

**CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
June 15, 2016**

SCANNED

A regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, June 15, 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 6:00 P.M. The Board Secretary called the roll.

MEMBERS PRESENT:

Robert Frey	Chairman
Herbert (Rip) Dyal	Vice-Chairman
Nancy Elliot	Board Member
Bruce Gilmore	Board Member-Arrived at 6:02
Connie Harvey	Board Member
Matthew Ford	Board Member
Jane Jollay	Board Member

MEMBERS ABSENT:

None

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: June 15, 2016.

Approval of Meeting Minutes: April 20, 2016.

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

III. OLD BUSINESS:

None

IV. NEW BUSINESS:

A. PZ-16-00800002- Consideration of a Variance of Appendix A, Zoning, Article XII, Section 3(b)

Consideration of a 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 in the RU-1-7 (Single Family Residential) Zoning District. The subject property contains

approximately 0.21 acres and is located at 2029 Ivy Drive. The subject property is identified by the Brevard County Property Appraiser's Office as Parcel ID 24-36-30-HZ-00002.0-0008.00.

Senior Planner Steven Biel presented a project summary and exhibits for the Board's review. Mr. Biel stated that the applicant, Janet Newbrough, is requesting to expand the existing driveway width 10 feet to the west and extend the length from 28.6 feet to 80 feet along the western property line.

Mr. Biel 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 due to the request not meeting Criteria A - F.

Staff recommended conditions if the Board approved the variance request.

Mr. Frey asked for questions or discussion from the Board members by staff. The board discussed with staff the drainage, the year the home was built, the mediating offer from the staff report and existing driveways in the same neighborhood. Steven Belden, Community Services Director, stated the code had been recently adjusted to accommodate the current need for larger driveways in older neighborhoods.

Janet Newbrough, 2029 Ivy Drive, was sworn in. Mrs. Newbrough provided background information on the request for the variance. Mrs. Newbrough provided photos of the front of the location as exhibit "D & E" and provided additional photos of other locations in College Manor that have existing non-conforming driveways as exhibit "F-L".

The Board moved forward with discussion regarding the other driveways in the neighborhood that are non-conforming. Steven Biel explained that the other driveways may have been constructed before the code was in place to current standards.

Vice-Chairman, Rip Dyal, exited the meeting at 6:30pm not to return for the evening.

Additional discussion among the Boards members and staff, regarding the criteria's for approval of the variance. Connie Harvey asked if applicant would consider alternate options in lieu of the current request. Discussion continued between staff, applicant and Board members regarding additional options for meeting the needs of the applicant.

Mr. Frey closed the public hearing and asked for any further discussion among the Board. Ms. Harvey asked to address the storm run off if the variance is approved. Applicant stated that they would assume the responsibility if a problem arose.

Motion by Ms. Elliot, seconded by Mr. Gilmore, to approve the variance with the conditions recommended by staff. Further discussion among the Board members and staff. Vote on the motion 3 to 3. Therefore motion failed.

Kim Kopp, City Attorney, stated since the motion failed another motion needed to be made.

Further discussion among the Board members regarding the criteria's A-F and other options other than the original request.

Motion by Mr. Frey, seconded by Ms. Elliot, to approve the variance request with the conditions following:

1. The variance is to allow for the applicant to expand the existing driveway as depicted on the survey prepared by Benchmark Engineering and Surveying, signed and sealed by Philip R King, P.L.S, dated October 23, 1989 (Exhibit A).
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.
3. 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.
4. The driveway area approved by this variance shall be a minimum of fifty (50) percent pervious material.

Terry Newbrough, 2029 Ivy Dr., was sworn in. Mr. Newbrough provided additional background information on the request for the variance.

Vote on motion carried 4 to 2, Mr. Ford and Mr. Gilmore opposed motion.

V. OTHER BUSINESS:

None

VI. NEXT MEETING DATE:

The Board members established that the next meeting would be held on July 20, 2016.

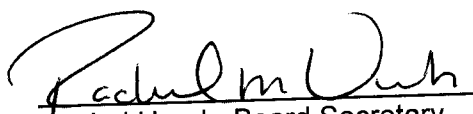
VI. ADJOURNMENT:

Motion by Ms. Harvey, seconded by Mr. Gilmore, to adjourn.

There being no further business the meeting adjourned at 7:08 P.M.

Approved on this 20 day of July, 2016.


Robert Frey, Chairman


Rachel Unruh, Board Secretary

