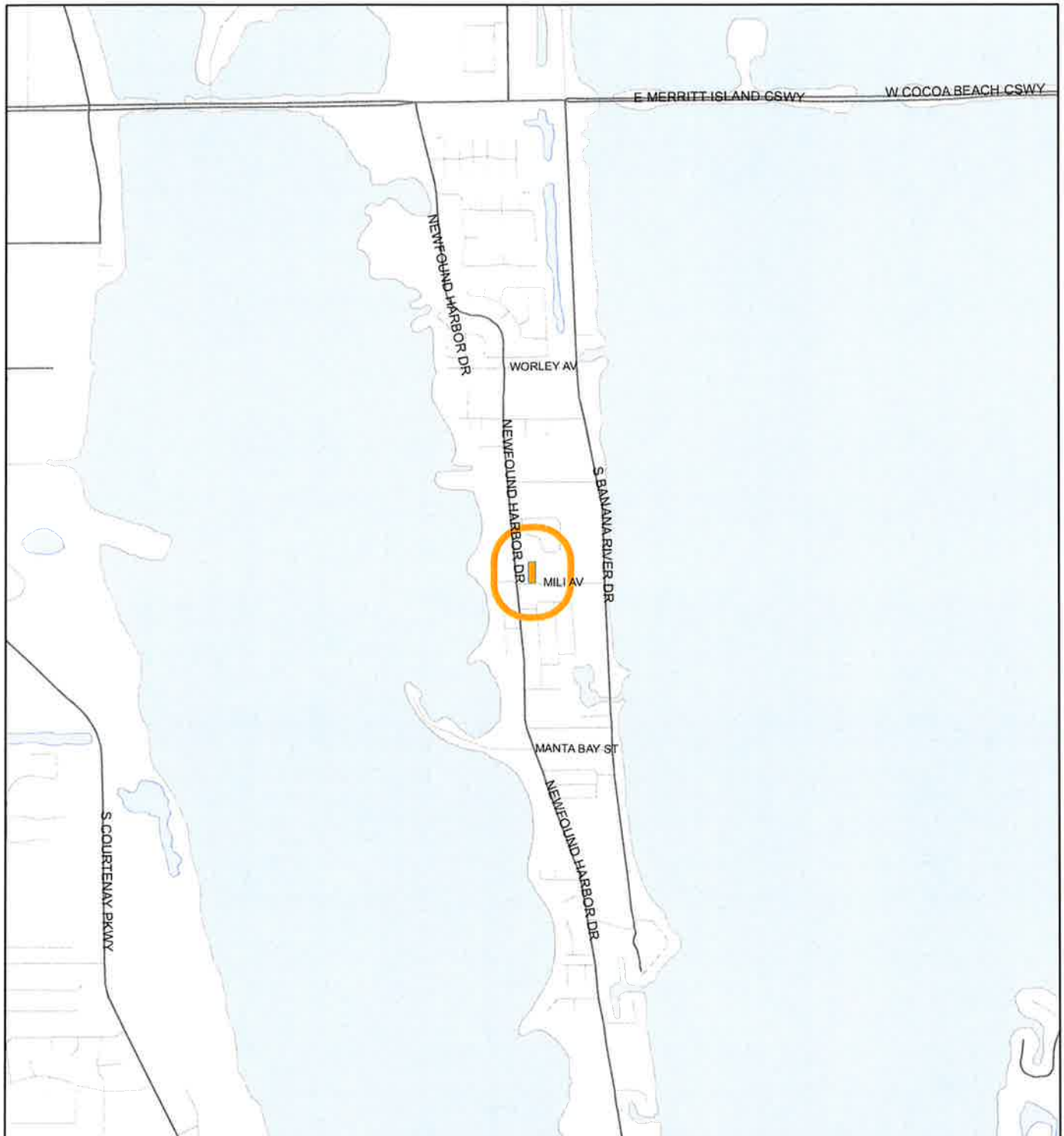
NRM reserves the right to assess consistency with environmental ordinances at all applicable future stages of development.

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

BALES, EVAN AND GODFREY, KELSEY
22Z00024



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

Buffer Distance: 500 feet

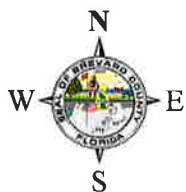
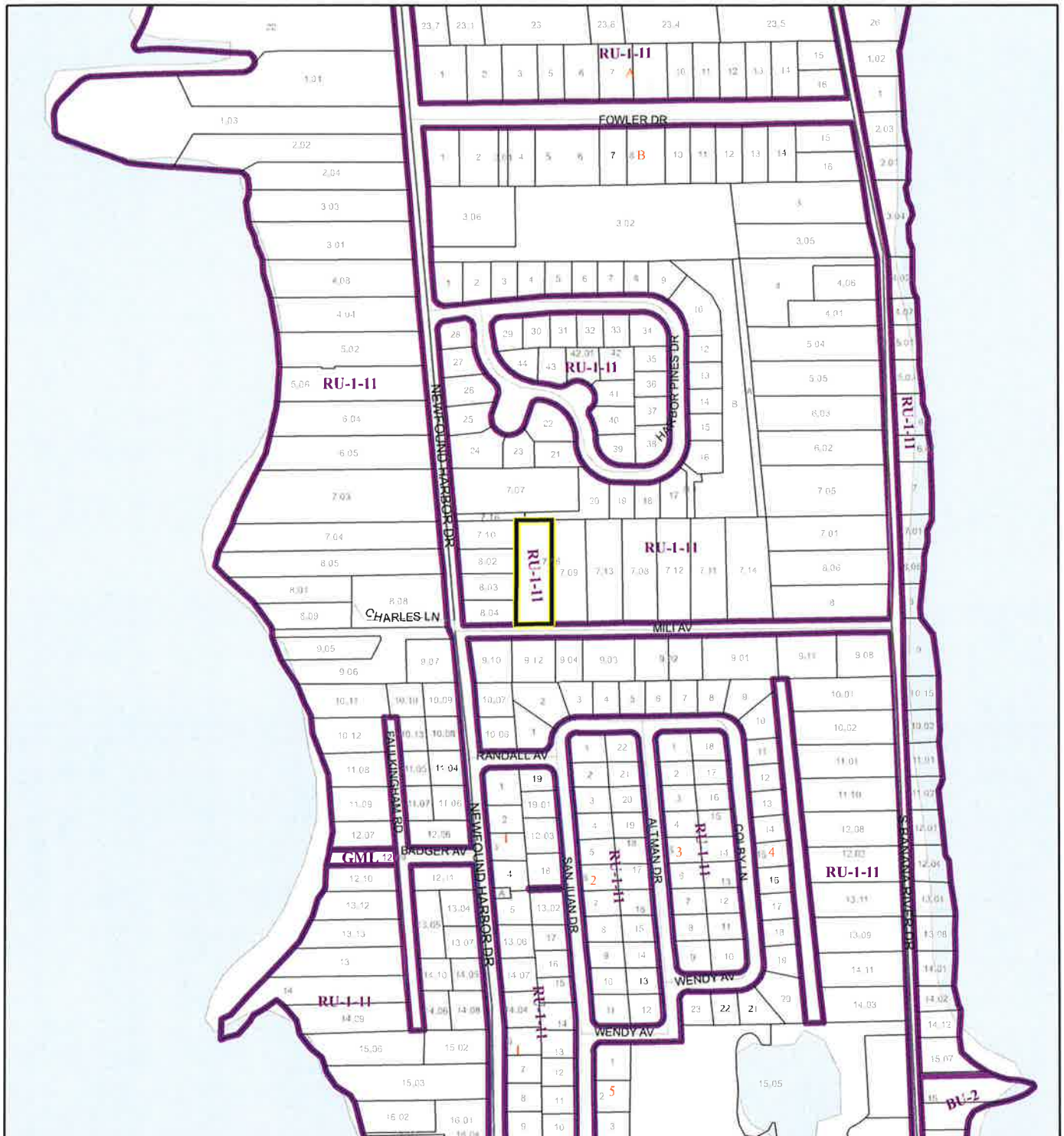
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/10/2022

Buffer
Subject Property

ZONING MAP

BALES, EVAN AND GODFREY, KELSEY
22Z00024



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 hereon.

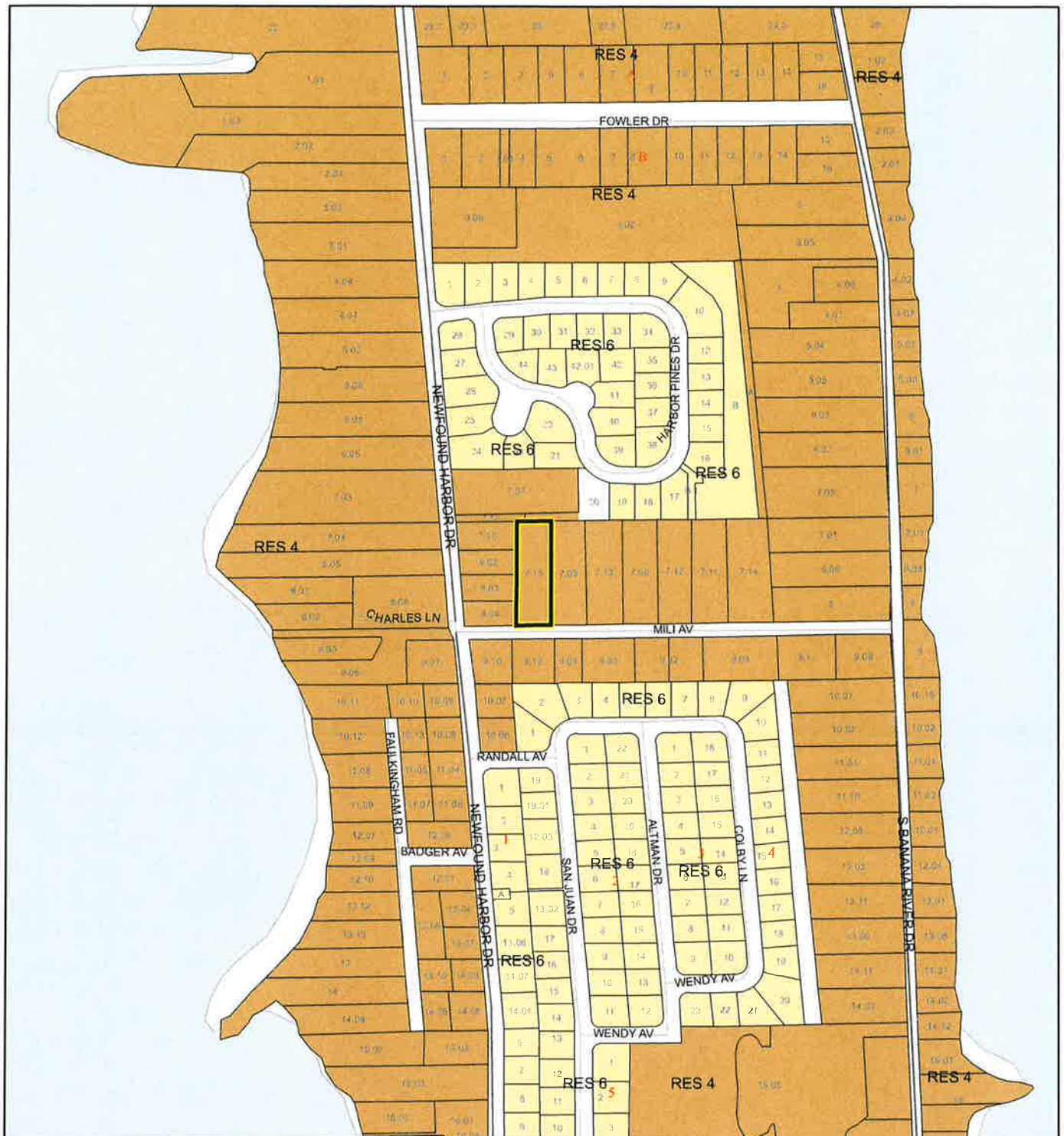
Produced by BoCC - GIS Date: 5/10/2022

- Subject Property
- Parcels
- Zoning

FUTURE LAND USE MAP

BALES, EVAN AND GODFREY, KELSEY

22Z00024



1:4,800 or 1 inch = 400 feet

— Subject Property

□ Parcels

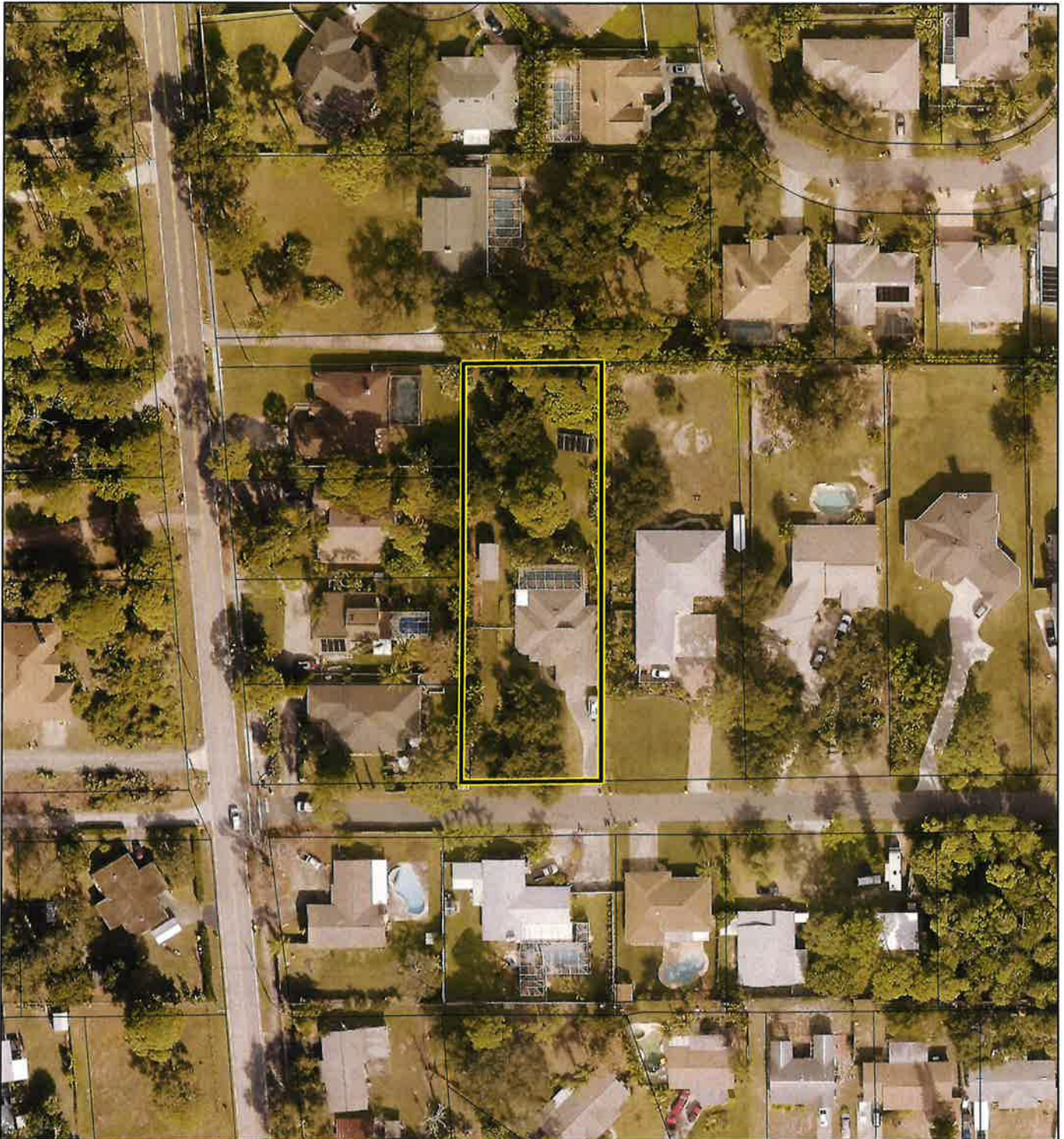
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/10/2022

AERIAL MAP

BALES, EVAN AND GODFREY, KELSEY

22Z00024



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2021

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Produced by BoCC - GIS Date: 5/10/2022

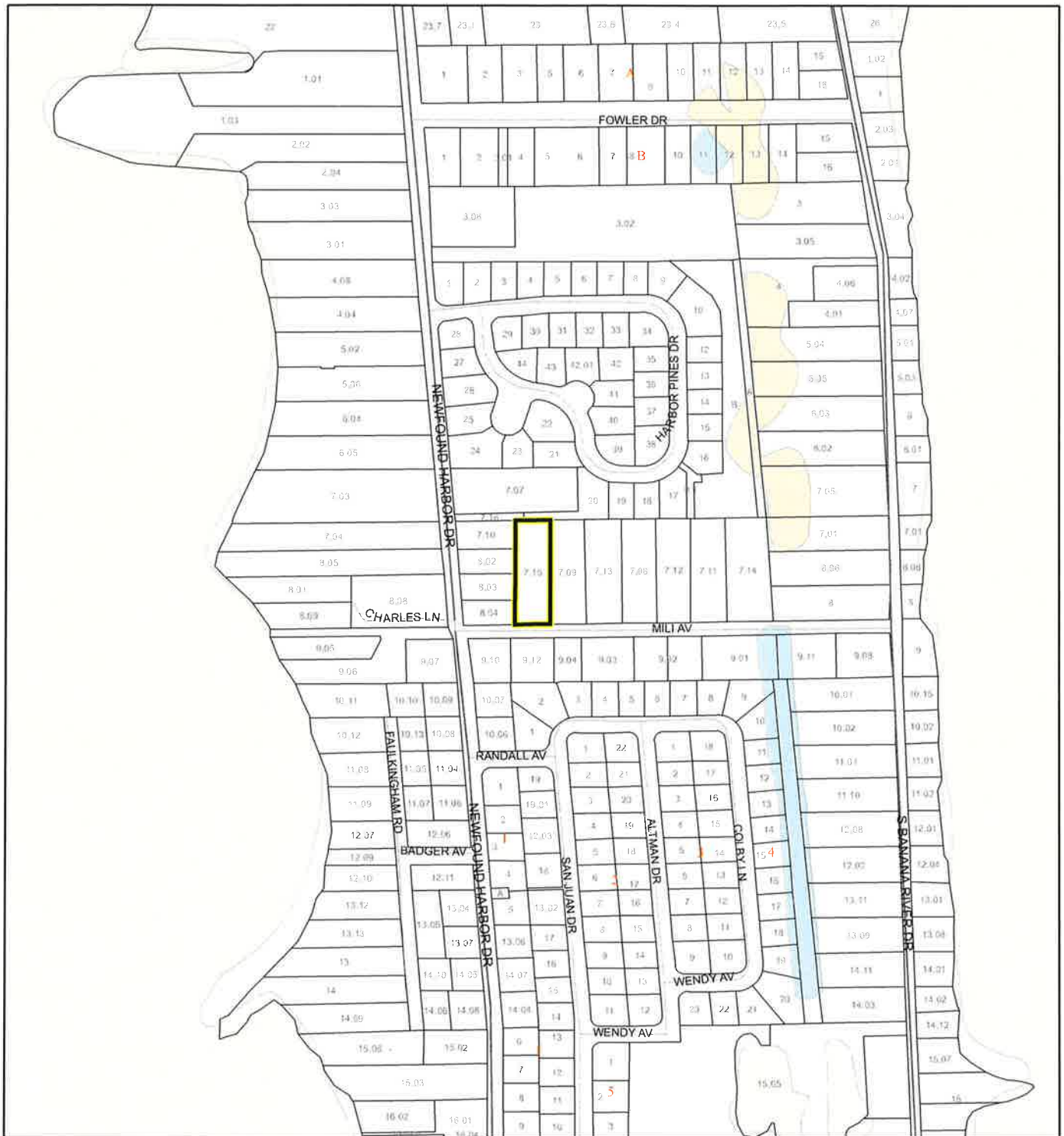
— Subject Property

□ Parcels

NWI WETLANDS MAP

BALES, EVAN AND GODFREY, KELSEY

22Z00024



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2022

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

BALES, EVAN AND GODFREY, KELSEY

22Z00024



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2022

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

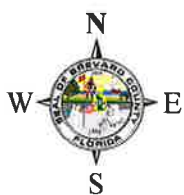
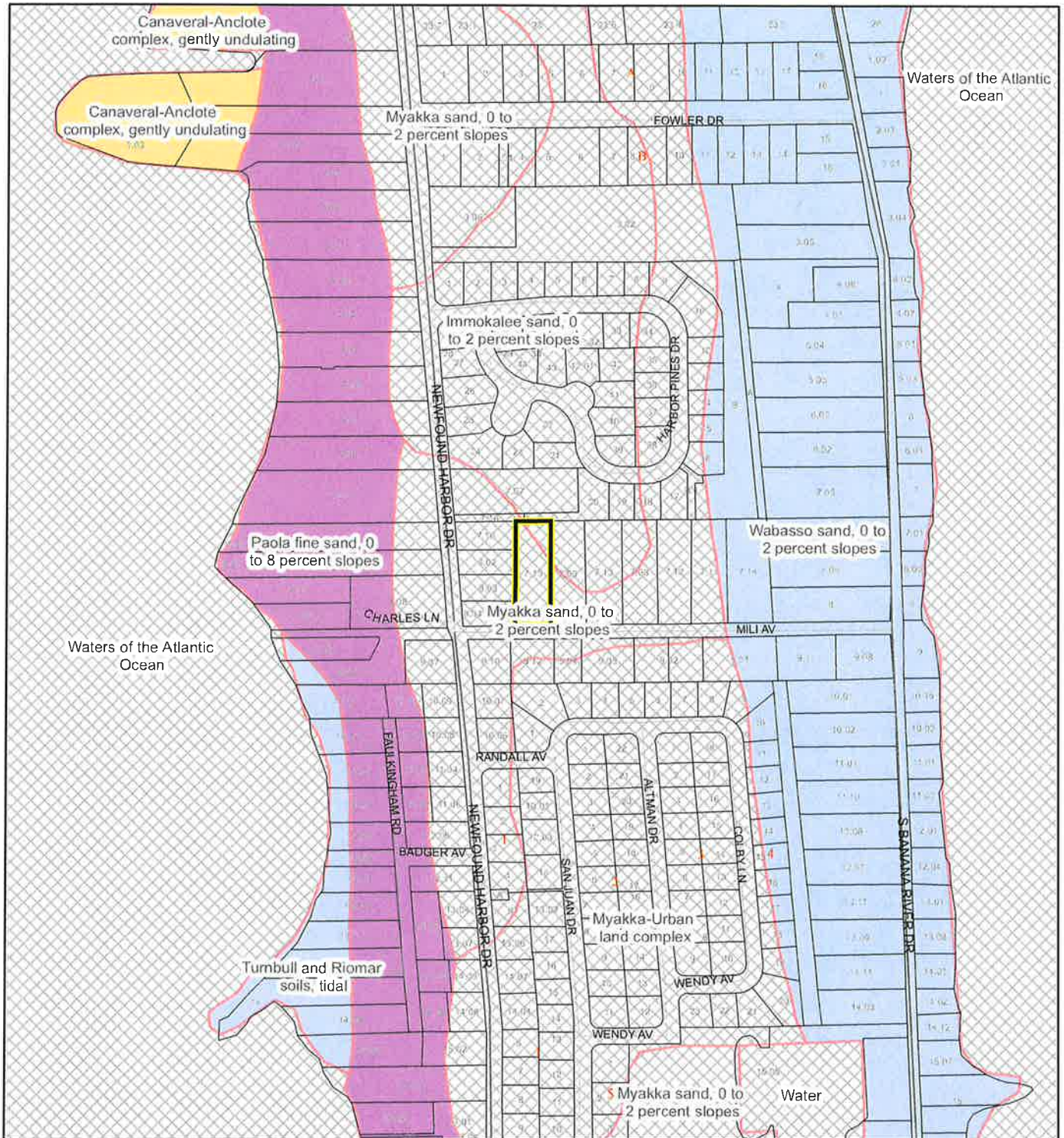
Subject Property

Parcels

USDA SCSSS SOILS MAP

BALES, EVAN AND GODFREY, KELSEY

22Z00024



1:4,800 or 1 inch = 400 feet

USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

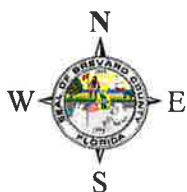
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/10/2022

FEMA FLOOD ZONES MAP

BALES, EVAN AND GODFREY, KELSEY

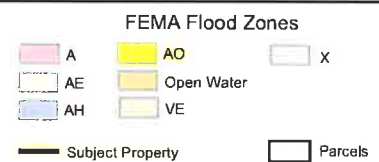
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1:4,800 or 1 inch = 400 feet

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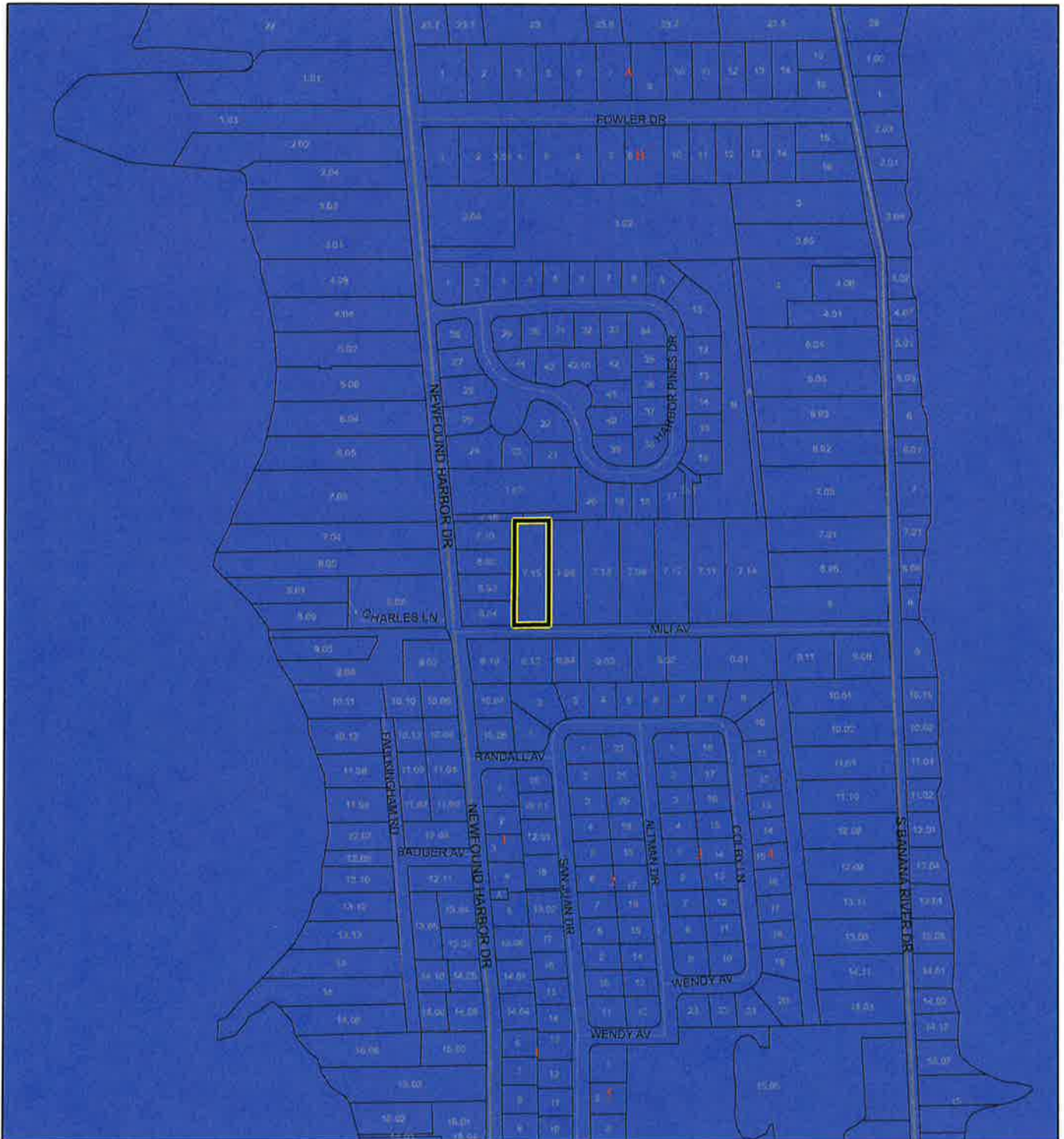
Produced by BoCC - GIS Date: 5/10/2022



INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

BALES, EVAN AND GODFREY, KELSEY

22Z00024



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2022

— Subject Property

□ Parcels

Septic Overlay

■ 40 Meters

■ 60 Meters

■ All Distances

EAGLE NESTS MAP

BALES, EVAN AND GODFREY, KELSEY

22Z00024



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2022

 Subject Property

 Parcels

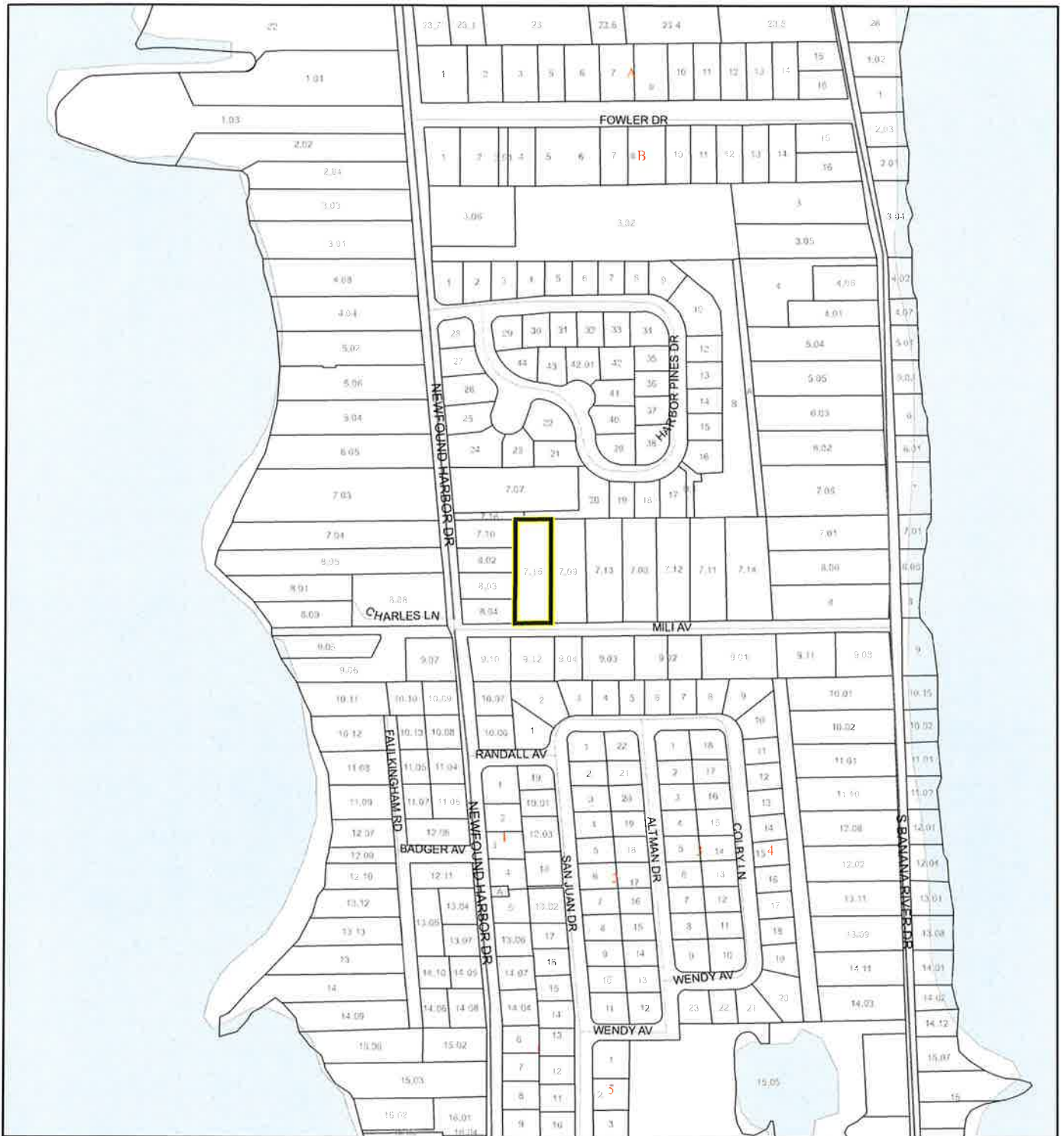


Eagle Nests
FWS 2010

SCRUB JAY OCCUPANCY MAP

BALES, EVAN AND GODFREY, KELSEY

22Z00024




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/10/2022

 Subject Property

 Parcels

 Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

BALES, EVAN AND GODFREY, KELSEY

22Z00024



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 hereon.

Produced by BoCC - GIS Date: 5/10/2022

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

LEGAL DESCRIPTION:

A parcel of land being a portion of Lots 7, 8 and 9 of BANANA RIVER DRIVE Subdivision, recorded in Plat Book 3, Page 11 of the public records of Brevard County, Florida and being more particularly described as follows:

Commence at a point on the East right of way line of Newfound Harbor Drive (a 50 foot wide right of way) which is 50.00 feet South, by right angle measurement, from the North line of said Lot 9 (said point being also the intersection of the East right of way line of Newfound Harbor Drive and the North right of way line of Mill Avenue (a 25 foot wide right of way), and thence run East, along said North right of way line of Mill Avenue and parallel to and 50.00 feet distant South, by right angle measurement, from the aforesaid North line of Lot 9, a distance of 150.00 feet to the POINT OF BEGINNING; thence continue East, along said North right of way line and parallel to said North line of Lot 9, a distance of 100.00 feet; thence North, perpendicular to said right of way line, a distance of 300.00 feet; thence West, parallel to and 50.00 feet distant North, by right angle measurement, from the South line of aforesaid Lot 7, a distance of 100.00 feet; thence South, perpendicular to said right of way line, a distance of 300.00 feet to the POINT OF BEGINNING; containing 0.0253 acres.

Subject to all easements and rights of way of record.

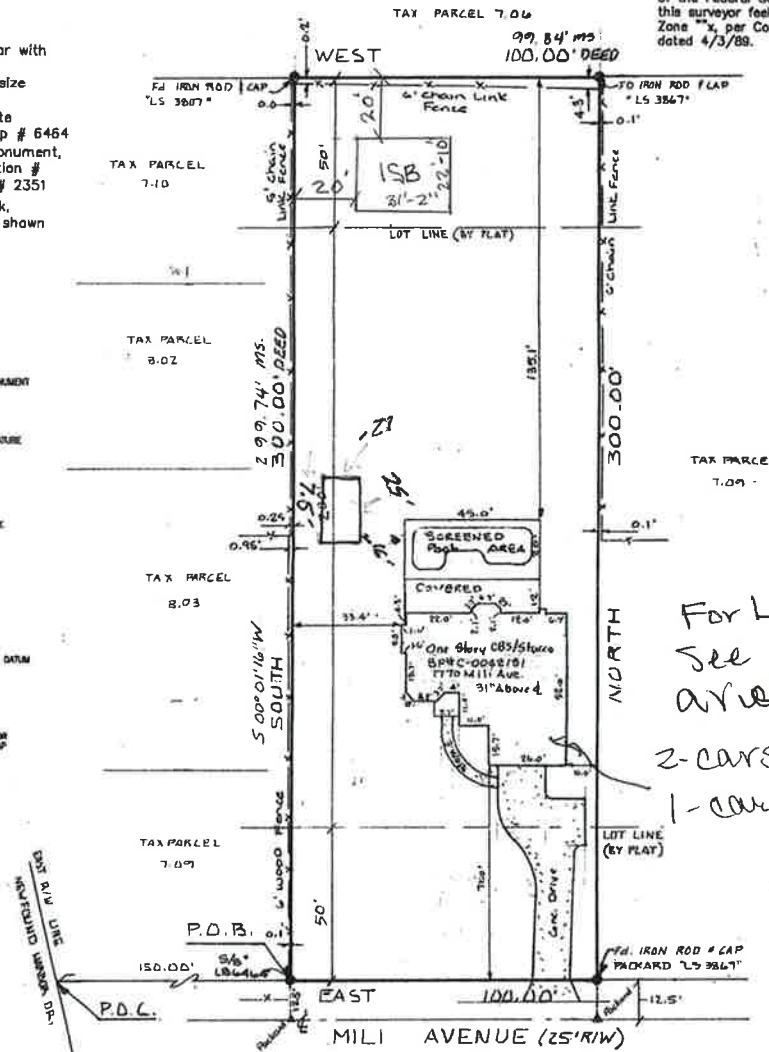
SKETCH OF SURVEY

LEGEND:

- Set 5/8" iron rebar with cap # 6464
- Found iron rebar, size and cap #
- Set 4"x4" concrete monument with cap # 6464
- Found concrete monument, size and identification #
- △ Set nail and disk # 2351
- ▲ Found nail and disk, identification # as shown

EXPLANATION OF ABBREVIATIONS

PRM	PERMANENT REFERENCE MONUMENT
PCP	PERMANENT CONTROL POINT
CM	CONCRETE MONUMENT
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
PRC	POINT OF REVERSE CURVE
PC	POINT OF COMPOUND CURVATURE
PI	POINT OF INTERSECTION
RA	RIGHT ANGLE
DEL	DELTA OR CENTRAL ANGLE
ARC	LENGTH OF CURVE
FD	FOUND
CA	COUNTY
W	WEST
E	EAST
N	NORTH
S	SOUTH
PR	PROPERTY LINE
CS	CONCRETE BLOCK STRUCTURE
FR	FRAMING
CONC	CONCRETE
AVC	AIR CONDITIONER
PH	POWER POLE
UP	UNDERGROUND
CA	CURB AND GUTTER
DP	EDGE OF PAVEMENT
WM	WATER METER
PC	POINT ON LINE
MEAS	MEASURED DISTANCE
P	MEASUREMENT ON PLAT
FTE	FINISH FLOOR ELEVATION
PR	PROPOSED REFERENCE POINT
NSD	NATIONAL GRIDING VERTICAL DATUM
BM	BENCH MARK
BP	BUILDING PERMIT
ELEV	ELEVATION
MB	MANHOLE
FB	FLAT BOOK
BF	BEST FLOOD ELEVATION
LS	LOCKED BUSINESS
LS	PROFESSIONAL LAND SURVEYOR
PRV	FEDERAL INSURANCE RATE MAP
P.D.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING



SURVEYOR'S NOTES:

1. Unless otherwise noted, only platted easements are shown hereon.
2. P.U.D.E. denotes Public Utilities and Drainage Easement.
3. No underground utilities or improvements were located unless otherwise shown.
4. Unless otherwise noted, any elevations shown are based on N.G.V. Datum of 1929, relative to B.M. #
5. Bearings shown hereon are based on the centerline of Mill Avenue being East according to the plat described hereon, and may not be a True North Azimuth.

FOR INFORMATION ONLY:

The surveyor no longer certifies the F.E.M.A. Zone. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor feels that this parcel lies in F.I.R.M. Zone "X" per Community Panel No. 125082-0360 E dated 4/3/88.

For Landscaping
See attached
aerial photo
2-cars in garage
1-car in driveway

JUL 0 2 2018

Drawn by:
J.CESIRO JR
Scale:
1"=40'
Date:
01-04-96
Project #
95-480

Campbell
SURVEYING AND MAPPING
OF BREVARD, INC

3525 N. COURTENAY PARKWAY - SUITE 1
MAILING ADDRESS: P.O. BOX 542148
MERRITT ISLAND, FL 32954 PHONE (321) 453-5820

DATE	REVISIONS
3/08/02	RECERTIFIED

BOUNDARY SURVEY

Certified to: Rodney D. & Julie M. Godfrey
SPACE COAST TITLE COMPANY
Commonwealth Land Title Insurance Company
Navy Federal Credit Union

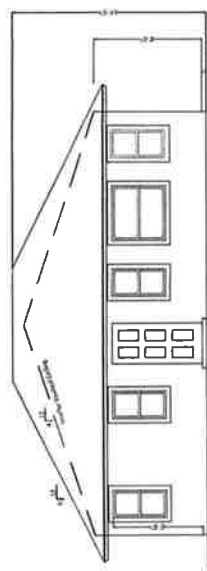
I hereby certify that the survey shown hereon is true and correct to the best of my knowledge and belief, based on actual measurements taken in the field. This survey meets the Minimum Technical Standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61 G 17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

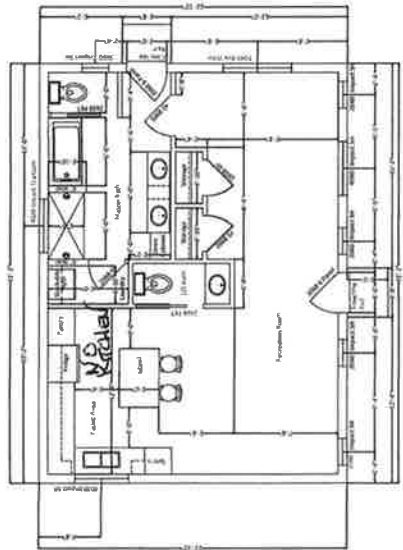
John R. Campbell
John R. Campbell
Professional Land Surveyor No. 2351
State of Florida

Wind Speed: 100 mph, Exposure X
 Wind Load Design - CODES USED: 2020 FLORIDA BUILDING CODE, RESIDENTIAL EDITION, ACI, IBCS, APA AND ASCE 7-16.

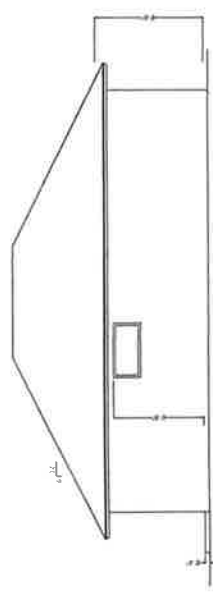
HEATED SF = 772
 TOTAL SF = 772



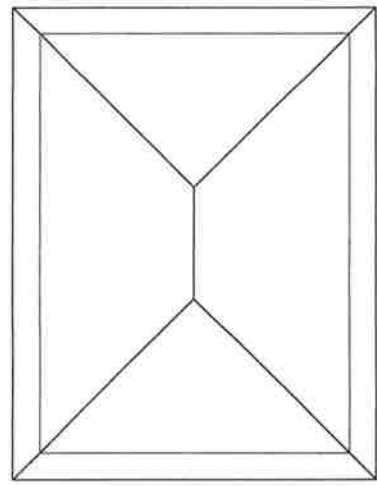
FRONT ELEVATION
 1/4" = 1'-0"



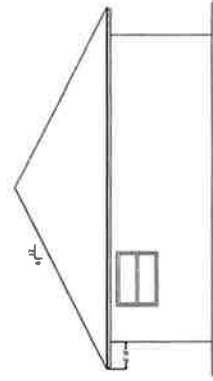
FLOOR PLAN
 1/4" = 1'-0"



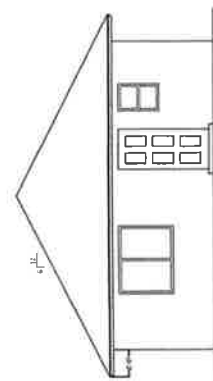
REAR ELEVATION
 1/4" = 1'-0"



ROOF PLAN
 1/4" = 1'-0"



LEFT ELEVATION
 1/4" = 1'-0"



RIGHT ELEVATION
 1/4" = 1'-0"

General Notes	
No.	Revisory/Name
Project Name and Address: Creative Building Group, LLC J. Vernon Enterprises 2210 Pratt St, Suite 106 Melbourne, FL 32901 Charlene K. Morgan (321) 295-4659	
Project Name and Address: East Point & Midway Godfrey 1770 MILL AVE MERRITT ISLAND, FL 32952	
Date: 05/06/2022 Scale: 1/4" = 1'-0"	Project Name and Address: Creative Building Group, LLC J. Vernon Enterprises 2210 Pratt St, Suite 106 Melbourne, FL 32901 Charlene K. Morgan (321) 295-4659

From: [Janet Barchuk](#)
To: [Jones, Jennifer](#)
Subject: ID# 22Z00024
Date: Tuesday, July 12, 2022 11:32:19 AM

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

Good morning,

I am contacting your office to ask a few questions about the request for Conditional Use Permit at 1770 Mili Ave. Merritt Island. I will try my best to attend the public hearing, if my work can be flexible.

We purchased our home at 1016 Newfound Harbor Dr, Merritt Island, FL 32952 in 2021 and truly loved the view of the property behind us with its bushes and trees, creating a relaxing and calming environment. We also understand things change.

Can you offer some information on the building and future use of the property.
What is the size of this house and will there be an outside living space such as patio / screen room / shed, and its size in square footage?
What direction will the front door face and will there be a driveway all the way to this house?
Which trees and / bushes are expected to be removed?
What is the intended use? We have already seen a short term rental situation there, so we are wondering if multiple people will be in and out. We are curious as we have small dogs that like to greet and bark at almost everyone.

A future consideration for this property may be to replace the green chain link fence with a privacy fence.

Thank you for answering some of these questions in advance of the public hearing, which I hope to attend.

Sincerely,

Janet Barchuk
Kim Wagar
1016 Newfound Harbor Drive.
Merritt Island FL 32952

From: [Blue Massey](#)
To: [Jones, Jennifer](#)
Subject: ID22Z00024
Date: Tuesday, July 12, 2022 3:02:09 PM

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

In reference to the request for a CUP ON .69 ACRES, LOCATED 150 FT. east of New Found Harbor (1770 Mili Ave., Merritt Islnd, I am extremely against these actions. Please do not allow one to set residence. We, on NFH, hope for improvement, not more ghetto happenings.

Thank you for your attention.

Betty Massey
Sent from [Mail](#) for Windows

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, July 18, 2022**, 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: Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Brian Hodgers (D2); Robert Sullivan (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Liz Alward (D4); Bruce Moia (D5); Peter Filiberto (D5); and John Hopengarten (BPS).

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Jane Hart, Planner III; Alex Esseeesse, Assistant County Attorney; and Tonya Parker, Administrative Secretary.

Excerpt of Complete Agenda

Evan Bales and Kelsey Godfrey (Charlene Morgan)

A CUP (Conditional Use Permit) for a Guesthouse in an RU-1-11 (Single-Family Residential) zoning classification. The property is 0.69 acres, located on the north side of Mili Ave., approx. 150 ft. east of Newfound Harbor Dr. (1770 Mili Ave., Merritt Island) (22Z00024) (Tax Account 2522454) (District 2)

Charlene Morgan, representing the applicant, stated Mr. Bales' mother is ailing and they would like to be able to build a guesthouse for her in the back of their property.

No public comment.

John Hopengarten asked if there will be a kitchen in the guesthouse. Ms. Morgan replied no.

Ben Glover asked if the guesthouse will be connected to sewer. Ms. Morgan replied they are in the process of getting a septic tank evaluated and the final approval from Environmental Health. She said the water will be City of Cocoa and it will be connected to the existing meter.

Motion by Henry Minneboo, seconded by Ben Glover, to recommend approval of a CUP for a Guesthouse in an RU-1-11 zoning classification. The motion passed unanimously.