

Town of Melbourne Beach

MINUTES

PLANNING & ZONING BOARD MEETING TUESDAY, MARCH 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
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

Absent:

Vice-Chairman Kurt Belsten
Member April Evans

3. APPROVAL OF MINUTES

A. February 5, 2024 minutes

Alternate Todd Albert motioned to approve; Alternate Jason Judge seconded; Motion carried 5-0.

4. NEW BUSINESS

A. Site plan approval for 526 Sunset Blvd – new home

Member Dan Harper asked questions about the tree permit process and spoke about how the Board should see what the residents plan to do related to trees.

Building Official Robert Bitgood spoke about the tree permit being issued as part of the demo permit process and the Building Official handles it by walking the property with the landscape architect or contractor.

Alternate Jason Judge spoke about wanting the Board to look at the landscape plans.

Building Official Robert Bitgood spoke about that is something that can be done if the Board decides on that. Keep in mind the State has timeline requirements for issuing building permits and they do not look at landscape as a building permit, so if something gets held up due to the landscape the Building Department can be fined for violating the permit requirements.

Alternate Todd Albert spoke about agreeing with having the tree mitigation listed as part of the plans.

Town Manager Elizabeth Mascaro spoke about reading the tree ordinance and it does not require it to go in front of the Board. Will review what the Commission discussed regarding the tree ordinance.

Chairman David Campbell spoke about getting more details on the stuff that is already provided. They receive what is currently on the property, so if they could provide more details then the Board could review it.

Member Dan Harper spoke about wanting the homeowner to list the trees they have and which ones they are going to pull out and which ones they are going to replace.

Member Dan Harper made a motion to accept the site plans; Member Gabor Kishegyi seconded; Motion carried 5-0.

Tim Reed - 302 Fourth Ave

Tim Reed spoke about being opposed to the approval due to the auxiliary structure because it seems like it will be a vacation rental. The amount of fertilizer is extremely

excessive. The plans say 20 pounds per 1000 square feet. Guidance from the University of Florida is 2-3 pounds per 1000 square feet. The impervious and pervious calculations do not add up. Town Code 45-8 says a fire inspector has to approve the plans and he does not see that in the paperwork. Spoke about the application mentioning a pool, and sections of the application were left blank. Spoke about checking the property when it is occupied to make sure it is not operating as a vacation rental.

Building Official Robert Bitgood spoke about the numbers coming from the civil engineer's calculations, and if they are wrong it is still well within the Code. He has to accept what the design professional labels a room as, and he cannot go back on a property to inspect what a homeowner does after the permit has been finalized. State Statute only requires a fire inspector to approve commercial plans. The application might mention a pool, but they did not submit plans for a pool.

Alternate Jason Judge spoke about them being property owners and being within their rights to build it.

Roger Newell – 506 Colony

Roger Newell spoke about taking exception to that. Don't say they can do whatever they want because they cannot.

B. Consideration of updates to the code related to sheds

Building Official Robert Bitgood spoke about taking what the Planning and Zoning Board recommended to the Commission who chose to approve the language as written.

Member Dan Harper provided a drawing and spoke about there not being a reason to allow a shed essentially in the front yard of the adjoining lot. Corner lots have plenty of room to keep a shed behind the building. There is no need to allow it.

Alternate Jason Judge spoke about sheds tend to look terrible over time and would not look good. Boats and RVs generally move.

Alternate Todd Albert spoke about agreeing with Member Dan Harper.

Member Gabor Kishegyi spoke about keeping the language about the location as is, increase the size to maybe 140 square feet, and decreasing the setback to 2 feet.

Town Manager Elizabeth Mascaro spoke about the Commission wanting the language to be consistent with the boats and RVs language.

Roger Newell – 506 Colony

Roger Newell asked if any of this would interfere with the sight lines at intersections. Several people spoke about it would not interfere with that.

Member Gabor Kishegyi made a motion to adopt D as is written with the following changes: 160 square feet to 140 square feet, adding in what was stricken "on any corner lot, the shed must be both behind the rear of the front line of the principal structure and behind the building line of the side of any structure abutting any street," and instead of 5 feet off the property line 2 feet off the property line; Member Dan Harper seconded; Motion carried 5-0.

- 5. PUBLIC HEARINGS
- 6. OLD BUSINESS
- 7. PUBLIC COMMENT
- 8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY
- 9. ITEMS TO BE ADDED TO THE AGENDA FOR FUTURE MEETINGS
- 10. ADJOURNMENT

Member Gabor Kishegyi motioned to adjourn; Alternate Jason Judge seconded; Motion carried 5-0.

The meeting adjourned at 7:23 p.m.


David Campbell, Chairman

ATTEST:


Amber Brown, Town Clerk

