

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.