

# Town of Melbourne Beach

## MINUTES

### PLANNING & ZONING BOARD MEETING TUESDAY, SEPTEMBER 3, 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 Board Members**

Alternate Todd Albert  
Alternate Jason Judge

#### **Staff Members:**

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

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**

Vice Chairman Kurt Belsten called the meeting to order at 6:30 p.m.

#### **2. ROLL CALL**

Town Clerk Amber Brown conducted the roll call.

#### **Present:**

Vice-Chairman Kurt Belsten  
Member April Evans  
Member Dan Harper  
Member Gabor Kishegyi  
Alternate Todd Albert

#### **Staff Present:**

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

#### **Absent:**

Chairman David Campbell  
Alternate Jason Judge

**3. APPROVAL OF MINUTES**

**A. July 16, 2024 minutes**

**Member April Evans made a motion to approve; Alternate Todd Albert seconded; Motion carried 5-0.**

**4. NEW BUSINESS**

**A. Site plan approval for 1609 Atlantic St – new home**

**Member April Evans made a motion to approve; Member Gabor Kishegyi seconded; Motion carried 5-0.**

**B. Discussion on accessory structure requirements**

Member April Evans spoke about putting this item on the agenda to discuss requirements for bigger structures not pergolas or gazebos. She has an issue with fully enclosed air-conditioned accessory structures that are larger than a single-car garage roughly 18 by 22 or 24. Something along those lines. Has concerns when we start getting into in excess of 500 square feet and they are putting in bathrooms and it is not a pool cabana. Have them apply for a variance if need be.

Alternate Todd Albert spoke about agreeing with Member April Evans to at least have something for them to think about. However, if there is a 3000 square foot single story home he would be okay with a 1000 square foot single story accessory structure.

Member Dan Harper spoke about some other municipalities limit the size to fifty percent of the main structure, or you could add area constraints to control the size. Such as language stating it must be behind the main building.

Vice Chairman Kurt Belsten spoke about another way to restrict the size would be to increase the minimum previous.

Building Official Robert Bitgood spoke about how he has seen other municipalities have a percentage of the square footage, or a percentage with a maximum size.

Member April Evans spoke about not being in favor of doing a percentage of the main structure because it would limit people in a 1000 square foot home versus someone with a 3000 square foot. The concern is that the use will become an auxiliary dwelling. If the plans do not label the accessory structure as a living area then the Board cannot deny it, even if everything about the plans looks like the structure will become a living dwelling.

Member Dan Harper asked if there is evidence of this happening. Is there any short-term rentals in Melbourne Beach that are in an accessory structure. He would like to see the data.

Building Official Robert Bitgood spoke about when he does plan review he can only review what the architect or draft person labels the room. It could become an issue if the plans label it a game room, and after it is finished they turn it into a living area.

***Bruce Larson – 1507 Pine St – Spoke about 702 Oak St is a short-term rental that states it is owner-occupied and you can rent out the main house, and there is a detached structure.***

Member April Evans spoke about another property in the area of Avenue A, Avenue B, or Sunset and they are not self-reporting.

Member Dan Harper spoke about wanting to monitor and collect data to know if it is a problem before making any decisions. However, he is not against the idea.

Building Official Robert Bitgood spoke about the requirements right now is no taller or larger than the primary structure.

Vice Chairman Kurt Belsten spoke about reviewing the pervious vs impervious, maximum size, and a percentage of the primary structure.

Member April Evans spoke about not wanting to wait until it is too late.

Building Official Robert Bitgood spoke about he has resigned as the Building Official, so there might be the opportunity going forward for the Board to see those types of permits.

Vice Chairman Kurt Belsten spoke about having the Board review the percentage of pervious, overall size limitation, the ratio of the existing structure and accessory structure, and a possible combination of all.

**Member April Evans made a motion for Dan Harper to approach the Commission to share the Boards ideas and statements made during this meeting; Alternate Todd Albert seconded; Motion carried 5-0.**

C. Discussion on code revisions to 9A Landscaping and Trees

Member Dan harper spoke about it not always being practical to replace tree for tree. Eliminate the tree for tree replacement requirement. Retain the tree density before and after provisions, and keep the oak tree requirement.

Member April Evans spoke about agreeing with Member Dan Harper. If a new home is bigger than the old one then of course you cannot fit the same amount of trees.

Town Manager Elizabeth Mascaro spoke about including clarification on palm trees.

Building Official Robert Bitgood spoke about it might be easier to list what types of trees need to be replanted versus what ones count or not.

**Member April Evans made a motion for Dan Harper to inform the Commission that the Board agrees that the part of the Code saying you have to replace tree for tree should be eliminated based on square footage available; Alternate Todd Albert seconded; Motion carried 5-0.**

***Bruce Larson – 1507 Pine St** – Asked if there was a resolution about how to measure building height.*

Building Official Robert Bitgood spoke about the Town Code does not specify because it says to follow FEMA's recommendations which does not have a maximum. Can look into having a maximum, but it could affect the 5-year Community Rating System (CRS) which might significantly affect insurance rates.

***Tim Reed – 302 Fourth Ave** – Spoke about having the Board get data to see what other municipalities are doing related to accessory structures. How does tree density get calculated and what records are there on it.*

***Bruce Larson – 1507 Pine St** – Spoke about accessory structures and if that includes gazebos and the like, clean up the language related to oak trees to make it consistent. Nuisance trees should not be counted towards the density calculation. There are 6-7 things in the Code that the Board cannot enforce, but that the Board should mandate are being done. There are a lot of open holes in the code.*

Member April Evans spoke about it would only include enclosed structures. Spoke about the Planning and Zoning Board does not do enforcement, and the trees on public land would be outside of the Boards scope.

Building Official Robert Bitgood spoke about and provided a copy of email communications regarding the 1609 Atlantic St home being exempt from needing a DEP permit because they are keeping the same footprint.

5. PUBLIC HEARINGS
6. OLD BUSINESS
7. PUBLIC COMMENT
8. REPORTS: TOWN MANAGER AND TOWN ATTORNEY

Town Manager Elizabeth Mascaro spoke about the desire of the Commission is for the Board to meet monthly whether there is anything on the agenda or not.

Member Dan Harper spoke about it being ridiculous to expect the Board to go through the entire Code without a clear direction.

Member April Evans spoke about the last time this was done took 3 years to complete.

Town Manager Elizabeth Mascaro spoke about the Board can start with the two current items and proceed from there.

Alternate Todd Albert spoke about asking the Commission if there are specific items within the Code that they would like reviewed.

Member April Evans asked if the Board has permission to engage the Town Attorney and Town Planner.

Town Manager Elizabeth Mascaro spoke about the Board having permission to engage the Town Attorney and Town Planner.

Alternate Todd Albert asked if there are specific items that the Building Official thinks needs to be looked at.

Building Official Robert Bitgood spoke about clarifying the height of buildings. Also, a private provider will most likely be coming in, so he is concerned about having someone closely looking at the small details.

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

Vegetation ordinance and accessory structures.


#### **10. ADJOURNMENT**

**Member April Evans motioned to adjourn; Member Dan Harper seconded; Motion carried 5-0.**

The meeting adjourned at 7:34 p.m.

  
David Campbell  
Chairman

ATTEST:

  
Amber Brown, CMC  
Town Clerk

