

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, June 10, 2024**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Henry Minneboo (D1); Ron Bartcher (D1); Robert Sullivan (D2); Brian Hodgers (D2); Ben Glover (D3); Mark Wadsworth, Chair (D4); Debbie Thomas (D4); Bruce Moia (D5); Robert Brothers (D5); and John Hopengarten (BPS).

Staff members present were: Tad Calkins, Planning and Development Director; Jeffrey Ball, Planning and Zoning Manager; Alex Esseesse, Deputy County Attorney; Trina Gilliam, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Excerpt of Complete Agenda

Suzanne Cook (Daniel Banker) requests a Conditional Use Permit for a guesthouse in an RU-1-13 (Single-Family Residential) zoning classification. The parcel is 0.60 acres, located on the east side of N. Banana River Dr., approx. 445 ft. south of Coquina Dr. (1270 N. Banana River Dr., Merritt Island) (24Z00007) (Tax Account 2431745) (District 2)

Jeffrey Ball read the application into the record and stated that this item was continued from the April 15, 2024, P&Z meeting.

Mr. Ball stated that there are conditions related to a guesthouse and those five items are listed in the agenda report and if the Board remembers, there was some confusion by the applicant of whether or not this guesthouse would be allowed to be rented out and the applicant provided an email that the guesthouse would not be used for rental purposed per what the code requires.

Suzanne Cook stated that she'd like to build a guesthouse for herself to stay in while her children live in the main house, this way she'll get her own privacy but she's close enough that if anything were to happen, they could help her.

Mark Wadsworth asked if there was anyone here to speak for or against the application. With no public comment he opened the discussion to the Board.

Rob Sullivan had a question for staff. What is the difference between a Conditional Use Permit for Zoning and a Binding Development Plan.

Jeffrey Ball explained that the zoning code it set up to allow for permitted uses, permitted with conditions, and uses permitted with a conditional use permit. A guesthouse in this instance is a CUP in this zoning classification. A BDP is a voluntary signed agreement between the applicant and the Board to put conditions on the property in support of the Board granting the zoning of the property.

Rob Sullivan asked if a CUP is like a BDP in that it stays with the property or is it only for the applicant and Jeffrey Ball stated that it is for the applicant.

Rob Sullivan made a motion to approve the conditional use application, seconded by Bruce Moia.

John Hopengarten asked Ms. Cook about her previous presentation in front of the Board in April and how at that time she was looking to have this building for Airbnb but now she's for herself/family members.

Ms. Cook stated that what she said was if my money situation went down, I might have to, but if that's the case then I'll sell the house. The house is not important to me. If I can't afford the house, I'll sell it.

John Hopengarten asked who is going to be using this small building that you want to put on the property and Ms. Cook responded that she is. She will be living in it.

John Hopengarten asked how she is going to eat because there is not kitchen in there.

Daniel Banker stated that there won't be a kitchen in there, but she's allowed to have a sink and she's got her son and daughter-in-law who will prepare her meals for her.

Ms. Cook stated that she'll have a microwave, but she won't be cooking since she's 86 years old.

John Hopengarten said he wasn't sure what we're going to do about this and Mark Wadsworth responded that we have a motion and a second and John Hopengarten reiterated that he is still discussing.

Bruce Moia stated that rental would be a violation of the conditional use and how she eats is up to her, not the Board.

John Hopengarten stated that he still has the floor and doesn't like hearing different stories and he'd like to get the truth. If you're going to live there in that house, then fine, but if you're going to rent it out...

Ms. Cook stated that she's not going to rent it out, that they have a lot of family that comes to visit, and we don't charge them. They'll be staying in the main house while I'm in the small house.

John Hopengarten said that he didn't want her neighbors complaining that she's renting it out and then Code Enforcement has to come out and put the kibosh on you.

Ms. Cook responded that she takes care of the area from the road all the way down to the canal and that's the church. I maintain that and my other neighbors are good fishing friends, they're not concerned. We have a nursing home that I don't think has anybody in it and the school and they're not a problem.

Mark Wadsworth stated we have a motion by Rob Sullivan, and a second by Bruce Moia.

Motion to approve the Conditional Use Permit by Rob Sullivan, seconded by Bruce Moia. The vote was unanimous.