CITY OF COCOA
BOARD OF ADJUSTMENT
MEETING MINUTES
November 8, 2023

A Special meeting of the Board of Adjustment of the City of Cocoa was held on Wednesday, November 8, 2023 in the Council Chambers at 65 Stone Street, Cocoa, as publicly noticed.

I. OPENING MATTERS:

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

ROLL CALL:

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

OTHERS PRESENT:

Stacy Hopper	Planner
Kristin Eick	Assistant City Attorney – ***via phone***
Lori Chabot	Recording Secretary

II. APPROVAL OF AGENDA & MINUTES:

Recording Secretary Lori Chabot explained to the Board that the advertisement included three items for this agenda. However, prior to publishing, one applicant withdrew their application and one was moved to the next meeting. The agenda was published without these two items shown. However, because it was advertised, it needed to be shown. Therefore, the Short Agenda was corrected and republished.

* **Motion by Board member Weeks; Seconded by Board member Dyar, to approve the November 8, 2023 agenda as written and to approve the September 20, 2023 minutes as written.**

Vote on the motion carried unanimously (5-0).

III. OLD BUSINESS:

None.

IV. NEW BUSINESS:

A. Annual Election of Chair and Vice Chair

Ms. Chabot explained to the Board that this would be the annual election for Chair and Vice Chair and would be in effect until the end of 2024.

Nominations were made by members and voted upon.

A nomination was made by Board Member Aliano for Pam Shaia as Chairperson and Patricia Weeks as Vice Chairperson.

No other nominations were made.

* **Motion by Board member Aliano; seconded by Board member Dyar to Elect Pam Shaia as Board Chair and Patricia Weeks as Vice Chairperson.**

Vote on the motion carried unanimously (5-0).

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. ***Request to postpone to a time certain, January 17, 2024.***

Attorney Eick notified members that due to a new Florida Statute ruling, a motion will need to be made to postpone this item.

* **Motion by Vice Chairperson Weeks; Seconded by Board member Dyar to postpone the item to the January 17, 2024 BOA Meeting at 6:00 pm to be held in Cocoa City Chambers.**

Vote on the motion carried unanimously (5-0).

C. PZ-23-00700004 – Waiver (807 Peachtree St.)

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 807 Peachtree St, Cocoa, Florida. Tax Parcel ID 24-36-32-00-6.

Stacy Hopper, City of Cocoa Planner, presented the item.

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 807 Peachtree St, Cocoa, Florida. Tax Parcel ID 24-36-32-00-6.

The 0.66-acre site is currently a daycare center first approved through a special exception on July 16, 2009. The Future Land Use (FLU) designation is Commercial, and the property is zoned General Commercial (C-G). After the Board of Adjustments approved the daycare expansion on April 19, 2023, through a third special exception request, the applicant submitted a site plan amendment to add the two additional classrooms/portables for a total area of 3,228 SF.

(1) Initial finding. The Board of Adjustment shall first find that the need for the proposed waiver arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. The Board shall make the required finding based on the granting of the waiver for the applicant's property alone unless, however, the condition is common to numerous sites so that requests for similar waivers are likely to be received, and then the Board shall make the required findings based on the cumulative conditions of the area.

Staff Finding:
The expansion of the 1,500 SF existing building will add new classrooms with two (2) portables with 864 SF each for a total area of 3,228 SF. The existing facility occupies approximately 25% of the lot. By adding two modular classrooms and a parking area, all buildings and parking would utilize approximately 60% of the 0.5-acre property. This falls under the maximum impervious surface ratio of .90 and the maximum FAR of 1.0.

A unique feature of this property is its proximity to the Peachtree St. Streetscape Project and the resultant available stormwater system therein.

(2)(a) There are practical or economic difficulties in carrying out the strict letter of the regulation.

Staff Finding: The parcel is 0.66 acres or 28,749 SF, of which the existing and proposed improvements will total 16,735 SF of impervious area. To meet Appendix A Article XIII, Section 19(1), the stormwater retention facility would need to retain the stormwater runoff from impervious areas resulting from a ten-year storm experience within the limits of the property. The precipitation frequency estimate for a 10-yr, 24-hr storm event is

7.47 inches, or 0.6225 ft. so the retention volume would be 16,735 SF x 0.6225 ft. = 10,416.54 ft. Stormwater runoff is typically retained in a stormwater pond. If the pond was 2 ft. deep which is typical for a dry retention area, the area of the pond would be approximately 5,210 SF. The existing layout and the expansion of parking area to accommodate for staff and clients does not provide an area of this size. Thus, the addition of a stormwater retention on site is unfeasible.

(2)(b) The proposed Waiver will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazards to the public.

Staff Finding: In 2001, the city initiated the Peachtree Street Streetscape Project. Stormwater infrastructure and pedestrian facilities were installed as part of this project. Presumably prior to this project, stormwater runoff from this property would drain to the property frontage and pond between the property line and the edge of pavement. Today, the stormwater runoff drains towards the Peachtree St. property line to the stormwater infrastructure and is ultimately conveyed to the Bracco Pond Stormwater Facility where it is treated prior to discharge to the river.

Thus, this waiver will not pose a hazard to the public.

Staff recommends APPROVAL of the requested Waiver from the City of Cocoa Code, Appendix A, Zoning, Article XIII, Section 19(1) Stormwater Retention Facilities regulations with the following condition(s):

- The Waiver shall not be effective until after the applicant has secured all the permits and approvals necessary for any development related to the Waiver. Such permits shall be obtained within twelve (12) months of the Board's approval.

- Any other conditions deemed necessary by the Board of Adjustment.

Board Member Quattrocchi asked about the site plan. In response, Ms. Hopper replied there were two portables and currently two more and introduced the applicant, Marvin Miller who was sworn in by the Recording Secretary.

Mr. Miller stated they will be adding two portables with a parking lot. Chairperson Shaia clarified his response and Board Member Aliano confirmed there is a total of three.

Chairperson Shaia asked if stormwater goes into Bracco Pond and if there were currently any flooding issues. Mr. Miller shared it was not prone to flooding.

Board Member Aliano asked about the worst-case scenario. Ms. Hopper shared the worst case scenario conditions.
Board Member Quattrocchi asked if they were going to pave the lot for parking. In response, Mr. Miller replied that they had been looking at asphalt, but prices keep going

up. Board Member Quattrocchi suggested using pervious pavers to allow water to go through.

* **Motion by Vice Chairperson Weeks; Seconded by Board member Quattrocchi to approve to waive the requirement to provide stormwater retention facilities to retain the runoff of water resulting from a ten-year storm experience with conditions recommended by Staff. The property is identified as 807 Peachtree St., Cocoa, Florida. Tax Parcel ID 24-36-32-00-6.**

Vote on the motion carried unanimously (5-0).

D. PZ-23-00700005 – Waiver (Florida Ave)

Consideration of a waiver from Appendix A, Zoning, Article XII, Section 1 (D)(8) and (D)(38)(e) 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. ***Withdrawn.***

V. OTHER BUSINESS:

VI. NEXT MEETING DATE:

The next meeting date for the Board of Adjustment is January 17, 2024.

VII. ADJOURNMENT:

There being no further business the meeting adjourned at 6:30 P.M.

Approved on this 17 day of Jan, 2023.

Pam Shaia, Chairperson

Lori Chabot, Recording Secretary