

CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
April 19, 2017

A regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, April 19, 2017 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Chairman Bob Frey called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Robert Frey	Chairman
Nancy Elliott	Vice-Chairman
Bruce Gilmore	Board Member
Matthew Ford	Board Member
Jane Jollay	Board Member
Alex (James) Goins	Board Member

MEMBERS ABSENT:

Connie Harvey	Board Member
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OTHERS PRESENT:

Steven Belden	Community Services Director
Kristin Eick	Board Attorney
Monica Arsenault	Board Secretary

II. APPROVAL OF AGENDA & MINUTES:

Approval of Agenda: April 19, 2017.

Approval of Meeting Minutes: March 15, 2017.

Motion by Ms. Elliot, seconded by Ms. Jollay, to approve the minutes as written. Vote on the motion carried unanimously.

III. OLD BUSINESS:

A. PZ-17-00000002 – Special Exception (2075 W. King Street Land Trust)

Consideration of a Special Exception request from Appendix A, Zoning, Article XI, Section 15(A)(1), as regulated by Section 12(C)(14), to allow for a mini- warehouse (storage only) use in the C-W (Wholesale Commercial) Zoning District. The Brevard County Property Appraiser identifies the subject property as Tax Account Number 2423993.

Mr. Steven Belden, Community Services Director, presented a power point presentation of the project summary and exhibits for the Board's review. Mr. Belden stated that the applicant is requesting Special Exception approval in order to construct a proposed mini-warehouse (storage only) use on approximately 28.46 acres of the 130.66-acre parcel. The 28.46-acre portion of the overall parcel is zoned C-W with a "Commercial" future land use designation. The northern portion (28.46 acres), fronting on SR 520, of the overall parcel is approximately 1,300 feet in width by approximately 950 feet in depth. The portion of this 28.46 acres to be utilized for the proposed mini-warehouse use would be 3.64 acres.

Mr. Belden stated that Staff recommends approval of the Special Exception in accordance with Appendix A, Zoning, Article XI, Section 15(A)(1), as regulated by Section 12(C)(14), to allow for a mini-warehouse (storage only) use in the C-W (Wholesale Commercial) Zoning District, as depicted on Exhibit A, 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 as site plan approval. Such permits shall be obtained within six (6) months of the Board's approval. Further, should the applicant make any changes to the site plan submitted to the Board as part of the application for this Special Exception and such changes impact compliance with the criteria for mini-warehouses in Article XI, Section 12(c)(14), the Applicant shall be required to secure additional approval from the Board.
2. If the use is extended, enlarged, or expanded, a Special Exception approval shall be required.

Mr. Belden opened the discussion to the Board for any questions or comments. Mr. Belden was asked to clarify on several items regarding the site plan.

Ms. Kim Rezanka approached the Board to give an explanation of the site plan.

Ms. Elliot asked for clarification regarding vehicular circulation around the building.

Mr. Frey opened the public hearing to the audience for questions or comments. No one wished to speak. The discussion was closed to the audience.

Motion by Ms. Elliot, seconded by Ms. Jollay, to approve the special exception with the modified conditions recommended by staff. The Recording Secretary was asked for a roll call. Vote on the motion carried unanimously.

B. PZ-17-00800001 – Variance (Al Washington – 3018 Sandgate Court)

Consideration of a Variance request from Appendix A, Zoning, Article XII, Section 3(b) of the City of Cocoa Code to allow for a five (5)-foot reduction to the required five (5)-foot driveway setback from the property line. The subject property is zoned RU-1-7a (Single

Family Residential) and is identified by the Brevard County Property Appraiser as Tax Account Number 2404260.

Mr. Belden explained that the subject property contains approximately 0.20 acres and is located at 3018 Sandgate Court. The applicant is requesting a 5-foot variance to the 5-foot driveway setback required by Appendix A, Zoning, Article XIII, Section 3(b) of the City Code. If this variance request is approved, the following conditions should be considered:

1. 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.
2. 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.

Mr. Belden stated that Staff recommends denial of the Variance request from Appendix A, Zoning, Article XII, Section 3(b) to allow for a five (5)-foot reduction to the required five (5)-foot driveway setback, as depicted on Exhibit A, due to the request not meeting Criteria A-D.

Mr. Frey opened the discussion to the Board. Discussion ensued between the Board members and staff.

Mr. Al Washington, 3018 Sandgate Court, Cocoa, approached the Board and was sworn in to state his case and answer questions.

Mr. Gilmore inquired whether or not Mr. Washington would object to a compromise as his request does not meet the criteria that the Board must uphold in order to grant the variance request. Discussion followed between Mr. Washington and the Board members.

Mr. Frey opened the discussion to the audience. No one wished to speak.

Mr. Frey opened the discussion to the Board for comments.

Motion by Mr. Gilmore, seconded by Mr. Ford, to approve a two and a half foot setback including the conditions recommended by staff.

Discussion among the Board members followed regarding the motion that was made.

The Recording Secretary was asked for a roll call. Vote on the motion carried unanimously.

C. PZ-17-00800002 – Variance (Michael Romer – 3022 Sandgate Court)

Consideration of a Variance request from Appendix A, Zoning, Article XII, Section 3(b) of the City of Cocoa Code to allow for a five (5)-foot reduction to the required five (5)-foot

driveway setback from the property line. The subject property is zoned RU-1-7a (Single Family Residential) and is identified by the Brevard County Property Appraiser as Tax Account Number 2404259.

Mr. Belden explained that the subject property contains approximately 0.19 acres and is located at 3022 Sandgate Court. The applicant is requesting a 5-foot variance to the 5-foot driveway setback required by Appendix A, Zoning, Article XIII, Section 3(b) of the City Code. The existing driveway is approximately 200 SF in area, which would increase to approximately 400 SF if the variance request is approved. The property to the south of the applicant's property has also submitted a variance application (PZ-17-00800001) to expand its driveway to the north creating a continuous paved area between the properties as depicted on Exhibit A. If this variance request is approved, the following conditions should be considered:

1. 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.
2. 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.

Mr. Belden stated that Staff recommends denial of the Variance request from Appendix A, Zoning, Article XIII, Section 3(b) to allow for a five (5)-foot reduction to the required five (5)-foot driveway setback, as depicted on Exhibit A, due to the request not meeting Criteria A-D.

Motion by Mr. Frey, seconded by Mr. Goins, to deny the Variance request from Appendix A, Zoning, Article XII, Section 3(b) to allow for a five (5)-foot reduction to the required five (5)-foot driveway setback, as depicted on Exhibit A.

Mr. Frey inquired if any of the Board members wished to speak regarding the motion that was made.

Several of the Board members asked for clarification regarding the motion.

The Recording Secretary was asked for a roll call. Vote on the motion carried unanimously.

IV. NEW BUSINESS:

Mr. Frey introduced the new Board member, James Goins and the new Recording Secretary, Monica Arsenault.

V. OTHER BUSINESS:

None

VI. NEXT MEETING DATE:

The Board members established that the next meeting would be held on May 17, 2017.

VII. ADJOURNMENT:

Motion by Ms. Elliot, seconded by Mr. Frey, to adjourn.

There being no further business the meeting adjourned at 7:28 P.M.

Approved on this 21 day of June, 2017.



Robert Frey, Chairman



Monica Arsenault, Board Secretary