



Meeting Agenda
Wednesday, January 8, 2025

9:00 AM

REGULAR

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

WELCOME

A. Call to Order

1. Roll Call
2. Approval of Minutes

B. New Cases

1. Case No. DSCE-24-317
Respondent: K GENE HARRIS
Address of Property: 126 E GADSDEN LN
Parcel ID#: 24-37-35-CJ-22-12
Legal Description: COCOA OCEAN BEACH SUBD REPLAT NO 1 LOT 12
BLK 22

Code Section/Violations: Chapter 13 - LICENSES AND BUSINESS TAXES. Sec. 13-2. - License/permit required. Anyone who maintains a business location within the city shall first procure a license from the occupational license administrator by paying the amount of license fee provided therefore.

Sec. 26.5-21. - Registration required. Every vacation rental owner shall register with the City of Cocoa Beach. The operation of a vacation rental without registration after the date registration is required shall be a violation of this ordinance.

Sec. 26.5-53. - Maximum occupancy based on site capacity/limitations/grandfathering/previous rentals. (a) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to the

lesser of: (1) Two (2) occupants (as defined herein) per bedroom (as defined herein), plus two (2) occupants. (2) A total of eight (8) occupants per vacation rental.

Ms. Danielle Crawford, a Code Enforcement Officer, requested that cases 1, 3, 4, and 5 be postponed.

2. Case No. DSCE-24-325
Respondent: DONNABELLE DEAN and JOHN DEAN
Address of Property: 412 BANANA RIVER BLVD
Parcel ID#: 25-37-03-05-C-9
Legal Description: COCOA ISLES 11TH (CAPE ROYAL) ADDN PHASE 3
LOT 9 BLK C

Mr. Lonnie Groot called three times for the Respondent but received no answer. Ms. Crawford presented a PowerPoint outlining her case and submitted it as evidence. She requested the shed permit be reapplied for within 10 days, or a \$50 daily fine be imposed for non-compliance. Mr. Groot found the Respondent in violation and ordered him to obtain the building permit for the erected shed.

Code Section/Violations: Sec. 6-4, (c) Permits. (1) Permit and permit fee required. It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the City of Cocoa Beach without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

Section 3-33. - Accessory structures. Accessory structures, as defined in section 1-20, shall comply with the following regulations. A. Structures greater in height than thirty (30) inches are required to have an approved building permit, as determined by the chief building official (CBO) or administrator. F. Residential properties. Accessory structures on properties used for residential purposes are subject to the following: 1. Structures, such as sheds or storage buildings shall be located to the rear of the front face of the principal structure. 3. The side and rear setback shall be a minimum of five (5) feet.

3. Case No. DSCE-24-378
Respondent: THERESA A RIENDEAU TRUSTEE
Address of Property:
Parcel ID#: 25-37-10-81-114-7
Legal Description: COCOA BEACH, 7TH ADDN TO LOT 7 BLK 114

Code Section/Violations: Sec. 28-31. - Discharges to the municipal [separate] storm sewer system. (a) No discharge to the city's storm sewer system ("MS4") shall be permitted to impair the operation of the MS4 or contribute to the failure of the

MS4 to meet any local, state or federal requirements, including, but not limited to, NPDES permits.(b) Stormwater discharges to the MS4 from industrial, commercial or construction activities and from new development or redevelopment projects are required to obtain appropriate local, state and/or federal permits prior to discharging the MS4.(c) Any person determined by the city to be responsible for a discharge contributing to the failure of the city's MS4 to comply with the provisions and conditions of an NPDES permit shall be guilty of a violation of this chapter and shall provide corrective measures as determined necessary by the NPDES stormwater permit manager, and shall be liable for fines and damages.

Sec. 26-10. - Parking on public rights-of-way. (a) Scope. The regulations herein this section shall apply to all house trailers, semitrailers, trailers, and commercial motor vehicles, as defined in Section 316.003, Florida Statutes. (b) Purpose and intent. The City of Cocoa Beach City Commission finds that the parking of certain vehicles defined above on public roads, streets or alleys could be hazardous to the citizens of Cocoa Beach by restricting visibility and impeding the free and safe flow of traffic thereon. Therefore, it is the purpose and intent of this ordinance to prohibit parking of certain vehicles during specific hours in the City of Cocoa Beach. Passenger cars and straight trucks that are not defined as commercial motor vehicles are specifically exempted from this section of the Code. (c) Regulations regarding parking of house trailers, semitrailers, trailers and commercial motor vehicles. Except as otherwise provided herein, no house trailers, semitrailers, trailers or commercial motor vehicles shall be parked or stored on any public rights-of-way, street or roadway in the City of Cocoa Beach at any time between the hours of 7:00 p.m. and 7:00 a.m.

C. Compliance (Massey) Hearing

1. Case No. CBPD-23-711

Respondent: BEACH STREET PLACE LLC

Address of Property: 366 and 368 N THIRD ST. COCOA BEACH, FL 32931

Parcel ID#: 25-37-10-81-113-8

Legal Description: COCOA BEACH, 7TH ADDN TO LOTS 8,9 BLK 113

Code Section/Violations: Sec. 6-11. - Property maintenance code adopted. IPMC Section 302 Exterior Property Areas 302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe, and sanitary condition.

IPMC Section 302 Exterior Property Areas. 302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Section 304 Exterior Structure. 304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.

Sec. 10-22. - Enumerated conditions prohibited, declared nuisance; notice of violations, penalty. The existence of debris, rubbish, trash, tin cans, papers, garbage, unlicensed motor vehicles, deteriorated building materials exposed to weather; grass exceeding twelve (12) inches in height.

Section 3-32. - Fences and walls. N. Commercial trash dumpster enclosures. All commercial trash dumpsters and their holding areas shall be wholly enclosed within an opaque enclosure on three (3) sides, with an operable opaque gate on the access side.

Sec. 10-6. - Mandatory mechanical containers. (a) Any multifamily building or any owner, lessee, or licensee of a commercial establishment which produces in excess of fourteen (14) cubic yards of refuse per month shall store such refuse in a mechanical container, provided adequate space is available on the premises for the location of the container. (b) Any construction project on which a building permit with a construction value in excess of three thousand dollars (\$3,000.00) has been issued shall be serviced during construction by a mechanical dumpster or roll off container unless the refuse therefrom is removed daily.

Mr. Groot called for the Respondent three times but received no answer. Ms. Crawford presented the City's case, noting that Chief Building Official Jay Castillo reviewed the preliminary design but could not approve it. She stated that permits have not been applied for and requested a daily fine until compliance is met.

Mr. Castillo said he spoke with the Respondent, who plans to submit a permit today or tomorrow. He also noted concerns about the roof's attachment and requested an inspection to determine any violations. He proposed a \$100 daily fine starting 1/8/25.

Ms. Crawford submitted her presentation as evidence. Mr. Groot informed the Respondent of the City's decision. Mr. Castillo stated that if the permit is submitted today and a general contractor is available, he could waive the fine. He recommended allowing a week for compliance before imposing the \$100 daily fine. Mr. Groot then issued the order in agreement with the City.

2. Case No. DSCE-24-46

Respondent: Minh Chi Ta and Van Thi Le

Address of Property: 5840 N Atlantic Ave Cocoa Beach FL 32931

Parcel ID#: 24-37-26-CG-102-1

Legal Description: AVON BY THE SEA LOTS 1, 2 & 3 AND W 1/2 OF LOT 4 BLK 102

Code Section/Violations: Sec. 13-21. - Doing business without a license/temporary permit; false statement in application. It shall be unlawful for any person, firm, or corporation to engage in any business, occupation, pursuit, profession, or trade, or to keep or maintain any institution, establishment, article, utility, or commodity, without first procuring and paying for a license so to do, as required by this chapter.

Mr. Groot called the Respondent three times and there was no response. Ms. Crawford stated the case had come into compliance. The case was dismissed.

3. Case No. DSCE-24-136
Respondent: Rachael Aragon
Address of Property: 645 S Atlantic Ave Cocoa Beach FL 32931
Parcel ID#: 25-37-14-DD-7-7
Legal Description: COCOA BEACH LOT 7 RESUBD BLK 7

Code Section/Violations: Sec. 13-2. - License/permit required. Any nonexempt person, corporation, firm, partnership, joint venture, syndicate, or other group or combination acting as a unit, association or corporation, estate, trust business, trust, trustee, executor, administrator, receiver, or other fiduciary who maintains a business location or branch office within the city for the privilege of engaging in or managing any business, profession, or occupation not exempt by general law, shall first procure a license from the occupational license administrator by paying the amount of license fee provided therefore. Occupational licenses will only be issued when a business is located within the city limits of Cocoa Beach, Florida and has an address in a permanent or portable structure. When the business location is in a temporary structure, only a temporary permit will be issued. For purposes of this section, a business location includes a rental unit and a rental unit located within the municipal boundaries of the city is considered a business location.

Sec. 26.5-21. - Registration required. Every vacation rental owner, either personally or through an agent, shall register with the City of Cocoa Beach utilizing forms promulgated by the city and/or the city's third-party vendor responsible for such registrations. A separate registration shall be required for each vacation rental. The operation of a vacation rental without registration after the date registration is required shall be a violation of this ordinance, except in the instance of providing accommodations to fulfil a pre-existing contract as provided hereinafter. Every day of such operation without registration shall constitute a separate violation.

Sec. 26.5-53. - Maximum occupancy based on site capacity/limitations/grandfathering/previous rentals. (a) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to the lesser of: (1) Two (2) occupants (as defined herein) per

bedroom (as defined herein), plus two (2) occupants. (2) A total of eight (8) occupants per vacation rental.

Mr. Groot called the Respondent three times; the Respondent was not present. Ms. Crawford shared a presentation against the Respondent stating that they are in violation of the code above. She stated that she had come into compliance before the 9/11/24 hearing but since 9/30/24 she had adjusted her occupancy to be out of compliance again, advertising 10 guests. The City proposed a fine of \$250 a day for both violations. Mr. Groot stated that the fine is running at \$250 a day. Ms. Crawford introduced the packet into evidence. Mr. Groot found the Respondent to be in repeat violation and ordered a \$500 per day fine.

4. Case No. 24-245

Respondent: Brendon Miller

Address of Property: 162 Bimini Rd

Parcel ID#: 25-37-03-01-*-8

Legal Description: COCOA ISLES 9TH ADDN SEC A LOT 8

Code Section/Violations: Sec. 13-2. - License/permit required. Anyone maintaining a business location within the city for the privilege of engaging in or managing any business, profession, or occupation not exempt by general law, shall first procure a license from the occupational license administrator by paying the amount of license fee provided therefore.

ARTICLE II. - VACATION RENTAL REGISTRATION. Sec. 26.5-21. - Registration required. Every vacation rental owner shall register with the City of Cocoa Beach. The operation of a vacation rental without registration after the date registration is required shall be a violation of this ordinance.

5. Case No. 24-259

Respondent: Richard Borer

Address of Property: 1034 Bali Road

Parcel ID#: 25-37-10-CW-I-12

Legal Description: COCOA ISLES 4TH ADDN LOT 12 BLK I

Code Section/Violations: Sec. 26.5-53. - Maximum occupancy based on site capacity/limitations/grandfathering/previous rentals. (a) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to the lesser of: (1) Two (2) occupants (as defined herein) per bedroom (as defined herein), plus two (2) occupants. (2) A total of eight (8) occupants per vacation rental.

D. Old business

1. Case No. 16-587

Respondent: David Richard Derderian

Address of Property: 179 Oak Ave

Parcel ID#: 25-37-10-82-117-15

Legal Description: COCOA BEACH, 8TH ADDN TO LOT 15 BLK 117

Code Section/Violations: Sec. 6-4(c)Permits. (1) Permit and permit fee required. It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the City of Cocoa Beach without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.**Sec. 6-4 (d) Conditions of the permit. (3) Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the building official's approval or the necessary permits shall be subject to a penalty or additional permit fee as adopted herein. This provision shall not apply to emergency work when said work is authorized by the building official. In all such emergency cases the required permit(s) must be obtained within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in a penalty or additional permit fee as adopted herein. The payment of additional permit fee for commencing work without a permit shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time when justifiable cause has been demonstrated in writing,

Sec. 10-22. - Enumerated conditions prohibited, declared nuisance; notice of violations, penalty. The existence of debris, rubbish, trash, tin cans, papers, garbage, stagnant water, and similar deposits and filth; unlicensed motor vehicles or junked motor vehicles exposed to weather or motor vehicles not in operating condition exposed to weather; deteriorated building materials exposed to weather; holes or depressions in which water from time to time collects or which tend to create a breeding area or harboring area for rodents, wild animals, mosquitoes, and other pests and insects; a wild intermixed or untended or dense wild growth or wild noxious or poisonous growth of trees, plants, vines, weeds, or underbrush or weeds or grass exceeding twelve (12) inches in height; dead limbs or portions of trees exceeding two (2) inches in diameter at their base which, because of their location, constitute a hazard to adjoining property, or overhead utilities on adjoining property, or public thoroughfares; or any of such conditions on any lot, tract or parcel of land within the city, adversely affects the health, safety, morals or public welfare of the public and is hereby

prohibited and declared to be a public nuisance, and any owner, lessee, custodian or occupant of any lot, tract or parcel of land in the city who permits such nuisance to develop or continue thereon shall, upon conviction thereof, be punished according to law; and each day of violation hereunder shall constitute a separate offense; provided, however, that five (5) days' written notice of the violation from the city manager to the owner, lessee, custodian or occupant, any or all of them, intended to be charged with a violation hereof, shall be given before any offense be charged hereunder, and if the condition or conditions set forth in the notice be corrected before charge is made, no offense shall be charged against the owner, lessee, custodian or occupant; however, should the condition or conditions set forth in the notice be corrected within five (5) days and subsequently reoccur within a one-year period, then an offense may be charged immediately in accordance with the law.

Ms. Crawford presented her case to the Respondent for review before the hearing took place. The Respondent presented his case for a lien reduction.

The Respondent reviewed a previous complaint 9 years prior, stating a dispute between him and a neighbor which ended up going to a special magistrate meeting. He stated that 6 years later, the stairs he repaired were still intact but came up with a new design to replace the stairs and submitted a new building permit. He stated that Ms. Gidget Vici, Permit Technician, inquired about the previous permit that he did not use or pay for. He stated that Code Enforcement Officer Robin Reiland never inspected his old set of stairs. He stated that the new stairs were set up and inspected. He stated he was here to ask for a reduction in his lien due to financial stress caused by medical issues. He stated that he thought a mistake was made by the previous code enforcement officer, Mr. Reiland, causing this issue. Stated that he never received a fine, or a lien notice and that it took 6 years to make this meeting happen. He requested to have his fine waived due to financial and medical hardship.

Ms. Crawford introduced a packet into evidence showcasing the previous orders and administrative costs associated with the case totaling \$2,199.52. Mr. Groot reiterated that the suggestion by the City is that they will forgive the lien and use a hard cost to recoup the City's resources.

The Respondent stated his thanks for the offer. Mr. Groot mentioned his past experiences with magistrate hearings stating that the city's offer is a great offer.

The Respondent inquired about the names associated with the hard-cost offer and inquired about making installment payment plans. Mr. Jay Castillo stated that he will be working with the Respondent on a 6-month installment plan in the amount of \$2,199.52 beginning 02/01/2025 at \$366.59 per month until paid in full.

E. Adjournment

Meeting adjourned at 10:08 A.M.

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.



Lonnie N. Groot, Special Magistrate
Date: