

**NORTH MERRITT ISLAND
DEPENDENT SPECIAL DISTRICT BOARD MINUTES**

The North Merritt Island Dependent Special District Board met in regular session on Thursday, November 16, 2017, at 6:15 p.m., at the Merritt Island Service Complex, 2575 N. Courtenay Parkway, Merritt Island.

Board members present were: Mary Hillberg, Chairman ; Chris Cook; Jack Ratterman; Gina Lindhorst; Ted Balke; Catherine Testa; and Jim Carbonneau.

Staff members present were: Erin Sterk, Interim Planning and Zoning Manager; George Ritchie, Planner III; Jennifer Jones, Special Projects Coordinator II; and Hazel Hernandez, Office Assistant II

APPROVAL OF JULY 13, AND OCTOBER 12, 2017, MINUTES

JULY 13, 2017

Motion by Gina Lindhorst, seconded by Jim Carbonneau, to approve the July 13, 2017, minutes. The motion passed unanimously. (Catherine Testa absent)

OCTOBER 12, 2017

Motion by Jack Ratterman, seconded by Gina Lindhorst, to approve the October 12, 2017, minutes. The motion passed unanimously. (Catherine Testa absent)

6:02 p.m. – Catherine Testa’s presence was noted.

IV.A. Conditional Use Permit, Re: Guesthouse – Robert (III) and Katy Van Arsdalen. The property is 0.78 acres, located at 5805 Eagle Way, Merritt Island) (17PZ00121) (District 2)

Robert Van Arsdalen – Thank you for facilitating me. Our builder is here, and if there are any questions, please ask us.

Erin Sterk read the request into the record.

Robert Van Arsdalen – My father passed away June 29th of this year. My mother has ovarian cancer and she lives two miles south of us off of N. Courtenay; she does not eat properly; and I want to move her next to us. We’ve been working with John (builder) and we want to build a 1,000 sq. ft. house so she can still have visitors come down from Massachusetts, and she’ll have a bedroom for herself, an extra bedroom, a bathroom, and a washroom for laundry.

Erin Sterk – You guys have a sketch plan that has been added to the packet.

Ted Balke – And no kitchen?

Robert Van Arsdalen – Right, she doesn’t cook anymore.

Ted Balke – A guesthouse doesn’t entitle you to have a kitchen.

Mary Hillberg – And it will connect to your sewer system?

Jim Carbonneau – Are you on sewer or septic?

Robert Van Arsdalen – Septic. Septic, water, and electric will all be fed through our house.

Jim Carbonneau – So there won’t be separate meter?

Robert Van Arsdalen – No.

Jack Ratterman – And the unit will be completely separate from your house, correct?

Robert Van Arsdalen – We have three young teenagers, so we want to give her flexibility, but also be able to raise children without.....

Ted Balke – How bad does your property flood?

Robert Van Arsdalen – Not at all, never.

Ted Balke – Your whole street did.

Robert Van Arsdalen – Not us.

Ted Balke – You have a canal in your backyard.

Robert Van Arsdalen – We're the last elevated development within our strip, so we've never had a problem.

Jim Carbonneau – Are you going to move your existing fence that goes from the back of the house to the west, closer to your neighbors?

Robert Van Arsdalen – That is not in the plan currently. There is a fence there for our dog right now that just follows the house line.

Mary Hillberg – Have you spoken to the folks to the south?

Robert Van Arsdalen – Yes, I've talked to every neighbor around us.

Mary Hillberg – They seem to be the ones to be the most affected. Are they comfortable with it?

Robert Van Arsdalen – Absolutely. I've sent emails, so I have email confirmation that they are good with it, and I've also had verbal conversations about it.

Mary Hillberg – Does anyone else in the neighborhood have a guesthouse?

Robert Van Arsdalen – A neighbor further down the street, north, on the right side, they have a huge addition that was done for a camper.

Mary Hillberg – An RV garage.

Robert Van Arsdalen – A huge RV garage.

Jim Carbonneau – But not living quarters?

Robert Van Arsdalen – Right.

Mary Hillberg – And the reason you need this CUP is because you're not quite a full acre.

Robert Van Arsdalen – Correct, it's .78 acres.

Ted Balke – That's including the canal and the property on the other side of the canal, so you're much less than .78.

Mary Hillberg – Does anyone else have any more questions of the applicant?

Ted Balke – I don't see how you didn't have flooding, because when I went down the street it was flooded. Your neighbors had mud up their driveways.

Robert Van Arsdalen – We have the highest lot.

Ted Balke – Yes, you're higher than the people on the other side of your street.

Robert Van Arsdalen – Past 5800 Eagle Way is new development that was elevated. They took all the soil from that pond and they boosted up our lots. We've never had flooding.

Mary Hillberg – Thank you. No one has any further questions? You can have a seat. Is anyone here to speak to this item?

Nancy Minerva – I'm Nancy Minerva and I'm speaking for the North Merritt Island Homeowners Association, at PO Box 5423712, Merritt Island, regarding the request for the CUP. Our concerns were that because the addition is not attached to the primary residence, we were concerned that with a future sale of the property the detached dwelling can be rented out as another residence, temporary or permanent, on the property. We were not as concerned if the structure was built attached to the main house, but we were opposed to it as a separate structure for the following considerations: Administrative Policy 3, hours of operation and traffic, historical land use patterns, and development over the last three years; Administrative Policy 4, introducing density, traffic activity, or possible commercial use, non-conforming to residential use; Administrative Policy 8, the character of land use, change in conditions of land use, impact on conditional use, and character of the surrounding properties. There is a development of 10 houses there and they are all .78 acres approximately, and if we allowed that structure it would open a can of worms for that to happen on other properties in that area, and we've had problems with that in our future land use situation. So, as soon as we allow something, which makes a lot of sense, but in terms of the whole character of the area it's a dangerous thing to address. And, the CUP, compatibility with character and adjacent properties, character and land use of surrounding properties, change in conditions on the property, and the impact on the character of the surrounding properties. I did not get to see a map of where the building would be placed, but that's a very large house on a very small piece of property. I'm not sure where it goes, but I guess you guys address that. Thank you.

Mary Hillberg – Does anyone have any questions of Nancy? Thank you. Would anyone else like to speak to this issue?

John Sinatra – I have a question. How can you object to how it's going to look if you don't even know where it will be placed on the property?

Nancy Minerva – It's not about how it's going to look....

Mary Hillberg – Nancy, you can come on back up and then you can....

John Sinatra – I thought I heard you say it would not be aesthetically pleasing.

Nancy Minerva – No, aesthetics is not the issue, it's having a separate structure on a piece of property that is zoned for one house, and if you put two houses on that property, and there's 10 houses in that development, and there's 30 houses on that street, which are all the same size property, in an area where we have a lot of

issues with over-development. It means that when we go to Viera they are going to say, "Well, you allowed it there, so therefore, everybody can have two houses on one acre".

Mary Hillberg – Excuse me, Nancy, you can have a seat because you've finished talking, and when we ask for other people in the audience, if this gentleman would like to come up and speak, that would be wonderful.

John Sinatra – She answered the question.

Catherine Testa – Who are you?

John Sinatra – I'm John, with Tradewind Builders, I'm the one he's hiring to build this.

Mary Hillberg – Does anyone else want to speak before we go on? Ok, come up and give your name and address.

Joan Sinatra – Name and address? No one else did that. Joan Sinatra, 2155 Leeward Lane, Merritt Island. I am not north of the Barge Canal, but to me, a very broad statement was made that if this happens once it will happen again. It is my understanding that if someone wants to have this type of a variance, they have to do the exact same thing that Mr. Van Arsdalen is doing, in coming before you and applying for this very expensive, non-refundable, meeting, to happen before they would be able to do such a thing. I personally don't believe that a lot of people are willing to do something like that legally and jump through the hoops that he wants to try to jump through to get this to go through. It is a financial, huge, hardship for them to make this an attached dwelling. And again, having it attached would not stop someone from doing something illegal, and we all know that. The fact that he is going through this process and trying to do it as legally and as responsibly as possible, to me, speaks volumes about the character of this man, and the fact that he's doing it for his mom. We've all had that issue where you don't know what to do when it's mom. To me, I think it's something that you shouldn't worry about what's going to happen in the future, because what happens in the future could be that his next door neighbor could decide to enclose their garage and rent it out illegally. You can't tell me that's not happening on the Island. I personally think it should go through.

Mary Hillberg – Mr. Van Arsdalen, do you have anything else to add?

Robert Van Arsdalen – No, I just want to take care of my parents. My father, the last words he said before he did was, "Take care of your mom", and that's what I'm doing.

Mary Hillberg – Thank you. Does the board have any thoughts?

Chris Cook – It looks like you're going to have a 10-ft. setback from the property line; what is the minimum setback for that?

George Ritchie – 10 feet.

Erin Sterk – And the separation from the house to the guesthouse is five feet as well.

Chris Cook – And the CUP will stay with the property when he sells it?

George Ritchie – Yes.

Chris Cook – So, if someone else bought that from him and they wanted to rent it out, they would have to put a meter on it.

Erin Sterk – They cannot put a meter on it.

George Ritchie – That would be a violation.

Mary Hillberg – It doesn't have a kitchen.

Ted Balke – No kitchen permitted in a guesthouse.

Mary Hillberg – Wouldn't it be like if I wanted to rent out a bedroom to somebody?

George Ritchie – You could rent out a bedroom in your house, but based on the Code, you cannot rent out a guesthouse. The Code prohibits that.

Mary Hillberg – If the person that you built a guesthouse for isn't there.....it's doghouse?

George Ritchie – You could have other family members or friends come by, but that's it.

Jack Ratterman – The entrance to the guesthouse, is it going to be facing the street like the house would be?

Robert Van Arsdalen – Yes.

Ted Balke – Same elevation as the house?

Robert Van Arsdalen – Yes.

Mary Hillberg – Will it be finished in the same way that the house is finished?

Robert Van Arsdalen – We want it to look like it's part of the house.

Mary Hillberg – There is a North Merritt Island issue on character, and it seems to me that it's a single-family home, the character of the area is single-family homes, so this seems to me not to be out of character. It's not building two homes on one site; it's not increasing density, per se, it's still a single-family home. That's how I interpret it. Does anyone have any thoughts on that?

Gina Lindhorst – I do. I think it is supposed to be, and is called, a guesthouse, but it's not a house.

George Ritchie – Right.

Gina Lindhorst – If it's a house then we can't do it at all. As long as it's not a house I don't have much of a problem with it. It seems kind of big, but that's me saying I think it would be better suited in the neighborhood if it were a little smaller. If it's a guesthouse.....there are big monstrosities like the RV addendums, which are huge structure, but they are ok because they are part of the house and household. I don't have a big problem with it as long as it does stay close to the house.

Ted Balke – 10 ft. is the only clearance between his property and the adjacent neighbor.

Gina Lindhorst – As long as it's right-on with the measurement and not sliding closer to the fence.

Mary Hillberg – I would agree with that. If it was a necessity to have a sidewalk attached, I'm sure you could arrange that, but I don't see that it's violating the character of a single-family home to have a guesthouse on it.

Gina Lindhorst – Whether it is attached with a breezeway, or a wall, it would still be the same function.

George Ritchie – The way the Code is set up, a guesthouse cannot be attached to the residence; it is a detached living quarters. We have detached buildings that are accessory buildings, but the only building except for the house that is allowed to have living quarters is a guesthouse, which is detached. There is a different conditional use permit called 'single-family second kitchen facility', which is an extension of the house that does allow separate quarters, and it allows a full kitchen, but it regulates the size of that area so that you can't expand it to a bigger volume. It is allowed to be 600 sq. ft. and the kitchen area and bathroom area is exempted from the 600 sq. ft. size limitation. That is internal to the house; on the outside it appears as one house, and inside is the internal connectivity. The guesthouse provision is specific for areas that are not attached to the residence.

Mary Hillberg – I didn't realize that.

Robert Van Arsdalen – We absolutely looked at both options and physically, in the residence, we would need to blow out a bedroom in order to facilitate that, or bathroom.

Jack Ratterman – With a detached structure, the maximum square footage is 1,000 sq. ft.?

George Ritchie – No, it's 50% of the living area of the house. His particular house is over 3,600 sq. ft., so it could have been 1,800, but when you look at the 10-ft. side setback, and the 5-ft. separation distance between the house, he can't build much bigger.

Jack Ratterman – What did you say the percentage was?

George Ritchie – 50%.

Mary Hillberg – And you're not going to build this a two-story, right?

Robert Van Arsdalen – No, absolutely not. It will be 8-ft., which is the wall height of the existing house.

Jim Carbonneau – And it will be stuccoed, as well as the existing house?

Robert Van Arsdalen – Yes, and the same color.

Mary Hillberg – Does anyone have a thought on this?

Jim Carbonneau – I'm kind of on the fence. I have the same concerns that were brought up about future use. I can understand the dilemma that Mr. Van Arsdalen is in, with regard to taking care of his mother. I've been doing it for 20 years with my mother-in-law. God love you, you don't know what you're in for. I've driven by the property, it is elevated, but I would feel better if there was a fence around it to enclose it and mask it from the street. That's the only concerns I have.

Robert Van Arsdalen – A fence?

Jim Carbonneau – Yes, down the side, and also for the protection of your mother from intruders.

Robert Van Arsdalen – We could just extend the PVC fence that we have existing. That's a good comment.

Mary Hillberg – Does anyone else have any comments?

Catherine Testa – My only comment is that I was going to build an attached garage and the County...the cost basically prevented me from doing it, so I ended up with a standalone shed on the side of the house that is 600 sq. ft., so I know what you're going through as far as setbacks limiting the size and shape and everything. The

fact that it's going to look like the house, it's just going to look like part of the house. I don't think there's going to be a problem with this. If he had built a 5,000 sq. ft. house there wouldn't be much of a difference, except now there's going to be a little bit of space. I have space between mine, and mine doesn't even look like the house, so it's more obvious, but once it's there you will never notice that it was never there.

Robert Van Arsdalen – When we do the windows on the south side of the house, I want to work with John as far as limiting privacy with the other house next door, to the south of us.

Mary Hillberg – I'm sure they will appreciate that.

Robert Van Arsdalen – You all have either gone through it or will go through it. I'm just trying to take care of business with my mom. I appreciate your time tonight, and thank you, John.

Mary Hillberg – I bring it back to the board. What's the board's pleasure?

Catherine Testa – I'd like to make a motion to approve it.

Jim Carbonneau – I second.

Mary Hillberg – Any discussion? All in favor?

All – Aye.

Mary Hillberg – Ok, it unanimously passes. You have some miles to go before you rest. You have a couple of more hoops, but this is a wonderful group.

Robert Van Arsdalen – I appreciate your time.

The meeting adjourned at 6:27 p.m.