CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
June 21, 2017

A regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, June 21, 2017 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

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

MEMBERS PRESENT:

Robert Frey	Chairman
Bruce Gilmore	Board Member
Matthew Ford	Board Member
Jane Jollay	Board Member
Alex (James) Goins	Board Member
Connie Harvey	Board Member

MEMBERS ABSENT:

Nancy Elliot	Vice-Chairwoman

OTHERS PRESENT:

Nancy Bunt	Acting Community Services Director
Steven Biel	Senior Planner
Kristin Eick	Board Attorney
Monica Arsenault	Board Secretary

II. APPROVAL OF AGENDA & MINUTES:

Approval of Agenda: June 21, 2017.

Approval of Meeting Minutes: April 19, 2017.

Motion by Mr. Goins, seconded by Ms. Jollay, to approve the minutes and agenda with the amendment that the minutes from April 19, 2017 state an approval of the previous agenda that was voted on by the Board. Vote on the motion carried unanimously.

III. OLD BUSINESS:

None

IV. NEW BUSINESS:

A. PZ-17-00800003-Variance (Leonard Hevia – 618 Stone Street)

Consideration of a Variance request from Appendix A, Zoning, Article XI, Section 12(F) of the City of Cocoa Code to allow for a nine (9)-foot reduction to the required twenty (20)-foot rear yard setback in order to construct a forty-one (41)-foot by twenty-four (24)-foot metal building. The subject property is zoned C-G (General Commercial) and is identified by the Brevard County Property Appraiser as Tax Account Number 2425248.

Mr. Steven Biel presented a power point presentation of the project summary and exhibits for the Board's review. Mr. Biel explained that the applicant is located at 618 Stone Street and also owns the property located at 200 N. Cocoa Boulevard which will be the main location of the applicant's marine business that sells boat parts, Jet Ski parts, and trailer parts. Mr. Biel stated that the applicant is relocating the business operations from the Orlando area to Cocoa. The applicant is proposing to construct a prefabricated, 41-foot by 24-foot, 1-story, metal building that would be used for overflow retail inventory from the applicant's proposed main store location at 200 N. Cocoa Blvd. The 618 Stone Street location would also be used for inventory of internet sales.

Mr. Biel stated that the Board shall only grant a Variance if it positively makes findings that the criteria contained in Appendix A, Zoning, Article XVII, Section 3 (A-F) have been met. Staff believes Criteria A through E have not been met as discussed in the staff report. As a result, Staff recommends denial of the variance request from Appendix A, Zoning, Article XI, Section 12(F) to allow for a 9-foot reduction to the required 20-foot rear setback in the C-G (General Commercial) Zoning District due to the variance application not meeting Criteria A through E. Mr. Biel stated that if the Board of Adjustment approves this variance request, 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. Biel opened discussion to the Board members for questions and comments.

Mr. Frey inquired what the height restrictions would be for the proposed building. Mr. Biel stated that the maximum height is 66 feet.

Mr. Goins inquired if the site was previously split in half. Mr. Biel stated that in 1974 the site was subdivided.

Ms. Jollay asked if the setback requirements are the same on the adjacent property. Mr. Biel confirmed that the setbacks are the same.

Mr. Frey opened the discussion to the audience.

The applicants, Mr. Leonard Hevia and Ms. Tonya Hevia, approached the Board to state their case. The applicants explained that without a variance, the current lot size and setback requirements will not permit them to have enough square footage to store their inventory which will cause an economic hardship. The applicants stated that the building would be a value to the Stone Street community as they will paint the building in earth tone colors and the property will be beautifully landscaped.

Mr. Gilmore addressed the applicants and stated that they are ultimately responsible for providing proof that they will be able to meet the criteria needed to approve the variance. At this time there is not enough evidence provided in order for the Board to grant the variance.

Ms. Jollay inquired if a variance was ever granted for the neighboring properties. Mr. Biel stated that no record was found of a variance being granted in the surrounding area.

Ms. Jollay asked the applicants if it may be possible to purchase land from the neighboring business. Mr. Hevia stated that it was an option they had not considered but may look further into.

The Board members discussed the option of postponing the item to allow the applicants additional time to provide proof that they will be able to meet the criteria needed to grant the variance. Mr. Gilmore stated that he felt additional information may help the case in the applicant's favor.

Jestine Williams, 306 Loquat Avenue, Cocoa, FL approached the Board to share her concerns.

Mr. Frey closed the discussion to the audience.

Motion by Mr. Goins, seconded by Ms. Jollay to postpone the item until the July 19, 2017 meeting. The secretary called the roll. Motion carried unanimously.

V. OTHER BUSINESS:

Ms. Harvey asked if there is a way to obtain updates on previous projects that the Board has approved. Mr. Biel stated that staff could provide updates.

VI. NEXT MEETING DATE:

The Board members established that the next meeting would be held on Wednesday, July 19, 2017.

VII. ADJOURNMENT:

Motion by Mr. Gilmore, seconded by Mr. Ford to adjourn.

There being no further business the meeting adjourned at 6:45 P.M.

Approved on this 19 day of July, 2017.

Robert Frey, Chairman

Monica Arsenault, Board Secretary