

**CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
April 20, 2016**

A regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, April 20, 2016 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Chairman Robert Frey called the meeting to order at 6:04 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Robert Frey	Chairman
Nancy Elliot	Board Member
Bruce Gilmore	Board Member
Connie Harvey	Board Member
Matthew Ford	Board Member

MEMBERS ABSENT:

Jane Jollay	Board Member
Herbert (Rip) Dyal	Vice-Chairman

OTHERS PRESENT:

Steven Belden	Community Services Director
Steven Biel	Senior Planner
Kim Kopp (via phone)	Board Attorney
Rachel Unruh	Board Secretary

II. APPROVAL OF AGENDA & MINUTES:

Approval of Agenda: April 20, 2016.

Approval of Meeting Minutes: January 20, 2016.

Motion by Mrs. Elliot, seconded by Mrs. Harvey, to approve the agenda and minutes as written. Vote on the motion carried unanimously.

III. OLD BUSINESS:

None

IV. NEW BUSINESS:

A. PZ-16-00800001- Variance (RMH Investments LLC-Peachtree St)

Consideration of a variance request from Appendix A, Zoning, Article XI, Section 22 to allow for an eight (8)-foot reduction to the required fifteen (15)-foot rear yard setback and an eleven (11)-foot reduction to the minimum required one hundred (100)-foot lot depth in the Cocoa Waterfront Overlay District in order to develop the property with a three (3)-unit apartment building. The subject property is vacant and is identified by the Brevard County Property Appraiser as Parcel ID 24-36-33-05-00000.0-0008.00.

Senior Planner Steven Biel presented a project summary and exhibits for the Board's review. Mr. Biel stated that the applicant, Dean Mead, is requesting two (2) variances to the Cocoa Waterfront Overlay District (CWOD) regulations; one for the reduction of the lot depth and one for a reduction to the rear yard setback, in order to construct an apartment building with an approximate footprint of 2,026 SF.

Mr. Biel stated that Staff recommends approval of the variance request from Appendix A, Zoning, Article XI, Section 22 to allow for an eight (8)-foot reduction to the required fifteen (15)-foot rear yard setback and an eleven (11)-foot reduction to the minimum required one hundred (100)-foot lot depth in the Cocoa Waterfront Overlay District, with the following conditions:

1. The variance is to allow for the property owner to construct an eight (8)-foot reduction to the required fifteen (15)-foot rear yard setback and an eleven (11)-foot reduction to the minimum required one hundred (100)-foot lot depth in the Cocoa Waterfront Overlay District as shown on the Plot Plan (C-1) prepared by Armistead Design & Drafting (not signed and sealed), dated February 19, 2016 (Exhibit A).
2. A signed and sealed survey shall be submitted prior to building permit approval.
3. Approval of this variance does not waive any other setbacks and does not waive the required setbacks for any future structures or additions to the residence.
4. The variance shall not be effective until the applicant has secured all the permits and approvals necessary for any development related to the variance. Such permits shall be obtained within six (6) months of the Board's approval.

Mr. Frey asked for questions or discussion from the Board members. Mrs. Harvey and Mr. Frey questioned if the parking requirements have been met. Mr. Biel explained that the required parking has been met.

The floor was opened to the Applicant or/and their representative. Mark Leavitt, representing Dean Mead, address 800 N Magnolia Ave, Suite 1500, Orlando, Florida 32803. The applicant testified on behalf of the property owner and provided an overview of the proposed project. Mr. Gilmore, board member, asked about the variance for the property to the east. Mr. Gilmore was interested in only knowing that the property on the east did get a variance.

Doug Sonosky, address 108 Sunset Dr. Cocoa, Florida 32922, was sworn in. He stated he owns 115 Peachtree St, the building next to the applicant's. Mr. Sonosky spoke against the approval of the project due his concerns of drainage, structural compromising of the structures nearby, and parking issues.

Julie Esslinger, address 113 Peachtree St., was sworn in. Ms. Esslinger spoke against the project for the reasons stated below:

1. Not enough parking based on the fact that the apartment or design is to house two people per unit and the possibility of two cars per unit. She continues with, this will compound the parking problem when one already exists. Ms. Esslinger provided photos to the board to see the off parking park problem that exist currently.
2. There will be no green space on the lot.
3. Mrs. Esslinger continues with the third point as, the projected building is going to have little to no setbacks. No view on the west side of the property to the river.

Ms. Esslinger asked for the board to deny the project and/or to put the board's decision on hold or to continue the meeting until a future date, giving the residents the opportunity to petition or get legal advise on how they can stop the project.

Steven Belden, Community Services Director, explained that either side can appeal the BOA decision the board members make at the council meeting.

Jeffery Wilkenson, address 115 Peachtree St, was sworn in. Mr. Wilkenson spoke against the project due to no green space, blocking the view and the breeze of the river to the neighbors on the west side of the property, and also concerned about the fact the property will not be owner occupied. Mr. Wilkson asked the board to deny the variance.

Christine Whiteley, address 125 Peachtree St, was sworn in. Ms. Whiteley is against the project due to the fact that no building elevations have been provided and she is concerned that the architectural design will not match the current motif of the neighborhood. Ms. Whiteley is also concerned about the "zero lot line" feel of the project and the lack of the view of the river once the project is completed. She stated she opposes this project because of the maximizing of the revenue by making the building the size they have projected, instead of scaling down to have it more consistent with the existing structures in the neighborhood. She asked about parking and how it meets the code.

Mr. Frey explained the applicant is only asking for variance for the rear setback and the lot length. The building can be built because it meets the front and side setbacks. Mr. Frey and Mr. Biel explained that the parking is covered and meets code regulations.

Discussion among the Boards members, Ms. Whiteley, Mr. Biel and Mr. Belden regarding the parking continued after, Mr. Biel and the Board confirmed that the parking meets City Code.

John Luzietti 15 N Indian River Dr. Unit 801, was sworn in. Mr. Luzietti is opposed to the project due to the parking concerns.

Mr. Frey closed the public hearing and asked for any further discussion among the board. The City Attorney clarified that the plans and design of the building was provided for informational purposes only and the focus is only regarding the variance and if it meets the criteria for approval. Mrs. Harvey asked questions regarding site plans and engineered drawings to ensure that off street parking is possible before the project breaks ground; asked about green space and the rear setbacks and the existing structures.

Motion by Mrs. Elliot, seconded by Mr. Ford, to accept Staff's recommendation and approve the variance with conditions as stated. Vote on the motion carried unanimously.

B. PZ-16-00000001 – Special Exception (331 King St)

Consideration of a special exception request from Appendix A, Zoning, Article XI, Section 18(C)(10) to allow for a craft brewery, with a bar/lounge area as an accessory use, in the C-C (Core Commercial) Zoning District. The subject property is identified by the Brevard County Property Appraiser as Parcel ID 24-36-33-35-00000.0-0009.00.

Senior Planner Steven Biel presented a project summary and exhibits for the Board's review. Mr. Biel stated that the applicant, Christopher Hughes, is requesting consideration of a special exception that will allow for a craft brewery, with a bar/lounge area as an accessory use, in the C-C (Core Commercial) Zoning District.

Staff recommends approval of the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 18(C) (10) to allow for a craft brewery, with a bar/lounge area as an accessory use, in the C-C (Core Commercial) Zoning District, with the following conditions:

1. The Special Exception shall not be effective until the applicant has secured all the permits and approvals necessary for any development related to the Special Exception. Such permits shall be obtained within six (6) months of the Board's approval.
2. If the use is extended, enlarged, or expanded, a Special Exception approval shall be required.

Christopher Hughes, 2310 Papaya Place MI, was sworn in. Mr. Hughes explained some of the ideas that the company will be doing to the exterior of the building and explained the location in which the brewery will occupy in the building since the building has three units.

Emma Kirkpatrick, 888 York Dr. Rockledge, was sworn in. Ms. Kirkpatrick spoke in favor of the beer brewery.

Shelly Hudson, 114 Sweet St. Rockledge, was sworn in. Ms. Hudson spoke in favor of the beer brewery.

Discussion followed among the Board regarding the facts presented by staff and the testimony from the citizens.

Motion by Mrs. Harvey, seconded by Mr. Ford, to accept Staff's recommendation and approve the Special Exception with conditions as stated. Vote on the motion carried unanimously.

V. OTHER BUSINESS:

Mr. Belden, Community Services Director, presented the Board members their Certificate of Appreciation for volunteering.

VI. NEXT MEETING DATE:

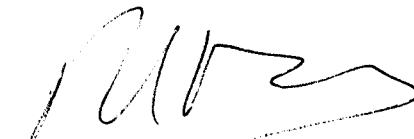
The Board members established that the next meeting would be held on May 18, 2016.

VI. ADJOURNMENT:

Motion by Mrs. Harvey, seconded by Mrs. Elliot, to adjourn.

There being no further business the meeting adjourned at 7:32 P.M.

Approved on this 15th day of June, 2016.



Robert Frey, Chairman


Rachel Unruh, Board Secretary

①



2 cars
cannot pass at
same time



* this will be
a front door
access. Police
told
have 1 to us to park
on side walk



③

Property
line &
width
← Restrictio
my
Front
Door



← Approx 1' from
Historic Bldg to
edge of grass
"in - cat back!

2



1923
Historic
Riverside
4 units
Heritage
Award
Winners



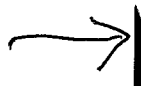
Our
situation
← Parking

★

④

my front door

★



WALL is
property
Line



★ BACK of foliage
the area of variance

★
Bldg



WALL
★ Apt Bldg
will cover
Full
area



full width + full length will Block
All River Views. No set backs.

Should only accomidate a single family home

①



2 cars
cannot pass at
same time



*this will be
a front door
access. Police
told
have 1 to us to park
on side walk