



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.1.

10/7/2021

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### Subject:

Aaron-Michael A. and Penny M. Keegan (Steve DeFillips) request a CUP for a Private Boat Dock Accessory to an Adjacent Single-Family Residential Lot in an RU-1-13 Zoning Classification. (21PZ00038) (Tax Account 2953245) (District 3)

### 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 Private Boat Dock Accessory to an Adjacent Single-Family Residential Lot in an RU-1-13 (Single-Family Residential) zoning classification.

### Summary Explanation and Background:

The applicants are seeking approval of a CUP for a private residential boat dock in the RU-1-13 zoning classification for the purpose of legitimizing an existing boat dock on the parcel as an accessory use. On June 30, 2000 this dock parcel was split into two parcels. This split created two parcels that did not meet the CUP's 30 feet water frontage requirement. The applicant has since purchased both of these parcels and combined them back together to the original configuration per warranty deed recorded in Official Records Book 9153, Page 265 on June 11, 2021. Section 62-1943.3 allows a private boat dock to be considered adjacent if the lot is located within the same neighborhood.

A CUP for the existing dock was never obtained. The applicant also owns Lot 20, Block D, located in the same Crystal Lakes subdivision approximately 1/4 mile northeast of the subject waterfront lot. Both the dock parcel and parent parcel retain the RU-1-13 zoning classification.

The character of the area is a mix of existing single-family homes and parcels with existing docks. Of the 13 similar parcels on the south side of Ross Avenue, all but two have existing docks. There have been 10 approved CUP actions for private boat docks accessory to adjacent single-family residential lots within the Crystal Lakes subdivision.

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

On September 20, 2021, 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.

**Resolution 21PZ00038**

On motion by Commissioner Tobia, seconded by Commissioner Lober, the following resolution was adopted by a unanimous vote:

**WHEREAS, Aaron-Michael A. and Penny M. Keegan** have requested a CUP (Conditional Use Permit) for a Private Boat Dock Accessory to Adjacent Single-Family Residential Lot, in a RU-1-13 (Single-Family Residential) zoning classification, on property described as follows: Lots 2.02 & 2.12, Crystal Lakes Subdivision, as recorded in ORB 9153, Pages 265 - 267, of the Public Records of Brevard County, Florida (dock parcel); and Lot 20, Block D, Crystal Lakes Subdivision, according to the plat thereof, as recorded in Plat Book 11, Page 42, of the Public Records of Brevard County, Florida (residence parcel). **Section 03, Township 29, Range 38** (0.02 acres, dock parcel) (0.26 acres residence parcel) Located on the south side of Ross Ave., approx. 295 ft. west of Lakeview Dr.) (395 Ross Ave., Melbourne Beach); and

**WHEREAS**, a public hearing of the Brevard County Planning and Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering the adjacent areas, the Brevard County Planning and Zoning Board recommended that the application be approved; and

**WHEREAS**, the Board, after considering said application and Brevard County Planning and Zoning Board's recommendation, and hearing all interested parties, and after due and proper consideration having been given to the matter, find that the application should be approved as recommended; now therefore,

**BE IT RESOLVED** by the Board of County Commissioners of Brevard County, Florida, that the requested CUP for a Private Boat Dock Accessory to Adjacent Single-Family Residential Lot, in a RU-1-13 zoning classification be approved. The Planning and Development Director, or designee, is hereby directed to make this change on the official zoning maps of Brevard County, Florida.

**BE IT FURTHER RESOLVED** that this resolution shall become effective as of October 7, 2021.

BOARD OF COUNTY COMMISSIONERS  
Brevard County, Florida



Rita Pritchett, Chair

Brevard County Commission

As approved by the Board on October 7, 2021.

ATTEST:



RACHEL M. SADOFF, CLERK

(SEAL)

Planning and Zoning Board Hearing – September 20, 2021

Please note: A CUP (Conditional Use Permit) will generally expire on the three-year anniversary of its approval if the use is not established prior to that date. CUPs for Towers and Antennas shall expire if a site plan for the tower is not submitted within one year of approval or if construction does not commence within two years of approval. A Planned Unit Development Preliminary Development Plan expires if a final development plan is not filed within three years. **The granting of this zoning does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances.**

## **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 staff, 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 Development staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all 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 re-zoning 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:

**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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(321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**

**21PZ00038**

**Aaron and Penny Keegan**

**CUP for a Private Boat Dock Adjacent to a Single-Family Residence in RU-1-13**

Tax Account Number: 2964949 & 2953089 (dock parcel) / 2953245 (single-family residence)  
Parcel I.D.: 29-38-03-HW-\*-2.02 & 29-38-03-HW-\*-2.12 (dock parcels have been combined as one warranty deed per Official Records Book 9153, Page 265 on June 11, 2021).  
Location: 29-38-03-50-D-20 (single-family residence parcel)  
South side of Ross Avenue, approx. 295 feet west of Lakeview Drive (dock parcel)  
Northwest corner of Ross Avenue and Malabar Boulevard (District 3) (Single-family residence parcel)  
Acreage: 0.02 acres (dock parcel)

Planning & Zoning Board: 09/20/2021

Board of County Commissioners: 10/07/2021

**Consistency with Land Use Regulations**

- Current zoning cannot 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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-13	RU-1-13 with CUP
<b>Potential*</b>	1 Single-Family Home	Private Boat Dock
<b>Can be Considered under the Future Land Use Map</b>	YES** RES 2	YES** RES 2

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

\*\* The RU-1-13 zoning classification is not consistent with the Future Land Use designation of Residential 2. The parent lot, Lot 2, Block D, Crystal Lakes Subdivision is recorded in Plat Book 11, page 42A on December 31, 1955. The parent parcel is considered nonconforming to the Comprehensive Plan as it was established and of record before the Future Land Use of the Comprehensive Plan was adopted on September 8, 1988 and therefore the CUP request can be heard.

## **Background and Purpose of Request**

The applicant is requesting approval of a Conditional Use Permit (CUP) per **Section 62-1943.3** for a private residential boat dock in the RU-1-13 zoning classification for the purpose of legitimizing an existing boat dock on the parcel as an accessory use. The subject dock parcel was subdivided into this configuration on February 16, 1982. On June 30, 2000 this dock parcel was split into two parcels. This split created two parcels that did not meet the CUP's 30 feet water frontage requirement. The applicant has since purchased both of these parcels and combined them back together to the original configuration per warranty deed recorded in Official Records Book 9153, Page 265 on June 11, 2021.

A CUP for the existing dock was never applied for. The applicant also owns Lot 20, Block D, located in the same Crystal Lakes subdivision approximately 1,285 feet northeast of the subject waterfront lot. Both the dock parcel and parent parcel retain the RU-1-13 Zoning classification. Of the 13 similar parcels on the south side of Ross Avenue, all but two have existing docks. There have been ten approved CUP actions for private boat docks accessory to adjacent single-family residential lots within the Crystal Lakes subdivision.

On February 4, 1997, Administrative Action, **AA-1151** was approved for a waiver of two feet from the 20 feet rear setback required for a single-family home on the parent parcel.

## **Land Use**

The subject dock parcel and the parent property retain the RES 2 (Residential 2) Future Land Use designation. Per section 62-1255 Exhibit "A" the RU-1-13 zoning classification is not consistent with the Residential 2 Future Land Use. The parent lot, Lot 2, Block D, Crystal Lakes Subdivision is recorded in Plat Book 11, page 42A on December 31, 1955. The parent parcel is considered nonconforming to the Comprehensive Plan as it was established and of record before the Future Land Use of the Comprehensive Plan was adopted on September 8, 1988.

## **Applicable Land Use Policies**

**FLUE Policy 1.8** –The Residential 2 Future land use designation permits lower density residential development with a maximum density of up to two (2) 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 2 – 8 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.** This dock site is located within a large Residential 2 node. To the east, west and the parcels to the north across Ross Avenue are under the same FLU designation of Residential 2. To the south of the subject parcel lies a canal waterway for the subdivision.

**Analysis of Administrative Policy #4 - Character of a neighborhood or area.** The character of the area is a mix of existing single-family homes and parcels with existing dock parcels. Of the 13 similar parcels on the south side of Ross Avenue, all but two have existing docks. There have been ten approved CUP actions for private boat docks accessory to adjacent single-family residential lots

within the Crystal Lakes subdivision. The existing dock parcels along Ross Avenue range from approximately 30 feet wide to 78 feet wide with a lot depth of approximately 13 feet to 63 feet.

### **Surrounding Area**

The abutting parcels, north, south, east and west of the dock parcel and the residential parcel are zoned RU-1-13.

RU-1-13 permits single-family residences on minimum 7,500 square foot lots, with minimum widths and depths of 75 feet. The minimum house size is 1,300 square feet.

There have been three zoning actions within a half-mile radius around this site within the last 4 years.

On May 24, 2018, application **18PZ00016** approved a CUP for a Private Boat Dock Accessory to a Single-Family Residential Lot. This site is located on the south side of Ross Avenue abutting the subject dock parcel to the east.

On October 03, 2019, application **19PZ00046** approved a CUP for a Private Boat Dock Accessory to a Single-Family Residential Lot. This site is located on the south side of Ross Avenue approximately 256 feet west of the subject dock parcel.

On May 06, 2021, application **21PZ00004** approved a CUP for a Private Boat Dock Accessory to a Single-Family Residential Lot. This site is located on the south side of Ross Avenue approximately 134 feet west of the subject dock parcel.

### **Environmental Constraints**

#### **Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain
- Surface Waters of the State
- Indian River Lagoon Nitrogen Reduction Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Information available to NRM indicates that recent, unpermitted land clearing activities may have occurred in the Surface Water Protection Buffer. The discovery of unpermitted land clearing activities may result in enforcement action.

### **Preliminary Transportation Concurrency**

The subject property is closest to the concurrency management segment of Highway A1A, between Heron Dr. and Mar-Len Dr., which has a Maximum Acceptable Volume (MAV) of 24,200 trips per day, a Level of Service (LOS) of D, and currently operates at 39.71% of capacity daily. The maximum

development potential from the proposed CUP does not increase the proposed trip generation on the corridor and will not create a deficiency in LOS which operates at 39.71% of capacity daily.

### **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 62-1943.3, Private Boat Dock Accessory to a Single-Family Residential Lot.

This request should be evaluated in the context of Section **62-1943.3**, governing private boat docks accessory to adjacent single family residential lots, as follows:

A private boat dock, for the purposes of this section, is a boat dock that is used in connection with a waterfront lot or parcel which may be undersized for the residential zoning classification in which it is located, and is therefore associated with and considered part of an adjacent residential lot. The term "adjacent", for the purposes of this section, means any lot within the same neighborhood as described below in paragraph (1).

A conditional use for a private boat dock on a waterfront lot or parcel may be considered as an accessory use to an adjacent developed or undeveloped buildable residential lot in any residential zoning classification under the following conditions. Owners of docks established prior to November 17, 2008, as evidenced by a certified survey or other irrefutable evidence, may request a waiver of any of the below conditions as part of the conditional use permit review process.

***Staff analysis: The subject dock parcel was subdivided into this configuration on February 16, 1982. Currently, there is an existing dock on the parcel. On June 30, 2000 the dock parcel was split into two parcels. This split created two parcels that did not meet the CUP 30 feet water frontage requirement. The applicant has since purchased both parcels and combined them back together with one warranty deed per Official Records Book 9153, Page 265 on June 11, 2021. A CUP for the existing dock was never applied for.***

- (1) The lot or parcel upon which the dock is to be constructed must be owned and used by the owner of a residential lot or parcel (or residential tenant of said lot or parcel) located within either the same platted subdivision or within 1000' of the dock parcel. The owner of the dock

lot or parcel and the residential lot shall maintain fee simple ownership to both properties at all times.

**Staff analysis:** *The applicants' residential lot is in the same subdivision, Crystal Lakes, as the dock lot.*

- (2) The lot or parcel shall have at least 30 feet of water frontage, except where located on the Indian or Banana River Lagoons, where it shall have river frontage equal to or exceeding the minimum lot width requirement of the parcel's zoning classification.

**Staff analysis:** *The parcel meets the minimum 30 feet of water frontage as shown on the boundary survey of subject parcel included with CUP application.*

- (3) The boat dock may contain slips for no more than two boats and shall not be used for commercial purposes.

**Staff analysis:** *The existing boat dock would only permit two boats as shown on the boundary survey of subject parcel included with CUP application.*

- (4) No other accessory structures are permitted on the dock lot or parcel.

**Staff analysis:** *There are no accessory structures other than the existing dock on the parcel.*

- (5) The dock lot or parcel shall not be used to store a boat trailer, nor shall it be used to launch a boat.

**Staff analysis:** *Owner will only be parking vehicle on parcel only be while boat is in use.*

- (6) The dock shall meet all applicable development standards described in Section 62-2118.

**Staff analysis:** *The existing dock appears to meet the requirements of Section 62-2118(d) Residential Boat Docks and Piers as shown on the boundary survey of subject parcel included with CUP application. There does not appear to be a building permit for the existing dock.*

**The existing parcel and existing appears to meet conditions (1) to (6) above.**

The Board should consider the compatibility of the proposed CUP pursuant to Section 62-1151(c) and to Section 62-1901. 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.

The applicant's responses are indicated in **bold** and staff observations are provided in *italics*.

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:** No additional impact will result. Only to be used by owner to dock up to two vessels.

*Staff analysis: The subject property is one of many dock lots subdivided from a waterfront tract of the Crystal Lake Subdivision. Residential docks are permitted to have no more than two vessels moored and vessels must meet the setback requirement off the projection of the side property lines into the waterway.*

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 property is only to be used as a boat dock, the same as adjacent properties.

*Staff analysis: The subject property is one of many dock lots subdivided from a waterfront tract of the Crystal Lake Subdivision.*

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.

**Applicant's Response:** The proposed boat dock will be in compliance with building code regulations.

*Staff analysis: Competent and substantial evidence by a MAI certified appraiser has not been provided by the applicant.*

## **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.

**Applicant's Response: The ingress and egress is adequate. The owner is the only anticipated traffic. Owner to park on lot not in the street.**

*Staff analysis: The dock parcel abuts the County maintain right-of-way of Ross Avenue.*

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: There will be no substantial disturbance to the neighbors from the boat dock or boat.**

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

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:

**Applicant's Response: Noise levels will comply with section 62-2271 for residential use.**

*Staff analysis: Any outdoor noise standards should remain within code parameters per Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272 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 for the property or area covered by such level of service, to be exceeded.

**Applicant's Response: No additional waste will be generated.**

*Staff analysis: the adopted level of service for solid waste disposal shall not be exceeded.*

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.

**Applicant's Response: None will be required.**

*Staff analysis: potable water and wastewater will not be required for a dock permit.*

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.

**Applicant's Response: The property is the same type of property as the neighbors.**

*Staff analysis: The subject property is one of many dock lots subdivided from a waterfront tract of the Crystal Lake Subdivision.*

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: None will be used.**

*Staff analysis: No sign will be needed. Any Lighting will need to meet Lighting Standards in section 62-2257.*

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: Hours will be the same as neighboring properties.**

*Staff analysis: There are no restrictions as to the hours of operation.*

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.

**Applicant's Response: The dock height will be compatible with the character and codes of the area.**

*Staff analysis: The exist dock appears to meet the dock height requirement of section 62-2118. A new boat dock replacing the existing dock will have to meet the dock height requirements in section 62-2118 Residential boat docks and piers.*

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.

**Applicant's Response: None will be required. Any parking will be on the property. Parking will only be while boat is in use.**

*Staff analysis: Owner will only be parking vehicle on parcel only be while boat is in use.*

**For Board Consideration**

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

**NATURAL RESOURCES MANAGEMENT DEPARTMENT**  
**Conditional Use Permit (CUP) Review & Summary**  
**Item # 21PZ00038**

**Applicant:** DePhillips for Keegan

**CUP Request:** Applicant wants a private boat dock accessory to their SFR parcel.

**P&Z Hearing Date:** 09/20/21; **BCC Hearing Date:** 10/07/21

**Tax ID Nos:** 2964949, 2953089, & 2953245

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

**Summary of Mapped Resources and Noteworthy Land Use Issues:**

- Hydric Soils/Wetlands
- Aquifer Recharge Soils
- Coastal High Hazard Area
- Floodplain
- Surface Waters of the State
- Indian River Lagoon Nitrogen Reduction Overlay
- Land Clearing and Landscape Requirements
- Protected Species

Information available to NRM indicates that recent, unpermitted land clearing activities may have occurred in the Surface Water Protection Buffer. The discovery of unpermitted land clearing activities may result in enforcement action.

**Land Use Comments:**

**Hydric Soils/Wetlands**

The subject parcel contains mapped hydric soils (Canaveral-Anclote complex) as shown on the USDA Soil Conservation Service Soils Survey map; an indicator that wetlands may be present on the property. Any permitted wetland impacts must meet the requirements of Sections 62-3694(e) including avoidance of impacts, and 62-3696. The applicant is encouraged to contact NRM at 321-633-2016 prior to any site plan design or permit submittal.

**Aquifer Recharge Soils**

Canaveral-Anclote complex may also function as an aquifer recharge soil. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy 10.2 and the Aquifer Protection Ordinance.

**Coastal High Hazard Area**

The parcel is within the CHHA as shown on the CHHA Map. The Coastal Management Element of the Comprehensive Plan, Policy 6.1, designates coastal high hazard areas to be those areas below the elevation of the Category 1 storm surge elevation as defined in Chapter 163, Florida Statute.

**Floodplain**

The parcel is located within the floodplain as identified by the Federal Emergency Management Agency as shown on the FEMA Flood Zones Map. The property is subject to the development criteria in Conservation Element Objective 4, its subsequent policies, and the Floodplain Ordinance. Additional impervious area increases stormwater runoff that can adversely impact nearby properties unless addressed on-site. Chapter 62, Article X, Division 6 states, "No site alteration shall adversely affect the existing surface water flow pattern." Chapter 62, Article X, Division 5, Section 62-3723 (2) states, "Development within floodplain areas shall not have adverse impacts upon adjoining properties."

**Surface Waters of the State**

The parcel is located on Class III surface waters of the State. A 25-foot Surface Water Protection Buffer (Buffer) is required. Alteration or construction of accessory structures, such a wood deck, is allowable within the Buffer provided that stormwater management is provided, and the alteration occurs in accordance with all other applicable federal, state, and local regulations. All alterations shall demonstrate avoidance and minimization of Buffer impacts, including the location of the alteration within the most landward portion of the Buffer, as practicable. The remainder of the Buffer shall be maintained in unaltered vegetation, except for non-native invasive plants.

**Indian River Lagoon Nitrogen Reduction Overlay**

The parcel is mapped within the Indian River Lagoon Nitrogen Reduction Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. If applicable, the use of alternative septic systems designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required if sewer is not available. NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts. Per Section 62-3666 (14), all onsite sewage treatment and disposal systems (OSTDS) shall be set back at least 100 feet from the buffer establishment line, the safe upland line, mean high water line or ordinary high-water line.

**Land Clearing and Landscape Requirements**

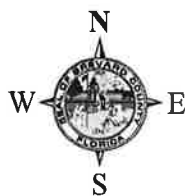
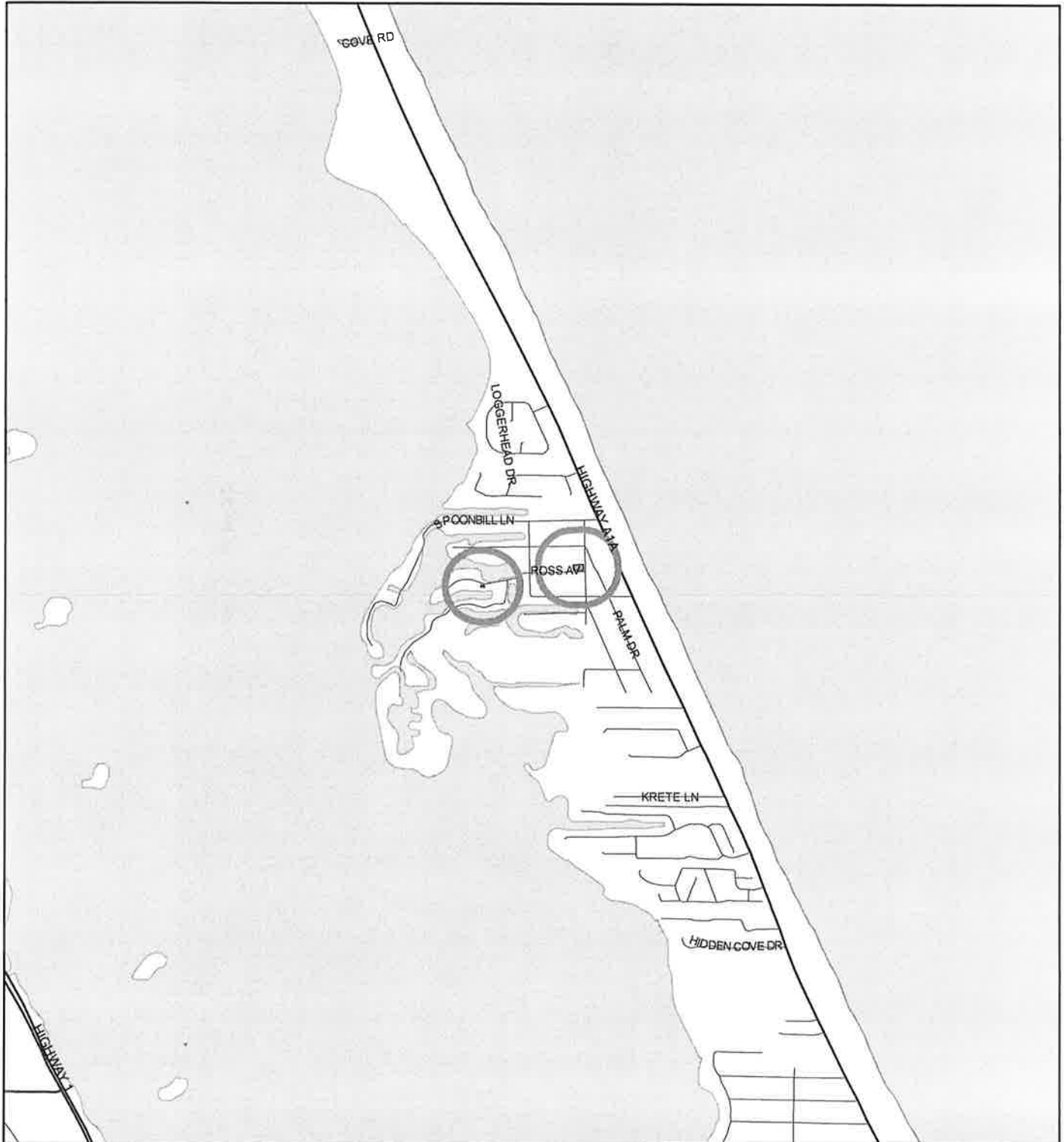
The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for tree preservation and canopy coverage requirements. Land clearing or tree removal in the Buffer is not permitted without prior authorization by NRM. Information available to NRM indicates that recent, unpermitted land clearing activities may have occurred in the Buffer. The discovery of unpermitted land clearing activities may result in enforcement action.

**Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Prior to any plan, permit submittal, or development activity, including land clearing, the applicant should obtain any necessary permits or clearance letters from the Florida Fish and Wildlife Conservation Commission and/or U.S. Fish and Wildlife Service, as applicable.

# LOCATION MAP

KEEGAN, AARON-MICHAEL A. AND PENNY M.  
21PZ00038



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

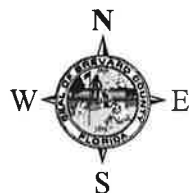
Buffer Distance: 500 feet

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: 7/6/2021

— Buffer  
■ Subject Property

KEEGAN, AARON-MICHAEL A. AND PENNY M.  
21PZ00038



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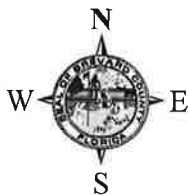
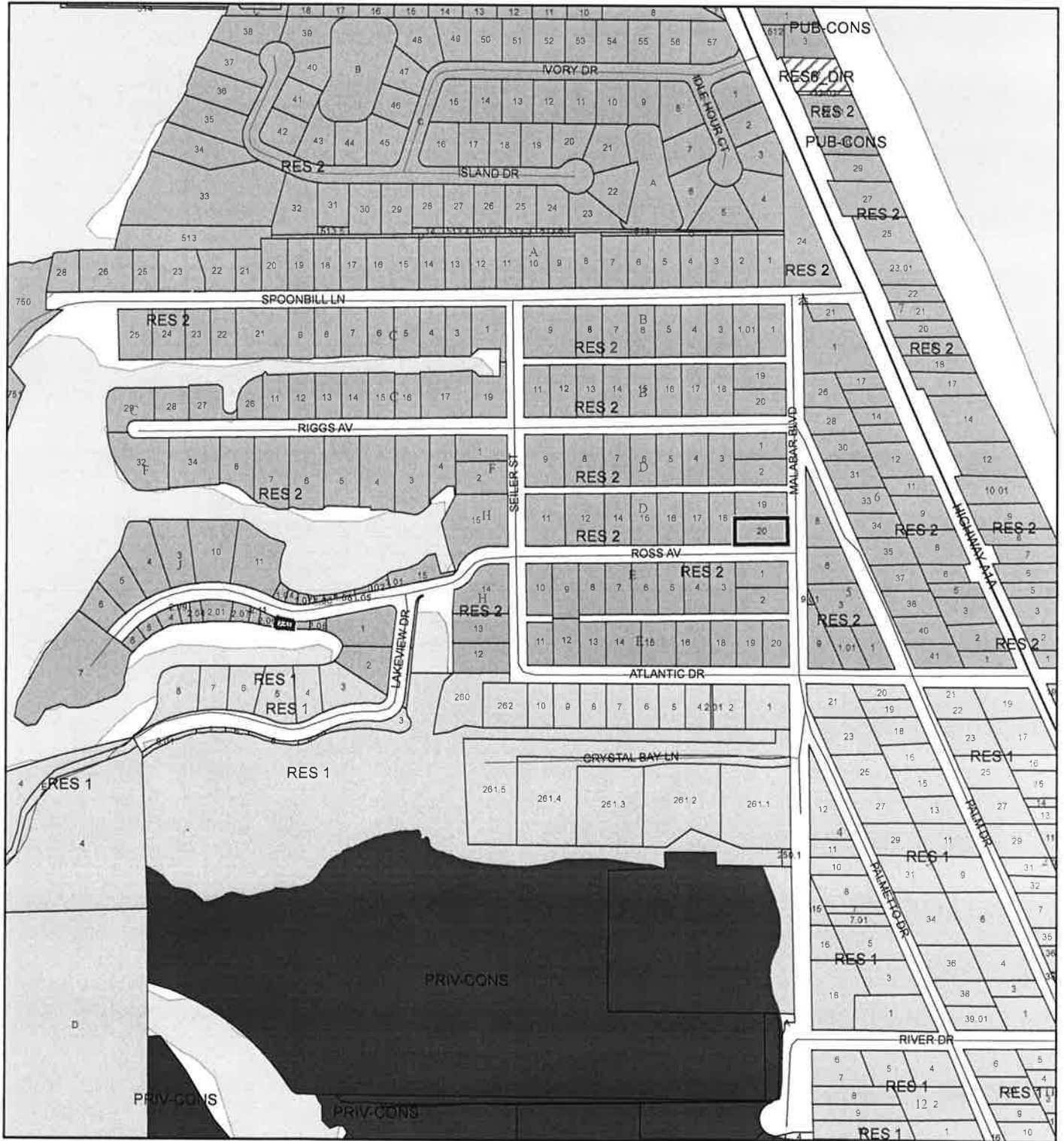
 Subject Property  
 Parcels  
 Zoning



# FUTURE LAND USE MAP

KEEGAN, AARON-MICHAELA. AND PENNY M.

21PZ00038



1:4,800 or 1 inch = 400 feet

— Subject Property  
 □ Parcels

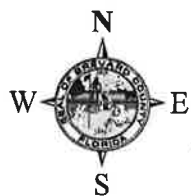
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 7/6/2021

# AERIAL MAP

KEEGAN, AARON-MICHAEL A. AND PENNY M.

21PZ00038



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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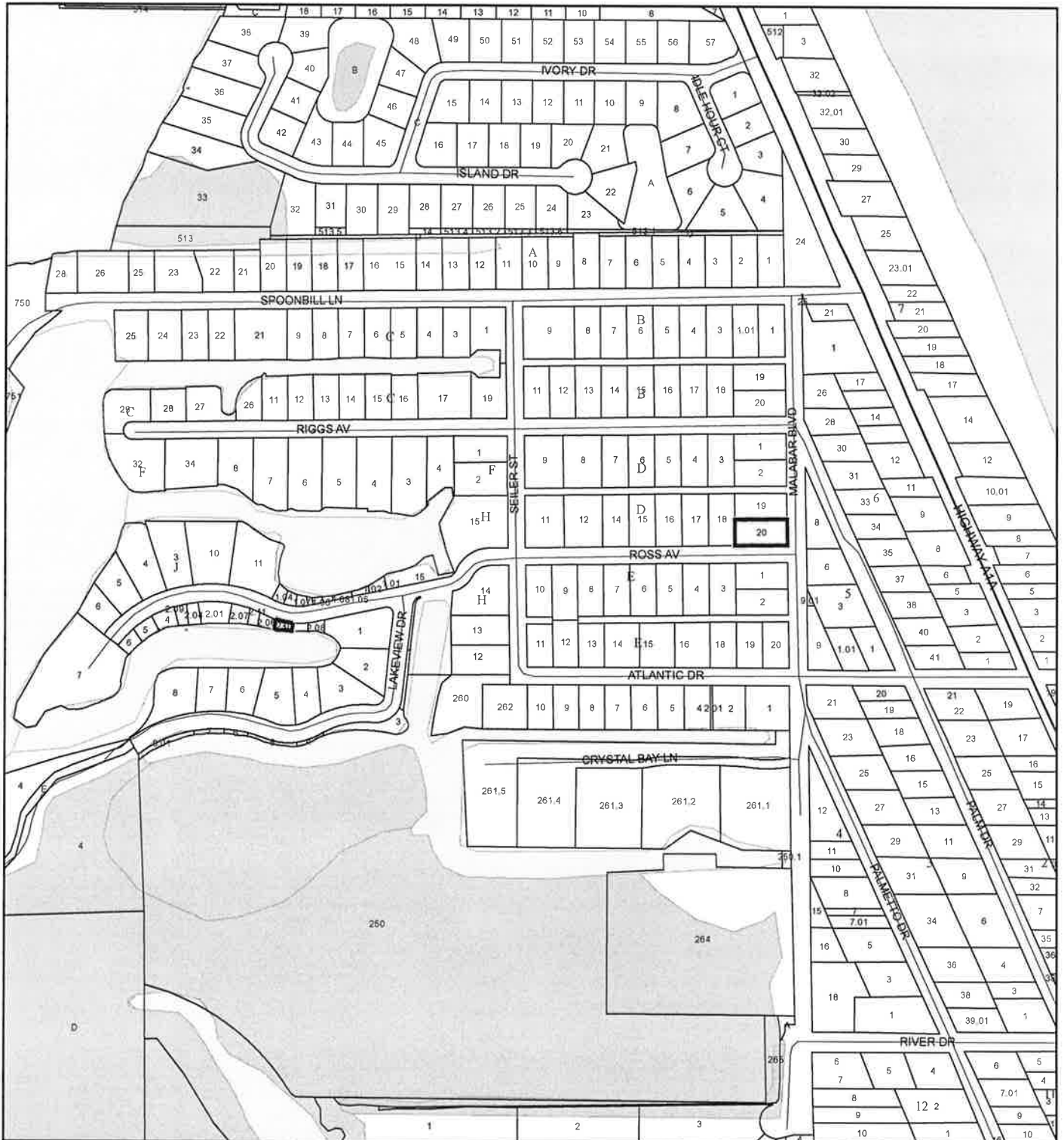
— Subject Property

□ Parcels

# NWI WETLANDS MAP

KEEGAN, AARON-MICHAEL A. AND PENNY M.

21PZ00038



1:4,800 or 1 inch = 400 feet

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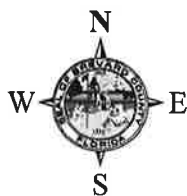
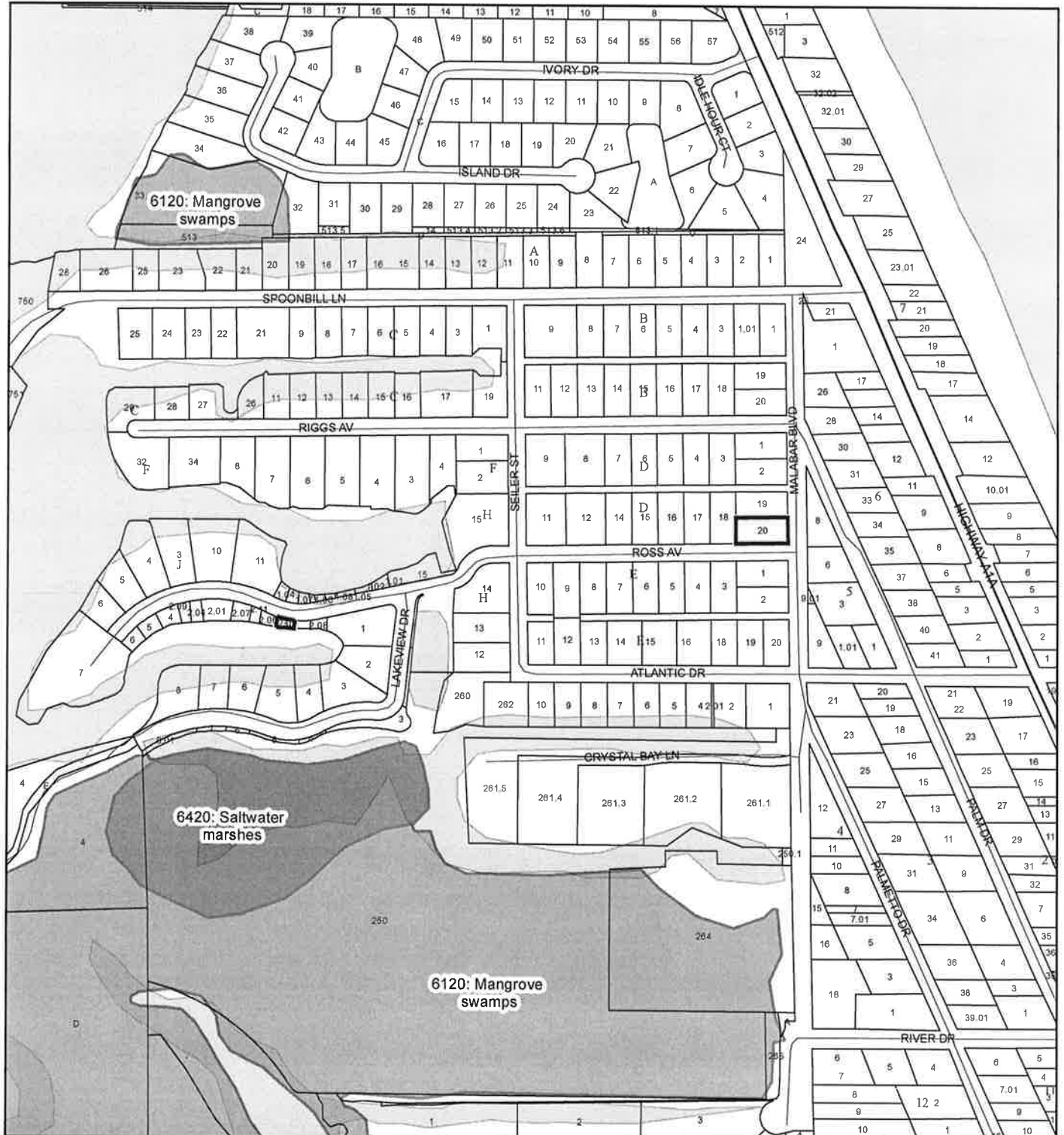
## National Wetlands Inventory (NWI)

	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

KEEGAN, AARON-MICHAEL A. AND PENNY M.

21PZ00038



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/6/2021

## 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

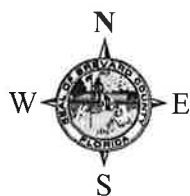
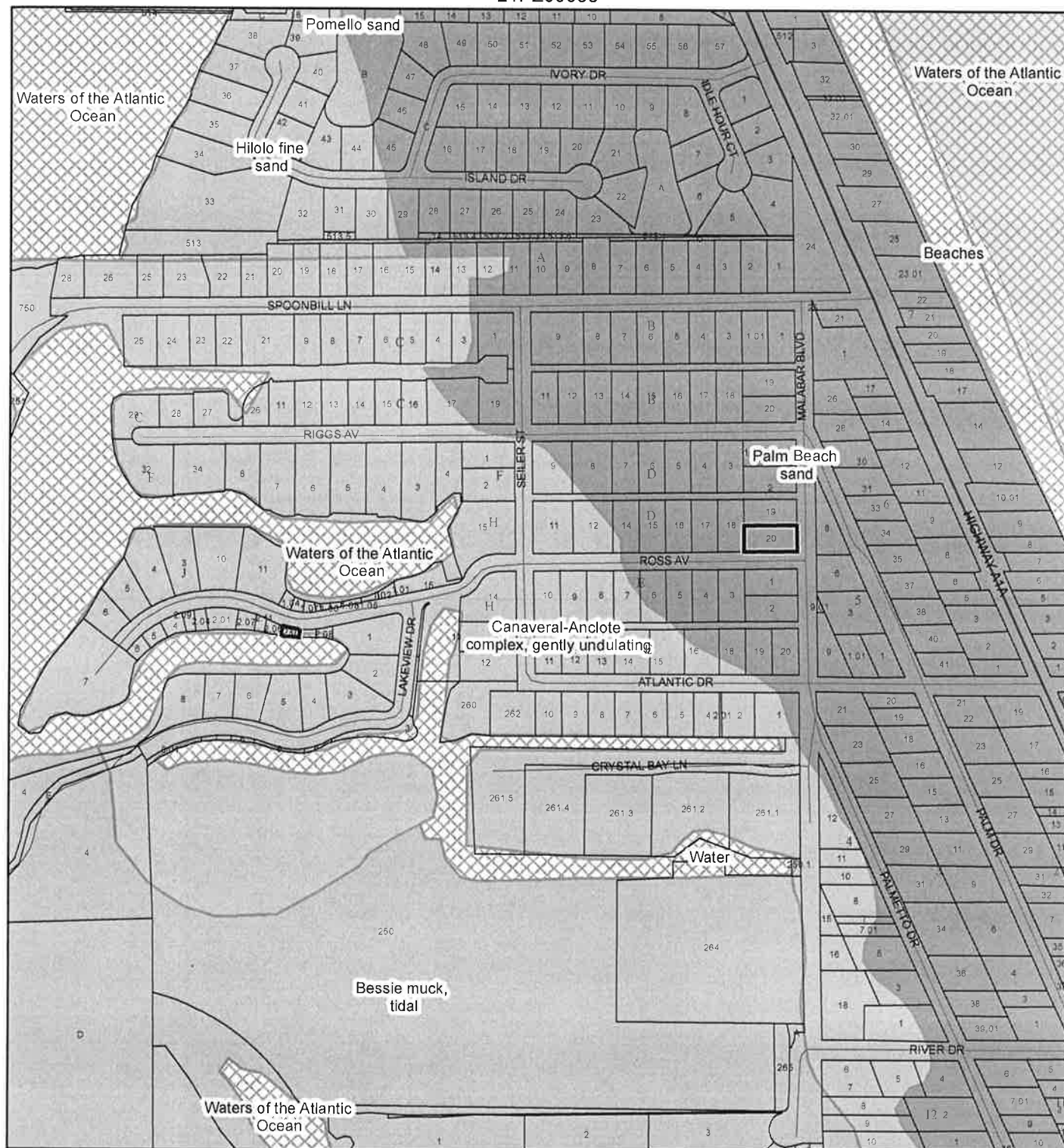
Parcels



# USDA SCSSS SOILS MAP

KEEGAN, AARON-MICHAEL A. AND PENNY M.

21PZ00038



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/6/2021

## USDA SCSSS Soils

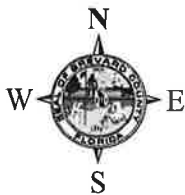
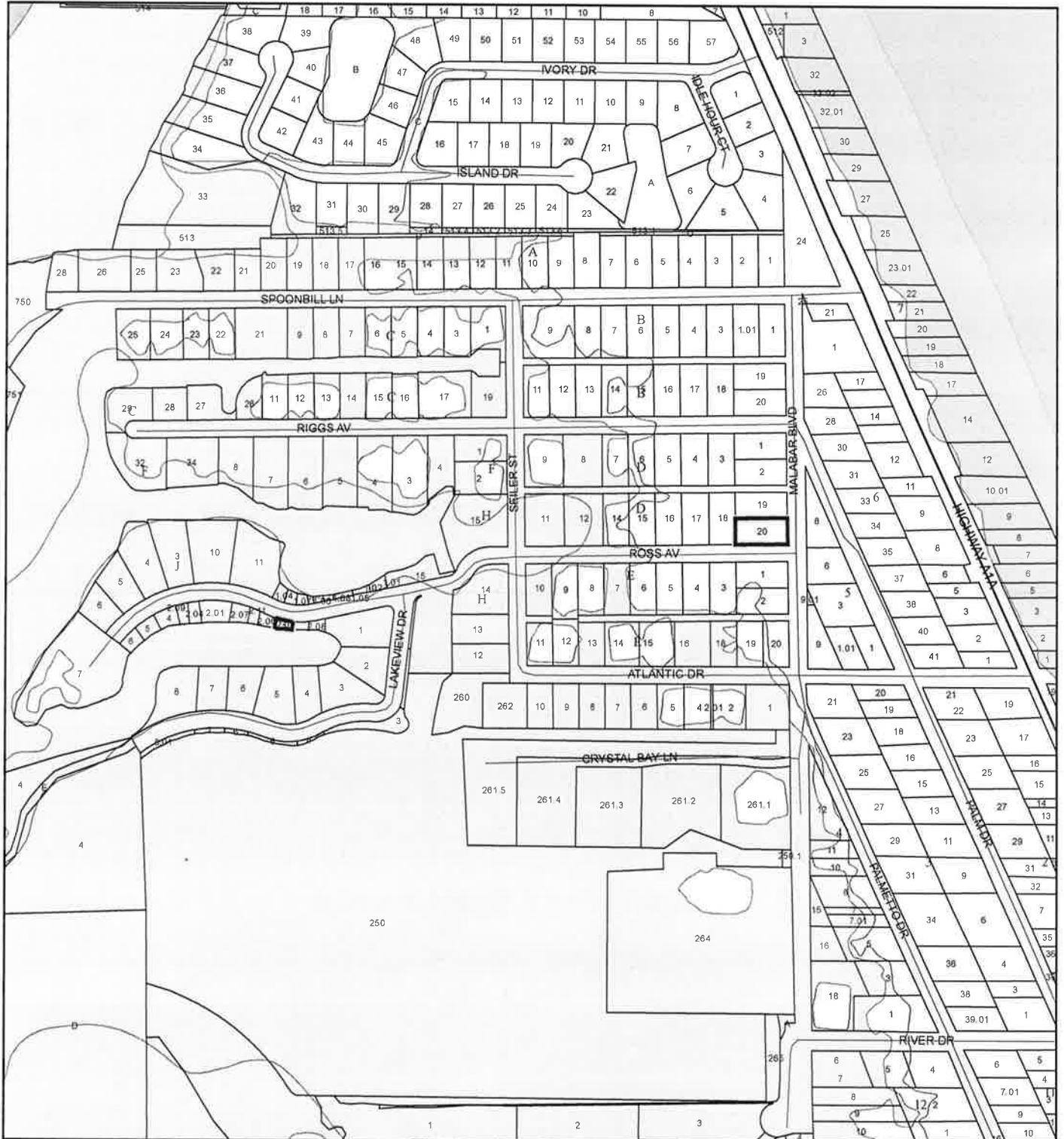
- Aquifer and Hydric
- Aquifer
- Hydric
- None

- Subject Property
- Parcels

# FEMA FLOOD ZONES MAP

KEEGAN, AARON-MICHAELA. AND PENNY M.

21PZ00038



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/6/2021

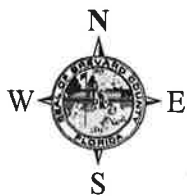
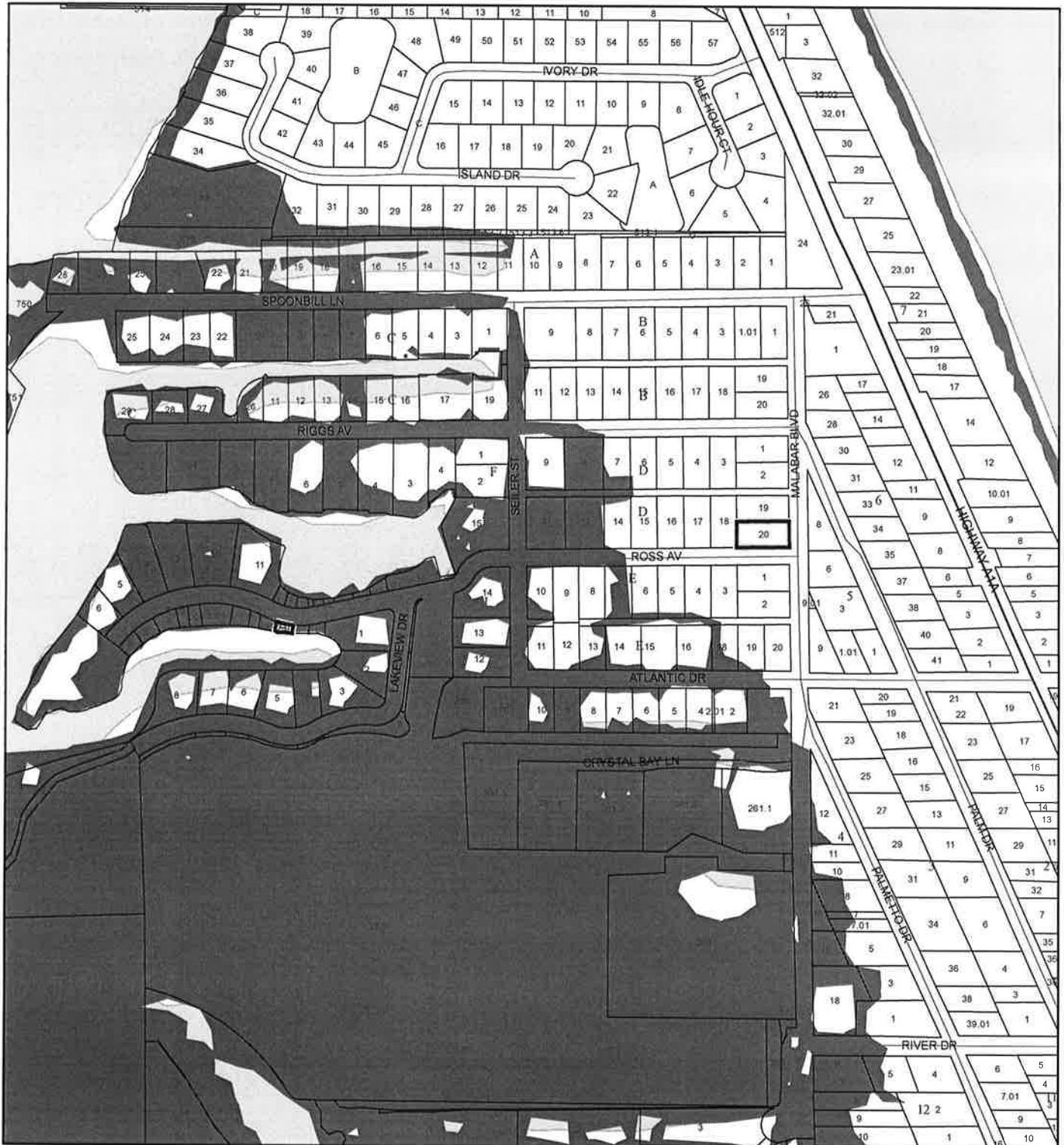
**FEMA Flood Zones**

A	AO	X
AE	Open Water	
AH	VE	
Subject Property	Parcels	

# COASTAL HIGH HAZARD AREA MAP

KEEGAN, AARON-MICHAEL A. AND PENNY M.

21PZ00038



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/6/2021

— Subject Property

□ Parcels

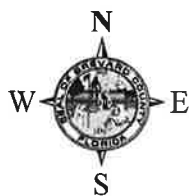
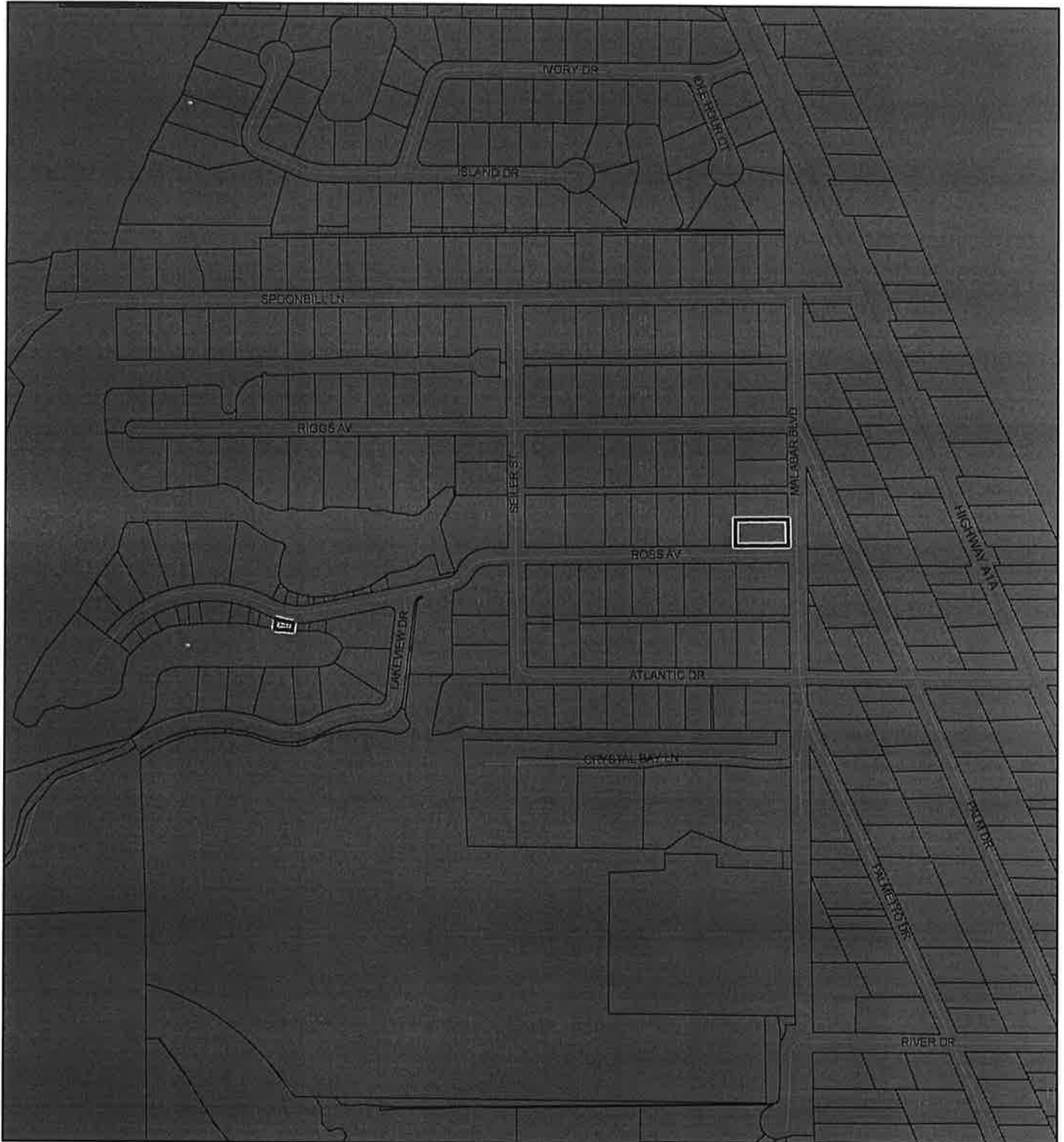
**Coastal High Hazard Area**

■ SurgeZoneCat1

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

KEEGAN, AARON-MICHAEL A. AND PENNY M.

21PZ00038



1:4,800 or 1 inch = 400 feet

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— Subject Property

□ Parcels

**Septic Overlay**

■ 40 Meters

■ 60 Meters

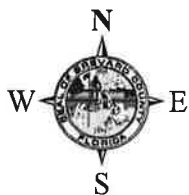
■ All Distances



# EAGLE NESTS MAP

KEEGAN, AARON-MICHAEL A. AND PENNY M.

21PZ00038




1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/6/2021

 Subject Property

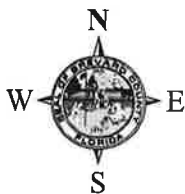
 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

KEEGAN, AARON-MICHAEL A. AND PENNY M.

21PZ00038



1:4,800 or 1 inch = 400 feet

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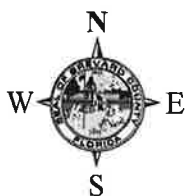
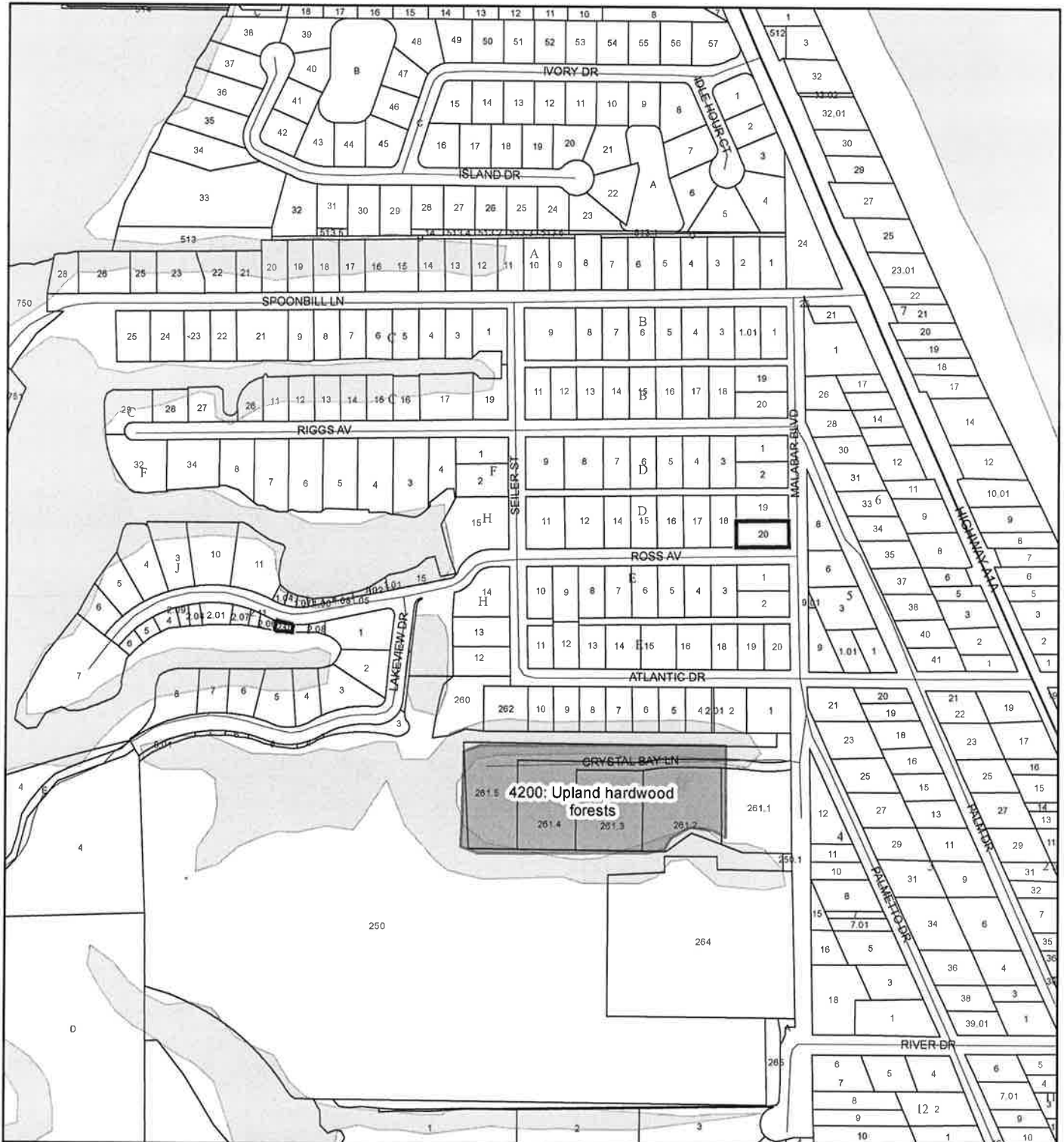
Produced by BoCC - GIS Date: 7/6/2021

- Subject Property
- Parcels
- Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

KEEGAN, AARON-MICHAELA. AND PENNY M.

21PZ00038







1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 7/6/2021


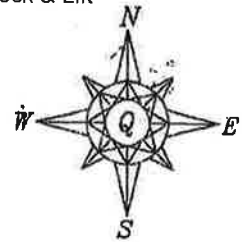
## SJRWMD FLUCCS Upland Forests

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

 Subject Property  Parcels



Proposed Dock & Lift  
21PZ00038  
Keegan



LEGEND:

- (P) DENOTES PLAT  
(F) DENOTES FIELD  
(D) DENOTES DESCRIBED

#395 ROSS AVE  
50' PUBLIC RIGHT-OF-WAY

Length of walkway over Land  
to be field determined

SURVEYOR'S NOTES:

- 1.) NO TITLE OR ABSTRACT RESEARCH WAS PERFORMED BY OR PROVIDED TO THE UNDERSIGNED SURVEYOR, LEGAL DESCRIPTION PROVIDED BY CLIENT.
- 2.) DIMENSIONS ARE AS DESCRIBED AND SURVEYED UNLESS OTHERWISE NOTED.
- 3.) NO IMPROVEMENTS LOCATED OR SURVEYED UNLESS SHOWN ON DRAWING.
- 4.) BEARINGS BASED ON THE ASSUMPTION THAT THE WEST LINE OF SUBJECT PARCEL BEARS N 18° 38' 14" E ASSUMED.
- 5.) PROPERTY LIES IN SECTION 3, TOWNSHIP 29 SOUTH, RANGE 38 EAST.
- 6.) PROPERTY LIES IN FLOOD ZONE AE, FLOOD INSURANCE RATE MAP NUMBER 12009C0 602 H DATED 1/29/21.
- 7.) MONUMENTATION HAS NO LEGIBLE NUMBER UNLESS NOTED.
- 8.) THIS MAP OF SURVEY IS FOR THE SOLE USE OF THE CLIENT SHOWN HEREON AND IS INVALID FOR ANY OTHER PURPOSE.
- 9.) DISTANCE AND ANGLE SHOWN ARE ROUNDED.
- 10.) NORTH IS ASSUMED AND APPROXIMATE.
- 11.) STREET IS ASSUMED TO BE PUBLIC.

#395 ROSS AVE.  
MELBOURNE BEACH, FLORIDA 32951

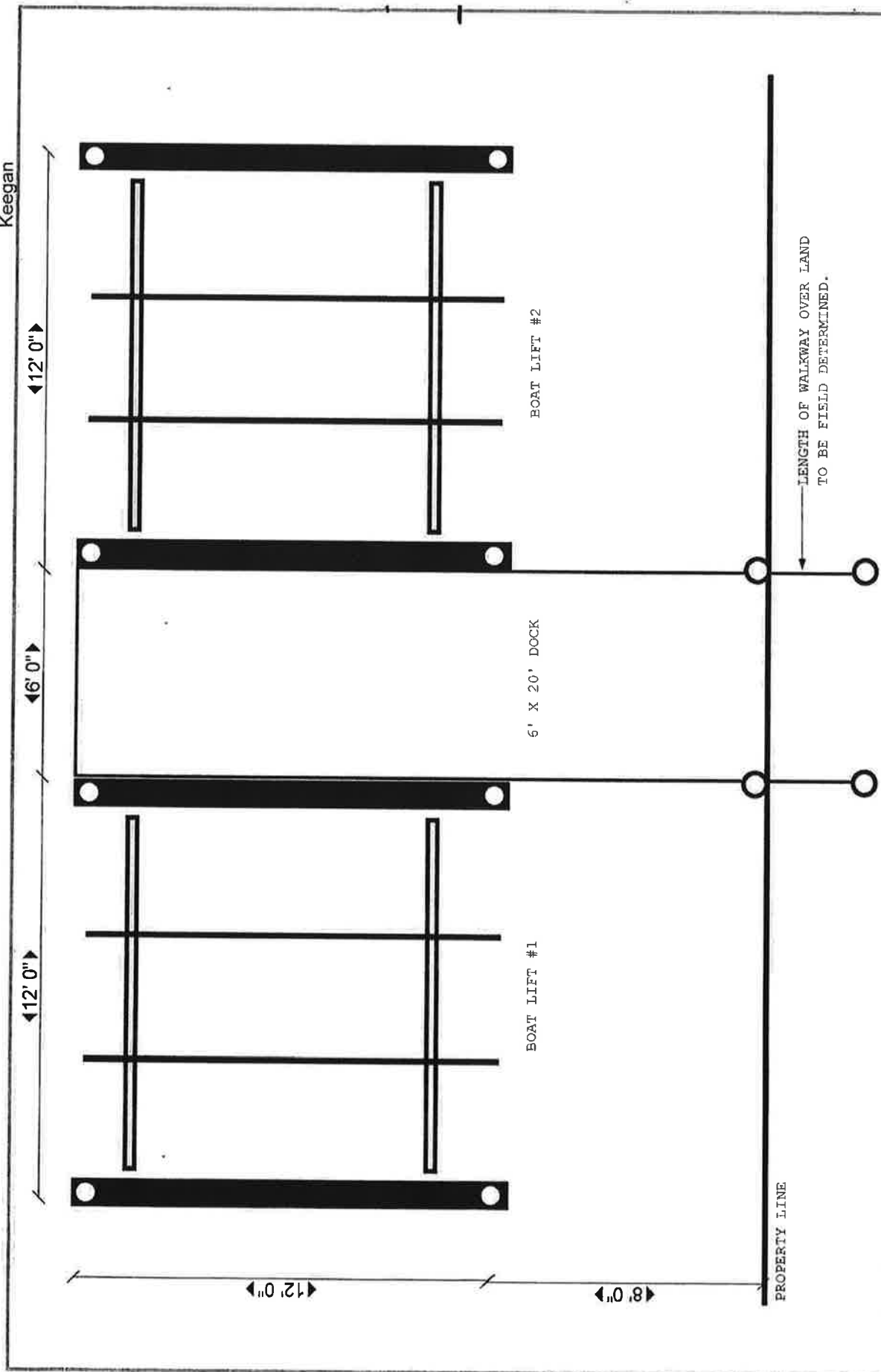
**Stephen W. Quesnel**  
Professional Land Surveyor

2417 Quimper Ave., SE  
Palm Bay, Florida 32909  
321-723-0702 321-537-4754

6/15/21  
DATE OF SURVEY

21-26  
MAP NUMBER

© COPYRIGHT



Site:	395 Ross Avenue, Melbourne Beach Parcels: 29-38-03-HW-* - 2.02 & 2.12	Drawing: Dock Layout	Project:	Drawn: ED	Notes:	East Coast Docks 5235 Palmetto Dr., Melbourne Beach, FL 32951
Title :	Keegan Family Dock	Scale: 1/4" = 1' 0"	Date: 06/23/2021	Rev: A		

26

## **PLANNING AND ZONING BOARD MINUTES**

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 20, 2021**, 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: Ron Bartcher (D1); Brian Hodgers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Bruce Moia (D5); and Peter Filiberto.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Paul Body, Planner II; Alex Essee, Assistant County Attorney; and Jennifer Jones, Special Projects Coordinator.

### **Excerpt of Complete Minutes**

**Aaron-Michael A. and Penny M. Keegan (Steve DeFillips)**

A CUP (Conditional Use Permit) for a Private Boat Dock Accessory to an Adjacent Single-Family Residential Lot, in an RU-1-13 (Single-Family Residential) zoning classification. The property is 0.02 acres, located on the south side of Ross Ave., approx. 295 ft. west of Lakeview Dr. (395 Ross Ave., Melbourne Beach) (21PZ00038) (Tax Account 2953245) (District 3)

Aaron-Michael Keegan, 5064 Malabar Blvd., Melbourne Beach, stated he would like to build a new dock on a small lot on Ross Ave., in Melbourne Beach.

No public comment.

Ben Glover asked if Mr. Keegan would take staff's suggestion and deed together his house lot and the dock lot.

Mr. Keegan stated he has already deeded the two lots together with a warranty deed.

Motion by William Capote, seconded by Ben Glover, to approve the request for a CUP for a Private Boat Dock Accessory to an Adjacent Single-Family Residential Lot, in an RU-1-13 zoning classification. The motion passed unanimously.