



BOARD OF COUNTY COMMISSIONERS

Planning and Development Department

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STAFF COMMENTS

26Z00001

Antoun & Monica Wassef

Conditional Use Permit (CUP) for a Second Kitchen Facility in RU-1-11 (Single-Family Residential) Zoning Classification

Tax Account Number: 2801649
 Parcel I.D.: 28-36-11-01- G-18
 Location: 2361 Arizona St. Melbourne FL 32904; East side of Arizona St., approximately 905-feet north of Milwaukee Ave. (District 5)
 Acreage: 0.85-acres
 Planning and Zoning Board: 04/20/2026
 Board of County Commissioners: 05/07/2026

Consistency with Land Use Regulations

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

	CURRENT	PROPOSED
Zoning	RU-1-11	RU-1-11 with CUP for Second Kitchen Facility
Potential*	1 Single-family residence	1 single-family residence under CUP conditions
Can be Considered under the Future Land Use Map	YES RES 4	YES RES 4

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

Background and Purpose of Request

The applicant is requesting a Conditional Use Permit (CUP) to allow a second kitchen facility within an existing single-family residence in the RU-1-11 zoning classification, pursuant to Section 62-1947 of the Brevard County Code. The subject property is approximately 0.85 acres; therefore, a CUP is required.

The request is associated with ongoing code enforcement case 25CE-00999, in which the property was previously modified without permits and utilized in a manner inconsistent with single-family residential use. The proposed CUP and associated building permit application, 25BC18546, seek to bring the structure into compliance with County regulations by formalizing the second kitchen facility as an accessory use to a single-family residence.

The parcel has a Single-Family residence that was built in 1959 and has access to Arizona Street, a County maintained public road.

ZONING HISTORY:

- **Z-2980** adopted June 01, 1972, RU-1 to RU-1-11.

There are two current code enforcement complaints on the subject property.

25CE-00999: Property owner renovated the entire single-family home and converted into multiple rental apartments, which are now rented. All of the work was done without any permits.

The property owners have applied for a building permit under application **25BC18546** for interior renovation including a second kitchen facility along with this CUP application for the second kitchen facility. Per Brevard County CUP zoning code Section 62-1947: No portion of the single-family dwelling unit shall be utilized for rental purposes.

The Board should recognize that Section 62-1947 expressly prohibits the use of any portion of a single-family residence with a second kitchen facility for rental purposes. Given the existing code enforcement case involving the prior conversion of the structure into multiple rental units, the Board may consider whether sufficient safeguards or conditions are necessary to ensure ongoing compliance with this requirement.

Surrounding Area

	Existing Land Use	Zoning	Future Land Use
North	Single-Family Residence	RU-1-11	RES 4
South	Single Family Residence	RU-1-11	RES 4
East	Single-Family Residence	RU-1-11	RES 4
West	Arizona Street	N/A	N/A

North – The abutting parcel to the north is 0.85 acre tract with single-family residential use RU-1-11 zoning.

South – The abutting parcel to the north is 0.85 acre tract with single-family residential use

RU-1-11 zoning.

East – To the east is Arizona Street a County maintained road.

West – The abutting parcel to the north is 0.85 acre tract with single-family residential use RU-1-11 zoning.

RU-1-11 classification encompasses lands devoted to single-family residential development of spacious character, together with such accessory uses as may be necessary or are normally compatible with residential surroundings on minimum 7,500 square foot lots, with a minimum width and depth of 75 feet. The minimum house size is 1,100 square feet. RU-1-11 does not permit horses, barns or horticulture.

Future Land Use

The subject property's RU-1-11 zoning classification can be considered consistent with the Residential 4 (RES 4), Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan.

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

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

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

While the request is for an accessory use within a single-family residence, the introduction of a second kitchen facility inherently increases the potential for independent living arrangements. This creates a risk of the structure functioning in a manner inconsistent with single-family use if not properly controlled and enforced. The proposed CUP development would need to meet performance standards set forth in code sections 62-2251 through 62-2272 for hours of operation, lighting, odor, noise levels, traffic, or site activity.

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

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

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

1. historical land use patterns;

The historical land use patterns of the surrounding development can be characterized as single-family residences on properties 0.21 acre to 1.7 acres in size.

There are three (3) FLU designations (RES 4, RES 2, NC, CC and REC) within a 0.5-mile radius of the subject property. RES 4 is the prominent FLU in this area.

There are Six (6) zoning classifications (RU-1-11, RU-1-9, RU-1-7, RR-1, SR and GML) within a 0.5-mile radius of the subject property. RU-1-11 is the prominent zoning classification in this area.

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

It appears there has been no development within the last three years or agritourism activity have occurred within the last three years.

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

It appears there has been no development approved within the last three years. There have been no zoning actions within a half-mile radius of the subject property within the last three years.

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

No material violation of relevant policies has been identified.

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

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 or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

Based on staff analysis, the requested CUP is not anticipated to materially or adversely affect the surrounding developments.

Traffic from the proposed Second Kitchen Facility is not anticipated to have a measurable impact on the area in terms of trip generation or parking. No commercial or industrial activity is proposed.

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.

The surrounding area is characterized by single-family residential development, and preservation of this character is dependent on maintaining the use of properties as single-family dwellings rather than allowing incremental intensification.

The area, known as National Police Home Foundation, can be characterized as a single-family residential area with spacious lot sizes and roadways.

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.

The request is not for commercial use. It is located in an existing Platted single-family residential neighborhood. There are no neighborhood commercial land uses established in this area.

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.

The area is single-family residential use. There has not been commercial, industrial, or other non-residential uses approved in this area during the previous five (5) years. This area is not transitional.

Preliminary Concurrency

The closest concurrency management segment to the subject property is W. New Haven Avenue between John Rodes Blvd. and Wickham Road which has a Maximum Acceptable Volume (MAV) of 36,600 trips per day, a Level of Service (LOS) of D, and currently operates at 94.10% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.03%. The corridor is anticipated to operate at 94.13% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

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

The subject property is on well for potable water and septic.

Special Considerations for CUP (Conditional Use Permit)

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

Section 62-1151(c) directs the Board to consider the character of the land use of the property and its surroundings; changes in the conditions of the land use being considered; impact upon infrastructure; compatibility with land use plans for the area; and appropriateness of the CUP based upon consideration of applicable regulations relating to zoning and land use within the context of public health, safety and welfare. The applicant has submitted documentation in order to demonstrate consistency with the standards set forth in Section 62-1901 and Section 62-1947, Single-family residential second kitchen facility.

This request should be evaluated in the context of **Section 62-1947**, governing residential second kitchen facility use accessory to a single-family residence.

Sec. 62-1947. Single-family residential second kitchen facility.

A second kitchen facility may be incorporated into a single-family residence, provided the second kitchen facility meets the following conditions, which shall be binding upon approval of the conditional use permit:

- (1) The second kitchen facility and the area or quarters it serves shall be integrated architecturally, both internally and externally, with the single-family residence. Externally, the structure shall have the appearance of one residence. Internally, there shall be direct access to the kitchen facility and its area from the living area or quarters of the single-family residence.

Staff analysis: The applicant has submitted a building permit (25BC18546) for interior renovation for a second kitchen facility. These plans have also been included with the CUP application. The building plans appear to meet these requirement.

- (2) The area or quarters to be served by the kitchen facility shall not exceed 600 square feet, excluding the kitchen facility and bath area.

Staff analysis: The applicant has submitted a building permit (25BC18546) for interior renovation for a second kitchen facility. These plans have also been included with the CUP application. The building plans appear to meet this requirement.

(3) A floor plan of the entire single-family residence, including the additional kitchen facility, shall be submitted to the growth management department in order to illustrate compliance with the conditions set forth in subsections (1) and (2) of this section, and the floor plan shall be binding upon all future construction plans in regard to the single-family residence and second kitchen facilities.

Staff analysis: The applicant has submitted plans for interior renovation for a second kitchen facility. The building plans and the floor plan shall be binding upon all future construction plans in regard to the single-family residence and second kitchen facilities.

(4) No portion of the single-family dwelling unit shall be utilized for rental purposes, and the single-family dwelling unit shall be served by only one electrical meter.

Staff analysis: The applicant has been informed of these conditions. Building plans show the single-family dwelling unit being served by only one electrical meter

(5) The single-family dwelling unit shall continue to be utilized by no more than one family as defined under this chapter.

Staff analysis: The applicant has been informed of these conditions.

(6) A conditional use permit shall not be required on lots equal to or exceeding one acre in size.

Staff analysis: The parcel is 0.85 acres in size and requires a CUP for a Second Kitchen Facility.

General Standards of Review

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(1)(a). The home will be used by one family only.

Staff analysis: The proposed CUP must comply with Brevard County's Performance Standards defined by Sections 62-2251 through 62-2272. The request is not anticipated to create a deficiency in the W. New Haven Ave. traffic Level of Service (LOS).

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(1)(b) requirements.

Staff analysis: The surrounding area is developed with single-family homes. The CUP will be required to meet these conditions.

Section 62-1901(c)(1)(c): The proposed use will not cause a substantial diminution in value of abutting residential property. Note: A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15 percent reduction in value as a result of the proposed conditional use. A reduction of ten percent of the value of abutting property shall create a reputable presumption that a substantial diminution has occurred. The board of county commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by a MAI certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.

Applicant's Response: Yes, Fulfills Section 62-1901(c)(1)(c) requirement.

Staff analysis: Competent and substantial evidence by an MAI certified appraiser has not been provided.

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

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(2)(a) requirement.

Staff analysis: The subject parcel is in a platted subdivision and the proposed second kitchen facility area should not burden the existing neighborhood with increased traffic.

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(2)(b) requirement.

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

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(2)(c) requirement.

Staff analysis: There are no anticipated noise level issues, but the site must comply with the noise ordinance within Brevard County Performance standards Sections 62-2251 through 62-2272.

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(2)(d) requirement.

Staff analysis: The adopted level of service for solid waste disposal is not anticipated to be affected.

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(2)(c) requirement.

Staff analysis: The subject property is on well for potable water and the property is on septic. The CUP should not exceed the adopted level of service for potable water or wastewater as use does not require connection to potable water or wastewater service.

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

Applicant's Response: . Yes, Fulfills Section 62-1901(c)(2)(f) requirement.

Staff analysis: The property shall meet the Brevard County Performance Standards.

Section 62-1901(c)(2)(g): Proposed signs and exterior lighting shall not cause

unreasonable glare or hazard to, traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

Applicant's Response: Yes, Fulfills Section 62-1901(c)(2)(g) requirement.

Staff analysis: Any new signage and lighting will need to meet the requirements of Brevard County Code.

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(2)(h) requirement.

Staff analysis: The hours of operation have not been identified. The CUP use is not a commercial or industrial use.

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(2)(i) requirement.

Staff analysis: The subject property is developed with a one-story residential house.

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

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

Applicant's Response: Yes, Fulfills Section 62-1901(c)(2)(j) requirement.

Staff analysis: The subject property is developed with a single-family residence. The proposed second kitchen facility will be accessory to that single-family use. No additional traffic is anticipated.

Environmental Constraints

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 unmitigable impact on significant natural wetlands, water bodies or habitat for listed species.

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements

See NRM comments at the end of this report.

For Board Consideration

The Board may wish to consider if the request is consistent and compatible with the surrounding area recognizing existing development trends. Pursuant to Section 62-1901(b), Brevard County Code of Ordinances, “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.”

The Board may wish to recognize that Section 62-1947 expressly prohibits the use of any portion of a single-family residence with a second kitchen facility for rental purposes. Given the existing code enforcement case involving the prior conversion of the structure into multiple rental units, the Board may consider whether sufficient safeguards or conditions are necessary to ensure ongoing compliance with this requirement.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Zoning Review & Summary
Item No. 26Z00001

Applicant: Antoun Wassef (Owners: Antoun Wassef and Monica Wassef)

Zoning Request: CUP for a single-family residential second kitchen facility (Ch. 62-1947)

Note: to cure code case 25CE-00999

Zoning Hearing: 04/13/2026; **BCC Hearing:** 05/07/2026

Tax ID No.: 2801649

- 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:

- Indian River Lagoon Nitrogen Reduction Septic Overlay
- Land Clearing and Landscape Requirements

Land Use Comments:

Indian River Lagoon Nitrogen Reduction Septic Overlay

The western portion of this property, including the entire residence, is mapped within the Indian River Lagoon Nitrogen Reduction Overlay. Per Chapter 46, Article II, Division IV - Nitrogen Reduction Overlay. Per Brevard County Code Enforcement Case No. 25CE-00999, the applicant renovated the single-family home, converting it into multiple rental apartments, without obtaining the required permits. The current application proposes a single-family residence with a second kitchen. **The applicant is advised that using the residence as a multi-family rental may require upgrading the existing septic system to an alternative septic system, designed to provide at least 65% total nitrogen reduction through multi-stage treatment processes.** NRM requires a Septic Maintenance Notice be filed with the Brevard Clerk of Courts.

Land Clearing and Landscape Requirements

The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for Protected and Specimen tree preservation. Land clearing is not permitted without prior authorization by NRM. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**