

**CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
August 17, 2016**

A regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, August 17, 2016 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Vice-Chairman Nancy Elliot called the meeting to order at 6:01 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Nancy Elliot	Vice-Chairman
Bruce Gilmore	Board Member
Connie Harvey	Board Member
Matthew Ford	Board Member
Jane Jollay	Board Member

MEMBERS ABSENT:

Robert Frey	Chairman
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OTHERS PRESENT:

Steven Belden	Community Services Director
Steven Biel	Senior Planner
Kim Kopp	Board Attorney
Rachel Unruh	Board Secretary

II. APPROVAL OF AGENDA & MINUTES:

Approval of Agenda: August 17, 2016.

Approval of Meeting Minutes: July 20, 2016.

Motion by Ms. Jollay, seconded by Mr. Ford, to approve the minutes as written and the agenda as amended. Vote on the motion carried unanimously.

III. OLD BUSINESS:

PZ-16-00700003-Waiver: Ground Signage (Flying J Travel Center)

The Waiver request was tabled to the September 21, 2016 Board meeting per the applicant's request.

IV. NEW BUSINESS:

PZ-16-00800003– Variance (415 Delannoy Ave.)

Consideration of a variance request from Appendix A, Zoning, Article XI, Section 22 (Cocoa Waterfront Overlay District) of the City of Cocoa Code to allow for a reduction in minimum building height from two (2) stories to one (1) story and to reduce the required minimum “frontage buildout” from 90% to 52%.

Senior Planner Steven Biel presented a project summary and exhibits for the Board’s review. Mr. Biel stated that the applicant, Troy Stephan, is requesting two (2) variances to the Cocoa Waterfront Overlay District (CWOD) regulations; one for the reduction of the minimum building height from two (2) stories to one (1) story and one variance to reduce the required minimum “frontage buildout” from 90% to 52%.

Mr. Biel stated that Staff recommends approval of the variance request from Appendix A, Zoning, Article XI, Section 22 (Cocoa Waterfront Overlay District) of the City of Cocoa Code to allow for a reduction in minimum building height from two (2) stories to one (1) story and to reduce the required minimum “frontage buildout” from 90% to 52%, as depicted on Exhibit A, with the following conditions:

1. Approval of this variance does not waive any other minimum building height requirements or “frontage buildout” requirements and does not waive the required minimum building height or “frontage buildout” requirements for any future structures or additions to the proposed site plan.
2. 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.

Ms. Elliot asked the Board members if they had questions for staff. There was a brief discussion between staff and the Board members.

Troy Stephan, 415 Delannoy Ave, Cocoa, was sworn in. Mr. Stephen gave a brief description of the proposed project and provided hand-outs to the Board members.

Discussion among the Board members and Mr. Stephan.

Ms. Elliot was concerned about run-off from the proposed building and asked Mr. Stephan how run-off was being addressed.

Joan Pellechio, 402 Brevard Ave, Cocoa, was sworn in. Ms. Pellechio explained the layout of the alley way between the buildings and the current drainage system. She also stated she is in favor of the proposed restaurant.

Ms. Elliot opened the public hearing to the audience.

Aleck Greenwood, 640 Brevard Ave, was sworn in. Mr. Greenwood wanted to state he is in favor of the proposed restaurant.

Ms. Elliot closed the public hearing and asked for any further discussion.

Motion by Ms. Harvey, seconded by Ms. Jollay, to approve the special exception with the conditions recommended by staff. Vote on the motion carried unanimously.

PZ-16-00800004– Consideration of a Variance (109 Maryland Ave)

Consideration of a variance request from Appendix A, Zoning, Article XI, Section 22 (Cocoa Waterfront Overlay District) of the City of Cocoa Code to allow for a reduction of the front yard setback from a minimum of 15 feet to 9 inches and a reduction of the rear yard setback from 10 feet to 7 feet 5 inches.

Senior Planner Steven Biel presented a project summary and exhibits for the Board's review. Mr. Biel stated that the applicant, Chad A. Chamberlin, is proposing to resurrect a project that was proposed in 2005 for a 4-story, mixed-use development of 9 single-family townhomes, with each unit offering the future owner the option of converting the first floor into a potential office, retail, and/or café-type use. Mr. Chamberlin is requesting a variance to the front yard setback from a minimum of 15 feet to 9 inches and a variance to the rear yard setback from 10 feet to 7 feet, 5 inches.

Mr. Biel stated that Staff recommends approval of the two variance request from Appendix A, Zoning, Article XI, Section 22 (Cocoa Waterfront Overlay District) of the City of Cocoa Code to allow for a reduction of the front yard setback from a minimum of 15 feet to 9 inches and a reduction of the rear yard setback from 10 feet to 7 feet 5 inches., as depicted on Exhibit A, with the following conditions:

1. 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 site plan.
2. 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.

Ms. Elliot asked the Board members if they had questions for staff. There was a brief discussion between staff and the Board members.

Chad A. Chamberlin, 15 Indian River Dr., Cocoa, was sworn in. Mr. Chamberlin gave a brief description of the project and the location of the proposed building in respect to the property parcel and provided hand-out to the Board members. Mr. Chamberlin explained to the Board members the purpose of the request of the variance.

Discussion amongst Board members and Mr. Chamberlin.

Ms. Elliot opened the public hearing to the audience and no one wished to speak.

Additional discussion amongst the Board members and staff.

Motion by Ms. Harvey, seconded by Mr. Ford, to approve the variance request with the conditions recommended by staff. Vote on the motion carried unanimously.

PZ-16-00700004– Waiver (109 Maryland Ave)

Consideration of a waiver request from Appendix A, Zoning, Article XII, Section 1(d)(10)(38)(39) of the City of Cocoa Code to reduce the number of required off-street parking spaces in the CBD (Central Business District) from 37 to 14 parking spaces.

Senior Planner Steven Biel presented a project summary and exhibits for the Board's review. Mr. Biel stated that the applicant, Chad A. Chamberlin, is requesting

consideration of a waiver to reduce the number of required off-street parking spaces in the CBD (Central Business District) from 37 to 14 parking spaces.

Mr. Biel stated that Staff recommends approval of the Waiver request from Appendix A, Zoning, Article XII, Section 1(d)(10)(38)(39) of the City of Cocoa Code to reduce the number of required off-street parking spaces in the CBD (Central Business District) from 37 to 14 parking spaces, as depicted on Exhibit A, subject to the following condition(s):

1. The fourteen (14) on-site parking spaces shall be reserved for the residential units only, as depicted on Exhibit A.
2. Approval of this waiver does not waive any other parking requirements and does not waive the required parking requirements for any future development or additions to the proposed site plan.
3. The waiver shall not be effective until the applicant has secured all the permits and approvals necessary for any development related to the waiver. Such permits shall be obtained within six (6) months of the Board's approval.

Ms. Elliot asked the Board members if they had questions for staff.

Steven Belden, Director of Community Services, clarified to the Board members the number of parking spaces that the applicant is requesting to be reduced by.

Ms. Harvey asked if when a recommendation is made, current parking activity for the area is taken into consideration.

Mr. Belden further explained the use will be low impact and not having a high demand for offsite parking. He continued with saying the recommendation reflects the highest demand for parking with any project that is reviewed.

Additional discussion amongst the Board members and staff.

Ms. Jollay asked for clarification on the use of the building between commercial and residential and the parking that is required between the two different uses.

Mr. Biel explained past waiver requests and the reduced parking amount that had been approved.

Additional discussion amongst Board members and staff

Mr. Chamberlin returned to the podium to give a brief description of the history of the past waiver requests. Mr. Chamberlin continued to explain that the units will be regulated through the condominium documents, which will restrict the use and the size of the commercial spaces.

Ms. Elliot opened the public hearing to the audience.

Richard Loudon, 547 Delannoy Ave, Cocoa, was sworn in. Mr. Loudon has concerns regarding the residents of the townhomes parking in the provided parking instead of parking in the offsite parking.

Aleck Greenwood, 640 Brevard Ave, Cocoa, wanted to state his support of the proposed project.

Ms. Elliot closed the public hearing and asked for any further discussion amongst the Board.

Mr. Chamberlin returned to the podium and additional discussion amongst the Board members and Mr. Chamberlin ensued.

Mr. Gilmore suggested an amendment to staff recommendations on condition # 3 from obtaining permits within 6 months of the Board approval to 12 months to obtain the permits of the Board approval.

Motion by Ms. Harvey, seconded by Ms. Jollay, to approve the waiver request with conditions recommended by staff.

Discussion amongst Board members and staff

Ms. Harvey withdrew her motion and made an amended motion.

Motion by Ms. Harvey, seconded by Ms. Jollay, to approve the parking waiver amending the #3 condition from staff's recommendation from 6 months to obtain required permits to apply for required permits within 6 months of the Board approval. Vote on the motion carried unanimously.

V. OTHER BUSINESS:

VI. NEXT MEETING DATE:

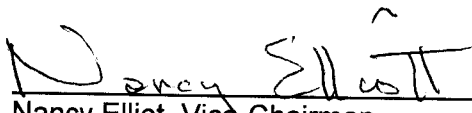
The Board members established that the next meeting would be held on September 21, 2016,

VII. ADJOURNMENT:

Motion by Ms. Jollay, seconded by Mr. Ford, to adjourn.

There being no further business the meeting adjourned at 7:30 P.M.

Approved on this _____ day of _____, 2016.



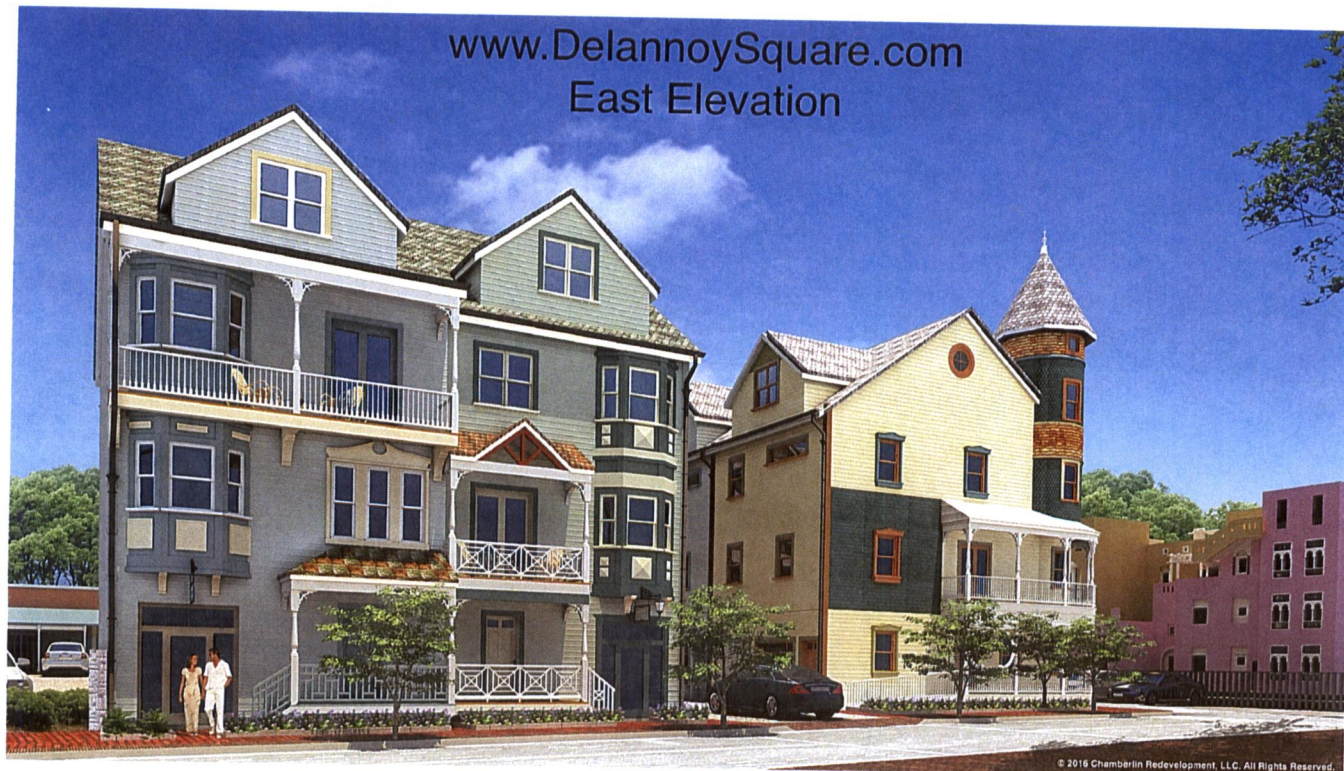
Nancy Elliot, Vice-Chairman

Rachel Unruh, Board Secretary

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Tower Elevation



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East Elevation



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