



Meeting Agenda
Wednesday, September 18, 2024

5:15 PM

REGULAR

Cocoa Beach Country Club - 5000 Tom Warriner Boulevard, Cocoa Beach

WELCOME

- A. Call to Order
 - 1. Pledge of Allegiance
 - 2. Roll Call
 - 3. Disclosure of Conflict
- B. Special Presentation
 - 1. Presentation Title
- C. Public Comment
- D. Staff Reports and Announcements
 - 1. Report from Staff Representative
- E. Board Members Reports and Announcements
 - 1. Report from Board/Committee Member
- F. Consent Agenda
 - 1. Approval of Minutes
- G. Unfinished Business
- H. New Business
 - 1. A request for a fence height variance, on the side property line, per Cocoa Beach Land Development Code Section 3-32 L.3

3-32 L.3 On a corner lot, a fence constructed along the side street property line abutting the right-of-way shall have a maximum height of four (4) feet. Alternatively, if the fence is set back a minimum of five (5) feet from the property line abutting the right-of-way, the fence height is permitted to be a maximum of six (6) feet.

I. General Public Comment

J. Adjournment

1. Next Meeting Date: Tentatively Oct. 16th, 2024

Note: more than one member of the City Council may be in attendance at the meeting and may participate in discussions.

Pursuant to 286.0105, Florida Statutes, the City hereby advises the public that if a person decides to appeal any decision made by this Board, agency or meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Financial Services Department at (321/608-7010), no later than 5:00 p.m., at least 48 hours prior to the meeting.

CITY OF COCOA BEACH – BOARD OF ADJUSTMENT MEETING MINUTES

Wednesday, February 21, 2024 @ 5:15 P.M.

Members Present: Don Hayes, Chair; Ronald Boger, Vice Chair; John Kabboord: Rick Anderson; Summerpal Kahlon, Alt #1 - (phone in)

Members Absent: Michael Goldberg excused; James Cole, Alt #2, excused.

Staff Present: Randy Stevenson, Director of Development Services; Loren Wiltse, Principal Planner; Devon Taly, Senior Planner; Cory Hall, Planner 1; Garrett Olsen, City Attorney

Commission Members Present: 0

Visitors Present: 0

A. CALL TO ORDER: Mr. Olsen called the meeting to order at 5:15 PM

Election of Chair/Vice Chair: Mr. Olsen opened the floor for nominations. Mr. Hayes was elected Chair and Mr. Boger was elected Vice Chair.

Approval of August 16, 2023, Meeting Minutes: Mr. Hayes motioned to approve the meeting minutes as presented; Mr. Kabboord seconded; the motion was approved; 4-0 vote.

Swear In of Witnesses: None

B. OLD BUSINESS: None

C. NEW BUSINESS:

1. *Orientation for New Board of Adjustment Members (City Attorney, Mr. Olsen)*

i. *John Kabboord*

ii. *Rick Anderson*

2. *Sunshine Law & Parliamentary Procedures Presentations by Mr. Olsen*

Question and Answer session.

Q: I'm close to one of the Alternates and we go together to review projects. Is that a problem?

A: I would recommend that you do all your prep work alone.

Q: Do you represent the board or the city?

A: Our firm represents the city as City Attorney.

Q: If I ask you a question alone, is there client/attorney privilege?

A: There is no client/attorney privilege. However, your question will stay between us.

Q: Do we have any obligations to retain emails received by us?

A: If you are in possession of a public record, you are the custodian of that record

Q: because we can't email each other, board members, anyway.

A: Right, Not about board business.

Q: I don't see Uncle, Aunt, or Cousin as being defined as a relative?

A: They are not relatives under the Conflict Law.

Mr. Olsen elaborated, if you have a conflict with one of the items on the agenda. When we start the meeting, I will call for "Disclosure of Conflict" at that point it would be the appropriate time to say you have a conflict. You cannot take part in the **discussion** or the **vote**.

Q: Does an abstain from vote automatically become a no vote?

A: It does not.

Q: What are the rules/laws if an applicant contacts us directly?

A: This would be called an Ex parte communication and that would be a public record.

3. *Development Services – Staff Introduction by Randy Stevenson*

D. **GENERAL PUBLIC COMMENTS:** None

E. **STAFF REPORTS:**

1. 2023 Year End Report

i. Mr. Hayes made Motion to Approve, Mr. Boger seconded, Vote passed 4-0

2. 2023 Financial Disclosure

i. It was explained that the RS1 application of 189 are new applicants. BTR – Vacation Rental of 600 are renewals.

F. **MEMBER REPORTS:** None

G. **ADJOURNMENT:** The next tentative meeting is scheduled for 04.17.24, at 5:15 P.M. No other items were discussed. The meeting was adjourned at 6:51 P.M.

Planner II, Cory Hall

Chairman, Don Hayes

City of Cocoa Beach Board of Adjustment Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /

MEETING DATE

September 18, 2024

REQUESTED MOTION/ACTION

A request for a fence height variance, on the side property line, per Cocoa Beach Land Development Code Section 3-32 L.3

3-32 L.3 On a corner lot, a fence constructed along the side street property line abutting the right-of-way shall have a maximum height of four (4) feet. Alternatively, if the fence is set back a minimum of five (5) feet from the property line abutting the right-of-way, the fence height is permitted to be a maximum of six (6) feet.

Staff Representative:

Recommendation:

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:



CITY OF COCOA BEACH
P.O. Box 322430 Cocoa Beach, FL 32932-2430
Telephone 321 868-3217 Fax 321 868-3212
developmentsservices@cityofcocoa-beach.com

APPLICATION FOR VARIANCE, SPECIAL EXCEPTION, APPEAL

☒ Variance ☐ Special Exception ☐ Appeal

Case No. (City use) _____ Date _____

Applicant Information: (Please Print or Type)

Applicant/Agent Suzanna Lee Ballesteros

Address: 488 N. 4TH ST., Cocoa Beach, FL 32931

Phone: (415) 806-7106

Owner Name, Address, Phone: SEE ABOVE ↑

E-Mail Address: Valleyimages@Sbcglobal.net

Project Name: Fence height variance

Project Address: 488 N. 4TH ST., COCOA BEACH, FL 32931

Zoning: SFR RS-7 Future Land Use: Low density residential

Fees: Application: SFR/Duplex (\$500), Other (\$1000)

Advertising: SFR/Duplex (\$100), Other (\$125)

Property Owner Notification: (Property owners within 300 feet are required to be notified, fees are \$2 per property owner or a minimum of \$40)

NOTICE: An approval of the request made in this application does not entitle the owner to a development permit. All requirements of the Land Development Code must be met and are applied to any application for, or processing of, a development order or building permit.

This application was prepared and approved with the full knowledge and consent of the undersigned

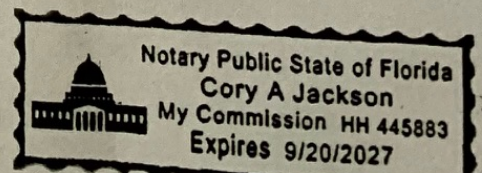
(Owner) Suzanna Lee Ballesteros, and is a full and complete representation of the proposed actions/development of the subject property. The Owner authorizes the agent

(Agent) _____ to pursue this request for zoning and/or building/planning review. The Owner further authorizes City Staff, as necessary, reasonable right of entry to the subject premises, for review purposes, based upon this application.

Date 08-06-2024 Signature of Owner [Signature]

Subscribed before me this 6th day of August, 24 Personally known _____, or produced identification X

Signature of Notary: [Signature]



8/9/24

Re: Fence Height Variance Request, City of Cocoa Beach

Board of Adjustments,

We're respectfully requesting a fence height variance to accommodate 5'-6' tall sections of new vinyl fencing and gates planned for both west and east sides of our homestead at 488 N. 4th Street, at the corner of McNabb Parkway, Cocoa Beach.

The west side of the proposed vinyl fence would be set back from the corner of a dead end street/stub (McNabb Parkway) which does not accommodate through-traffic, so a 5'-6' tall fence would not impede visibility by motorists. Due to the hardship of having sewer and power lines running the length of our backyard, we must design our future pool on the side of the backyard between the house and the new fence. We feel 6' H (to include a 10" rail peek-a-boo header) in that area should provide us with reasonable privacy and will include a double gate for utility access. The vinyl fence would then drop to a 5' H panel, then a 4' H aluminum rail fence will run to the end of our seawall cap at the canal.

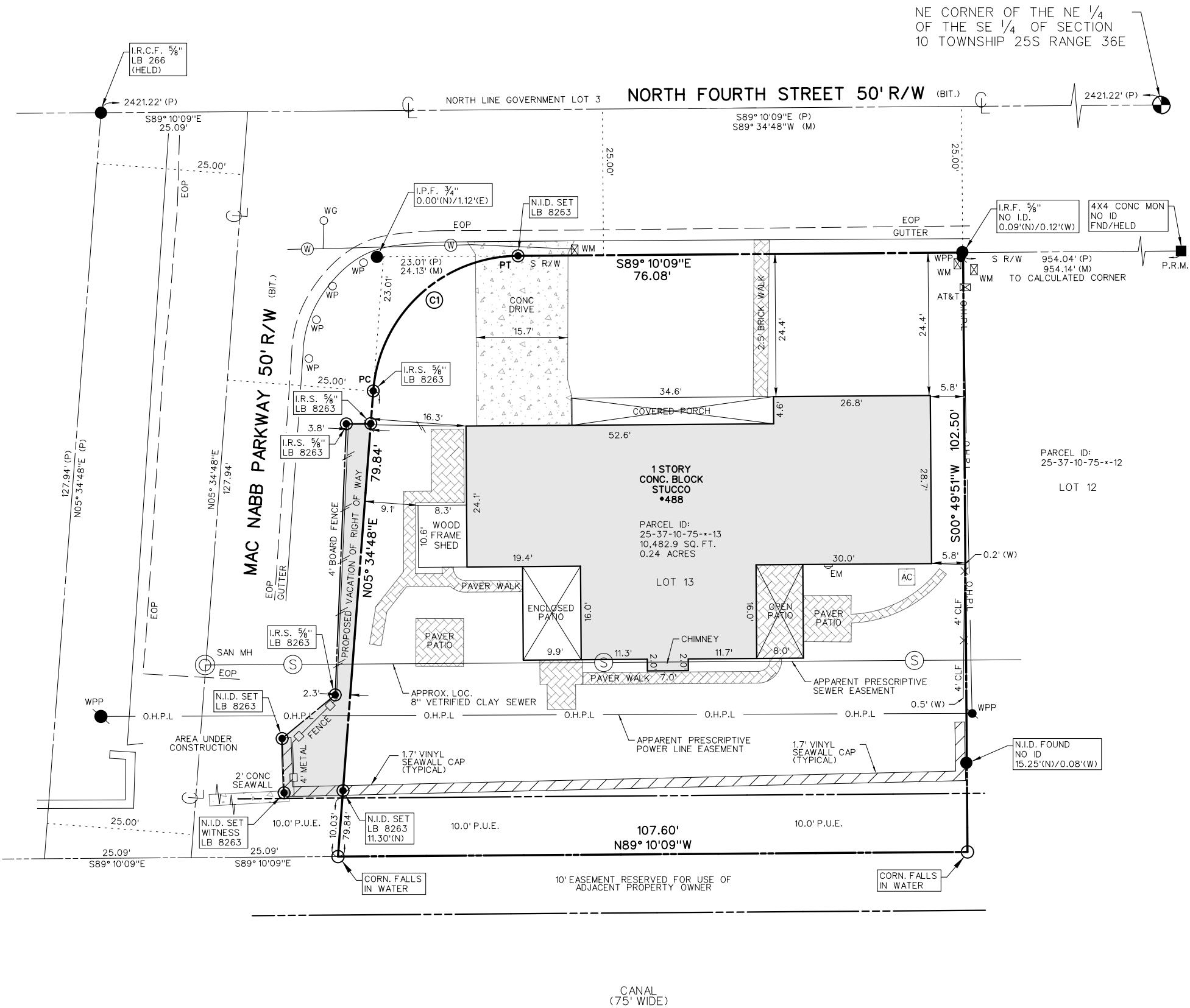
Thank you for your consideration.

Suzanna Ballesteros

Robert Celsor

BOUNDARY SURVEY

SECTION 10, TOWNSHIP 25 SOUTH, RANGE 37 EAST
BREVARD COUNTY, FLORIDA



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1 (P)	37.20'	25.00'	85° 15' 03"	33.86'	N 48° 12' 20" E

SHEET 1 OF 2 (SURVEY SKETCH) - - - - - SURVEY NOT COMPLETE WITHOUT ALL SHEETS

BASIS OF BEARINGS:
THE BEARINGS SHOWN ARE BASED ON AN ASSUMED NORTH MERIDIAN, BEING N89° 10' 09" E ALONG THE SOUTH R/W LINE OF NORTH FOURTH STREET.



Total Control Surveys, LLC

LAND SURVEYING AND MAPPING

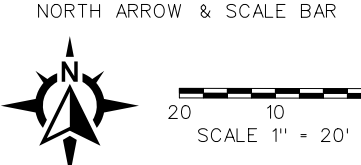
TOTAL CONTROL SURVEYS, LLC
555 FILLMORE AVE APT 508
CAPE CANAVERAL, FLORIDA 32920-3180
PROFESSIONAL SURVEYOR & MAPPER
LICENSED BUSINESS L.B. #8263
EMAIL: INFO@TOTAL-CONTROL-SURVEYS.COM
PHONE: (860) 712-7776



REVISIONS	
6.	
5.	
4.	
3.	
2.	
1.	

CERTIFIED TO AND SPECIFICALLY MADE FOR:
SUZANNA L BALLESTEROS

NORTH ARROW & SCALE BAR



20 10 0
SCALE 1" = 20'

FIELD DATE: 06/14/2024
PLOTTED BY: D.S.
CHECKED BY: D.S.

PROJECT ADDRESS:
488 N FOURTH ST
COCOA BEACH FL 32931
SHEET: 1 OF 2

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER - LB 8263

FIELD DATE: 06/14/2024

PROPERTY ADDRESS:

488 N FOURTH ST
COCOA BEACH FL 32931

FLOOD INFORMATION: (NAVD88)

PANEL NUMBER:12009C0453H
FIRM DATE: 01/29/2021
FLOOD ZONE: X
FLOOD ZONE: AE
BASE FLOOD ELEVATION: 3.00'
COMMUNITY NAME:
CITY OF COCOA BEACH
COMMUNITY NUMBER: 125097

ZONE:

RS-1 SINGLE FAMILY RESIDENTIAL

SETBACKS ARE:

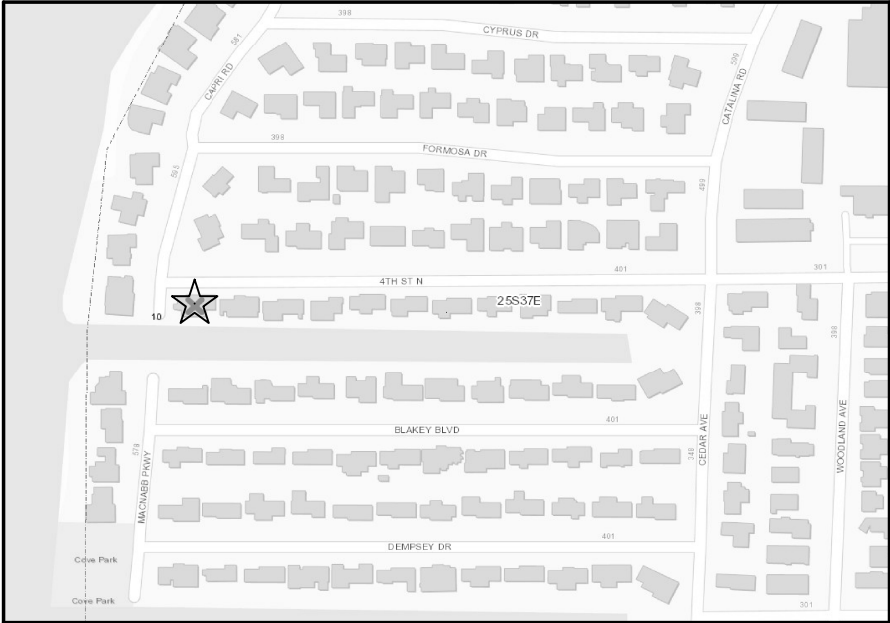
FRONT=25'
SIDE=10'
REAR=15'

PER THE CITY OF COCOA BEACH
ZONING & FUTURE LAND USE WEB APP

DESCRIPTION AS FURNISHED:

LOT 13, PLAT OF CONVAIRE COVE,
ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 12, PAGE(S) 33,
PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LOCATION MAP



SURVEYOR'S LEGEND

ARC = LENGTH OF ARC
A/C = AIR CONDITIONER
BFE = BASE FLOOD ELEVATION
BIT = BITUMINOUS
BLDG = BUILDING
BLK = BLOCK
BM = BENCHMARK
BRG = BEARING
(C) = CALCULATED
CATV = CABLE TV
CBS = CONCRETE BLOCK STRUCTURE
CB = CHORD BEARING
CH = CHORD LENGTH
CLF = CENTERLINE
CLF = CHAIN LINK FENCE
CMF = CONCRETE MONUMENT FOUND
CMP = CORRUGATED METAL PIPE
CONC = CONCRETE
CPP = CONCRETE POWER POLE
COR = CORNER
C&G = CURB & GUTTER
(D) = DEED
DB = DEED BOOK
DE = DRAINAGE EASEMENT
DEL = DELTA ANGLE
DG = DOWN GUY
ELEC = ELECTRIC
ELEV = ELEVATION

EM = ELECTRIC METER
ENC = ENCROACHMENT
EOP = EDGE OF PAVEMENT
ESMT = EASEMENT
(F) = FIELD
FB = FIELD BOOK
FEMA = FEDERAL EMERGENCY MGT. AGENCY
FF = FINISHED FLOOR
FH = FIRE HYDRANT
FNC = FENCE
FND = FOUND (FOR MONUMENTATION)
FP&L = FLORIDA POWER & LIGHT COMPANY
ID = IDENTIFICATION
IPF = IRON PIPE FOUND
IRCF = IRON ROD & CAP FOUND
IRF = IRON ROD FOUND
IRS = 5/8" IRON ROD SET "LB 7182"
LB = LAND SURVEYING BUSINESS
LS = LAND SURVEYOR
(M) = MEASURED
NAVD = NORTH AMERICAN VERTICAL DATUM
N/F = NOT FOUND
NDF = NAIL & DISK FOUND
NTF = NAIL & TIN-TAB FOUND (NO IDENT.)
NDS = 1/4" NAIL & DISK SET "LB 7182"
NGVD = NATIONAL GEODETIC VERTICAL DATUM
No. = NUMBER
OHW = OVERHEAD WIRES
ORB = OFFICIAL RECORD BOOK
O/S = OFFSET
(P) = PLAT
PB = PLAT BOOK
PC = POINT OF CURVATURE

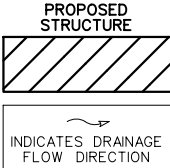
PCC = POINT OF COMPOUND CURVATURE
PCP = PERMANENT CONTROL POINT
PG = PAGE
PI = POINT OF INTERSECTION
PKF = PARKER-KALON NAIL FOUND
PLS = PROFESSIONAL LAND SURVEYOR
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRC = POINT OF REVERSE CURVATURE
PRM = PERMANENT REFERENCE MONUMENT
PSM = PROFESSIONAL SURVEYOR AND MAPPER
PT = POINT OF TANGENCY
PU = PUBLIC UTILITY (EASEMENT)
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
RAD = RADIUS
RCP = REINFORCED CONCRETE PIPE
REF = REFERENCE
RNG = RANGE
R/W = RIGHT OF WAY
SEC = SECTION
SFHA = SPECIAL FLOOD HAZARD AREA
TEL = TELEPHONE RISER
TWP = TOWNSHIP
TYP = TYPICAL
UGE = UNDERGROUND ELECTRIC
UGT = UNDERGROUND TELEPHONE
UP = UTILITY POLE
WD = WOOD
WLP = WOOD LIGHT POLE
WPP = WOOD POWER POLE
WIT = IRS W/CAP "WITNESS LB 7182"
WM = WATER METER
XCF = CROSS CUT FOUND

SYMBOLS

WATER MAIN
CATV
O.H.P.L.
GAS MAIN
MH
CB
FH
WLP
CPP
WPP
PCP
DOWN GUY

LINE TYPES

RETAINING WALL
BOX WIRE FENCE
BOARD FENCE
CHAIN LINK FENCE
VINYL FENCE
BLOCK WALL
STREET LINE
SAN SEWER
PROPERTY LINE
EASEMENT LINE



INDICATES DRAINAGE FLOW DIRECTION
FEMA DENOTES APPROXIMATE FEMA FLOODPLAIN FEMA
EXISTING ELEVATIONS: +16.7'
PROPOSED ELEVATIONS: 13.6'
PROPOSED DRAINAGE FLOW DIRECTION

SURVEYOR'S NOTES:

- ELEVATIONS BASED ON FLORIDA D.O.T. FPRN STATION VIERA BEING AT AN ELEVATION OF 63.64 FEET NAVD 1988.
- FLOOD ZONE INFORMATION DEPICTED HEREON IS APPROXIMATE. FEMA RETAINS SOLE AUTHORITY REGARDING BOUNDARY AND EXTENT OF SFHA.
- DISTANCES, BEARINGS, AND ANGLES SHOWN ARE THE SAME AS THE PLAT, DEED, OR RECORD - UNLESS SHOWN OTHERWISE.
- MEASUREMENTS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
- THIS SURVEY DOES NOT DETERMINE OR INDICATE LAND OWNERSHIP.
- PROPERTY LINES AND/OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY A FIELD SURVEY.
- THE SURVEYOR DID NOT RESEARCH OR ABSTRACT THE LAND RECORDS FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, DEED RESTRICTIONS, ZONING REGULATIONS, SETBACKS, LAND USE PLAN DESIGNATIONS, ADJOINING DEEDS, LIENS, MURPHY ACT RIGHTS-OF-WAY, AREAS OF LOCAL CONCERN, OR OTHER SIMILAR JURISDICTIONAL DETERMINATIONS. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF INFORMATION PROVIDED BY THE CLIENT OR INFORMATION OTHERWISE KNOWN TO THE SURVEYOR AND MAY NOT BE COMPLETE.
- UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
- ENDANGERED OR THREATENED SPECIES HABITAT AND/OR JURISDICTIONAL WETLANDS, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
- FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCING DIMENSIONS MADE FROM PROPERTY LINES OR STRUCTURES TO FENCES REPRESENT DISTANCES TO THE INTERIOR FACE OF FENCE. FENCE WIDTHS, INDIVIDUAL POSTS, AND GATE LOCATIONS ARE NOT DEPICTED. FENCE OWNERSHIPS AND/OR RIGHTS ARE UNKNOWN. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCE. IF THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES A PROPERTY OFFSET LINE CAN BE ESTABLISHED FOR THE INSTALLATION OR REMOVAL OF FENCING.
- THIS SURVEY MEETS AND EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
- INFORMATION COLLECTED PRIOR TO THE SURVEY INCLUDES: THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT, OR FROM A PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS, AND/OR SECTION CORNER RECORDS IF APPLICABLE.
- UNLESS OTHERWISE INDICATED THE UNDERSIGNED SURVEYOR HAS NOT BEEN PROVIDED A CURRENT TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE OR BOUNDARY TO THE SUBJECT PROPERTY. IT IS POSSIBLE THAT THERE ARE DOCUMENTS OF RECORD, UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS THAT COULD AFFECT THE BOUNDARIES TO THE SUBJECT PROPERTY RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FL.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
- THIS SURVEY MAP, OR THE COPIES THEREOF, ARE NOT VALID WITHOUT THE LIVE SIGNATURE AND ORIGINAL RAISED SEAL AND/OR THE ELECTRONIC SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER DAVID C. SHERMAN REGISTERED LS#7182

SHEET 2 OF 2 (SURVEY DETAILS) - - - - - SURVEY NOT COMPLETE WITHOUT ALL SHEETS

CERTIFIED TO AND SPECIFICALLY MADE FOR:

SUZANNA L BALLESTEROS

SURVEYOR'S SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

David C. Sherman

JUNE 14, 2024

DAVID C. SHERMAN REGISTERED LAND SURVEYOR LS#7182 DATE

IF PRESENT, THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY DAVID C SHERMAN P.S.M. ON 06/20/2024

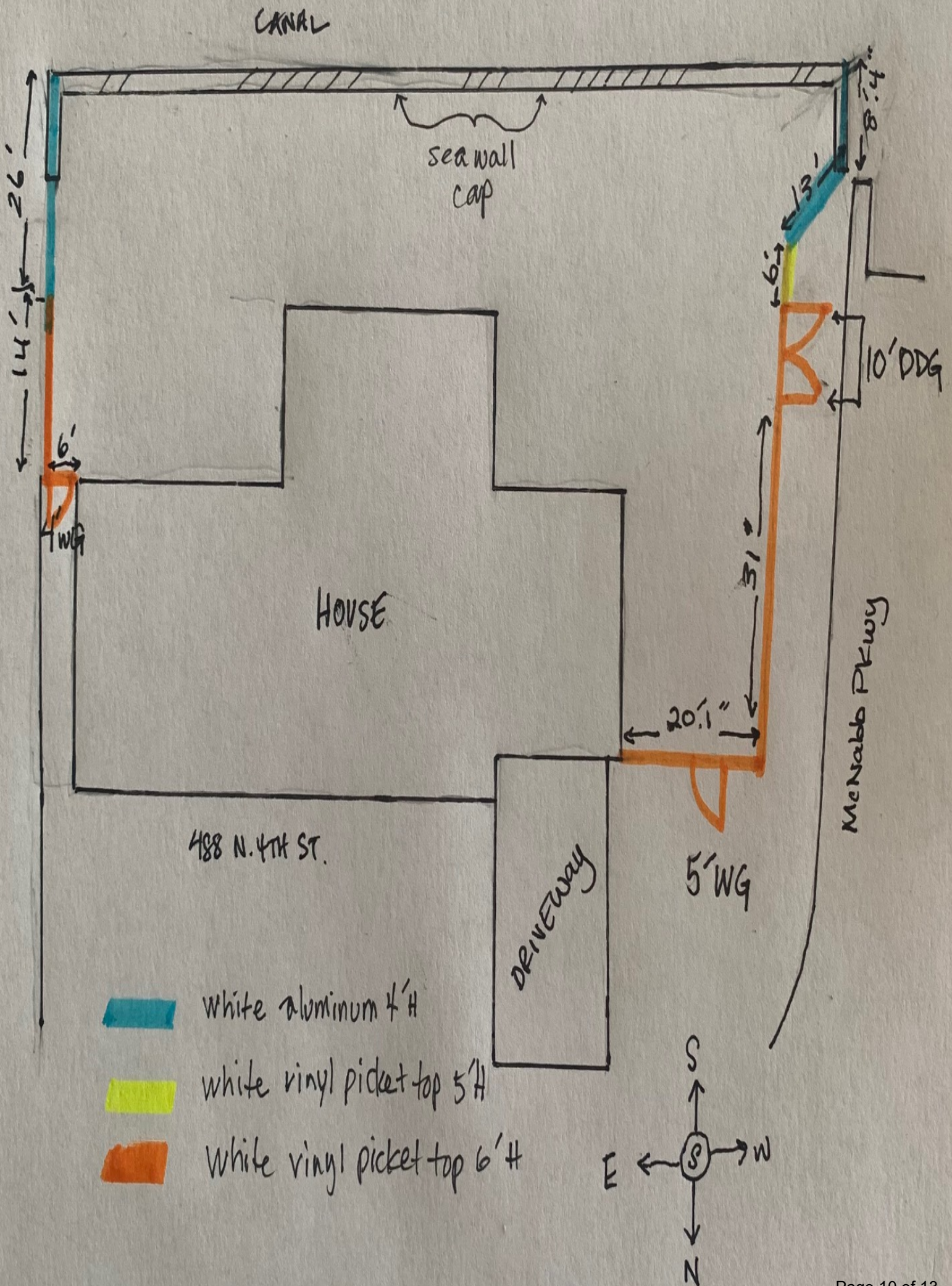


Total Control Surveys, LLC
LAND SURVEYING AND MAPPING

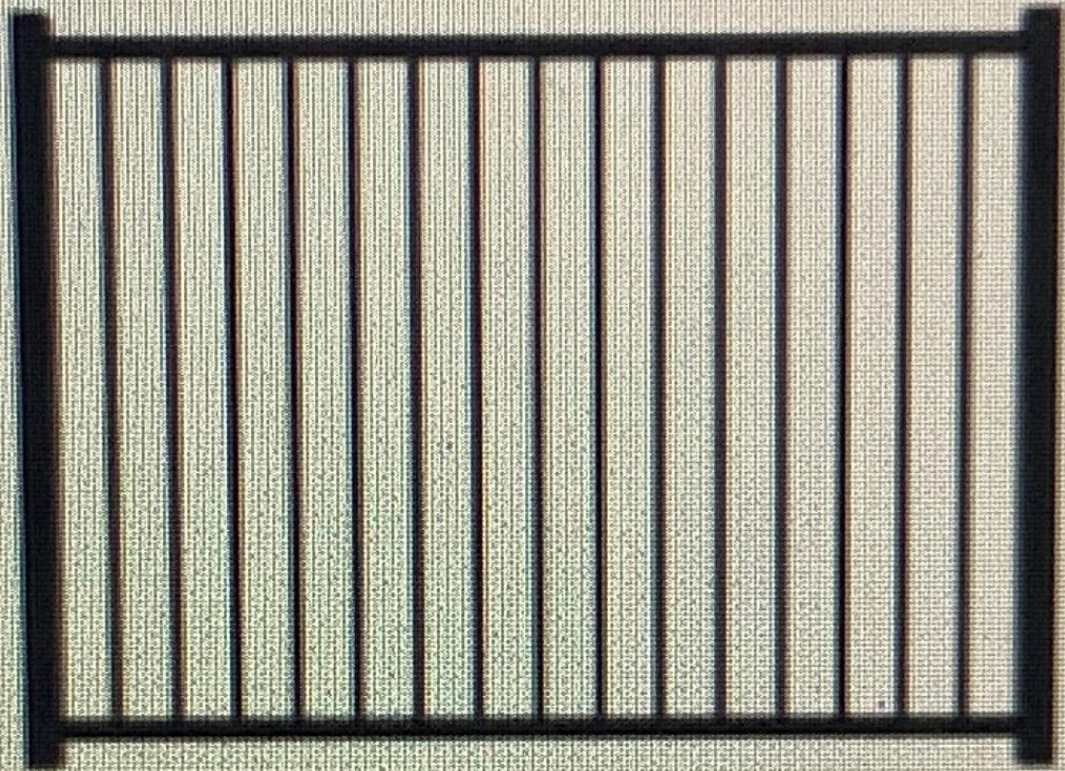
TOTAL CONTROL SURVEYS, LLC
555 FILLMORE AVE APT 508
CAPE CANAVERAL, FLORIDA 32920-3180
PROFESSIONAL SURVEYOR & MAPPER
LICENSED BUSINESS L.B. #8263
EMAIL: INFO@TOTAL-CONTROL-SURVEYS.COM
PHONE: (860) 712-7776



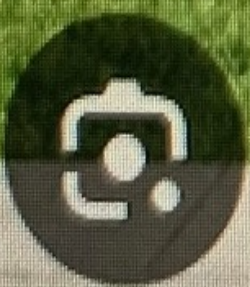
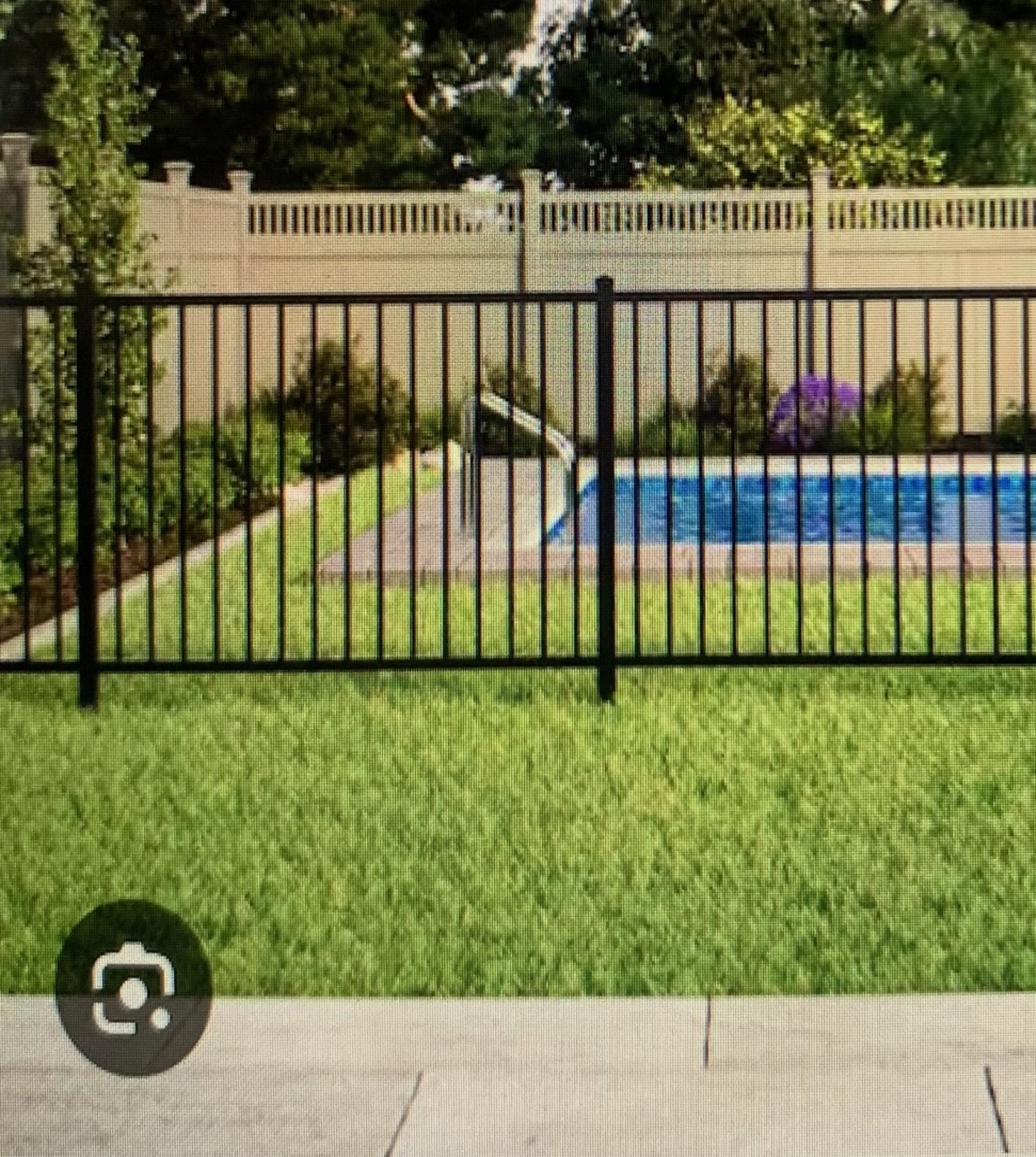
FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER - LB 8263







4' Tall Flat Top 2-Rail
Flush Bottom
Aluminum Fence



TuffBilt Dillon 2 Rail Flat Top
4 ft. H x 6 ft. Black ...