



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.1.

2/6/2020

**Subject:**

Zamira and Gezim Doci (Andi Doci) request a change of zoning classification from RU-1-7 to RU-2-12. (19PZ00124) (Tax Account 2716189) (District 5)

**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 change of zoning classification from RU-1-7 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential).

**Summary Explanation and Background:**

The applicants are seeking a change of zoning classification from RU-1-7 to RU-2-12 on 0.18 acres. The subject property is located at 159 Atlantic Avenue, Indialantic. The applicants intend to convert the existing single-family residence into a duplex.

The property is comprised of two lots which were combined to meet the RU-1-7 lot dimension requirements and allow a single-family residence. While the current single-family residence meets the setbacks for the RU-1-7 zoning classification, converting the SFR into a duplex will require three variances for the development standards for RU-2-12. The required variances include one for lot coverage and two for setbacks (front and side).

The proposed RU-2-12 zoning classification may be considered to be consistent with the Future Land Use designation of Residential 15. However, Policy 1.2 of the Comprehensive Plan, "Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system." The proposed density for the application exceeds this requirement with 11.1 dwelling unit per acre. The subject property is currently serviced with potable water by the City of Melbourne. The closest sewer line is approximately 2,000 ft. away, along the eastside of N. Highway A1A.

The property is bound on the east and west by single-family residences zoned RU-1-7; the property to the north is in the City of Melbourne and developed with single-family residences in an R-2(10) zoning classification, with a Future Land Use designation of Medium Density Residential. While the closest multi-family zoned property (RU-2-10) is more than a quarter of mile from the subject property, there are no emerging development trends of changing single family to multi-family within the one-half mile radius.

The Board may wish to consider whether the allowed uses including, but not limited to, a duplex, resort dwellings, group homes (level II), or a boarding house, within the RU-2-12 zoning classification are consistent and compatible with the surrounding single-family residential dwellings. Additionally, the Board may wish to consider the availability of central sewer and necessity of the aforementioned variances to support the increased development potential.

On January 13, 2020, the Planning and Zoning Board heard the request and unanimously recommended denial.

**Clerk to the Board Instructions:**

Once resolution is received, please execute and return 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 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**

2725 Judge Fran Jamieson Way  
 Building A, Room 114  
 Viera, Florida 32940  
 (321)633-2070 Phone / (321)633-2074 Fax  
<https://www.brevardfl.gov/PlanningDev>

**STAFF COMMENTS**  
**19PZ00124**  
**Zamira and Gezim Doci**

**RU-1-7 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential)**

Tax Account Number: 2716189  
 Parcel I.D.: 27-37-13-77-\*-39  
 Location: North side of Atlantic Avenue, approximately 0.40 mile west of Highway A1A. (159 Atlantic Avenue, Indialantic) (District 5)  
 Acreage: 0.18 acres  
 Planning and Zoning Board: 01/13/20  
 Board of County Commissioners: 02/06/20

**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)

	<b>CURRENT</b>	<b>PROPOSED</b>
<b>Zoning</b>	RU-1-7	RU-2-12
<b>Potential*</b>	One single-family unit	Two units (duplex)
<b>Can be Considered under the Future Land Use Map</b>	YES Residential 15	YES Residential 15

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

**Background and Purpose of Request**

The owners are seeking a zoning change from the Single-Family Residential RU-1-7 zoning classification to the Medium-Density Multi-Family Residential RU-2-12 zoning classification in order to convert an existing single-family residence into a duplex. The existing residence was permitted under Brevard County Building Permit number **17BC08068**. The total area approved for construction was 3,243 square feet. The residence was placed upon the lot to meet the zoning requirements of the RU-1-7 zoning classification (20 foot front and rear setbacks with five foot minimum side yard setbacks).

The property is comprised of two lots which individually fail to meet the current RU-1-7 lot dimensional criteria. The RU-1-7 zoning classification in Section 62-1342 (4) of the Brevard County Code requires each lot to contain an area of not less than 5,000 square feet, having a width of not less than 50 feet and having a depth of not less than 100 feet. Under provisions of Section 62-1188,

the two substandard lots were combined into one lot in order to support the development of the current single-family residence.

## **Land Use**

This review contains a two part answer regarding consistency with the Future Land Use Element of Brevard County's Comprehensive Plan.

According to Section 62-1255(b)(2), consistency with future land use map table indicates that the proposed RU-2-12 zoning classifications can be considered with this FLU designation. The RU-2-12 within Res 15 FLU can be considered based upon the geographical delineation of FLU map and locational criteria depicted in the policy of the comprehensive plan and based on the following:

The Residential 15 FLU allows a density that exceeds 10 units per acre on 0.18 acres. According to Policy 1.2 as noted below, states where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system. The subject property is currently serviced by the City of Melbourne with potable water. Sewer is not available to the site.

## **Policy 1.2**

Minimum public facilities and services requirements should increase as residential density allowances become higher. The following criteria shall serve as guidelines for approving new residential land use designations:

### **Criteria:**

- C. In the Residential 30, Residential 15, Residential 10, Residential 6 and Residential 4 land use designations, centralized potable water and wastewater treatment shall be available concurrent with the impact of the development.
- D. Where public water service is available, residential development proposals with densities greater than four units per acre shall be required to connect to a centralized sewer system.

## **Environmental Constraints**

The site is mapped within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The change in use to a duplex, that allows for two-families, will have septic modification requirements. The use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes may be required if applicable. The applicant shall contact the Florida Department of Environmental Health at 321-633-2100.

## **Preliminary Transportation Concurrency**

The closest concurrency management segment to the subject property is State Road Highway A1A, between Paradise Boulevard and Eau Gallie Boulevard, which has a Maximum Acceptable Volume (MAV) of 41,790 trips per day, a Level of Service (LOS) of D, and currently operates at 61.23% of capacity daily. The maximum development potential from the proposed rezoning does increase the proposed trip generation by 0.01%. The corridor is anticipated to continue to operate at 61.24% of capacity daily (LOS C). The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development potential of this site falls below the minimum number of new residential lots that would require a formal review.

## **Applicable Land Use Policies**

The owners are seeking a zoning change from the Single-Family Residential RU-1-7 zoning classification to the Medium-Density Multi-Family Residential RU-2-12 zoning classification in order to convert an existing single-family residence into a duplex. The existing residence was permitted under Brevard County Building Permit number **17BC08068**. The total area approved for construction was 3,243 square feet. The residence was placed upon the lot to meet the zoning requirements of the RU-1-7 zoning classification (20 foot front and rear setbacks with five foot minimum side yard setbacks).

The property is comprised of two lots which individually fail to meet the current RU-1-7 lot dimensional criteria. The subdivision creating these lots was recorded in Plat Book 10 Page 13, prior to the adoption of the Zoning code on May 22, 1958, each lot would be considered to be nonconforming if they met the minimum standards established in Section 62-1188 (1) of the Brevard County Code. Those standards state buildings and uses may be established on such lots, provided the lot has a width of not less than 50 feet, a depth of not less than 75 feet, and an area of not less than 5,000 square feet. Subsection (4) continues to state if two or more lots or a combination of lots and portions of lots with contiguous frontage in single ownership are of record, and if all or part of the lots do not meet the requirements for lot width, lot area and lot depth as established in this section, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter. Under this provision, the two substandard lots were combined into one lot in order to support the development of the current single-family residence.

The County's Natural Resources Department has identified that this lot lies within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay zone requiring additional septic requirements to be followed. However, converting this single-family residence to a duplex requires that the property be connected at the time of development to centralized sewer. The structural shell of this home has already been developed; the future internal conversion will require a building permit.

The proposed duplex will not comply with the RU-2-12 setbacks and lot coverage standards. The property will need three variances to meet the RU-2-12 zoning classification prior to obtaining further development approvals. The variances are as follows:

- (1) Variance of 4.2 feet from the required 25 foot front setback pursuant to Section 62-1372 (5) (c) (1) of Brevard County Code.

- (2) Variance of 4.5 feet from the required 10 foot west side yard setback pursuant to Section 62-1372 (5) (c) (3) of Brevard County Code.
- (3) Variance of 1.4% over the 40% maximum lot coverage requirement pursuant to Section 62-1372 (4) (e) of Brevard County Code.

The property is bounded on the east and west sides with lots under the RU-1-7 zoning classification. The Brevard County Property Appraiser's web site notes that these adjacent lots are developed with a single-family usage. Property to the north of this site lies within the city limits of Melbourne. It has a Future Land Use identified as Medium Density Residential. The property also contains a zoning of R-2 (10), up to 10 units per acre, and is developed as single-family residences.

There have been no rezoning actions within one-half mile of this site within the last three years.

### **For Board Consideration**

The owners are seeking a zoning change from the Single-Family Residential RU-1-7 zoning classification to the Medium-Density Multi-Family Residential RU-2-12 zoning classification in order to convert an existing single-family residence into a duplex. The residence was placed upon the lot to meet the zoning requirements of the RU-1-7 zoning classification (20 foot front and rear setbacks with five foot minimum side yard setbacks). The existing building will not meet the required front and west side yard setbacks of the proposed RU-2-12 zoning classification nor will it meet the maximum percentage of lot coverage requirement.

The Board may wish to consider whether allowing uses such as short-term rentals (resort dwellings), group homes (level II), and a boarding house use within the RU-2-12 zoning classification are consistent and compatible with the surrounding single-family residential dwellings. Additionally, the Board may consider the availability and necessity of central sewer with the increased development potential.

**NATURAL RESOURCES MANAGEMENT DEPARTMENT  
Zoning Review & Summary**

**Item # 19PZ00124**

**Applicant:** Andi Doci

**Zoning Request:** RU-1-7 to RU-2-12

**Note:** Applicant wants to convert single family residence to duplex

**P&Z Hearing Date:** 01/13/20; **BCC Hearing Date:** 02/06/20

**Tax ID No:** 2716189

- 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:**

- Aquifer Recharge Soils
- Indian River Lagoon Septic Overlay
- Protected Species

The site is mapped within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The change in use to a duplex, that allows for two-families, will have septic modification requirements. The use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes may be required if applicable. The applicant shall contact the Florida Department of Environmental Health at 321-633-2100.

**Land Use Comments:**

**Aquifer Recharge Soils**

The entire subject parcel contains mapped aquifer recharge soils (Canaveral-Palm Beach-urban land complex) as shown on the USDA Soil Conservation Service Soils Survey map. The applicant is hereby notified of the development and impervious restrictions within Conservation Element Policy

10.2 and the Aquifer Protection Ordinance. The issued building permit (17BC08068) showed the project site to have approximately 44.4 percent impervious area. If any further construction activities increase the impervious area over 45 percent, then stormwater retention is required for impervious area over 45 percent.

### **Indian River Lagoon Septic Overlay**

The site is mapped within the Indian River Lagoon Septic Overlay per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. The use of an alternative septic system designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes shall be required if applicable. The change in use to a duplex, that allows for two-families, may have additional requirements. The applicant shall contact the Florida Department of Environmental Health at 321-633-2100.

### **Protected Species**

Information available to NRM indicates that federally and/or state protected species may be present on the property. Specifically, gopher tortoises can be found in areas of aquifer recharge soils. In addition, the parcel is mapped with a Scrub Jay Occupancy polygon. The structure already has Certificate of Occupancy. If applicable, 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.

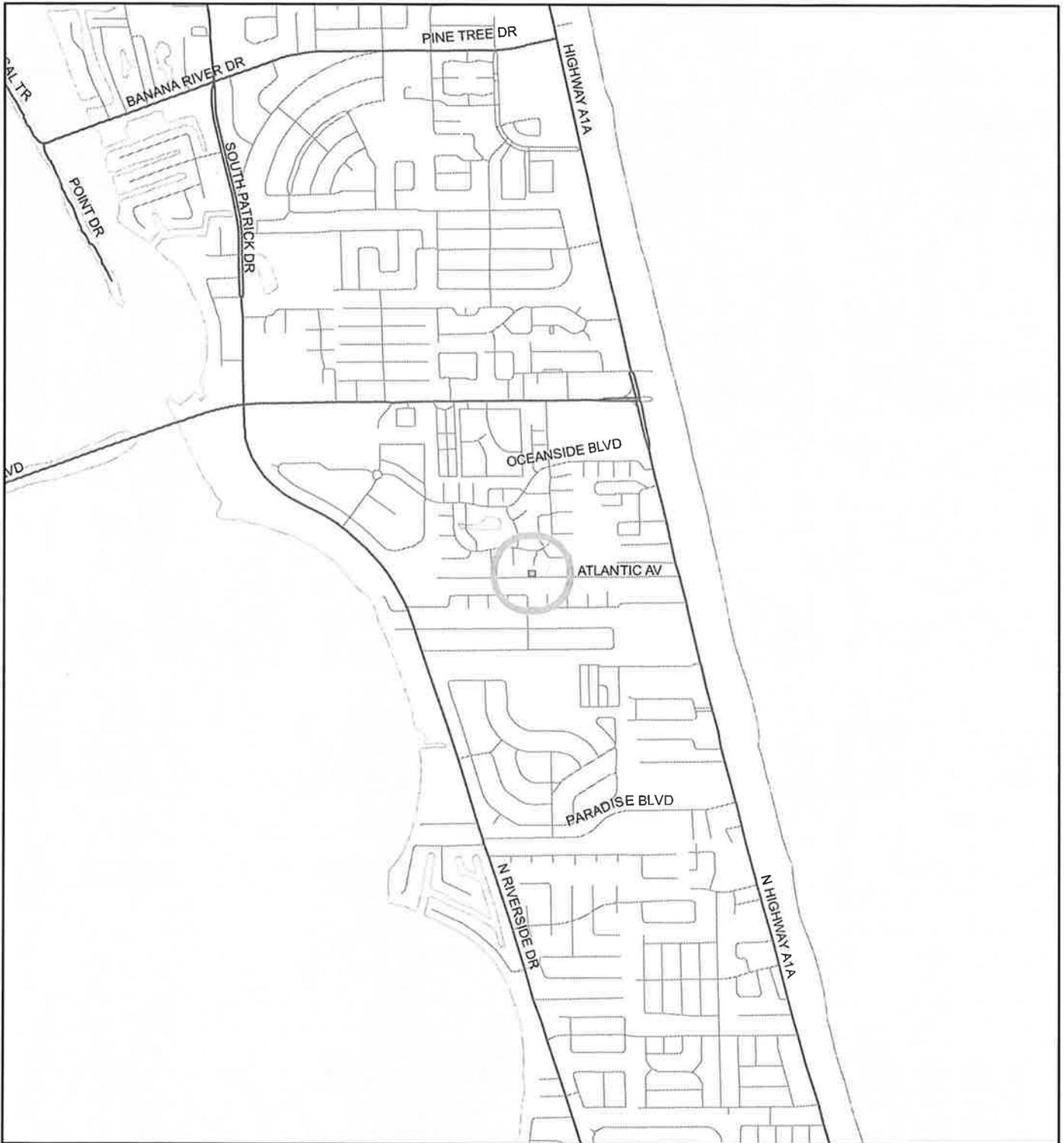
### **Land Clearing & Landscape Requirements**

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. Land clearing is not permitted without prior authorization by NRM.

# LOCATION MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



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.

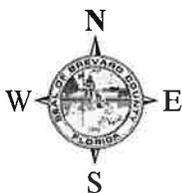
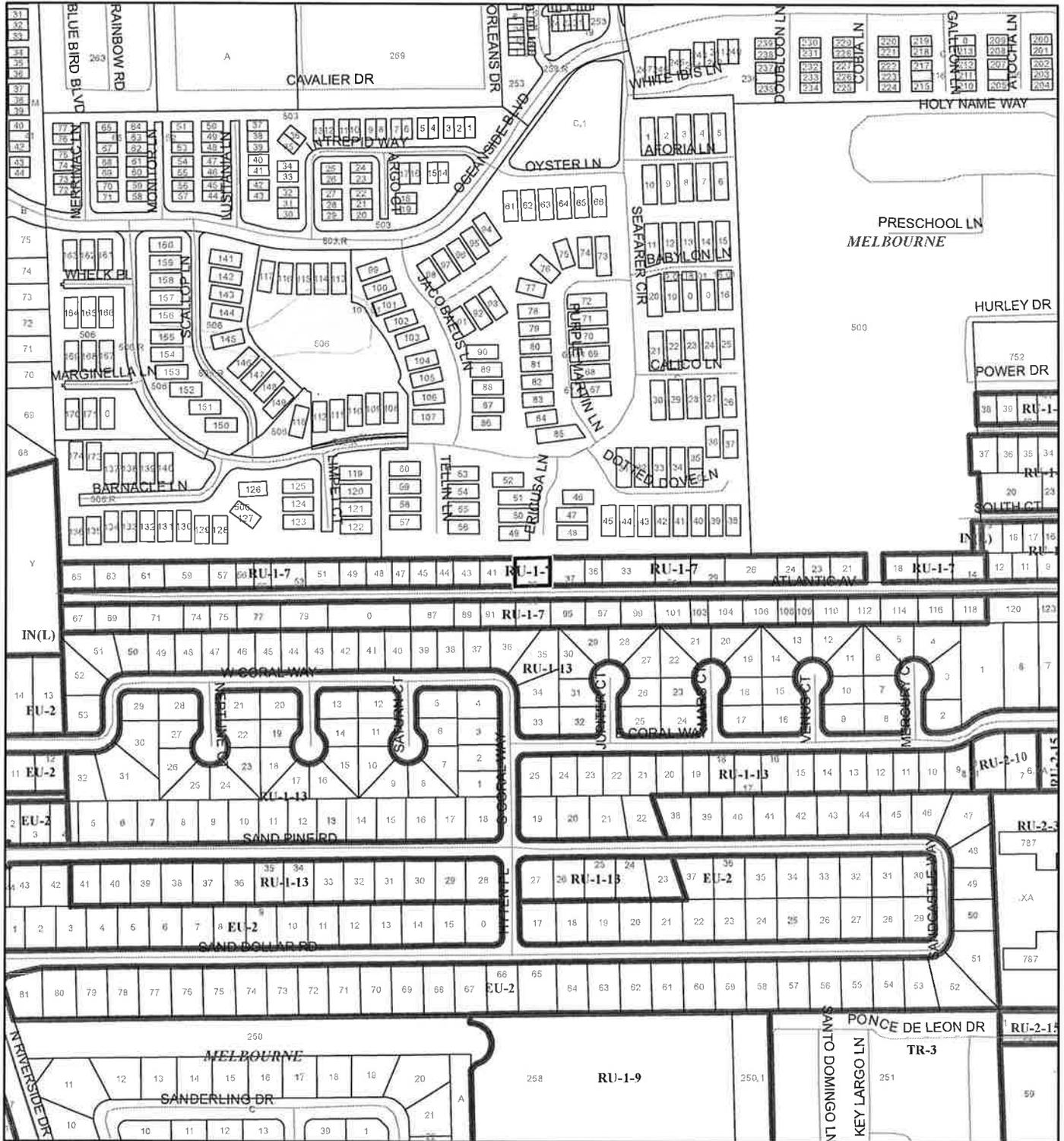
Produced by BoCC - GIS Date: 10/2/2019

-  Buffer
-  Subject Property

# ZONING MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



1:4,800 or 1 inch = 400 feet

-  Subject Property
-  Parcels
-  Zoning

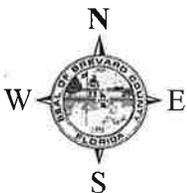
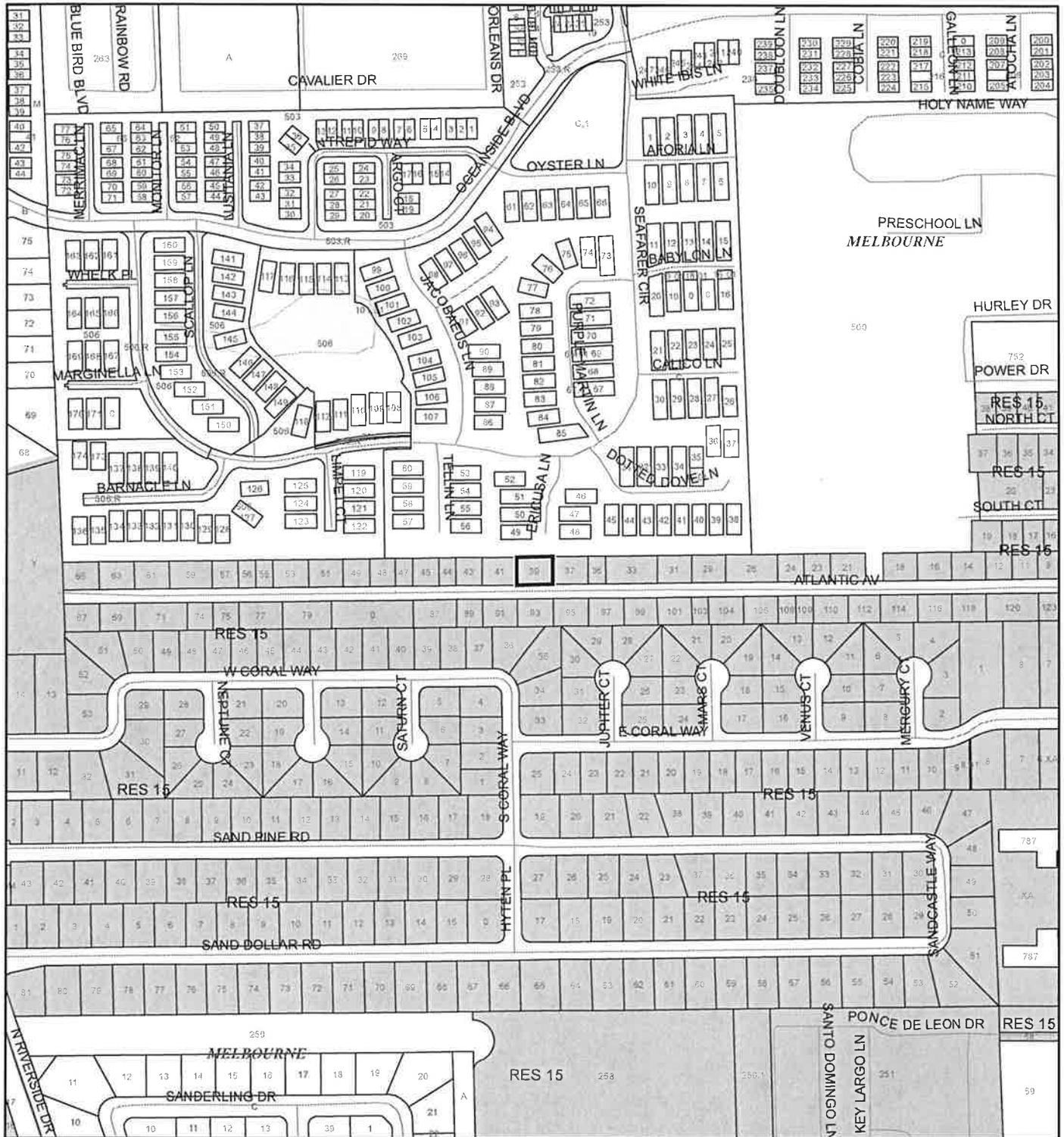
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/3/2019

# FUTURE LAND USE MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

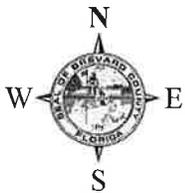
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/2/2019

# AERIAL MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2019

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: 10/2/2019

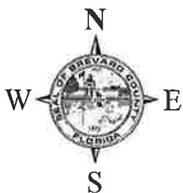
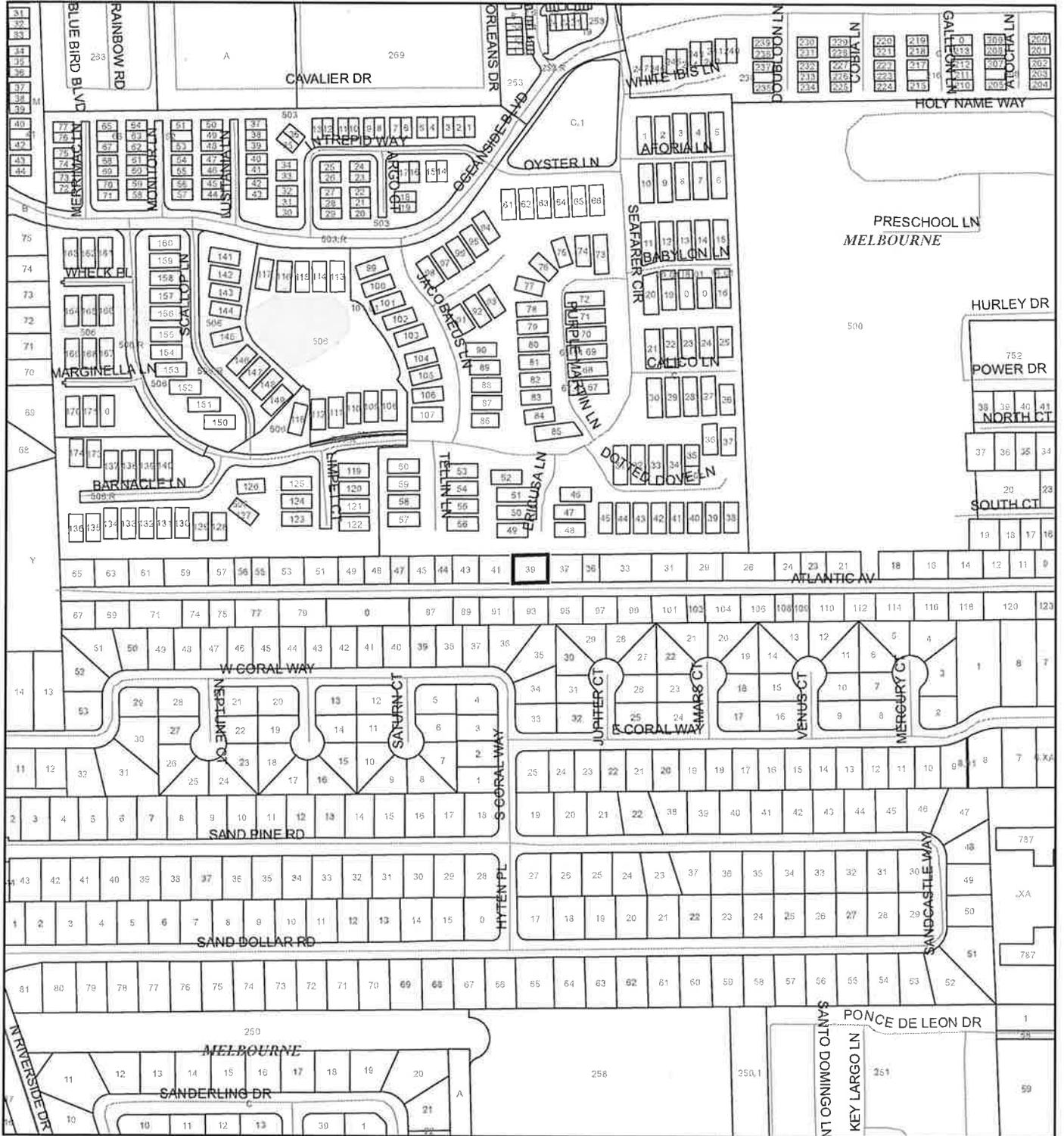
 Subject Property

 Parcels

# NWI WETLANDS MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



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: 10/2/2019

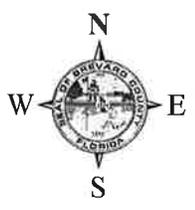
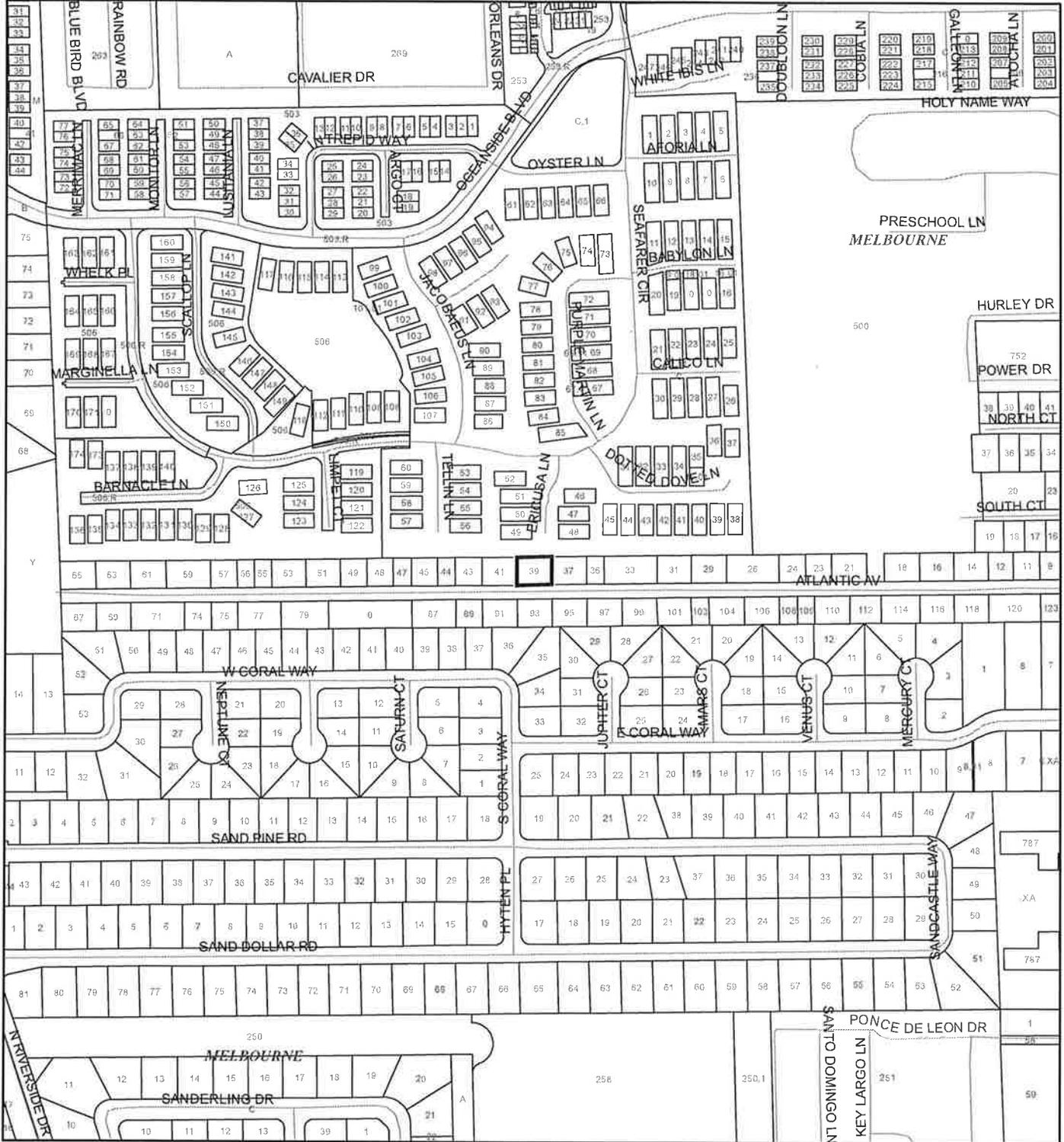
### National Wetlands Inventory (NWI)

- |  |                                   |  |                  |
|--|-----------------------------------|--|------------------|
|  | 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

DOCI, ZAMIRA AND GEZIM

19PZ00124



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: 10/2/2019

### SJRWMD FLUCCS WETLANDS

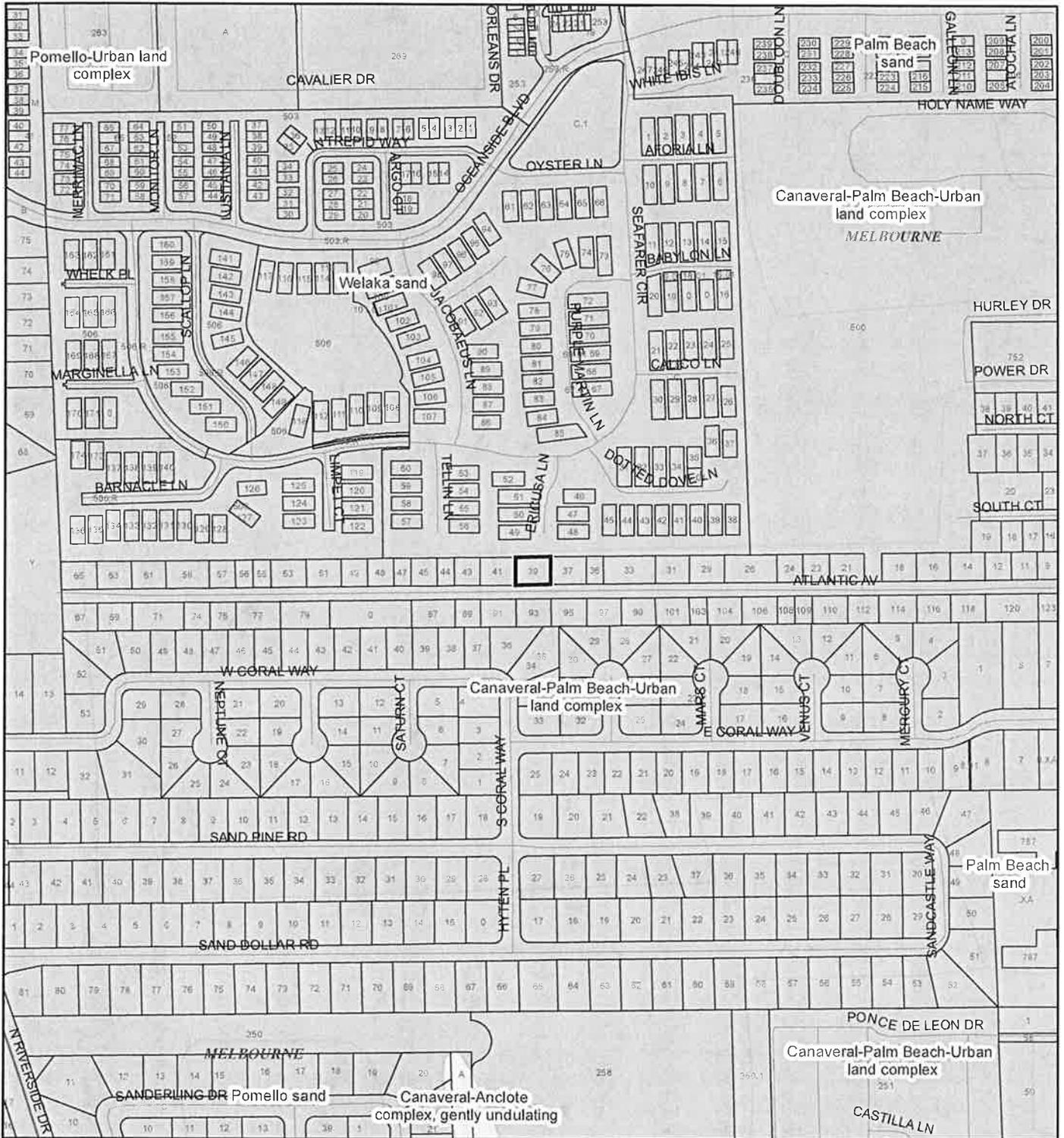
- Wetland Hardwood Forests - Series 6100
- Wetland Coniferous Forest - Series 6200
- Wetland Forested Mixed - Series 6300
- Vegetated Non-Forested Wetlands - Series 6400
- Non-Vegetated Wetland - Series 6500

Subject Property Parcels

# USDA SCSSS SOILS MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/2/2019

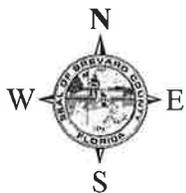
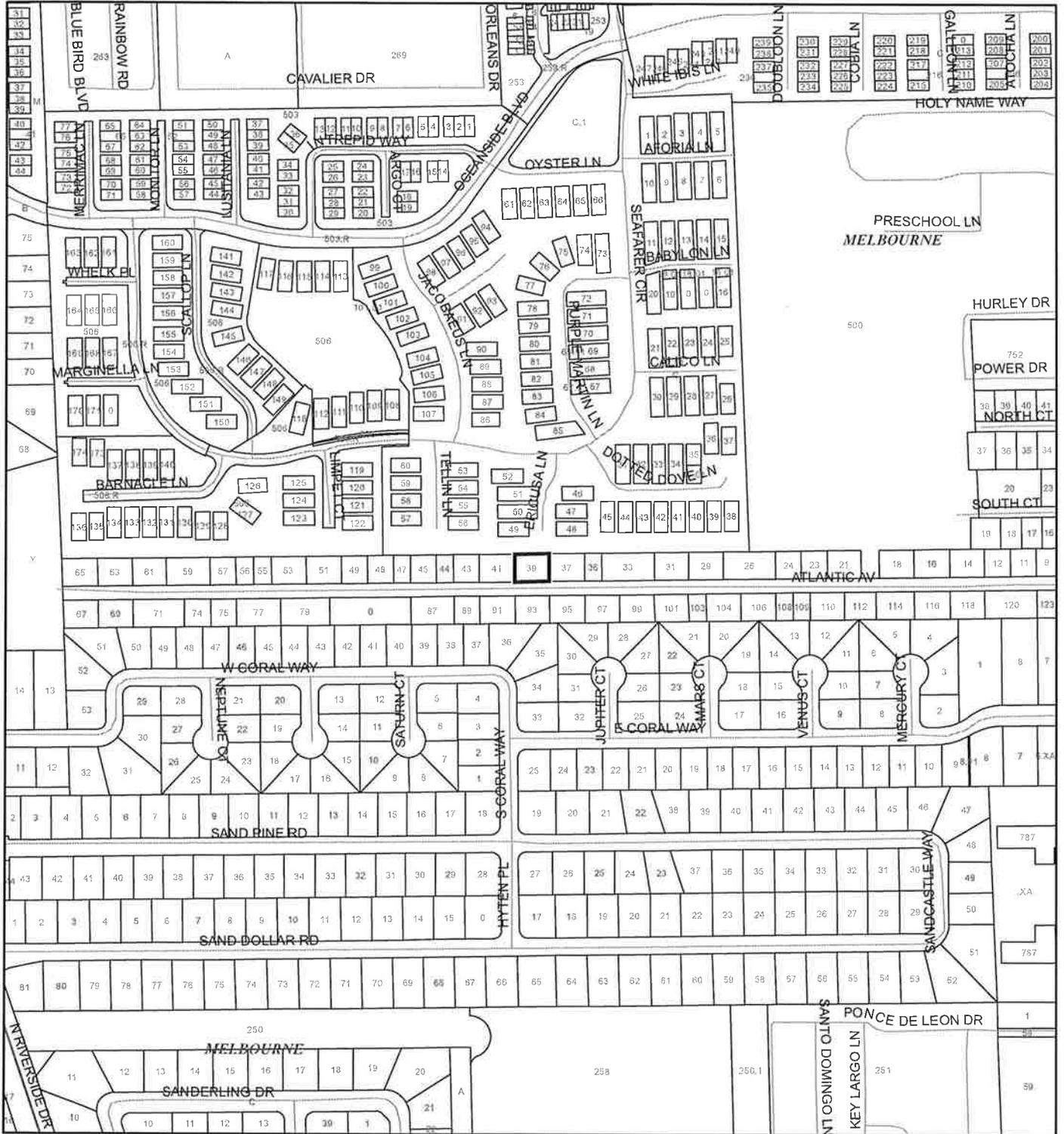
### USDA SCSSS Soils

-  Aquifer and Hydric
-  Aquifer
-  Hydric
-  None
-  Subject Property
-  Parcels

# FEMA FLOOD ZONES MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/2/2019

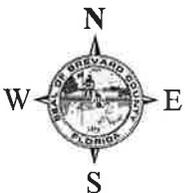
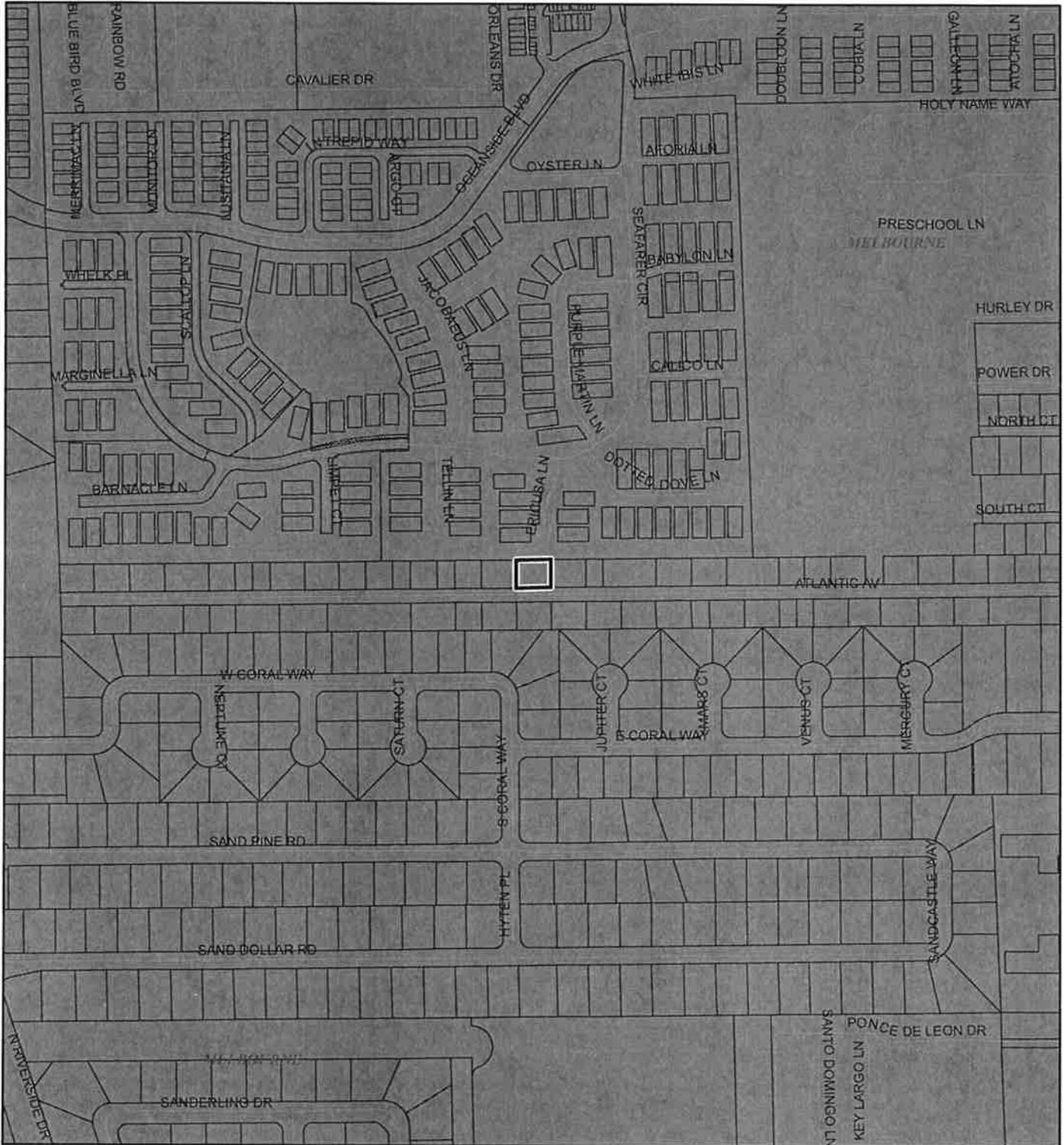
### FEMA Flood Zones

- A
- AE
- AH
- 0.2 Percent Annual Chance Flood Hazard
- 0.2 Percent Annual Chance Flood Hazard Contained in Channel
- Subject Property
- AO
- Open Water
- VE
- X
- X Protected By Levee
- Parcels

# INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 10/2/2019

— Subject Property

□ Parcels

**Septic Overlay**

▨ 40 Meters

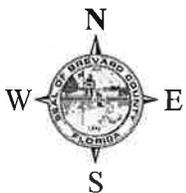
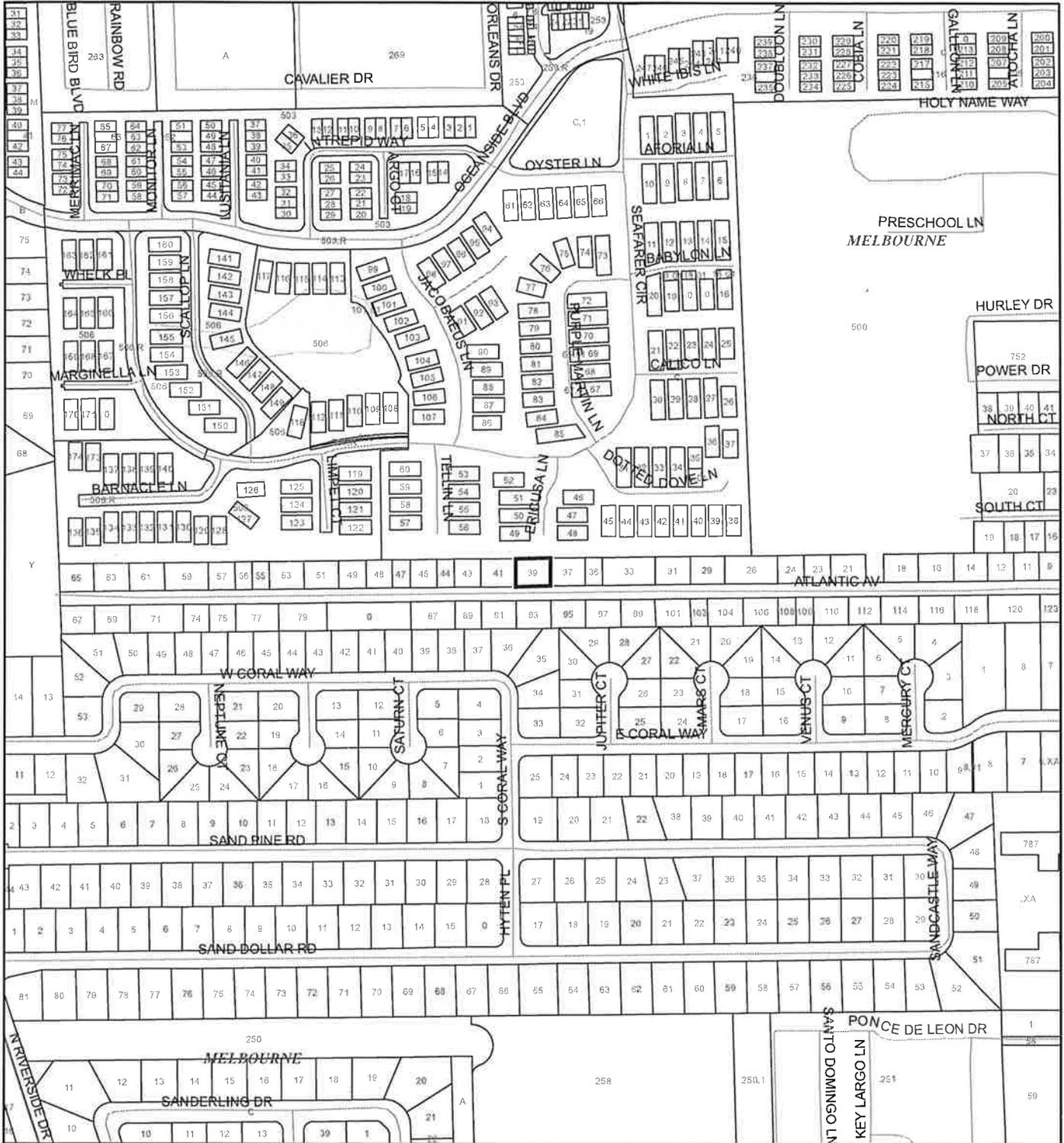
▨ 60 Meters

▨ All Distances

# EAGLE NESTS MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



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: 10/2/2019

 Subject Property

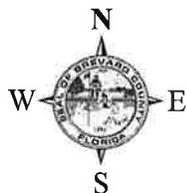
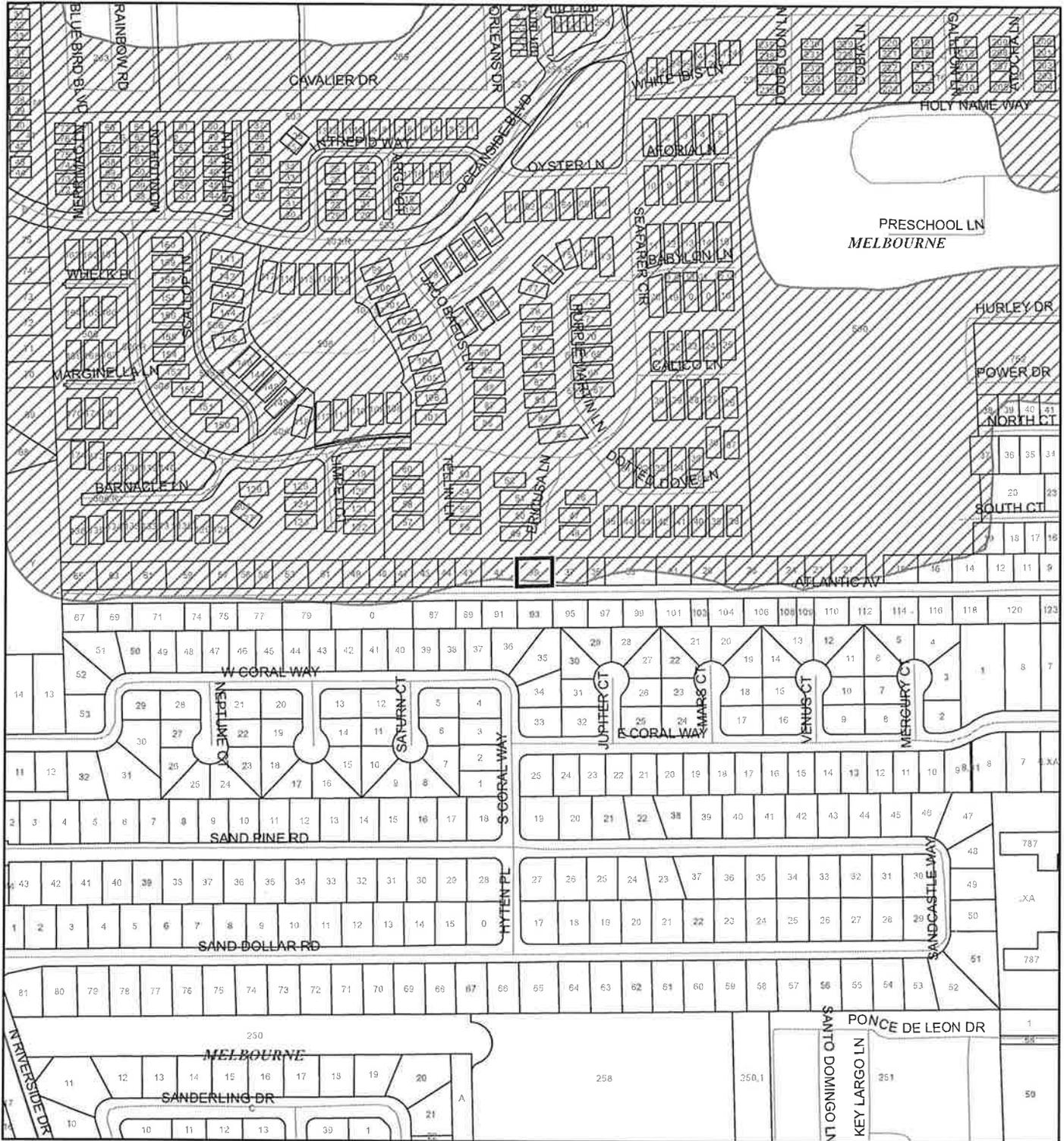
 Parcels

 Eagle Nests  
FWS 2010

# SCRUB JAY OCCUPANCY MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



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.

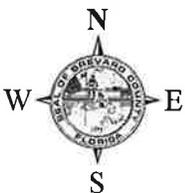
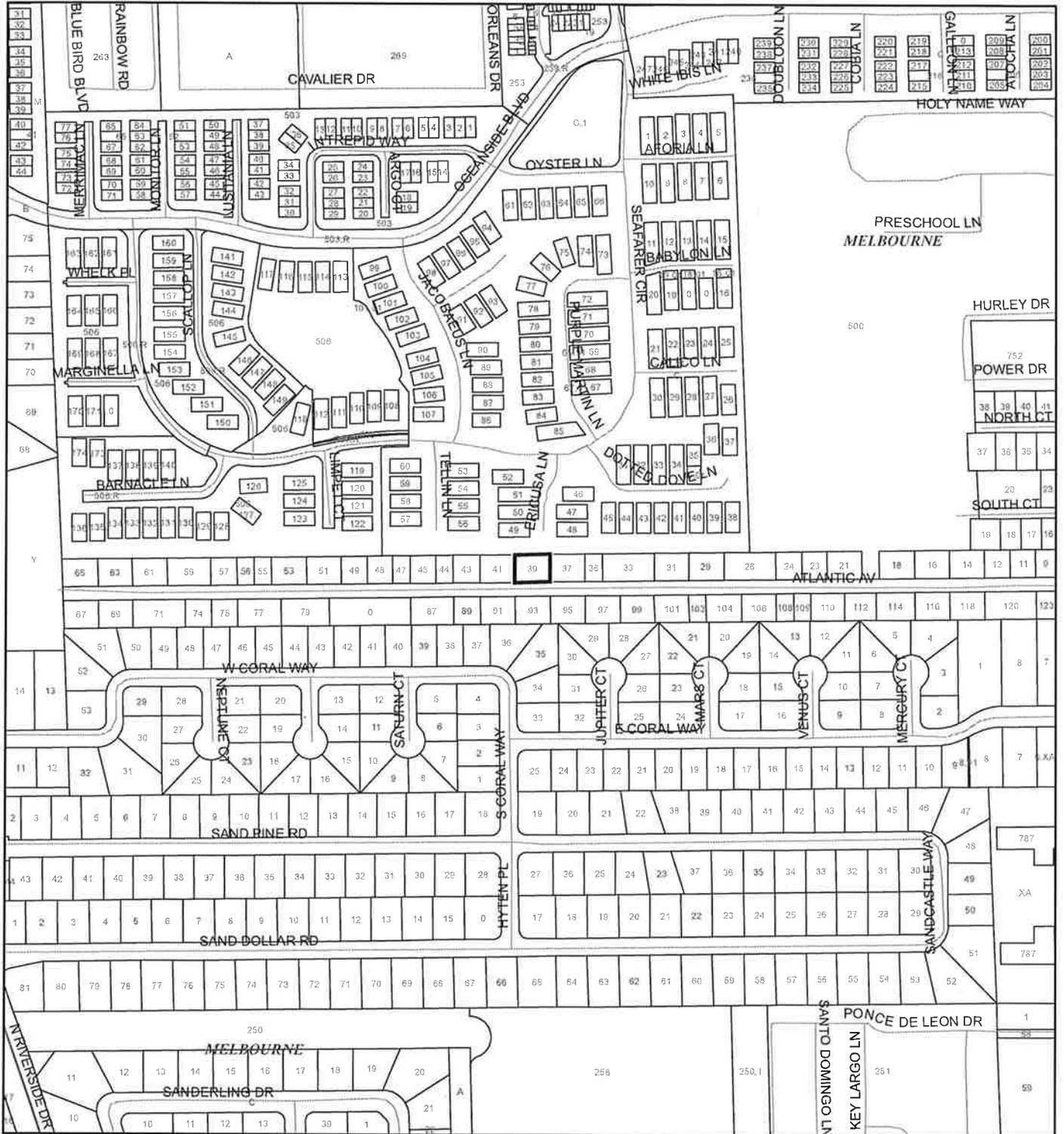
Produced by BoCC - GIS Date: 10/2/2019

-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

# SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

DOCI, ZAMIRA AND GEZIM

19PZ00124



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: 10/2/2019

## 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

17 BC08068



**BREVARD COUNTY BUILDING CODE**  
2725 Judge Fran Jamieson Way, A114  
Viera, FL 32940  
(321) 633-2072 phone (321) 633-2087 fax

**RECEIVED**  
MAY 04 2017  
Permit # \_\_\_\_\_  
Entered by: \_\_\_\_\_  
Application Date: \_\_\_\_\_

### APPLICATION FOR BUILDING PERMIT

Florida Building Code in effect: 5<sup>th</sup> Edition

#### PROPERTY INFORMATION

TWP: 23 RNG: 37 SEC: 13 SUB #: 77 BLK/PAR: 39 LOT: 39 & 40

Site Address: 159 Atlantic Ave Indialantic 32903  
# Street City Zip

Owner's Name: Doc Gezim 646-229-9091  
Last First Telephone Number

Owner's Address: 565 Temple St. Satellite Beach 32937  
# Street City Zip

#### CONTRACTOR'S INFORMATION (APPLICANT)

Qualifier Name: Brookshire Garry CRC1327219  
Last First License #

Company Name: KDL Homes, Inc.

Address: 450 Sun Lakes Rd. Melbourne 32901  
# Street City Zip

Fax #: \_\_\_\_\_ Phone #: 321-795-9914

E-Mail: gbrookshire@cfl.rr.com

**PROJECT INFORMATION**  Residential  Commercial Site Plan #: \_\_\_\_\_

Describe Work To Be Done: new single family residence

Cost of Project: \$ 280,000 Proposed Sq. Ft.: 2781 3243  
(conditioned) (total new construction)

# of housing units 1 # of new bedrooms 4 Master Plan #: \_\_\_\_\_

Sanitary Service:  Sewer Service Potable Water Service:  Public or Private Water  
 Septic  Well

#### SUBCONTRACTOR INFORMATION:

LAST NAME	FIRST NAME	(NO STATE REGISTRATION #)	
Plumbing Contractor Name:	<b>First Quality Plumbing</b>	License #:	Phone: <u>321-610-4250</u>
Electrical Contractor Name:	<b>Best Electric</b>	License #:	Phone: <u>321-265-2253</u>
HVAC Contractor Name:	<b>Able Air</b>	License #:	Phone: <u>321-242-7400</u>
Roofing Contractor Name:		License #:	Phone:
Specialty Contractor Name:		License #:	Phone:



**BREVARD COUNTY BUILDING CODE**  
 2725 Judge Fran Jamieson Way, A114  
 Viera, FL 32940  
 (321) 633-2072 phone (321) 633-2087 fax

**DOCUMENT SUBMITTAL**

Permit #: 17BC08068 Date: 8/1/17  
 Site Address: 159 ATLANTIC AVE  
 From: LDL HOMES GARRY BROOKSHIRE 321-795-9914  
 Contractor/Owner Telephone

**SURVEYS**

- Form-Board Survey\*  As-built Survey  
 Foundation/Floor Elevation Survey\*  Final Survey for Lot Drainage

\* Inspections will not be scheduled until all required agencies approve the survey.

**PERMIT DOCUMENTS**

- Revised Construction Drawings\*  Revised plot plan  
 \* If revision adds square footage, additional permits fees will be added based on the additional square footage.  
 \*\* Additional fees may be charged by the One-stop Agencies
- Documents requested by Plans Examiner \_\_\_\_\_  
 Documents requested by Zoning  Documents requested by Lot Drainage  
 Documents requested by Natural Resources  Documents requested by Driveway  
 Documents requested by Utilities  Documents requested by Fire

A brief description is required: specify all documents and changes. Changes on plans should be identified by clouds. Unidentified changes will be returned.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

GARRY BROOKSHIRE  
 PRINTED NAME of person submitting documents

Garry Brookshire  
 SIGNATURE of person submitting documents

**OFFICE USE ONLY**

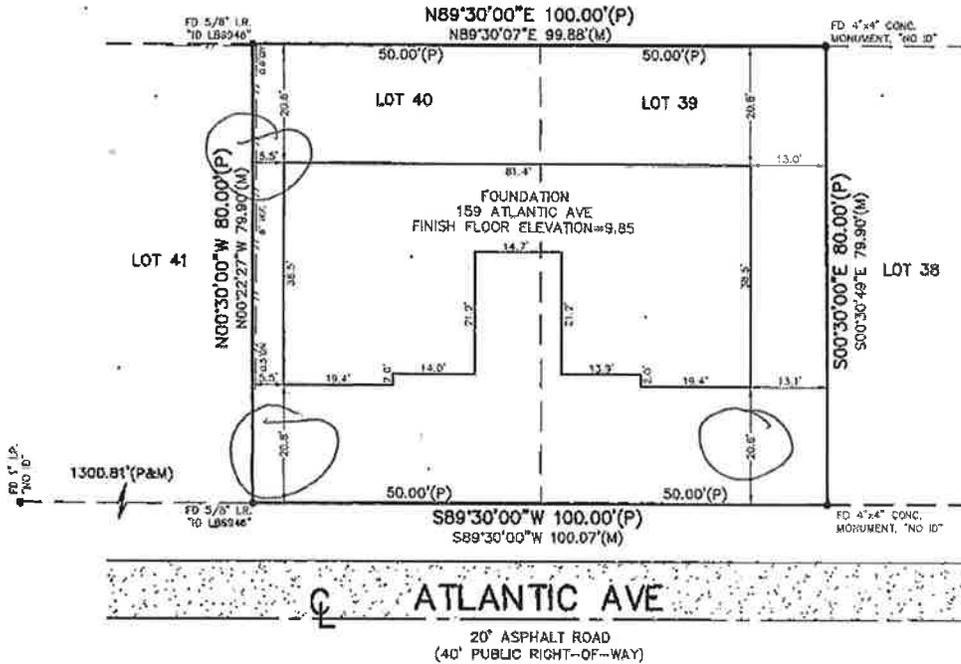
NOT ISSUED Accepted by: [Signature]  
 ISSUED Fees due: \_\_\_\_\_  
 Collection # \_\_\_\_\_

RECEIVED  
 AUG 01 2017  
 BY: MLW/LSB



**BOUNDARY SURVEY OF:**  
**LOTS 39 AND 40, AS SHOWN ON THE PLAT OF CANOVA BEACH VACATION HOME SITE**  
 AS RECORDED IN PLAT BOOK 10, PAGE 13 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

**THE DUNES AT OCEANSIDE VILLAGE**



**ATLANTIC AVE**  
 20' ASPHALT ROAD  
 (40' PUBLIC RIGHT-OF-WAY)

Land Dev.  
 100 01  
 Prepared By  
*Riedeman*

BREVARD COUNTY, Florida  
 ZONING DIVISION  
 Plans No. 17-1693 reviewed and approved  
 for applicable zoning requirements  
 By: *[Signature]*  
 Date: 8-7-17

17BC08068  
*Gary B... 8/1/17*

*[Signature]*  
 PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE  
 MERON E. BARKER - FLORIDA CERTIFICATE NO. 5085  
 CERTIFICATE OF AUTHORIZATION LB. 6586

LEGEND	
(AKA)	= ALSO KNOWN AS
CL	= CENTERLINE
CB	= CONCRETE BLOCK
CB.S	= CONCRETE BLOCK STRUCTURE
CL.F.	= CHAIN LINK FENCE
CL.F.	= CLEAR
CM	= CONCRETE MONUMENT
CONC.	= CONCRETE
CONC.	= CORNER
COVD	= COVERED
D	= DELTA
FD	= FOUND
ID	= IDENTIFICATION
I.P.	= IRON PIPE
I.P.	= IRON ROD
L	= LERON
LB	= LICENSE BUSINESS
LS	= LICENSE SURVEYOR
(M)	= MEASURED
MAP	= MAP & DISK
(P)	= PLATTE
P.C.	= POINT OF CURVATURE
P.T.	= POINT OF TANGENCY
PL	= PROPERTY LINE
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
PIC	= POINT OF REVERSE CURVE
P.U.M.	= PUBLIC UTILITY & DRAINAGE
R	= RADII
R.W.	= RIGHT-OF-WAY
(TYP.)	= TYPICAL
WF	= WOOD FENCE

- SURVEYOR'S NOTES:**
- 1) THE BEARING SYSTEM SHOWN HEREON IS BASED ON A ASSUMED BEARING OF S89°30'00"W. ALONG THE NORTH RIGHT-OF-WAY LINE OF ATLANTIC AVE.
  - 2) AS PER FLOOD INSURANCE RATE MAP NO.12009C 0539 G, INDEX DATED 03-17-2014, THE ABOVE DESCRIBED PROPERTY LIES IN ZONE X.
  - 3) THIS SURVEY WAS PREPARED FROM TITLE INFORMATION PROVIDED TO THE SURVEYOR. THERE MAY BE ADDITIONAL RESTRICTIONS OR EASEMENTS THAT AFFECT THE PROPERTY.
  - 4) UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.
  - 5) LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY, RESERVATION AGREEMENT AND/OR EASEMENTS OF RECORD, SUCH INFORMATION IF DESIRED, SHOULD BE OBTAINED AND CONFIRMED BY OTHER THROUGH APPROPRIATE TITLE VERIFICATION.
  - 6) NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**TYPE OF SURVEY:**  
**FOUNDATION**

**PROJECT:**  
 17-1693

**SCALE:** 1" = 20'

**DATE:** 07/26/2017

**CAD FILE:** 17-1693.DWG

**F.B. NUMBER:**

**REVISION:**

**PRECISION**  
**LAND SURVEYING, INC.**

PHONE: (321) 259-4800    2900 LAKE WASHINGTON ROAD  
 FAX: (321) 259-4255    SUITE 1  
 EMAIL: PLS@CFLRR.COM    MELBOURNE, FLORIDA 32935

CERTIFIED TO:  
**KDL HOMES**

AUG 01 2017

BY: *ALW 1518*

PROFESSIONAL SURVEYING FILED 17-1693 JUN 27 2017 10:45 AM



50' x 80' = 4,000 sq ft

NOT a conforming lot  
\* Needs 2 lots Combined To  
Create a non-conforming lot  
of record

PLAT OF  
CANOVA BEACH  
VACATION HOME SITES.  
A SUBDIVISION OF PART OF  
SOUTH HALF OF SECTION 13,  
T. 27S., R. 37E.,  
BREVARD CO., FLORIDA.

SCALE - 1 INCH = 100 FEET JULY 29, 1949.



**DEDICATION**  
Know all men by these presents, that Walter Schell and Fiore M. Schell his wife, here by dedicate plat to be known as "Plat of Canova Beach Vacation Home Sites, a Subdivision of part of South Half of Section 13, T. 27S., R. 37E., Brevard Co., Florida" in testimony whereof, we place our hands and seals at Eau Gallie, Florida, on this 29th day of August, A.D. 1949.

*Walter Schell* seal  
*Fiore M. Schell* seal

**DESCRIPTION**  
Begin at 1/4" concrete post at NW Corner of U.S. Lot 4, Sec 13, T. 27S., R. 37E., Brevard Co., Florida, run thence East on Lot line a distance of 3377.9 feet to a concrete post on West line of 100 foot Right of Way of State Road A1A, run thence S. 12° 24' E. on West side 100 foot Right of Way a distance of 2050 feet, and 100 feet by right angle measurement to a concrete post, run thence West and parallel to North line of U.S. Lot 4, a distance of 34680 feet to a square iron post on the West line of said Sec. 13, 105.24 North of concrete post at SW Corner of the Section, run thence North on Section line a distance of 200 feet to concrete post at NW Corner of U.S. Lot 4, said Sec. 13, the place of beginning.

STATE OF FLORIDA  
COUNTY OF BREVARD  
Persons who appeared before a notary public, on this 29th day of August, 1949, Walter Schell and Fiore M. Schell his wife, known to me to be the parties named in this instrument of dedication, and being duly sworn, have severally acknowledged the execution thereof to be free act and deed of each, and have signed same freely and voluntarily, for purposes therein expressed. I further certify that Fiore M. Schell is the wife of Walter Schell, on a separate and correct examination, separate and apart from her said husband, and acknowledge marriage with her to be a true and correct statement, and without collusion, composition, apprehension or fear of her said husband, in testimony whereof, I place my hand and official seal, at Eau Gallie, Florida, on day and date above mentioned.

My commission expires  
March 11, A.D. 1952

*William S. Bond* seal  
Notary Public, State of Florida  
at large

STATE OF FLORIDA  
COUNTY OF BREVARD  
I hereby certify that the attached plat was examined and approved for filing upon the records of this county, on this 29th day of August, A.D. 1949.

*[Signature]* seal  
Clerk of the Board of  
County Commissioners

**SURVEYOR'S CERTIFICATE**  
I hereby certify that the attached plat is a true and correct representation of lands parties and a correct to the best of my knowledge, information and belief.  
I further certify that Permanent Reference Markers have been found or set as shown on plat in compliance with State Act passed June 11, 1925.  
That said sections contain concrete posts, open circles, square iron posts, or have marked "T" or "E" on 4.

*David K. Nelson* seal  
Reg. Surveyor, Florida, No. 24

14 13  
23 24



STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
ONSITE SEWAGE TREATMENT AND DISPOSAL  
SYSTEM  
CONSTRUCTION PERMIT

*Expired  
Needs to re-apply*

PERMIT #: 05-SV-1737339  
APPLICATION #: AP1274255  
DATE PAID: \_\_\_\_\_  
FEE PAID: \_\_\_\_\_  
RECEIPT #: \_\_\_\_\_  
DOCUMENT #: PR1056193

CONSTRUCTION PERMIT FOR: OSTDS New

APPLICANT: Gezim Doci

PROPERTY ADDRESS: 159 Atlantic Ave Indianlantic, FL 32903

LOT: 39 & 40 BLOCK: \_\_\_\_\_ SUBDIVISION: Canova Beach Vacation

PROPERTY ID #: 27-37-13-77-39 [SECTION, TOWNSHIP, RANGE, PARCEL NUMBER]  
[OR TAX ID NUMBER]

SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH SPECIFICATIONS AND STANDARDS OF SECTION 381.0065, F.S., AND CHAPTER 64E-6, F.A.C. DEPARTMENT APPROVAL OF SYSTEM DOES NOT GUARANTEE SATISFACTORY PERFORMANCE FOR ANY SPECIFIC PERIOD OF TIME. ANY CHANGE IN MATERIAL FACTS, WHICH SERVED AS A BASIS FOR ISSUANCE OF THIS PERMIT, REQUIRE THE APPLICANT TO MODIFY THE PERMIT APPLICATION. SUCH MODIFICATIONS MAY RESULT IN THIS PERMIT BEING MADE NULL AND VOID. ISSUANCE OF THIS PERMIT DOES NOT EXEMPT THE APPLICANT FROM COMPLIANCE WITH OTHER FEDERAL, STATE, OR LOCAL PERMITTING REQUIRED FOR DEVELOPMENT OF THIS PROPERTY.

SYSTEM DESIGN AND SPECIFICATIONS

T [ 600 ] GALLONS / GPD Aerobic Unit CAPACITY  
A [ ] GALLONS / GPD \_\_\_\_\_ CAPACITY  
N [ ] GALLONS GREASE INTERCEPTOR CAPACITY [MAXIMUM CAPACITY SINGLE TANK:1250 GALLONS]  
K [ ] GALLONS DOSING TANK CAPACITY [ ] GALLONS @ [ ] DOSES PER 24 HRS #Pumps [ ]

D [ 375 ] SQUARE FEET Trench drainfield SYSTEM  
R [ ] SQUARE FEET \_\_\_\_\_ SYSTEM

A TYPE SYSTEM: [x] STANDARD [ ] FILLED [ ] MOUND [ ] \_\_\_\_\_  
I CONFIGURATION: [x] TRENCH [ ] BED [ ] \_\_\_\_\_

F LOCATION OF BENCHMARK: Survey tag, crown of road, west property line.

I ELEVATION OF PROPOSED SYSTEM SITE [ 4.00 ] [ INCHES ] FT [ ] [ ABOVE / BELOW ] BENCHMARK/REFERENCE POINT

E BOTTOM OF DRAINFIELD TO BE [ 20.00 ] [ INCHES ] FT [ ] [ ABOVE / BELOW ] BENCHMARK/REFERENCE POINT

D FILL REQUIRED: [ 0.00 ] INCHES EXCAVATION REQUIRED: [ ] INCHES

O  
T  
H  
E  
R  
The system is sized for 4 bedrooms with a maximum occupancy of 8 persons (2 per bedroom) and 2987 sq.ft., for a total estimated flow of 400 gpd. The licensed contractor installing the system is responsible for installing the minimum category of tank in accordance with s. 64E-6.013(3)(f), FAC. Gutters are required to divert drainage from the drainfield area if the dripline of the roof is less than 5 feet from the drainfield. Maintain all required setbacks including 50 feet to non-potable well, 10 feet to municipal water line, and 5 feet to building foundation and property lines. (Comments Continued on Page 2.)

SPECIFICATIONS BY: Eric W Addington TITLE: Environmental Specialist II

APPROVED BY: Christine Linsenhardt TITLE: Supervisor I Brevard CHD  
Christine B Linsenhardt

DATE ISSUED: 04/20/2017 EXPIRATION DATE: 10/20/2018

DH 4016, 08/09 (Obsoletes all previous editions which may not be used)  
Incorporated: 64E-6.003, FAC



STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM  
SITE EVALUATION AND SYSTEM SPECIFICATION

APPLICATION # AP1274255  
PERMIT # 05-SV-1737339  
DOCUMENT # SE1029119

APPLICANT: Gezim Doci

CONTRACTOR / AGENT: KDL Homes

LOT: 39 & 40

BLOCK:

SUBDIVISION: Canova Beach Vacation ID#: 27-37-13-77-39

TO BE COMPLETED BY ENGINEER, HEALTH DEPARTMENT EMPLOYEE, OR OTHER QUALIFIED PERSON. ENGINEERS MUST PROVIDE REGISTRATION NUMBER AND SIGN AND SEAL EACH PAGE OF SUBMITTAL. COMPLETE ALL ITEMS.

PROPERTY SIZE CONFORMS TO SITE PLAN:  YES  NO NET USABLE AREA AVAILABLE: 0.18 ACRES  
TOTAL ESTIMATED SEWAGE FLOW: 400 GALLONS PER DAY [ RESIDENCES-TABLE1 / OTHER-TABLE 2 ]  
AUTHORIZED SEWAGE FLOW: 450.01 GALLONS PER DAY [ 1500 GPD/ACRE OR 2500 GPD/ACRE ]  
UNOBSTRUCTED AREA AVAILABLE: 574.5 SQFT UNOBSTRUCTED AREA REQUIRED: 563.00 SQFT

BENCHMARK/REFERENCE POINT LOCATION: Survey tag, crown of road, west property line.

ELEVATION OF PROPOSED SYSTEM SITE 4.00 [ INCHES / FT ] [ ABOVE / BELOW ] BENCHMARK/REFERENCE POINT

THE MINIMUM SETBACK WHICH CAN BE MAINTAINED FROM THE PROPOSED SYSTEM TO THE FOLLOWING FEATURES

SURFACE WATER: na FT DITCHES/SWALES: 64 FT NORMALLY WET:  YES  NO  
WELLS: PUBLIC: na FT LIMITED USE: na FT PRIVATE: NA FT NON-POTABLE: 54 FT  
BUILDING FOUNDATIONS: 5 FT PROPERTY LINES: 5 FT POTABLE WATER LINES: 45 FT

SITE SUBJECT TO FREQUENT FLOODING?  YES  NO 10 YEAR FLOODING?  YES  NO

10 YEAR FLOOD ELEVATION FOR SITE: NA FT [ MSL / NGVD ] SITE ELEVATION: NA FT [ MSL / NGVD ]

SOIL PROFILE INFORMATION SITE 1 2" above LPA SOIL PROFILE INFORMATION SITE 2 4" above LPA

USDA SOIL SERIES:Canaveral		
Munsell #/Color	Texture	Depth
10YR 5/2	Fill - Sand	0 To 6
10YR 6/8	Sand	6 To 15
10YR 7/4	Sand	15 To 30
10YR 8/2	Sand	30 To 60
10YR 7/8	CMN/PRM RF	46 To 60
2.5Y 8/2	Sand	60 To 64
2.5Y 8/2	Coarse Sand w/WT	64 To 72

USDA SOIL SERIES:Canaveral		
Munsell #/Color	Texture	Depth
10YR 5/2	Fill - Sand	0 To 6
10YR 6/8	Sand	6 To 18
10YR 7/4	Sand	18 To 36
10YR 8/2	Sand	36 To 60
10YR 7/8	CMN/PRM RF	48 To 60
10YR 7/2	Sand	60 To 68
10YR 7/2	Coarse Sand w/WT	68 To 72

OBSERVED WATER TABLE: 55.00 INCHES [ ABOVE / BELOW ] EXISTING GRADE TYPE: [ PERCHED / APPARENT ]  
ESTIMATED WET SEASON WATER TABLE ELEVATION: 48 INCHES [ ABOVE / BELOW ] EXISTING GRADE  
HIGH WATER TABLE VEGETATION:  YES  NO MOTTLING:  YES  NO DEPTH: 48.00 INCHES  
SOIL TEXTURE/LOADING RATE FOR SYSTEM SIZING: Sand/0.80 DEPTH OF EXCAVATION: \_\_\_\_\_ INCHES  
DRAINFIELD CONFIGURATION:  TRENCH  BED  OTHER (SPECIFY) \_\_\_\_\_

REMARKS/ADDITIONAL CRITERIA  
SHWT based on redox features in soil boring #2 at 48" with 10YR7/8 mottling in a 10YR8/2 matrix which is common and prominent.

SITE EVALUATED BY: [Signature] DATE: 03/30/2017  
Addington, Eric (Title: Environmental Specialist #) (Florida Department of Health in Bre



**Ritchie, George C**

---

**From:** Martin, Peter  
**Sent:** Monday, May 20, 2019 12:02 PM  
**To:** Sterk, Erin; Ramos, Tania  
**Cc:** Ritchie, George C  
**Subject:** RE: Account #: 2716177  
**Attachments:** Sec\_62\_1372.\_\_\_\_Medium\_density\_multiple\_family\_residential\_RU\_2\_10\_RU\_2\_12\_and\_RU\_2\_15..pdf; Sec\_62\_1343.\_\_\_\_Single\_family\_attached\_residential\_RA\_2\_4\_RA\_2\_6\_RA\_2\_8\_and\_RA\_2\_10..pdf

Tania,

He wants to plat this project as two separate single-family attached units, so they can be sold as separate units. It is a case of the property owner seeking platting to develop to RA-2-10 standards in RU-2-12 zoning. Single-Family attached units are required to plat per Section 62-1343 (7) (b) of the Zoning Regulations. Please also see Section 62-1343 (7) (a) requiring site planning. The duplex may be exempt from site plan review, but it seems that platting would be still be required by Section 62-1343 (7) (b) in order to have each half of the duplex under separate ownership.

Erin,

I'm thinking we need to let the potential applicant know that they'll be required to hook to central sewer to have RU-2-12 zoning, since it is as dense or denser than 4 units per acre, as required by the comp plan Policy 1.2 C. Technically, services don't have to be provided until building permit, but what is the sense of rezoning if they will not be able to afford to hookup to central sewer and, therefore, be denied a building permit?

*Peter J. Martin*

Peter J. "Pete" Martin, AICP  
Board of County Commissioners  
Planning & Development Department  
Planning & Zoning Division  
2725 Judge Fran Jamieson Way  
Building A-114  
Viera, Florida 32940  
321-633-2070 X52215

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

**From:** Ramos, Tania  
**Sent:** Monday, May 20, 2019 11:20 AM  
**To:** Martin, Peter <Peter.Martin@brevardfl.gov>; Sterk, Erin <Erin.Sterk@brevardfl.gov>  
**Cc:** Ritchie, George C <George.Ritchie@brevardfl.gov>  
**Subject:** RE: Account #: 2716177

Peter,

A duplex is exempt from site plan review. This would go straight to building permit.

**Tania Ramos**  
**Planner II**  
Brevard County Planning & Development  
Land Development  
Office (321) 633-2072 x 56309  
Email [tania.ramos@brevardfl.gov](mailto:tania.ramos@brevardfl.gov)

**From:** Martin, Peter  
**Sent:** Monday, May 20, 2019 10:49 AM  
**To:** Sterk, Erin  
**Cc:** Ritchie, George C; Ramos, Tania  
**Subject:** FW: Account #: 2716177

Erin,

The subject property is designated RES 15 and retains a Zoning classification of RU-1-7. It has two underlying lots. The original zoning was RU-1. Mr. Doci wants to build a duplex which requires RU-2-12. There is no central sewer available. The question is whether it can be rezoned to RU-2-12 since the FLU is already RES 15 or would the applicant have to provide hookup to central sewer to get the rezoning. It seems like the hookup to central sewer would have to be promised and/or provided at platting. It would certainly have to be provided at building permit stage. This is probably something we want to have a P,Z & LD meeting to discuss. Timing of concurrency in various circumstances.

*Peter J. Martin*

Peter J. "Pete" Martin, AICP  
Board of County Commissioners  
Planning & Development Department  
Planning & Zoning Division  
2725 Judge Fran Jamieson Way  
Building A-114  
Viera, Florida 32940  
321-633-2070 X52215

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**From:** Martin, Peter  
**Sent:** Monday, May 20, 2019 10:27 AM  
**To:** [andidoci24@gmail.com](mailto:andidoci24@gmail.com)  
**Cc:** Ramos, Tania <[Tania.Ramos@brevardfl.gov](mailto:Tania.Ramos@brevardfl.gov)>  
**Subject:** Account #: 2716177

Mr. Andi Doci:

As promised, attached is a map of the subject property depicting the Zoning as Single-Family Residential (RU-1-7) and the Future Land Use (FLU) of Residential 15 (RES 15). Single-Family attached is a permitted housing type in both Single-Family Residential Attached (RA-2-10) and Medium Density Multiple Family Residential (RU-2-12), but only RU-2-12 provides enough density for two (2) units on a 0.18 acre lot.

Also attached are the application materials you requested to change the Zoning classification from RU-1-7 to RU-2-12. As stated, this request must be heard by The Planning & Zoning Board at an advertised public hearing and the final decision is made by the Board of County Commissioners (BOCC) at second advertised public hearing. Whether the request is approved or denied, the fee is the same and no refund will be issued for denied applications. **I can go over the application and necessary materials outlined on page two of the application over the phone. You will need to make an appointment with me to submit the application in person at our offices (see address in signature box).**

The application is the .PDF document with title beginning: "application-for-zoning-action..." A rezoning is heard in two public hearings, one before the Planning & Zoning Board, a recommending body, and the other by the Board of County Commissioners that makes the final decision.

Page 1 of the application is a general application that is used for all types of zoning actions. Please check the box that addresses your application type. If you are doing a Rezoning without a Conditional Use Permit, for example, then check the box next to "REZONING (Without CUP) (RWOC)."

Page 2 of the application is a table with footnotes that together indicate what documents you need to include as part of your application based on the type of zoning action you are requesting. Find the name of the zoning action you are requesting in the left column, "Zoning request" and follow the row to the right of that action to find boxes with an "X" that indicate which items listed above need to be included as part of the application, as further clarified by the associated footnotes. In this way, **the table and the footnotes indicate what you actually need to submit, so please read all footnotes.**

The fee sheet (Fees) and Zoning Information Worksheet are completed by a planner on our staff. The base fee for rezoning to multiple family is \$960.00, the unit fee for 2 dwelling units is 2 X \$24.00 = \$48.00, and the Natural Resources Management (NRM) fee is \$300.00, resulting in a total of \$1,308.00 in application fees to request a rezoning from RU-1-7 to RU-2-12. The Property Appraisers Map is also completed by the planner processing your application. The applications and some other forms need to be notarized. We have notaries on site that can notarize signatures of signers present in our office at time of signing.

Applications must be submitted in person by appointment. Please contact me if you have any questions and e-mail me to set an appointment to submit the application.

Please contact me if I can be of further assistance at any point during this process, including providing information to complete the application. **As soon as your application materials are complete, contact me to schedule an appointment to submit your application in person.**

If you want to be able to sell each side of the duplex as a separate fee simple single-family attached unit, the RU-2-12 zoning will need to be in place first, you'll have to comply with the design standards of RA-2-10 per the RU-2-12 regulations (Section 62-1372) and then you can apply for a minor subdivision review to have each unit platted as a separate lot. Address questions regarding the subdivision/platting process to Tania Ramos in our Land Development Section at 321-633-2070 X56309.

Kind Regards,

*Peter J. Martin*

Peter J. "Pete" Martin, AICP

Board of County Commissioners  
Planning & Development Department  
Planning & Zoning Division  
2725 Judge Fran Jamieson Way  
Building A-114  
Viera, Florida 32940  
321-633-2070 X52215

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RECEIVED  
JAN 06 2020  
BY: .....

OBJECTION  
19PZ00124  
DOC1

ID# 19PZ00124

It appears the property located at 159 Atlantic Ave, Indialantic, FL 32903 is already being used at a multi-family residence.

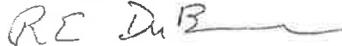
We are strongly opposed to this being changed from Single family to multi-family.

We feel this will bring down the property values. Also, it has been our experience that rental property is faced with many problems. The property is not kept up, devaluing property around it. Transient renters are less stable and more likely to mean that the risk of having a trouble maker tenant is higher.

It also appears that the owner already requested the change of zoning and was denied. It appears that they went ahead and built a multi-unit property anyway.

We are strongly opposed this to become multi-family.

Sincerely



Ronald DuBois



Margot DuBois

OBJECTION  
19P2.00124  
Doc i

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

From: James & Brenda Baker

158 Atlantic Ave

Indianapolis, FL 32903

Subject: Atlantic Ave Zoning Request RU-2-12

To Whom it may concern,

We strongly suggest against any zoning changes that would allow for multi-family or duplex housing on Atlantic Ave. Reference house is 159 Atlantic Ave which was built with the intention of becoming a duplex home after construction and includes identical side by side kitchens, two family rooms and two bedrooms. The front access way was left open but with the addition of a wall will turn this home into a duplex. Should the commission decide to grant zoning change we will consider litigation to prevent this from occurring. We spent two years in search of the perfect lot and street and decided on Atlantic Avenue to build a new home which was completed in August of 2019. We would not have considered this location if new homes were allowed to be duplexes as this would decrease our property values.

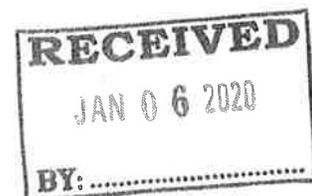
Sincerely,



James & Brenda Baker

(321) 890-4347

jimmyozone@icloud.com



To Brevard City Planning Zoning  
Re: ID 19P200124

OBJECTION  
19P200124  
Doc1

My name is Fred Sibert and live (own) a home at  
166 ATLANTIC AVE, INDIAN LANTIC FL 32903. I have  
lived on ATLANTIC since 1980, I AM RESPONDING AND STRONGLY  
OPPOSING ZONING CHANGE FROM SINGLE TO MULTI FAMILY. MOST  
OF OUR PROBLEMS OVER YEARS HAS COME FROM MULTI FAMILY /  
Rental prop's. IT IS APPARENT THAT THIS SITUATION IS <sup>OR WAS</sup> TOTALLY  
PLANNED. THERE IS A LOT OF REASONS I DO NOT WANT THIS TO  
BE PASSED ALONG WITH THE OBVIOUS IT WASN'T SUPPOSED TO  
BE.

Thank  
you  
Fred Sibert

OBJECTION  
19PZ00124  
Doc1

January 4th, 2020

Dear Brevard County Planning and Zoning Commissioners,

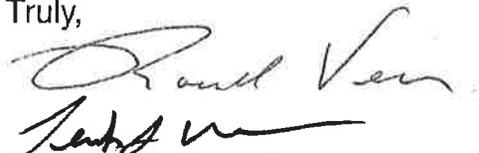
RE: ID#19PZ00124 Zoning change from Single-Family Residential to Medium Density Multi-Family Residential

We reside at 163 Atlantic Avenue, Indialantic, FL 32903

We strongly oppose this Zoning change for the following reasons:

- 1.) Multi-family rental housing has a negative effect on single family home property values.
- 2.) The property in question lacks proper setbacks, plumbing, electrical and septic specifications for multi family use,
- 3.) The west side of the dwelling lacks legal setback requirements from our single-family residence and home. A multi-family rental property as opposed to an owner occupied dwelling will have a substantially larger noise and foot traffic impact on our quality of life. The current setback was intended for a single-family home and we strongly oppose any variance be granted regarding this matter.
- 4.) The traffic load on Atlantic Avenue is currently at 100% capacity. In recent years many new homes have been added to our diminished and narrow county road. Any additional vehicular traffic poses a safety risk to pedestrian traffic. If this property were to be rezoned it will exacerbate this issue further and set a detrimental precedent. The ability of fire rescue, public safety and other county and city service vehicles will be compromised in their ability to access and service Atlantic Avenue. Decades ago, this street was never conceived with this population load and environmental impact. Enough is enough!
- 5.) The single-family building permit for this property was granted as such. The request to already convert the zoning on the heels of its recent completion bring into question whether the owners misrepresented their ultimate intent, and were less than transparent with our zoning process.

Truly,



Ronald and Leah Vesper

OBJECTION  
19P200124  
Doc1

Roger and Nancy Sowerbutts

160 Atlantic Avenue

Indialantic,

Florida, 32903

Brevard County Planning and Zoning Commission

Planning and Development Department

2725 Judge Fran Jamieson Way, Building A

Viera, Florida 32940

January 6<sup>th</sup> 2020

To Whom it May Concern,

It has come to our attention that there has been a request for rezoning of the property located at 159 Atlantic Avenue, directly opposite our property.

We purchased our house with a long term plan to retire to a small community with a very personal feel, good neighbor's and a secure, safe and stable environment. When the property opposite was being built we raised questions as to the intended use when we noted two virtually identical sides to the house and the home plan indicated a two family intent. The zoning was clearly for a single family home, however, it was explained that it was the same family, just parents and son who would be sharing so the zoning was correct for the intent.

Now the request for re-zoning has come up it raises many issues for us as property owners, firstly was this the owners long term goal to build under a single family zoning and then try to rezone knowing full well the zoning status at the time? The possibility of having short term rentals in a single family neighborhood is concerning. Parking at 159 is a huge concern as it takes up the whole lot size with no garage, which would affect our property opposite with driveway access. The additional traffic on our narrow street, the possibility of an unknown number of renters, plumbing and drainage issues due to the size of the septic system, as well as the general effect on the environment are a concern to us and many neighbors.

We respectfully request that the board maintain the current zoning as was the intent for this area of Indiatlantic and continue with a logical and sensible approach to population growth and density for areas determined a long time ago to be for single family use.

Sincerely

*Roger and Nancy Sowerbutts*

Roger and Nancy Sowerbutts

Mailing address:



Roger Sowerbutts  
9762 SW Santa Monica Dr  
Palm City, FL 34990

OBJECTION  
Doc  
19PZ00124

January 5, 2020

To: Brevard County Planning and Zoning Commissioners

RE: ID#19PZ00124 Zoning change from Single-Family Residential to Medium Density Multi Family Residential

Current owners of

100 Atlantic Ave, 102 Atlantic Ave, 106 Atlantic Ave. 108 Atlantic Ave and 110 Atlantic Ave

I have resided at 102 Atlantic Ave for 56 years. With additional family living on the street since 1947. I was also the developer of 117 Atlantic Ave two years ago, which at that time, I was not allowed to build a multi-family residential building.

My family and I have many concerns with additional traffic and the sheer fact that a house that was built within the last two years already has the appearance of a multi-family residence, and now they are trying get a variance for density codes which were already in place at the time of construction. Additionally, it is my understanding that two families are residing there at the property now and that the residence has two kitchens. It appears to me, that they are now asking for forgiveness instead of permission which was denied during the original permitting process.

Here are some additional concerns

- Additional noise and car traffic resulting from multi-family residence. Atlantic Ave is a narrow, dead end county street that already has significant traffic.
- Concerns of Fire rescue and other county vehicles to safely reach the existing properties on the street. If the property in question does not have sufficient parking for multi-family, cars would be parking on the street which would impact service vehicles as well as current residents.
- Additional traffic concerns for foot traffic and safety for current residents who walk/bike/run to the beach and nearby since the street has virtually no sidewalks forcing residents to use the road and share with vehicles.

Regards,



William G. Ponader III

Liliana A. Ponader

OBJECTION  
19PZ00124  
Doc

January 5, 2020

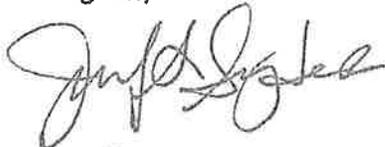
To: Brevard County Planning and Zoning Commissioners

RE: ID#19PZ00124 Zoning change from Single-Family Residential to Medium Density Multi Family Residential

I reside at 117 Atlantic Avenue and oppose the above referenced zoning change.

- Multi-family homes have a negative effect on Single Family property values
- Atlantic Ave is a narrow street with no sidewalks, multi-family homes on lots permitted for single family residences will add more traffic to an already congested street.
- Multi-family homes on lots designed for single family creates situations where more cars are parked on the streets. This raises concerns for fire, rescue and other county vehicles to safely reach the existing properties on the street. As well as concerns for current residents who walk, bike, run and share the road with vehicles.

Regards,



Jennifer L Snyder

OBJECTION  
19PZ00124  
DOC1

Dear Brevard County Planning + Zoning Commissioners,

RE: ID# 19PZ00124 Zoning change from  
Single-Family Residential to Medium  
Density Multi-Family Residential

We reside at 155 Atlantic Ave, Indian Creek  
Florida, 32903, since September 1970.

We are opposed to this zoning change.

Helen Galaka  


January 5, 2020

OBJECTION  
19PZ00124  
Doc1

Dear Brevard County planning and zoning commissioner:

RE:ID number 19PZ0012 for zoning change from single-family residential to medium density city multi family residential.

I live at Palm Colony condominiums in Indialantic, FL. I have multiple friends and family that live on Atlantic Ave and I visit them often. I am opposed to the zoning change as I have many concerns with additional traffic in that street. Due to the narrow 2 lane street, traffic is burdensome to begin with. Parking is also an issue when there are commercial/residential contractors doing work on any of these properties. Thank you for your consideration,

Marisol Masferrer



OBJECTION  
19PZ00124  
Doc

January 10th, 2020

Dear Brevard County Planning and Zoning Board and Commissioners,

RE: ID#19PZ00124 Zoning change from Single-Family Residential to Medium Density Multi-Family Residential

We strongly oppose this Zoning change for the following reasons:

- 1.) Multi-family rental housing has a negative effect on single family home property values and the character of Atlantic Avenue.
- 2.) The property in question lacks proper setbacks, plumbing, electrical and septic specifications for multi family use,
- 3.) The west side of the dwelling lacks multiple legal setback requirements from other single-family residences. A multi-family rental property as opposed to an owner occupied dwelling will have a substantially larger noise and foot traffic impact on their quality of life. The current setback was intended for a single-family home and we strongly oppose any variance be granted regarding this matter.
- 4.) The traffic load on Atlantic Avenue is currently at 100% capacity. In recent years many new homes have been added to our diminished and narrow county road. Any additional vehicular traffic poses a safety risk to pedestrian traffic. If this property were to be rezoned it will exacerbate this issue further and set a detrimental precedent. The ability of fire rescue, public safety and other county and city service vehicles will be compromised in their ability to access and service Atlantic Avenue. Decades ago, this street was never conceived with this population load and environmental impact. Enough is enough!
- 5.) The single-family building permit for this property was granted as such. The request to already convert the zoning on the heels of its recent completion bring into question whether the owners misrepresented their ultimate intent, and were less than transparent with the Brevard County zoning process and it's agents.

Truly,

Print Name: Michael Keane

Sign Name: 

Address: 167 Atlantic Ave  
Indianapolis FL 32903

OBJECTION  
19PZ00124  
Doc

January 10th, 2020

Dear Brevard County Planning and Zoning Board and Commissioners,

RE: ID#19PZ00124 Zoning change from Single-Family Residential to Medium Density Multi-Family Residential

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Truly,

Print Name:

Donna L. Hubbell

Sign Name:



Address:

169 Atlantic Ave  
Indialantic Fla.  
32903

OBJECTION  
19PZ00124  
Doc1

January 10th, 2020

Dear Brevard County Planning and Zoning Board and Commissioners,

RE: ID#19PZ00124 Zoning change from Single-Family Residential to Medium Density Multi-Family Residential

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Truly,

Print Name:

*Annamarie Zink*

Sign Name:



Address:

*140 Atlantic Ave.  
Indialantic, FL 32903*

OBJECTION  
19PZ00124  
Doc:

January 10th, 2020

Dear Brevard County Planning and Zoning Board and Commissioners,

RE: ID#19PZ00124 Zoning change from Single-Family Residential to Medium Density Multi-Family Residential

We strongly oppose this Zoning change for the following reasons:

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- 5.) The single-family building permit for this property was granted as such. The request to already convert the zoning on the heels of its recent completion bring into question whether the owners misrepresented their ultimate intent, and were less than transparent with the Brevard County zoning process and it's agents.

Truly,

Print Name: *Raymond T. Coyle* Sign Name: *R Coyle*

Address: *179 Atlantic Ave Indianantis Fl. 32913*  
*65*

OBJECTION  
19PZ00124  
DOC

**To:** Brevard County Planning and Zoning Commissioners

**From:** Karen Holloway-Adkins and Daryl Adkins,  
Homeowners on Atlantic Ave., Indialantic, FL

**Re:** ID#19PZ00124 Zoning change from single-family residential to medium density multi-family residential

---

Dear Planning and Zoning Commissioners,

We are writing to you in opposition of a request to change the previous zoning from a single-family residential to a multi-family residential on Atlantic Ave. (ID#19Z00124). We are aware of the request for this change that was considered by the homeowner only after they had proceeded and completed the construction of a multi-family resident in violation of the Brevard County's current planning and zoning regulations for this area. Our opposition is based on the following anticipated impacts to the current and future status, economics and environment for the residents within adjacent properties on Atlantic Ave.:

- Multi-family properties are typically rental properties which have a negative impact on surrounding single-family property values.
- Legal setbacks from the road and adjacent properties appear to have been compromised in the construction.
- The property was built without garage(s) space and currently 50% of the front yard has been converted to two driveways on either side of the property. The septic system occupies the area between the two driveways (see next point)
- We question the capacity of the single-family residential septic system that was installed under the current occupancy-load. A multi-family system would require additional septic capacity and said property is not likely large enough to support this expansion.

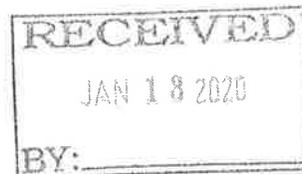
In addition, a two-story structure has been constructed in the backyard that interferes with the privacy of adjacent neighbors and has likely not been permitted.

We anticipate that the current reasoning to officially/properly request a change to the residential zoning for this property is either for the purposes of renting the property as a duplex or for the re-sale value to the homeowner to sell the property as a multi-family rental property. The request to convert the zoning of this property after the dwelling's construction has been completed for several months raises suspicion. Intended or otherwise, there is a seeming lack of compliance and/or respect for current zoning regulations as well as no consideration to the impacts to neighbors and residents of this street. We oppose this zoning change.

Thank you for your time and consideration,

*Karen G. H. Adkins*

Karen G. Holloway-Adkins, PhD  
Daryl S. Adkins



OBJECTION  
19PZ00124  
Doc1

January 10th, 2020

Dear Brevard County Planning and Zoning Board and Commissioners,

RE: ID#19PZ00124 Zoning change from Single-Family Residential to Medium Density Multi-Family Residential

We strongly oppose this Zoning change for the following reasons:

- 1.) Multi-family rental housing has a negative effect on single family home property values and the character of Atlantic Avenue.
- 2.) The property in question lacks proper setbacks, plumbing, electrical and septic specifications for multi family use,
- 3.) The west side of the dwelling lacks multiple legal setback requirements from other single-family residences. A multi-family rental property as opposed to an owner occupied dwelling will have a substantially larger noise and foot traffic impact on their quality of life. The current setback was intended for a single-family home and we strongly oppose any variance be granted regarding this matter.
- 4.) The traffic load on Atlantic Avenue is currently at 100% capacity. In recent years many new homes have been added to our diminished and narrow county road. Any additional vehicular traffic poses a safety risk to pedestrian traffic. If this property were to be rezoned it will exacerbate this issue further and set a detrimental precedent. The ability of fire rescue, public safety and other county and city service vehicles will be compromised in their ability to access and service Atlantic Avenue. Decades ago, this street was never conceived with this population load and environmental impact. Enough is enough!
- 5.) The single-family building permit for this property was granted as such. The request to already convert the zoning on the heels of its recent completion bring into question whether the owners misrepresented their ultimate intent, and were less than transparent with the Brevard County zoning process and it's agents.

Truly,

Print Name:

Sign Name:

Address: *Tony G. P. Fitz*  
*168 Atlantic Ave.*

*Tony Guffelt*

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 13, 2020**, at **3:00 p.m.**, in the Commission 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; Brian Woltz; Brian Hodgers; Ben Glover; Mark Wadsworth; Joe Buchanan; Bruce Moia; Peter Filiberto; and Dane Theodore.

Staff members present were: Jeffrey Ball, Planning and Zoning Manager; Eden Bentley, County Attorney; George Ritchie, Planner III; Paul Body, Planner II; Jeanne Allen, Environmental Specialist I; and Jennifer Jones, Special Projects Coordinator.

Mark Wadsworth introduced new members Joe Buchanan, District 4; and Brian Woltz, District 1. Mr. Wadsworth also recognized the resignation Rochelle Lawandales and thanked her for her service to the Planning and Zoning Board. Bruce Moia stated Ms. Lawandales had a wealth of knowledge as a planner and she will be missed on the board.

### Excerpt from Complete Agenda

#### 1. Zamira and Gezim Doci (Andi Doci)

A request for a change of zoning classification from RU-1-7 (Single-Family Residential) to RU-2-12 (Medium Density Multi-Family Residential). The property is 0.18 acres, located on the north side of Atlantic Avenue, approximately 0.40 mile west of Highway A1A. (159 Atlantic Avenue, Indialantic) (Tax Account 2716189) (19PZ00124) (District 5)

Andi Doci, 159 Atlantic Avenue, Indialantic, stated he and his parents originally planned on eventually applying to the Planning and Zoning Board in hopes that the rezoning gets granted. He said the plan that has been modified to a single-family can be modified back to a duplex. He noted the dimensions of the property will remain the same, and from the outside nothing will change. He stated any concern that it might decrease property values is a fake claim, and whether built as a single home or a duplex, it will only increase property values because it is known that a duplex is always more valuable than a single-family home, and a duplex will always yield higher money when sold because the rent is manageable and more families can afford half a home than a single home. He said the capacity for bathroom seems to be a concern for some neighbors because they think the septic system might be overloaded, but it's not going to increase. He said the four bathrooms that are there currently will remain, and there will be two bathrooms on one side and two on the other. He stated the only change will be that they will have to add another water meter and electrical meter, make the divisive wall between the two doors, and add another laundry, which is already planned. He stated the houses to the east and west have setback violations by at least 10 feet, and another house on the street has a variance for a pool that is within the setback. He stated his neighbors are concerned about his house lowering the property values, but their properties have already lowered the values, and any investment in the neighborhood will increase value.

Gezim Doci stated the duplex will be for him and his family, but it's better for him to have a separate kitchen.

Andi Doci stated because they have wonderful neighbors, they might move out and rent the house, but at 3,000 square feet, no one is going to pay \$4,500 a month, but if it is separated they would be close to that amount as if renting it as one. He pointed out that if changed to a duplex, the tax will

automatically be higher, so the County will benefit from the higher tax, and if they rent it the tax will be higher because it's a rental.

Ron Vesser, 163 Atlantic Avenue, Indialantic, stated he lives on the west side of the subject property and he has some real concerns. He said he doesn't recall if the Doci's applied for a duplex or not, but he feels it is a mis-representation of what the property originally should have been. He said the Doci's also have bought a second lot on Atlantic Avenue and he's concerned about another duplex and another situation where they apply for a single-family and then try to get a multi-family unit. He said multi-family rental housing has a negative effect on single-family home values. He noted that the property in question lacks proper setbacks, plumbing, electrical, and septic specifications for multi-family use. He stated a multi-family rental property will have a substantially larger noise and traffic impact on the neighbors' quality of life. He said the current setbacks were intended for a single-family home and he strongly opposes any kind of variance. Atlantic Avenue doesn't have sewer, storm drains, or sidewalks, and duplexes with more traffic is not healthy for the environmental impact it will have on the street, not to mention public safety vehicles will be compromised in their ability to access Atlantic Avenue. He said the Doci's were granted a building permit for a single-family residence, and the request to already convert the zoning immediately after its completion brings into question whether the Doci's mis-represented their ultimate attempt and were less than transparent with the zoning process. He stated it was brought to his attention that the septic sign-off letter was never submitted to the Building Department, and he doesn't know if the septic system currently in place is legal and certified. He noted there are also two full kitchens in the home, and they have built what looks like a duplex but they did not apply for a permit for a duplex. He distributed letters to the board from other neighbors on Atlantic Avenue. (The letters can be found in file 19PZ00124, located in the Planning and Development Department.)

Jim Baker, 158 Atlantic Avenue, Indialantic, stated he lives across the street from the Doci's and just invested \$400,000 in a single-family home with an advanced aerobic septic system. He said the thing about an aerobic septic system in a single-family home is that it is one system, but in a duplex, someone lives on one side and someone lives on the other, and there is no control as to how many people can live in them and that overwhelms a septic system. He stated a duplex doesn't go with the street's atmosphere, it's not what the street was intended for, and the Canova Beach community was never designed for any kind of multi-family units. He concluded by saying he is opposed to the rezoning request and he hopes the Doci's withdraw their application.

Karen Holloway Adkins, 141 Atlantic Avenue, Indialantic, stated it appears the house was built as though it was going to be a duplex, there's no garages, the space on either side of the house is consumed with driveway areas except for the septic system, and there has already been some parking issues. She said contention with your neighbors is never a good way to start because they are a close-knit family on Atlantic Avenue. She stated when the large home was being built it came to everyone's attention that it was obviously set up for two families, as though it was a duplex.

Christine Britton, 2980 Ericusa Lane, Indialantic, stated she also thinks the house was built as a duplex because both sides look exactly the same; it has two driveways, and they both have a walk-up to a double door, but if you walk inside the double door you can see two doors that already exist, so it's pretty much already a duplex. She said her concern is that they've been less than transparent and it will set a precedent for the future.

Nancy Sowerbutts, 160 Atlantic Avenue, Indialantic, stated she feels the same as her neighbors, and she is concerned about short-term rentals in addition to everything that's already been mentioned.

Mr. Doci stated Atlantic Avenue is a dead-end street, so there's no additional traffic besides people going to their homes, and there's an average of one car every 15 minutes that passes by. He said people are concerned about rentals when they rent themselves. He acknowledged there was a mistake with the septic system because the builder had all the paperwork, but the County made a mistake, and it has been corrected. He said he could rent to five families and they can all live in one single-family residence, but he cannot do that financially. He said the neighbors are jealous, and the only one who can come close to their \$500,000 investment is Mr. Baker who has the \$400,000 house, but his pool is in the setbacks. He said he is planning to invest more, but Mr. Baker is not, and it's just jealousy. He stated their plan was clearly stated in the Building Department, and he said they planned to build as fast as possible with no obstacles and eventually turn it from a duplex to a single so that eventually they can re-apply and try to get a duplex. He said staff can testify that he stated the house was not a duplex, and they were going to build it as single-family with plans to get a duplex, whether it gets approved or not. He stated the septic system will not be overloaded because they have other rental properties in New York and they charge a lot more for additional people that renters want to add. He said Ms. Sowerbutts, at 160 Atlantic Avenue currently rents and she is concerned how he does business, which is nobody's business.

Dane Theodore stated if the board approves the upgraded zoning, it's required that they have a connection to a centralized sewer system, and asked how they would get around that requirement.

Jeffrey Ball replied the Comprehensive Plan requires central water and that they connect to central sewer. As far as staff's research, central sewer is not available, and the only way to get around that is if the Board of County Commissioners waive that requirement.

Bruce Moia stated the property is clearly single-family zoning in the entire area; there's no multi-family zoning anywhere near the subject property except at the very corner abutting a State road, which is a major collector road, which makes more sense. He said the building permit application clearly states it's for a single-family residence. The property is 8,000 square feet, and even on City water the normal requirement is for one-quarter acre to have septic; this is over 2,000 square feet less than one-quarter acre, and to have two families on it would mean having a septic system on a 4,000 square foot lot. He said he knows where multi-family has been historically, and this isn't the area. He agrees with the residents that this is not appropriate, and if the applicants wanted to build multi-family they should have asked for this a long time ago; he's not sure it would have been approved, but it should have been asked for before if that was the intent, because it is clearly single-family residential and it has been for a very long time.

Ben Glover stated he agrees with the residents and he doesn't see this being multi-family at all. He said he doesn't like that they built it to look like a duplex and now they're trying to find a loophole.

Peter Filiberto stated there's a difference between short term rentals and long-term rentals, and the residents were talking about long-term rentals, but the applicant seems to be talking about short-term rentals. He said he doesn't want to set a precedence for a duplex in the area and he feels it will put a strain on utilities.

Motion by Peter Filiberto, seconded by Bruce Moia, to deny the request for a change of zoning classification from RU-1-7 to RU-2-12. The motion passed unanimously.

**VERBATIM OF ITEM H.1., CHANGE OF ZONING CLASSIFICATION FROM RU-1-7 TO RU-2-12 – ZAMIRA AND GEZIM DOCI – FEBRUARY 6, 2020 ZONING MEETING**

Lober: We're going to move right on into public hearings, Item H.1. If we can have staff just do brief intros for all of them unless the Commissioners decide to have a little bit more. If you can give us an intro, I'd appreciate it.

Ball: Good evening. First Item is 19PZ00124, Zamira and Gezim Doci requests a change of zoning classification from RU-1-7 to RU-2-12. It's located in District 5, Commissioner Isnardi. Staff has received 15 letters in opposition. Just to bring to the Board's attention, the subject property is located in the predominately single-family neighborhood.

Lober: All right, we have some public comment cards on this. First up it looks like we have an attorney George, is it Booras? All right, come on up. And if anyone is the applicant when they come up, please let me know because you're entitled to a different amount of time. If I don't hear that you're the applicant, I'm just going to presume its general public comment as to that Item; and I'm guessing from the posters, you probably str the applicant, or represent the applicant. Okay, thought it was a somewhat safe assumption. All right, welcome sir.

Booras: Good evening. I represent Mr. and Mrs. Doci in this matter. Commission, basically what we have going on here is my clients would like to convert their house into a duplex. Originally the house was meant for two families. It was meant for my clients as a split family. In other words the husband . . . the parents on one side and then their children on the other side. So, after some consideration they decided that they were, they wanted do something different than that, and that's why we're here today to see if they can't alter that. Now they read through all of the documentations that's been provided, the letters that were provided to the Commission and to staff, but looking at staff's analysis of the matter, you know, one of the points I believe that was made by one of the parties was the traffic. There's a .01 percent increase in traffic. We're talking about one or two cars, you know, being added to the neighborhood. In addition, I disagree a little bit with staff's analysis. There are significant amount of multi-family style homes in the area. According to an analysis of Brevard County Property Appraisers records, there are within 1,500 feet of the home, there are 31 condo units, three duplexes, four triplexes, two quadraplexes, and four multi-family usage area homes, and also nine townhomes, which weren't noted in the staff's analysis that was provided to the Commission. So, adding another duplex, especially there are three duplexes on this block already. Basically, I'd like to show the Commission, you know, this is a map of the area that was provided from the Brevard County Property Appraiser's website, and blown up appropriately. This is Atlantic Avenue, the street in question. There is a condominium unit at the end of the street, and then there are two multi-family uses at the big, front of the street as well, two duplexes next to those, and then another duplex actually all the way at the end of the street. I believe that many of the comments that were provided by neighbors kind of reflect that they don't want their neighborhood to become overrun. This isn't the type of action . . . this type of basically altering, giving a variance in this situation would basically not create the types of issues that are being complained of. Now, there is, according to staff and according to their analysis, there were some land use issues as to the property. I believe there were setback issues, there's a 4.2-foot setback. As to the main setback, there's a 20-foot, 25-foot setback that's required. There's also a 5.5, a 4.5 . . . 10 setback as to the west side of the property. The thing is, your honor, this is an already existing home, so by granting a variance you're not actually changing anything. Same thing with the sewage. The sewage will not have any changes. See, there's a lot of complaints that were filed in these letters saying that things would change. Nothing actually does change. The home exists. The only modifications to the

home that would potentially happen are interior not exterior. So, therefore, you know, none of these things where there's increased traffic, that there's going to be a sewage issue in the neighborhood, that there's going to be, you know, there's some sort of imposing on other people's property, none of that happens here. Basically, these are all existing things, so all we're doing is looking to basically have a variance as to an existing property that's already there, basically allowing them to cut it in half so his, so part of their family can live on the one side and then the other part can be rented out to parties as necessary basically; and we've been looking at long-term renters, we're not looking at short-term, parties, you know. They don't want to disrupt the neighborhood, and I think that's a very key concern here because many of the letters were basically addressing the fact that they want, you know, that this is an issue, that they thought they would be disrupted in some way, shape, or form. When you look at the other duplexes, when you look at them on the Property Appraiser's website as well, they're basically, its identical situations, the lot sizes are the exact same, they're both . . . all of the buildings are built on double size lots, they're no . . . so they're no significant differences between the duplexes that already exist other than perhaps the size of the building, but they don't have sewage, yeah, cause there's no sewage, public sewage in the area. There's only public water. So, basically, you know, many of the requirements that are being stated have already been waived for other buildings in the area sometime in the past. Now there's also, when you look at the . . . I believe there's also a concern about rental properties that was brought before the Commission and before staff by the parties . . . according to looking at the Brevard County Property Appraiser's website again, there are approximately 18 properties along that one street that are owned by entities, not owned by persons, owned by entities, trusts, and not family trusts, because I eliminated those so basically just trusts, corporations, you know, other types of entities along those lines, which seems that those buildings would actually be . . . those residences would be rentals, not necessarily home-owned, you know, things where homeowners reside in there. So, in conclusion, the impact here for my client is minimal and we believe that you should grant the variance for the property and allow them to do basically the remainder of the construction that's required in order to, you know, divide the property appropriately. They do have to install some plumbing and electrical work, but there's no outside work that would be done that's in relation to that; and I would reserve my amount, eight minutes remaining to rebuttal.

Lober: I'll give you eight minutes and 45 seconds. Will that work?

Booras: Yeah, that's fine.

Lober: Let me, I've got a question, unless someone else does first.

Booras: Sure, sure.

Lober: You mentioned that they're only going to be interior modifications and that the area doesn't have sewer anywhere that's accessible? Is there just one septic tank there now, or are there two, or what's the set up as far as that's concerned, if you know?

Booras: I don't know off hand. I know it meets the Code requirement. There is, I believe, four bathrooms in the residence.

Lober: Okay, internal . . .

Booras: So, they meet that, so yeah, so they meet that, in total, right. Excuse me.

Lober: Okay, between, between both of the units in the duplex?

Booras: Well, there's not, there's not two, it's one unit, yeah.

Lober: I apologize. Between both portions of the duplex I should say.

Booras: Yeah correct.

Andi Doci: Can I add something?

Lober: Let's do this. When you have the remaining time for rebuttal, we can address anything else that you'd like to add. So, you'll have your eight minutes and 45 seconds. But beyond that, if you know, there's not going to be a change in so far as the septic is concerned, is there where it's either going to be added or . . .?

Booras: No.

Lober: Okay perfect.

Booras: I mean unless it's required. If it's required . . .

Lober: Understood.

Booras: . . . then obviously they'll make the changes that are required, but . . .

Lober: But there's no intent to change it in any way that you're aware of?

Booras: No, because it's already approved as is, there's no real reason to try to change it at this point, so . . .

Lober: Perfect, I appreciate it. I'll keep this time saved and then we'll go on to the other public comment on the item now. All right, next up we have got, I think that's Angie?

Pritchett: Andy.

Lober: Andy Doci. All right, come on up.

Doci: The septic was . . .

Lober: Before you start, I think you just put your name and the city that you live in on the record.

Doci: Indialantic, Florida. Okay, when the, when the septic . . .

Lober: Hang on one second, I'm sorry.

Doci: I'll make it quick.

Lober: Bear with me just one second. I promise I'll give you a chance. Ms. Bentley, if this is also the applicant himself, how would you recommend that I treat this? Should I deduct this from the remaining time that the attorney had?

Bentley: Yes, the applicant has 15 minutes total.

Lober: Okay, so I'll give you the remaining eight 45.

Doci: It's just going to take 30 seconds.

Lober: Okay.

Doci: When we designed . . . when the house was built, the capacity, bathroom capacity was already calculated. So, if anybody's going to live there, we're six people already, and if it gets divided, and we rent it out, because we're going to stay the way we are, but if we rent it out, I would assume we want, we don't want big families. So eight people in total, so there's a change of two. So, all bathrooms are calculated with that septic system. It's an aerobic, it's a new septic type, and it doesn't . . . basically it has more capacity than the usual ones. So everything is planned.

Lober: Okay, everything is septic?

Doci: But in case the Building Department wants an extension, we can remove part of the driveway and make it bigger. Thank you.

Lober: Thank you, sir. All right, we're going to keep the seven minutes and 59 seconds at this point for rebuttal. We've got a couple of more public comments. Ron Vesper, also from Indialantic, and if you'll bear with me, I'm going to reset this timer if I can figure out how to do this.

Ron Vesper: Good evening to the Board. Thank you listening tonight. We appreciate it, the neighbors of Atlantic Avenue. My name is Ron Vesper. I'm the abutter to the property in question, to the west. I'm going to read something to you quickly. "163 Atlantic Avenue opposed, 140 Atlantic Avenue opposed, 160 Atlantic Avenue opposed, 179 Atlantic Avenue opposed, 169 Atlantic Avenue opposed, 202 Atlantic Avenue opposed, 155 Atlantic Avenue opposed 117 Atlantic Avenue opposed, 100 Atlantic Avenue opposed." We're opposed for objective reasons. First of all, we were told by the County already that multi-family density has to be plugged into sewer. That's not available to this home. We have a few duplexes, and it was a mischaracterization earlier, we have a few duplexes on the east end of our street that are old as dirt, they're probably 40 years old, and they're grand fathered I am sure in that they do not require sewage connections for those dwellings. We have a setback issue to the west and to the east. I will never grant setback waivers for my property, and I can promise you the neighbor to the east of this property owner, Gene, I have to think of his last name, for a moment, he will never grant any waiver exception to a setback on his property line either. We won't do it. The other thing is, is that . . . what else did I want to bring up? Oh, this whole matter has not been conducted in a transparent manner, manner by the applicant. If you drove by the street, or you might have the front elevation of the property in front of you, I don't know if you can see it or not, this thing was spring loaded for a duplex. It looks like a duplex, it smells like a duplex, and it wiggles like a duplex, and that's what they always wanted, and now they're trying to do an end run around the County and have this approved, along with the fact that they recently purchased another property on our street a few houses down that's an empty, vacant lot. We see this end run coming again. So, we have big questions about the septic

system. We had environmental issues discussed last time. We have environmental issues in the County for septic systems. We put a multi-family use on that property, that septic system is probably not properly designed, and it would have to go through review, but we were told that last time by the County, I forgot exactly what P&Z commissioner, mentioned it, that sewer is a must for multi-family. So, in concluding, let me just see if I had anything else to say, that is pretty much my position and the position of the neighbors there. We don't want more duplexes. We have a single-family home, street. There have been new homes that have been built recently. All the new homes that have been built on our street . . . we really haven't had new home building activity on our street for years up until about four or five years ago. I believe, I'm guessing here, about five or six new homes have been built on our street. They are all single-family homes. We have had no new multi-built, and we feel that it will have a negative impact on many, many things. So, I'm in strong opposition of this happening; and I'm available for any questions or comments, and I appreciate your time on the matter, for listening. Thank you.

Lober: Thank you, sir. All right, last up before we go back to the rebuttal time, Roger and Nancy, help me out with this, Sowerbutts, from let's see, Palm City.

Nancy Sowerbutts: I live in Palm City. We bought the, we purchased the home across the street from 159, we're at 160. We currently have it as an annual rental. We purchased our home with long-term plan to retire to a small community with a very personal feel, good neighbors, and a secure, safe, and stable environment. When the property opposite was being built, we raised questions as to the intended use when we noted two virtually identical sides to the house, and the home plan indicated a two-family intent. The zoning was clearly for a single-family home; however, it was explained that it was the same family, just parents and a son who would be sharing, so the zoning was correct for the intent. Now the request for rezoning has come up and it raises many issues for us as property owners. Firstly, was the owners long-term intent to build the home in the single-family zone, and then try to get it rezoned, which is clearly what we're seeing now. The possibility of having short-term rentals in a single-family neighborhood is concerning. I called and asked questions about the RU-2-12, and I was told it changes the ability for rentals, meaning you can have short-term rentals, you can do air bnb's, things like that whereas the zoning we have right now an annual rental is acceptable but not short-term rentals, so that's a concern. Additional traffic on our narrow street is a concern. I know the attorney said that there are condos and all those things, there aren't. There are, there's townhouses at the top of the street up on A-1-A, there's probably eight units, but when you get closer to the, west of the long . . . it's kind of a long street, but it's a dead end. There are nothing but single-family and a couple of old duplexes. There's no, I think he said condos within so many feet on our street, there's none. That's all at the top on A-1-A. There's . . . so added traffic . . . there might not be added traffic with this particular duplex but if they were to change the zoning and other homes become duplexes, they build another duplex, that would significantly add to the traffic on our small street. Yeah, so the concern of changing the zoning would mean that more traffic would be an issue. The duplexes on our street were grand fathered in as far as we know. They are very old, and they're not new. So . . .

Roger Sowerbutts: That's pretty much it. It was just the intent from the start. We see it as being this and then, you know, we wouldn't have bought a house to retire to had there been duplexes around us so that's kind of our position.

Lober: I appreciate y'all coming out, thank you.

Nancy Sowerbutts: Thank you.

Lober: All right, that's it for public comment on this Item. If the applicant wants to come up or if the applicant's attorney would like to come up, I can give you the remainder of the time that you have.

Lober: Welcome back.

Booras: Thank you. Just briefly, basically what we have here there's a lot of feelings going on here. You have a lot of people who are very opinionated about what they have, but basically its opinions. We have to look at the facts in this matter more so and whether a variance, you know, can be granted based on those facts. When we have . . . as I previously presented those facts, you know, exist and there are other consistent uses in that neighborhood. You know, there's a lot of things being said here about traffic. How do one or two cars make such an additional traffic burden in the area? You know, but these are all speculation by other people in the neighborhood. You know, also, you know, when you come up and the first thing you do is try to list, well okay, all of these people are opposed to it, but yet, you know, and there's been letters sent to that but yet we don't know, you know, the extent of their opposition and we don't know the factual reasoning behind their opposition as well here. They're not here, you know, to do that, and the letters don't necessarily, you know, present that fully to the Commission. I believe that as the, you know . . . it's funny as a recording stated before we started today, you know, we're here to listen to the facts, and we're to make decisions based on those, and that's all we'd ask from the Commission to do today. Thank you.

Lober: You're better than I am. Normally when I say I'll be brief I'm not, but I give you credit for that. Commissioner Tobia.

Tobia: I'm just trying to wrap my head around this. I don't know if you misspoke or if you are unfamiliar with the difference between a variance and rezoning, because you mentioned variance a couple of times but that's different that what's in the application. So can you clear . . . was that a . . .

Booras: It's a rezoning issue, and I'm sorry, and that is a, my misspeaking.

Tobia: Those are polar opposites. You understand?

Booras: Yes.

Tobia: All right, just to be clear.

Lober: Okay, Commissioner Isnardi, this is your District. What would you like to do?

Isnardi: I don't have questions for the attorney. Tad, question as far as if we don't, if the, if it's not granted for the rezoning, they can exist how they are now, correct?

Calkins: Yes the . . .

Isnardi: It just means they won't be able to rent it out later.

Calkins: They wouldn't be able to split it as a duplex and create two units there.

Isnardi: Correct, okay. Well, I mean, I, we've gotten, aside from the correspondence in our office it was pretty much in the package. I mean, it's strong opposition against this in this neighborhood; and given

the concerns with the sewer, I mean, I know that's not an option for your client, I definitely have a concern, and it's not going to change the way they're living now. So, we're not putting somebody out on the street; and whether the intent was purposeful or not, it sure appears that way that, that was the intention right from the beginning. So, myself, I know that this is my District, and I, I, there is four of us up here, however, I don't feel comfortable granting it at this time. So I'm not going to be supporting this.

Lober: Commissioner Pritchett.

Pritchett: I was just going . . .

Isnardi: Okay, so I'll make a motion to deny this as it stands.

Pritchett: I second it.

Lober: All right, do you all have that?

Clerk: Yes.

Lober: Perfect, so we have a motion and a second. Any further discussion on it?

Doci: I'd like to make a comment.

Lober: Hang on a second, sir. Seeing none. All right, let's go ahead and we'll take a vote. This is a vote on Commissioner Isnardi's motion to deny the application. So, all in favor of denial, please say Aye.

Pritchett, Lober, Tobia, Isnardi: Aye.

Lober: Any opposed? All right, the denial passes 4:0. And sir, I would just encourage you to speak with your attorney about your options, because at this point we've kind of gone through the process.

Bentley: Do you wish the County Attorney's Office to make a Findings of Fact on the denial?

Lober: Yes, if you would please.

Isnardi: Sure.

Lober: And if that's all right, let's make that a separate motion. Would you care to make that motion?

Isnardi: I'll make a motion to, for a Findings of Fact on this Item.

Lober: I'll go ahead and second that. All in favor.

Pritchett, Lober, Tobia, Isnardi: Aye.

Lober: Any opposed? All right, that passes 4:0. All right, thank you all so much for coming out.