

---

## ROCKLEDGE BOARD OF ADJUSTMENT MEETING MINUTES

Tuesday, August 17, 2021 - 6:00 p.m.

---

### 1. CALL TO ORDER / ROLL CALL

The Rockledge Board of Adjustment met on Tuesday, August 17, 2021, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

MEMBERS PRESENT: Bruce Beitman  
Kenrick Bisnath  
Robert LaMarr (Chairman)  
Tanya Molony  
Mark O'Donnell  
Randy Stevenson

MEMBERS ABSENT: Gail Morris (*Excused*)

STAFF PRESENT: Joseph Miniclier, City Attorney  
Dr. Brenda Fettrow, City Manager  
John Cooper, Building and Planning Director  
Jennifer M. LeVasseur, Recording Secretary  
Melissa Cochie, Receptionist

With a quorum present, the meeting was called to order by Chairman Robert LaMarr.

### 2. APPROVAL OF MINUTES & ATTENDANCE RECORD

#### A. Meeting of June 15, 2021

**Board Member O'Donnell moved to approve the minutes and attendance record of the June 15, 2021 meeting; seconded by Board Member Molony. The motion passed by unanimous vote.**

### 3. PUBLIC HEARINGS

#### A. Special Exception SE-21-03

*Applicant: Bonsai Space, LLC/Nicholas Boardman*

*Location: 9 Orange Avenue*

*Request: 10-room Motel in C1 – Neighborhood Retail Commercial District per Land Development Regulations Section 62.102(c)(1)*

Planning Director Cooper introduced the application for a Special Exception at 9 Orange Avenue and provided a brief background of the property, the Planning Commission's recommendation and the applicant's proposed plans.

The Board requested further clarification regarding parking, stormwater runoff and sanitary sewer service. Planning Director Cooper affirmed that parking would be addressed further into the development process, and stormwater

and sanitary sewer utilities would not be an issue, as the building would retain the same footprint.

At 6:05 p.m., Chairman LaMarr opened the matter for public hearing.

Terrie Kroger, 1049 Rockledge Drive #506B, noted that the proposed business is not in harmony with the area. The motel would be a transient, 24/7 operation, with tenants coming and going at all hours. Parking availability is also a concern, as parking in the area is limited. She also provided a petition signed by residents in opposition to the Special Exception.

Sherry Ervin, 1025 Rockledge Drive #506, explained that the Special Exception must be in accordance with the Comprehensive Plan and does not comply with density requirements for the area, as the proposed use is not of a low or medium-density. She requested that the application be denied.

Dr. Stacy L. McDonald, 1025 Rockledge Drive #408, spoke on behalf of Indian River Condo Club and asked the Board to deny the application, as she has personally experienced this type of scenario and is concerned about the noise and environmental pollution.

Darby Miller, 134 Plover Lane, reported that a social media poll resulted in over 140 responses in opposition of the Special Exception.

Jacqueline Gonzalez, 22 N. Fernwood Drive, referred to the Planning Commission's report and noted that the proposed use is not compatible with the Zoning District, Comprehensive Plan and the neighborhood. Ms. Gonzalez also explained that the parking requirements in the Land Development Regulations cannot be met by the proposed street parking.

Cyril Morrow, 42 Orange Avenue, reiterated that Orange Avenue currently has parking and traffic issues, and parking restrictions are present on the street. Additionally, the Indian River Lagoon is an ongoing concern, and the addition of multiple bathrooms in such close proximity could cause an issue for the Lagoon. Mr. Morrow expressed concerns about the future of the building in the event that the proposed business is terminated.

Carole Pope, 715 Rockledge Drive, echoed remarks regarding the denial of the application, as the proposed business is not appropriate for the District and does not meet all of the criteria considered by the Board for approval. Ms. Pope cited several requirements in the Land Development Regulations with which the proposed business would not be compliant.

Ellie Kiesling, 1025 Rockledge Drive #113, explained that the historic area needs to be preserved and requested that the Board protect the neighborly nature.

Jana Futato, 720 Seminole Drive, repeated remarks that the historical area is not appropriate for the proposed use.

Vernon Wikander, 24 Orange Avenue, expressed traffic concerns and asked that the application be denied.

City Attorney Miniclier asked whether the Board conducted any preliminary research or engaged in ex parte communications. All Board members

confirmed that they did not conduct any preliminary research or engage in ex parte communications.

Andrea Bedard, 26 Park Avenue, read a letter on behalf of Rachel Webb, 23 Alexander Avenue, which illustrated various “what if” scenarios relating to Cocoa Village, as well as several landmarks, including Kennedy Space Center. Ms. Webb encouraged the Board to consider the application and the proposed business’ potential for the area and economy.

Catherine Shelton, 14 Vermont Avenue, relayed safety concerns, as well as issues regarding density requirements.

Board Member O’Donnell requested clarification from the applicant regarding parking concerns. Nick Boardman (applicant), 26 Park Avenue, iterated that the proposed 10-room inn will not produce large amounts of traffic due to the small number of available rooms, and the target customer base would be tourists as well as locals. Mr. Boardman explained that bookings would be made in advance in stays of not less than one week, and last-minute bookings would not be accepted. Further, live-in management would be present to handle any issues that arise. Mr. Boardman reported that a friends and family discount would be offered to residents within a 2-mile radius, as well as to customers who travel via a method outside of a personal vehicle.

Board Member O’Donnell inquired as to whether studies have been conducted to address utility needs, such as sanitary sewer. Mr. Boardman explained that the building would be brought up to code during construction.

Wendell Ripoll, 17 Orange Avenue, noted that Cocoa Village and this part of Rockledge in question are not similar in terms of area impact. Mr. Ripoll repeated safety concerns that were mentioned by previous speakers due to the transient nature of the business, as well as the increase in traffic. He asked the Board to deny the application.

Planning Director Cooper explained that the property owner has the right to submit an application for consideration by the respective board. He addressed lot size and parking requirements in the C1 Zoning District and noted that the property is considered a nonconforming lot, as it met the lot requirements at the time it was built; thus, since the footprint of the building is not changing, some of the requirements are not applicable to this proposed use as presented. Street parking would still be utilized if the applicant proposed a permitted use for the C1 Zoning District. The building would need to meet environmental standards during the plan review process, and the 2020 Florida Building Code would govern the permitting and construction process. Planning Director Cooper clarified that a historical designation has been discussed with some residents.

There being no further public comment, the public hearing was closed at 6:54 p.m.

City Attorney Miniclier confirmed that the property’s status as a preexisting nonconforming lot would terminate once the use of the property changed, and any applicable Land Development Regulations would stand.

**Board Member Bisnath moved to consider in combination items a-f on the Special Exception Worksheet; seconded by Board Member O'Donnell.**

City Attorney Miniclier advised the Board to address each item individually.

**Board Member Bisnath subsequently withdrew his motion.**

**Item A: Board Member Bisnath moved that the Special Exception is consistent with the goals, objectives and policies of the Comprehensive Plan; seconded by Board Member O'Donnell.**

City Attorney Miniclier elected to read the entire question to eliminate confusion.

**The motion failed with a vote of zero (0) in favor and six (6) in opposition.**

Since the Board determined that the application was not consistent with the goals, objectives and policies of the Comprehensive Plan, Chairman LaMarr declared Special Exception application SE-21-03 as denied.

At 7:03 p.m., Chairman LaMarr called for a recess.

At 7:09 p.m., Chairman LaMarr called the meeting to order.

4. UNFINISHED BUSINESS

- o None

5. NEW BUSINESS

Chairman LaMarr complimented City Clerk & Public Relations Officer LeVasseur for the Planning Commission minutes and agenda packet.

City Attorney Miniclier provided brief procedural instructions for nominations.

A. Elections for Chairperson and Vice Chairperson

Chairman LaMarr opened the floor for nominations for Chairperson.

Board Member Bisnath nominated Board Member LaMarr as Chairperson.

**No other nominations were heard. Board Member O'Donnell moved to appoint Board Member LaMarr as Chairman by acclamation; seconded by Board Member Beitman. The motion passed unanimously.**

Chairman LaMarr opened the floor for nominations for Vice Chairperson.

Board Member Molony nominated Board Member Bisnath as Vice Chairperson.

**No other nominations were heard. Board Member LaMarr moved to appoint Board Member Bisnath as Vice Chairperson by acclamation; seconded by Board Member O'Donnell. The motion carried without objection.**

6. ADJOURN

Chairman LaMarr declared the meeting to be adjourned at 7:13 p.m.

Submitted by:

Jennifer M. LeVasseur  
Recording Secretary

Approved by:

Robert LaMarr  
Chairman