

Town of Melbourne Beach

MINUTES

PLANNING & ZONING BOARD MEETING MONDAY, FEBRUARY 5, 2024 @ 6:30 pm COMMUNITY CENTER – 509 OCEAN AVENUE

Board Members:

Chairman David Campbell
Vice-Chairman Kurt Belsten
Member April Evans
Member Dan Harper
Member Gabor Kishegyi
Alternate Todd Albert
Alternate Jason Judge

Staff Members:

Town Manager Elizabeth Mascaro
Building Official Robert Bitgood
Town Clerk Amber Brown

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so.

In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

1. CALL TO ORDER

Chairman David Campbell called the meeting to order at 6:30 p.m.

2. ROLL CALL

Town Clerk Amber Brown conducted the roll call

Present:

Chairman David Campbell
Vice-Chairman Kurt Belsten
Member April Evans
Member Dan Harper
Member Gabor Kishegyi
Alternate Todd Albert
Alternate Jason Judge

Staff Present:

Town Manager Elizabeth Mascaro
Building Official Robert Bitgood
Town Clerk Amber Brown

3. APPROVAL OF MINUTES

A. August 1, 2023 minutes

Member April Evans made a motion to approve the August 1, 2023 minutes; Vice Chairman Kurt Belsten seconded; Motion carried 5-0.

4. NEW BUSINESS

A. Consideration of updates to the code related to sheds

Building Official Robert Bitgood spoke about wanting to bring this forward for some time now, but because of pending lawsuits, he has not been able to. He has received complaints from residents who would like a larger shed. He took what is in the code for trailers related to corner lots and mimicked that language for sheds. This would add setbacks for sheds, strengthen the language, and remove the ambiguous language. He spoke about the Town's previous outside appointed counsel Morris Richardson previously spoke about ambiguity in the code and it not being very precise which allows room for argument.

Member April Evans spoke about the 200 square feet size being excessive. The Board already increased the size in 2017. Rather than allowing sheds on the side of the lot, it should only be allowed by special exception.

Member Dan Harper spoke about his concerns being related to corner lots, and a 10 by 20 shed is equivalent to a single-car garage. The size is too big. He provided pictures of lots around the Town and discussed how these changes would affect the Town. He spoke about the Comprehensive Plan says amending an ordinance should only be done to maintain the scale and character of existing structure, and these changes would not be doing that. Will be voting against changing it.

Vice Chairman Kurt Belsten spoke about 200 square feet is too big.

Member Gabor Kishegyi spoke about an option would be to increase the size to 10 by 14.

Member April Evans spoke about being okay with changing the code to limit it to one shed per property and not having a setback.

Chairman David Campbell spoke about how a lot of sheds would be nonconforming if there is a setback. Does not find an issue with a zero setback.

Alternate Member Todd Albert spoke about how currently the code allows for sizable boats and RVs on the side of the property which would be the same as a shed, but the shed would be smaller. It seems an exception has already been made to hinder the neighbors.

Member April Evans spoke about if sheds were allowed on the side then they would essentially be in the front yard of the neighbor.

Vice Chairman Kurt Belsten spoke about liking the language about substantially screened by a vegetative barrier or fence.

Member Dan Harper spoke about the language substantially screened is subjective and would prefer it to just say screened.

Town Manager Elizabeth Mascaro spoke about the use of the word substantially because you cannot have a fence over 6 feet tall, so people were trying to build a trellis above the fence so they came up with the language substantially screened instead.

Member April Evans asked why increase the height to 12 feet.

Building Official Robert Bitgood spoke about the change would only be 10 inches because the current language adds 8 inches above ground for the foundation. The proposed language is 12 feet total above grade. Currently, there might be sheds above 12 feet above grade. Several local municipalities allow 160 square feet sheds.

Member Dan Harper spoke about not seeing a reason to change the language.

Member Gabor Kishegyi spoke about current code allows 10 ½ feet tall sheds plus 8 inches above ground level for the foundation.

Town Manager Elizabeth Mascaro asked why have different language than boats and RVs. Boats and RVs went from the rear building line to the front building line, so why not have the same language for sheds.

Member April Evans spoke about sheds would not be moved off the property. Sheds are a permanent fixture. Boats and RVs need easier access to the streets.

Member Dan Harper made a motion to leave the ordinance as is without changes; Vice Chairman Kurt Belsten seconded; Motion carried 5-0.

Alison Dennington – 413 Surf Rd

Alison Dennington spoke about 200 square feet does seem big, so leave it the same size. Many other municipalities allow sheds up to the property line. The current shed code is a mess. The definitions are a mess. There is a case that is still pending and could be blown up because of this. Recommends having a zoning placement permit. Some sheds are already built and do not require a building permit per the State. Other cities have had a zoning placement permit for prebuilt sheds, which allows the Building Official to inspect it. If there is no building then it would not trigger the requirement to get a building permit.

Rhea Jeppson – 311 First Ave

Rhea Jepson spoke about how the current size is too restrictive and does not allow a lot of storage. Would like to have a larger shed.

B. Appointment of the 2024 Chairperson

Vice Chairman Kurt Belsten made a motion for Chairman Campbell to remain the Chairman; Member April Evans seconded; Motion carried 5-0.

C. Appointment of the 2024 Vice Chairperson

Member April Evans made a motion that Kurt Belsten be appointed as the Vice Chair; Member Gabor Kishegyi seconded; Motion carried 5-0.

5. PUBLIC HEARINGS

6. OLD BUSINESS

Vice Chairman Kurt Belsten made a motion to approve the calendar for 2024; Member April Evans seconded; Motion carried 5-0.

7. PUBLIC COMMENT

8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

9. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS

Member April Evans asked about bringing the shed ordinance back with the language cleaned up, adding language for a zoning placement permit, one shed per address, no water hookup, substantially screened by a vegetative barrier or fence, and not to exceed 11 ½ total.

10. ADJOURNMENT

Vice Chairman Kurt Belsten made a motion to adjourn; Member April Evans seconded; Motion carried 5-0.

The meeting adjourned at 7:10 p.m.



David Campbell, Chairman



TEST:


Amber Brown, Town Clerk