CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
January 17, 2024

A Regular meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, January 17, 2024 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

Chairperson Shaia called the meeting to order at 6:00 P.M. The Board Secretary called the roll.

ROLL CALL:

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| Pam Shaia | Chairperson |
| Patricia Weeks | Vice Chairperson |
| Kaitlyn Aliano | Board Member |
| Robert Dyar | Board Member |
| Dan Quattrocchi | Board Member |

MEMBERS PRESENT:

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| Pam Shaia | Chairperson |
| Patricia Weeks | Vice Chairperson |
| Kaitlyn Aliano | Board Member (arrived at 6:11pm) |
| Dan Quattrocchi | Board Member |

MEMBERS ABSENT:

OTHERS PRESENT:

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| Luci Ribeiro | Planner |
| Abby Morgan | Public Works Director |
| Kristin Eick | Assistant City Attorney |
| Monica Arsenault | Recording Secretary |

II. APPROVAL OF AGENDA & MINUTES:

* **Motion by Vice Chairperson Weeks; Seconded by Board member Quattrocchi, to approve the January 17, 2024 Agenda as written.**

**Vote on the motion carried unanimously (3-0).**

* **Motion by Vice Chairperson Weeks; Seconded by Board member Quattrocchi, to approve the November 8, 2023 minutes as written.**

**Vote on the motion carried unanimously (3-0).**

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

**A. PZ-23-00700005 – Waiver (Florida Ave) - Withdrawn**
Consideration of a waiver from Appendix A, Zoning, Article XII, Section 1 (D)(8), (D)(38)(e), and (D)(45) of the City of Cocoa Code for approximately 36 parking spaces for Beauty salons, barber shops, nail salons, tattoo parlors, massage and day spas uses and a waiver regarding provision of off-site parking for non-residential uses on one parcel in the CBD-CVO (Central Business District - Cocoa Village Overlay) Zoning District. Tax Parcel ID 24-36-33-35-11.01.

**B. PZ-23-00700002 – Waiver (2705 N Cocoa Blvd)**
A. waiver request from Appendix A, Zoning, Article XIII, Section 19(1) of the City of Cocoa Code to waive the requirement to provide stormwater retention facilities to retain the runoff of water resulting from a ten-year storm experience. The property is identified as 2705 N Cocoa Blvd, Cocoa, Florida. Tax Parcel ID 24-36-17-55-23-4. - **Postponed from the November 8, 2023 Special Meeting.**

Luci Ribeiro, City of Cocoa Planner, presented the item[1] and provided a summary of the property. She also gave an analysis of the waiver request. Additionally, she discussed the site improvements.

Ms. Ribeiro stated that staff is recommending approval of the requested waiver to include specific conditions.

Chairperson Shaia opened the hearing to the public.

There being no questions or comments the public portion of the hearing was closed.

* **Motion by Vice Chairperson Weeks; Seconded by Board member Quattrocchi to approve** the waiver request from Appendix A, Zoning, Article XIII, Section 19(1) of the City of Cocoa Code to waive the requirement to provide stormwater retention facilities to retain the runoff of water resulting from a ten-year storm experience to include the conditions recommended by staff.

**Vote on the motion carried unanimously (4-0).**

[1] Exhibit A: 01/17/2024 BOA Presentation

**C. PZ-23-00800005 – Variance (413 N Indian River Dr) - Withdrawn**
A variance request from Appendix A, Zoning, Article XIII, Section 6 (a) of the City of Cocoa Code to waive the requirement that no accessory structure be erected in the front or side yard in order to erect a 600 square-foot studio and 440 square-foot carport. The property is identified as 413 N Indian River Dr, Cocoa, Florida. Tax Parcel ID 24-36- 28-00-772.

**D. PZ-23-00800006 – Variance (2301 Meridian Ave)**
A variance request from Appendix A, Zoning, Article XIII, Section 6 of the City of Cocoa Code to reduce the required 5-foot accessory structure setback in the rear yard by approximately 2.5 feet and the required 8-foot side yard setback by approximately 5 feet for an approximate 16-foot by 8-foot shed. The property is identified as 2301 Meridian Ave, Cocoa, Florida. Tax Parcel ID 24-36-17-53-12-22.

Board member Quattrocchi shared that he needed to recuse himself from voting on this item due to a person conflict[2].

Ms. Ribeiro presented the item and provided a summary of the property, explaining the reasoning for the variance request. She gave an analysis of the waiver and noted that staff believes the applicant has failed to justify the need for a variance as there is space on the property for the shed to be installed properly to be in compliance with the Code.

Additionally, the applicant received a code violation as they installed the shed without a permit.

Staff is therefore recommending denial of the variance request.

Kirk Pasqualle and his wife, Monica Pasqualle, the applicants, provided a brief presentation depicting pictures of the property. He shared that there was always a shed on the property, even prior to when they purchased the home. They had the shed replaced in 2020.

Additionally, they were told by their contractor that they did not need a permit for the shed. This was also all happening during COVID when everything was shut down.

Chairperson Shaia asked when the old shed was removed. In response, Mr. Pasqualle shared that it was removed after the new shed was installed. They also shared that they used Superior Shed on US1.

Board member Aliano asked for clarification regarding Code Enforcement's process on filing the code violation and how it came about. In response, Ms. Ribeiro shared that the violation came about due to a complaint that was submitted to the City.

[2] Exhibit B: Voting Form 8B

The Pasqualle's shared several letters[3] from their neighbors in support of the shed.

Mary Jo Riddle, 2130 N. Indian River Dr., Cocoa, shared that because of the way the lot is shaped, it would be nearly impossible for a machine to come in and pick the shed up and move it. Additionally, you can hardly see the shed from the road. She asked the Board to consider making an exception so long as the maintenance of the shed is kept up.

Richard Webb, 3184 Lago Vista Dr., Melbourne, spoke in support of the shed and pointed out that many people came out to support the Pasqualle family. It would be a financial burden to ask them to move the shed now.

There being no further questions or comments, the public portion of the hearing was closed.

Vice Chairperson Weeks shared that while she understands the information put forward by staff, she can understand the reasons why the applicant has requested a variance and believes it would be difficult for them to move the shed since it was built in place.

* **Motion by Vice Chairperson Weeks; Seconded by Board member Aliano to approve** a variance request from Appendix A, Zoning, Article XIII, Section 6 of the City of Cocoa Code to reduce the required 5-foot accessory structure setback in the rear yard by approximately 2.5 feet and the required 8-foot side yard setback by approximately 5 feet for an approximate 16-foot by 8-foot shed, with the condition to keep the shed and the surrounding area well maintained.

**Vote on the motion carried unanimously (3-0).**

V. OTHER BUSINESS:

VI. NEXT MEETING DATE:

The next meeting date for the Board of Adjustment is February 21, 2024.

VII. ADJOURNMENT:

There being no further business the meeting adjourned at 6:44 P.M.

Approved on this 21st day of February 2024.

Pam Shaia, Chairperson

[3] Exhibit C: Letters of Support for the Pasqualle's shed

Monica Arsenault, Recording Secretary